



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

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

9 February 2012
Trial Day 29

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
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KHIEU Samphan

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UCH Arun

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THE ACCUSED, MR. NUON CHEA

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MR. ANG UDOM	Khmer
MR. CHAN DARARASMEY	Khmer
MR. KARNAVAS	English
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French
JUDGE YA SOKHAN	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0903H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 [09.04.37]

6 Per our schedule, this morning, we will continue with the
7 proceeding of putting the documents before the Chamber by the
8 concerned parties.

9 Before we proceed, the Chamber would like to remind the Accused,
10 in particular Mr. Ieng Sary and Mr. Khieu Samphan, that the
11 Chamber is well aware of your right to remain silent for the
12 proceedings, at this stage. And Mr. Ieng Sary, in particular,
13 seems to always exercise the right to remain silent.

14 The Accused is entitled to give comments to the documents that
15 the Chamber would like to -- intends to be put before the Chamber
16 or by the parties before the Chamber; that is your right.

17 We would like now to give the floor to Judge Ya Sokhan to proceed
18 with the placement of documents before the Chamber. You may
19 proceed.

20 [09.06.36]

21 JUDGE YA SOKHAN:

22 Thank you, Mr. President.

23 The Chamber would like to place documents in relation to the
24 historical backgrounds of Democratic Kampuchea before the parties
25 as follows.

2

1 Document E3/1: that is the "Summary of Lessons of the Movement of
2 the Revolutionary Action". In Khmer, the ERN is 006392 -- 699264
3 to 00699277; and in English, 00000364 to 00000377; and in French,
4 00699264 to 00699267 (sic).

5 This document summarizes the revolutionary movements, and the
6 view of the CPK, and the philosophy -- philosophy and strategies
7 of the CPK to achieve socialism in Cambodia. The entire -- the
8 entire document is to be submitted before this Chamber.

9 Do the Accused wish to make comments regarding this document?

10 Mr. Nuon Chea, would you like to make comment?

11 [09.09.23]

12 Mr. Khieu Samphan, would you like to make comment?

13 MR. KHIEU SAMPHAN:

14 Good morning, Your Honours. I do not have any comments to make.

15 Thank you.

16 JUDGE YA SOKHAN:

17 And Mr. Ieng Sary?

18 MR. PESTMAN:

19 Excuse me, Your Honours. I think my client would like to respond,
20 although he -- he finds it difficult to follow if long texts are
21 read to him, even in Khmer.

22 MR. PRESIDENT:

23 Court officer, can you present the document with -- with the
24 document number, as read by the Judge? Also, bring a hard copy to
25 the accused Nuon Chea.

1 Mr. Nuon Chea, you may proceed.

2 MR. NUON CHEA:

3 I would like to get the instruction again, Mr. President, as it
4 was not clear.

5 JUDGE YA SOKHAN:

6 The document is a summary of the revolutionary movement and a
7 view of the CPK. It also states about the philosophy and the
8 method by the CPK to achieve socialism in Kampuchea.

9 MR. PRESIDENT:

10 Court officer, you're instructed to bring a hard copy to Nuon
11 Chea.

12 (Judges deliberate)

13 [09.15.52]

14 Mr. Nuon Chea, you may proceed.

15 MR. NUON CHEA:

16 I would like to request for the original document, Mr. President.

17 MR. PRESIDENT:

18 The Chamber already ruled regarding the documents to be put
19 before the Chamber, and there is no requirement for the original
20 document. For the documents in the case file, if there is no
21 contradictory evidence that they are not original, then they can
22 be put for debate before the Chamber.

23 So we would like to seek your comments on the content of this
24 document.

25 [09.16.47]

4

1 MR. NUON CHEA:

2 I cannot read the whole document at this stage.

3 MR. PRESIDENT:

4 You may take your time to study this document and you make a
5 comment at a later stage, and probably by next week, which we
6 will continue the proceedings of placing the documents before the
7 Chamber for comments.

8 Judge Ya Sokhan, you may proceed with the next document.

9 [09.17.21]

10 JUDGE YA SOKHAN:

11 E3/95, which is a record of interview of Mr. Ieng Sary before the
12 Co-Investigating Judges, dated 10 November 2007. The Khmer ERN is
13 00153377; English is 00153391; French is 00153403.

14 In this record of interview, Ieng Sary states that:

15 "I would like to state that my birth name is Kim Tran. The name
16 matches the names and the place of birth above. I changed my name
17 when I request for the change of the birth certificate so that I
18 could enrol in the Sisowath School, and since then I use the name
19 Ieng Sary. I agree to the use of the name Ieng Sary during the
20 proceedings."

21 Do the Accused would like to make comment regarding this
22 document, Mr. Ieng Sary?

23 MR. PRESIDENT:

24 We can assume that Mr. Ieng Sary still exercises his right to
25 remain silent.

1 We can now move to the next Accused.

2 [09.19.37]

3 JUDGE YA SOKHAN:

4 E3/19, the biography of Mr. Ieng Sary. The Khmer ERN is 00586668;
5 and the English is 00555704; the French, 00391415.

6 In this biography of Ieng Sary, it states that he's born on the
7 1st January 1930 in Bari, in Prey Veng province, in Cambodia. He
8 studied at Lycée Sisowath, in Phnom Penh, and then in France --
9 that is, at the École Normale Superieure. And, in 1959 (sic), he
10 attended the East-Berlin International Youth Festival. In 1953,
11 he lost his French scholarship due to involvement in political
12 activities. From 1953 to 1956, he was the President of the
13 Association of Khmer students in France, and in 1958, he taught
14 at Lycée Sisowath, in Phnom Penh. He was considered as a
15 Communist cadre in charge of matters relating to Khmer teachers.
16 He had close ties with the U.S. -- U.S.S.R. Embassy in Phnom
17 Penh.

18 [09.21.27]

19 In July 1963, he left Phnom Penh to join the Khmer Rouge and the
20 ground movement. In-- Between 1971 to '73, he was representative
21 of the domestic resistance within the GRUNK in Peking. In late
22 1973, he became special advisor to the GRUNK in the liberated
23 zone. He went on frequent visits to China and North Vietnam.
24 Mr. Ieng Sary, would you wish to make comments regarding this
25 document?

6

1 MR. PRESIDENT:

2 Mr. Ieng Sary exercises his right to remain silent. So, for the
3 subsequent document presentation, there is no need for Judge Ya
4 Sokhan to request for comment from Mr. Ieng Sary.

5 And if he wishes to make comment, please make a request known to
6 the Chamber.

7 [09.22.58]

8 Ieng Sary's defence counsel, you may proceed.

9 MR. KARNAVAS:

10 Good morning, Mr. President. Good morning, Your Honours. And good
11 morning to everyone in and around the courtroom.

12 For the past four years, I've heard that this is an
13 internationalized tribunal that is supposed to apply
14 international standards. I am unaware of a single international,
15 internationalized or national tribunal supported with
16 international funding from the United Nations which continually
17 insists on posing questions to an accused after an accused has
18 indicated clearly and unequivocally that he or she wishes to
19 remain silent.

20 I think that this is an abuse of the process.

21 Mr. Ieng Sary has indicated he does not wish to answer any
22 questions.

23 Seeking a comment is no different than posing a question, and
24 this is -- this can be interpreted as a form of coercion.

25 [09.23.55]

7

1 We appreciate your ruling Your Honour, Mr. President, but we
2 insist that this approach ceases from henceforward.

3 If the other Accused who are willing to speak wish to comment,
4 that's fine, but it seems to us that this is a form of coercion
5 and it's an abuse of Mr. Ieng Sary's fair trial rights. This may
6 be a procedure that is acceptable in a national jurisdiction such
7 as France. We're not in France. This is a Cambodian court which
8 has been internationalized applying international standards, not
9 national standards from a foreign jurisdiction.

10 I would most appreciate it, Mr. President, if, henceforward, we
11 do not apply this procedure. It is a waste of time and resources
12 as well. Thank you very much.

13 (Judges deliberate)

14 [09.25.40]

15 MR. PRESIDENT:

16 Thank you, Defence Counsel for Ieng Sary. The Chamber would like
17 also to remind you that the proceeding that we are undertaking at
18 the moment is also in respecting the right of your client. These
19 documents are relevant to your client against those charges. We
20 do not impose any obligation on Ieng Sary; we give him the
21 opportunity.

22 Therefore, there is no reason to suggest that we put any pressure
23 on the Accused. To respect the right of the Accused is not a
24 coercion or any form of it.

25 The national defence counsel for Khieu Samphan, you may proceed,

8

1 but please do not repeat what has already been discussed or
2 debated.

3 MR. KONG SAM ONN:

4 I'd like to raise a matter before Your Honour and to make an
5 observation regarding the explanation made by Your Honour just
6 then, if you permit.

7 (Judges deliberate)

8 [09.27.38]

9 MR. PRESIDENT:

10 Thank you, Defence Counsel. You may need to exercise your right
11 properly. You cannot make a remark or observation regard -- in
12 regards to what we rule.

13 Judge Ya Sokhan, you may proceed again.

14 JUDGE YA SOKHAN:

15 The next document is E3/144 (sic). That is the record of
16 interview of Phan Sovannhan before the Co-Investigating Judges.
17 The Khmer ERN is 00287712, in English is 00295161, and the French
18 is 00353125.

19 In this record of interview of the witness, the witness states
20 that:

21 "In 1970, I went to Hanoi with Ieng Sary, Ieng Thirith, and two
22 of his bodyguards, and two young boys, and the young girl was
23 myself. I was a singer in the teenage group broadcast on the
24 radio."

25 [09.29.21]

9

1 Do the Accused wish to make comment regarding this document?

2 MR. PRESIDENT:

3 Judge, you may just proceed with the presentation of document. If
4 any of the Accused wishes to make comment, then the Accused would
5 make that intention known to the Chamber. You just need to
6 proceed with the presentation of those documents.

7 JUDGE YA SOKHAN:

8 E3/16, which is the next -- the next document, is a book by Khieu
9 Samphan on the history of Kampuchea from the beginning until the
10 Democratic Kampuchea. The Khmer ERN is 00380364 to 00380365;
11 English is 00498230; the French is 00643833.

12 In the book, it states that the new Party which is the -- the
13 Labourers' Party of Kampuchea -- as Ieng Sary said, the name was
14 only known to those who joined the conference; it was not in the
15 political agenda or in the statute. It was spoken only about the
16 Kampuchean's Party and the Vietnamese only knew of the old name
17 of the Party.

18 [09.31.16]

19 It states that the Party belongs to the workers, which was based
20 on the Marxist-Leninists, and they were close to the Marxists.

21 The organization was based on the centralized democracy and they
22 also adhered to the principle of criticism and self-criticism.

23 The document at Khmer ERN 00380371, and the English is 00498235
24 to 00498236; the French is 00643839. It described that, in late
25 February 1963, the Second Congress was convened in order to put a

10

1 seal to -- for the appointment of Saloth Sar as the Party
2 Secretary, and Nuon Chea was still the second person, and So Phim
3 became the full-fledged member of the Standing Committee.

4 [09.32.56]

5 In the same document, at ERN in Khmer 00380378 to 00380379,
6 English 00498237, the French 00643841, the document states that,
7 in the Standing Committee of the CPK, Mr. Saloth Sar declared
8 that the three members of the Standing Committee whose name
9 listed in the list had to leave Phnom Penh. This idea was already
10 initiated in 1960s.

11 Later, Ieng Sary told Saloth Sar that he challenged such idea. He
12 thought that, before leaving Phnom Penh, the Party had to have
13 the support in the base. However, Mr. Nuon Chea, whose name did
14 not appear in the list of the 34 people, could not be conclude
15 that he started any activities. This could impact other people,
16 and Ieng Sary somehow consented to such notion later on.

17 [09.34.59]

18 Document E3/10, the "Revolutionary Flag" of Kampuchea special
19 issue September; ERN in Khmer, 00363064 through 65; ERN in
20 English, 00450506; French ERN 00491872.

21 In the same magazine it reads:

22 "Until the 30th of September 1960, we conducted the first Party
23 Congress. The Congress was convened and attended by
24 representatives from the locals. There were about 20 people
25 attending the Congress. The meeting was convened during the time

1 when the enemies were attacking us. People were arrested and
2 detained. In the rural areas, the enemies conducted their fascist
3 activities and destroyed our comrades. Even in such a situation,
4 we could convene the first Congress successfully in Phnom Penh.
5 We noted that if the Party failed to have the statute, we had no
6 essence to base on. So, with this statute, we can have our basis,
7 and from the Congress, we could build our strategy, tactical
8 lines. Without such lines, there would be no clear direction, and
9 it would be very dangerous to the people's force. So it can be
10 concluded that we could both devise the theoretic and tactical
11 lines. And the lines had to be adopted by the general Congress.
12 And for this reason, the First General Congress was convened in
13 Phnom Penh."

14 [09.38.00]

15 Document E3/50, the circular of the Democratic Kampuchea, dated
16 the 20th of May 1976, entitled "The Third Anniversary of the
17 Cooperative Organization"; document ERN in Khmer, 00442210; ERN
18 in English, 00636010; French ERN 00633784.

19 In this circular, it states that "the cooperatives were
20 encouraged to attack the enemies, both economically, militarily,
21 and in all aspects. In 1973, the new idea of collectivization was
22 introduced. It was the time when the severe attacks by the
23 American imperialist attacked us. However, we won the victory
24 over the traitors and the imperialists. We moved closer to Phnom
25 Penh and changed the enemies situation, both economically and in

12

1 the military aspect. Phnom Penh and the surrounding areas were
2 attacked on the first phase. In 1975, it was the last battle to
3 win the victory led by the Party. On the 20th of May 1973,
4 cooperatives -- peasant cooperatives all across the country were
5 established. Without such cooperatives, we could not win the war
6 over the aerial bombardments by the Americans."

7 [09.40.25]

8 E3/94, interview with Ieng Sary by Elizabeth Becker, on the 22nd
9 of July 1981, in New York; document ERN in Khmer, 00578892;
10 French - rather, English ERN 00342500; French ERN 00601999.

11 In that interview, it was quoted as saying that "there were
12 reasons, one of which was that there was a fear that the American
13 would bomb Cambodia. Saigon was not liberated back then. I just
14 arrived in Phnom Penh on the 24th of April and I learned of the
15 evacuation through report only."

16 Document E3/2, the "Brief Summary of the Party's History --
17 1/75"; document ERN in Khmer, 00679877 through 83; ERN in
18 English, 00444348 through 54; French ERN 00657347 through 51.

19 [09.42.43]

20 According to the document, this document was published by the
21 military office of the Standing Committee of the East Zone. It
22 was about the time during the second anniversary of the Party. It
23 was about the history of the Party and how the problems were
24 addressed and the objectives of the Party from 1951 through 1967.

25 Document E - rather, E3/-- This document is relevant to the

1 interview of Ieng Sary on the 12 of November 2007; Khmer ERN
2 00152279 through 83; English ERN 00153311 through 14; French ERN
3 00153325 through 28. These documents are now put in entirety
4 before this Chamber.

5 In the interview, Ieng Sary indicated that his occupation before
6 the revolution was the professor in history, and his occupation
7 during the Democratic Kampuchea regime and the following
8 occupations were the "special envoy" for the resistance movement
9 based in Peking, working with King Norodom Sihanouk, on the 23rd
10 of April.

11 "And I also received visiting guests at the Foreign Affairs
12 Section."

13 [09.45.30]

14 "From the 4th of April 1976 -- I forget the exact date -- I was
15 the first Deputy Prime Minister and Minister of Foreign Affairs."

16 Document E3/15, the statement by Duch; ERN in Khmer, 00234070;
17 English ERN 00251372; French ERN 00234089.

18 In that statement, Duch indicates that the Party--

19 "[...]1. The Party's statute

20 "2. The strategic lines on resistance movement and also the
21 strategic movement to guide the forces to attack the enemies in
22 the national democratic revolution.

23 "This document was adopted in the First Congress, on the 30th of
24 September 1976."

25 Document E3/24, the record of interview of witness Phy Phuon,

14

1 alias Vycheam, dated 2007. Interview was conducted in Banteay
2 Meanchey by the Co-Investigating Judges; ERN in Khmer, 00204067;
3 English ERN 00223580; French ERN 00503919.

4 [09.47.44]

5 The witness indicates that:

6 "In 1967, I met Ieng Sary at Kantuy Neak in Rattanakiri province.
7 Ieng Sary gave me a letter to be sent to Vietnam representing the
8 Central Committee of Vietnam in order to attack the southern part
9 of Vietnam. Later on, on -- December, I met Pol Pot, who was
10 sick, and he was admitted to a hospital to be treated in Vietnam.
11 I met Ieng Sary at Office 102. He stationed there. Pol Pot was
12 stationed at Office 100. It was about 3 kilometres apart from one
13 office to another. In 1968 through 1969, I remained in that same
14 place. By the end of 1969, Pol Pot went to Vietnam and Peking,
15 and I remained with Ieng Sary."

16 [09.49.03]

17 Document IS 13.134 (sic), the record of the meeting with
18 secretaries and under-secretaries of the special independent
19 divisions in 1976; the meeting was convened at 2 o'clock; ERN in
20 Khmer, 00052402; English ERN 00183982; French ERN 00334972.

21 In this record of the meeting, Brother 89 asked that the Party
22 ceremony had to be convened and composition of the people who
23 attended the Party had to be revealed as when -- as well.

24 "The ceremony would be most importantly in essence rather than in
25 the event itself. The Party convened such ceremony on the 1951.

15

1 However, we decided to change this event to the 30th of September
2 1960 in which we could change the names of the Party from Workers
3 Party to, later on, the Communist Party of Kampuchea."

4 Document IS 20.28, interview with Nuon Chea and Khem Ngun; ERN
5 00078182 in Khmer; English ERN 00184662; French ERN 00596185.

6 [09.51.35]

7 In the interview, it reads that, during the meeting, members of
8 the Party's committee were appointed.

9 Asked: "How many people?"

10 Response: "10 to 15 people. And you could imagine that people
11 were stuffed -- were put in one room which was very stuffy."

12 Question: "Did you remember all those names?"

13 Nuon Chea: "I cannot remember them all, but there was no Ta; Ta
14 was not there yet. However, I remember that that Party's
15 committee was appointed and the Standing or the Central Committee
16 was appointed. Tou Samouth was among of them. Tou Samouth was the
17 Secretary of the - the Party, and I was the Deputy Secretary. Ma
18 Mang, from -- and Ieng Sary were also members, including Keo
19 Meas, and I think there was also A Chong, the guy from Koh Kong,
20 but I don't remember the details.

21 [09.53.01]

22 "There were three people in the Standing Committee: Ta Tou, I,
23 myself, and Saloth Sar, and I think perhaps Ma Mang was also
24 included. After the meeting, we met. We met on the 30th of
25 September 1960. Then we went to the rural areas. Those who were

16

1 tasked with going to the rural areas had to go down to the area;
2 those who were supposed to be in Phnom Penh had to go to Phnom
3 Penh. I worked on both locations; the rural areas and Phnom Penh.
4 However, Saloth Sar was engaged in Phnom Penh rather than in the
5 rural area. Ta was old and he was weak, and he could not move
6 further from town."

7 [09.54.04]

8 In the same interview -- under ERN in Khmer 00178191, English ERN
9 00184667, French ERN 00596189 -- in the same interview, it reads:
10 "That is why the Second Party Congress, in 1963, Saloth Sar was
11 the Secretary of the Party and I was then the Deputy Secretary. I
12 contented to that; I did not mind it. At that time, there were no
13 people's group attending the congress because it was the
14 principle that we only needed underground forces to attend the
15 congress. Keo Meas was not attending that, and the meeting was
16 conducted at Charles de Gaulle -- on Charles de Gaulle Street.
17 Ieng Sary, I, myself, and Nong alias Khtich, Koe -- alias Sophal,
18 the guy who was the trainer in sport in Yukanthor High School --
19 Vorn Vet, and Ros Nhim alias Moul Sambath, and Ta Mok, and
20 perhaps other people, including Ma Mang, also attended that
21 meeting.

22 "In 19 - rather, in 1963, the Party was established. The rural
23 organizations were under way, movement progressed both in the
24 cities and in the rural areas. It started from the 24-people
25 event.

17

1 [09.56.28]

2 "The mass movement was very strong, and after the 24-people event
3 was pronounced, Saloth Sar, Ieng Sary, Son Sen were involved. I
4 think we need to conduct further research on this to know more.
5 They were those intellectuals, including Khieu Samphan, Hu Nim,
6 and Hou Youn. I don't remember other."

7 Question: "Did Uncle Hem join the Party or the Central
8 Committee?"

9 Response:

10 "I don't remember. I don't remember when they went into the
11 jungle. After that meeting, the idea was that we should not stay
12 put in the city. We should abandon the city moving to the jungle.
13 So, in 1993 (sic), we already left for the jungle. Pol Pot left
14 first; later on, Ieng Sary were -- was departing. He was
15 reluctant to leave Phnom Penh because he cared for his family
16 members. I left Phnom Penh also, and, in 1965, Son Sen left Phnom
17 Penh."

18 [09.57.57]

19 Document IS 20.8, Interview with Ieng Sary and ABC TV Australia,
20 near Malai; Khmer ERN 00224443, French -- rather English ERN
21 00078610, French ERN 00347376 through 77.

22 In the interview, Ieng Sary indicates that he made all the
23 decision:

24 "The people had to be evacuated from cities and that doesn't --
25 that had nothing to do with my decision, because, on the 23rd of

18

1 April 1975, I landed in Peking and later on, I learned that Phnom
2 Penh was emptied. Everything was decided, and it was nothing left
3 for me to talk about it."

4 IS 4.1, the book authored by Elizabeth Becker, entitled "When the
5 War Was Over"; ERN in Khmer, 00232072 through 73; English ERN
6 00237762; French ERN 00638334 through 35. In the book, it states
7 that "Ieng Sary and Saloth Sar became close friends" and they
8 forged an alliance with Thiounn Prasith, who was less educated
9 amongst the four brothers.

10 "Sary, who was well received within his peer, had a trust in a
11 young man who was charismatic, and who had a tendency to make a
12 brief decision, and who was rather overexcited.

13 [10.01.09]

14 "Saloth Sar was a person of humble character who didn't speak
15 much, who was thoughtful and who had a clean character. He was a
16 determined person and he was well liked by the peer. The rest
17 lived all together at Number 28 at St. Street André des Arts, in
18 Latin Quarter, in a building where Ieng Sary, Mumm, Prasith, Ok
19 Sakun, and some other Khmer Rouge students resided at the various
20 times.

21 "Not long after, a young female also join in. She was of a Khmer
22 character; her name was Ieng Thirith, a daughter of a respectful
23 judge. She was formed and she became one of the few ladies who
24 studied at the Sisowath School and received high marks for the
25 French language study. She was attractive, and by the comments of

19

1 her peers, she fell in love with Ieng Sary."

2 [10.02.48]

3 Document IS 4.1 -- that is the same document of Elizabeth
4 Becker's book -- at ERN 00272185 in Khmer; and in English,
5 00237844; in French, 00638410. It reads that it is true there is
6 an extreme colouring or makeover so that everybody would believe
7 that Ieng Sary, in fact, did not have any official position
8 either in the front or in the government, but he was appointed as
9 the special envoy in charge of liaison with the front
10 battlefields in Kampuchea and the front in Beijing.

11 In fact, IS 4.23, which is the next document-- That is the book
12 authored by Khieu Samphan on the recent histories of Kampuchea
13 and my subsequent position, the ERN in Khmer is 00103815 through
14 00103816, the English is 00103729, and the French is 00595388. In
15 the book, it states that, unfortunately, there were secret plot
16 so that the work could not be continued:

17 "The first trick was that of Lon Nol. He took the opportunity to
18 provoke demonstration by students in Siem Reap. He made a list of
19 the 34 persons to be arrested; amongst those was my name."

20 [10.05.28]

21 Document IS 6.3, which is a directive of the Central Committee of
22 the CPK, entitled "Decision of the Central Committee Regarding
23 Certain Matters", dated 30 March 1971. Document in Khmer is
24 00003137; in English, 00182810; and in French, 00224364 through
25 to 00224364 (sic). In that decision, it states that, in regards

20

1 to the history of the CPK, that is -- the birth shall be in 1960
2 and not 1951, "in order not to have any linkage with any other
3 parties."

4 Mr. President, these are all the documents to be placed this
5 morning.

6 MR. PRESIDENT:

7 Thank you, Judge Ya Sokhan.

8 The Chamber would like to inquire with the parties if you intend
9 to place any documents before the Chamber at this stage? If so,
10 you may proceed.

11 [10.07.11]

12 MR. LYSAK:

13 Good morning. Thank you, Mr. President.

14 We would like to start presenting some documents this morning. We
15 will do most of our presentation on Monday or Tuesday, but we
16 will -- we'd like to use some of the time available this morning
17 to continue.

18 And, Mr. President, on the issue of the Accused having the
19 opportunity to comment on this, some of the material I will be
20 presenting will be specific to Nuon Chea, possibly some to Khieu
21 Samphan.

22 I understand and agree with Ieng Sary's counsel's comment that
23 he's made very clear -- made an unequivocal assertion that he
24 will not testify so there's no reason to offer him a comment
25 until counsel informs us that that position has changed.

21

1 [10.08.20]

2 Nuon Chea, on the other hand, has been commenting and testifying,
3 so I think it is appropriate, at least with respect to documents
4 that relate to him, to offer him the opportunity.

5 Khieu Samphan's position is also, I think, quite different than
6 Ieng Sary. He has not unequivocally asserted the right to remain
7 silent; rather, he has said that, for now, he wishes to remain
8 silent, but he may wish to comment as the proceedings go on. And
9 in fact, on a couple of occasions before this Chamber, he has
10 done so. He made comments at the start of the proceedings on
11 historical background, and yesterday, while he did exercise his
12 right and remained silent on most questions, on the first
13 document that was presented, he did comment that the events fell
14 before the time period that he claims he became a member of the
15 Party and, therefore, that it was not something that he would
16 have had knowledge of.

17 [10.09.26]

18 So I think, because Khieu Samphan has reserved the right to
19 comment on evidence where appropriate, that it may also -- there
20 are certain documents that, I think, it would be appropriate for
21 us, also, to give him an opportunity.

22 So, as I proceed, I may, if it is agreeable to the Court, at
23 times, offer the opportunity to either Nuon Chea or Khieu Samphan
24 to comment on the documents if they wish.

25 [10.10.16]

1 MR. PRESIDENT:

2 Defence Counsel, you may proceed.

3 MR. KONG SAM ONN:

4 Thank you, Mr. President. As I take into account the time and the

5 resources for the proceedings, I'd like to state Mr. Khieu

6 Samphan's position that he will not wish to make any comments

7 regarding the documents to be raised by the Prosecution.

8 So the Prosecution can just proceed with the document

9 presentation as done by Judge Ya Sokhan.

10 MR. PRESIDENT:

11 The International Co-Prosecutor, you may proceed.

12 MR. LYSAK:

13 Thank you, Mr. President. Based on that comment from counsel, I

14 will not offer the opportunity to Mr. Khieu Samphan.

15 If their position should change, I would just ask him to notify

16 the Chamber so that his client, Mr. Khieu Samphan, would have an

17 opportunity to comment.

18 [10.11.19]

19 The first group of documents that I would like to present to the

20 Chamber relate to testimony related to Nuon Chea's involvement in

21 the military.

22 He has, as we've repeatedly heard, denied that he had any

23 involvement in the military. However, there are three documents,

24 interviews that were conducted of Ieng Sary, where Ieng Sary, on

25 three different occasions, has made very clear that Nuon Chea was

1 a member of the military committee and had military
2 responsibilities.

3 The first of those documents is document D366/7.1.656 which, I
4 believe, has been assigned an E3 number of E3/94. It is the July
5 1981 interview of Ieng Sary by Elizabeth Becker, and at English
6 ERN 00342501 through 342502, French ERN 00602000, and Khmer ERN
7 00578895.

8 Ieng Sary states that security matters were the responsibility of
9 "Pol Pot, Nuon Chea, So Phim, and Son Sen" who would report to
10 the Standing Committee on such matters.

11 Fifteen years later, Ieng Sary's organization, the Democratic
12 National Union Movement, issued a document titled "The True Fact
13 About Pol Pot's Dictatorial Regime". This document is dated
14 September 1996. It's a document that was, during these
15 proceedings, shown by Judge Lavergne to witness Long Norin. It is
16 document IS 20.3, and the relevant ERN sites is: English,
17 00081215; French ERN 00614094; and Khmer ERN 00224430.

18 [10.14.14]

19 And in this written document, it is stated that the Security
20 Committee included Pol Pot, Nuon Chea, and Son Sen, who - quote
21 -- "decided all the killings and massacres". End of quote.

22 And three years later, on the 4th of January 1999, Ieng Sary
23 again stated that decisions on arrests and executions were -
24 quote -- "made by Pol Pot, Nuon Chea, Son Sen, and S-21 itself".

25 This is a January 1999 interview that is IS 20.7, at: English,

24

1 00081571, French ERN 00607965, and Khmer ERN 00172247.

2 And, Mr. President, as these are three statements from fellow
3 Accused and member of the Standing Committee that contradict Nuon
4 Chea's statements that he was not involved in the Military
5 Committee, I would want to give the opportunity to the accused
6 Nuon Chea to respond to these documents if he wishes.

7 [10.16.23]

8 MR. PRESIDENT:

9 Mr. Nuon Chea?

10 MR. NUON CHEA:

11 I was not in the Military Committee; I was at the Assembly. So I
12 was the President of the State Presidium. How could I involve in
13 the military affairs? So there is a mistake in this document.

14 MR. PRESIDENT:

15 The Prosecution, you may continue.

16 MR. LYSAK:

17 Thank you, Mr. President.

18 [10.17.06]

19 The next document we would like to present is document D262.26,
20 and in particular: English ERN pages 00168465 through 168470,
21 French ERN 00698444 through 698450, and Khmer ERN 00679792
22 through 679802. And this is a report that appears in the January
23 1977 FBIS records. That is a report entitled "Nuon Chea Speaks on
24 Cambodian Army Anniversary", from the Phnom Penh Domestic Service
25 in Cambodia, captured on -- at 0400 GMT -- Greenwich Mean Time --

25

1 on the 17th of January 1977, which, given the time difference,
2 would be -- would have been the 18th of January 1977 here. The
3 document is identified as -- from the broadcast, as "'excerpts'
4 of a speech by Nuon Chea, chairman of Cambodian People's
5 Representative Assembly Standing Committee and acting prime
6 minister, at the 16 January 'mass rally' in Phnom Penh marking
7 the ninth anniversary of the Cambodian Revolutionary Army".

8 I would also note -- we would also present a document
9 D248/6.1.14, which is the same broadcast, only as reported by the
10 BBC Summary of World Broadcasts. It also identifies this
11 broadcast as a speech by Nuon Chea.

12 [10.19.52]

13 The significance of that and the reason we've identified both of
14 these is that, in the event the Accused are challenging the
15 authenticity, there are two different entities, both FBIS and the
16 BBC Summary of World Broadcasts, that picked up this radio
17 broadcast from Phnom Penh and reported it as a speech, or
18 excerpts of a speech from Nuon Chea.

19 [10.20.22]

20 I will read a passage from the FBIS version because the BBC one
21 is a -- is a summary of the broadcast, while the FBIS version has
22 the entire broadcast itself. And in that Nuon Chea speech, I
23 would read the following passage that is from pages 2 to 3 -- or
24 the second or third pages of this, which is at ERN 00168466 to
25 67, on the second page of this report, which states as follows:

1 "At the beginning of 1967 the traitorous Lon Nol clique waged an
2 internal war, repressing, shooting and killing innocent people
3 and Cambodian patriots and revolutionaries in the most ferocious
4 manner in large scale and systematic actions. On 17 January 1968
5 the secret defence units of our revolution were reorganized as
6 guerrilla units; which were then ordered by our Revolutionary
7 Organization to attack an enemy position on the bank of Stung
8 Sangker, 11 kilometres above Battambang town, the Bay Damran
9 position which we completely destroyed. We captured enemy weapons
10 and armed ourselves. This was our first armed exploit. The date
11 17 January 1968 was the first day of armed struggle of our
12 all-out people's war against the internal reactionary and
13 counterrevolutionary war of the enemy. This was the [birth] of
14 our Cambodian Revolutionary Army.

15 "The start of the armed struggle on 17 January 1968 was not
16 accidental. Since 1960, our Cambodian Revolutionary Organization
17 had drawn up the [strategy] and tactical lines for revolution in
18 a democratic nation. We realize that the U.S. imperialists, their
19 lackeys and all sorts of exploiting classes used dictatorship and
20 force in their attempts to kill and terrorize our people. We held
21 the well-defined stand that to crush and overthrow the U.S.
22 imperialists, their lackeys and all the exploiting classes,
23 political action alone would not succeed. The enemy used arms and
24 totalitarian tools to repress and kill our people. For this
25 reason, after 1960 our Revolutionary Organization clearly decided

27

1 that political action and armed violence must be used to
2 overthrow and crush the enemy." End of quote.

3 [10.23.44]

4 So, Mr. President, again, at this time, I would like to provide
5 the opportunity to the accused Nuon Chea, since this was a speech
6 that he gave, to comment on the part of the document I've just
7 read.

8 MR. PRESIDENT:

9 Mr. Nuon Chea, you may proceed.

10 MR. NUON CHEA:

11 Mr. President, I categorically object to the statement.

12 I was never be the Acting Prime Minister.

13 And, number 2, I never made any speeches regarding the military
14 anniversary.

15 If there was a tape, then I would request for a tape, whether it
16 is a tape recording of my voice or somebody else.

17 [10.24.49]

18 The person who represented Pol Pot in this affair was Son Sen,
19 not myself. I was at the National Assembly; I was not involved in
20 this military affair.

21 MR. PRESIDENT:

22 The Prosecution, you may continue.

23 I notice the defence counsel is on his feet. You may proceed.

24 MR. KARNAVAS:

25 Thank you, Mr. President. Just a technical matter.

28

1 I believe we were informed that documents have to be in all three
2 languages and, if they are not, a leave must be sought before
3 putting the documents either to a witness or to the Court.

4 [10.25.37]

5 Now, I could be mistaken, but it's my understanding that this
6 document has not been translated into the other two languages.

7 And I would appreciate having some guidance: at least, you know,
8 is leave required or are the parties free to use one language? It
9 matters not to me, it's just for -- for future purposes, Your
10 Honours.

11 MR. LYSAK:

12 If I may respond, Mr. President, at the start, unless somehow I
13 forgot, at the start of this document, I read the English, Khmer,
14 and French ERNs. It has been translated.

15 If counsel wishes me to repeat those, I will, but it is part of
16 the record.

17 [10.26.27]

18 MR. PRESIDENT:

19 The Chamber would like to remind the parties regarding placing
20 the document before the Chamber. The document shall exist in the
21 three working languages.

22 And we already ruled on the request raised by the Lead Co-Lawyers
23 regarding the documents that they wish to use as their base for
24 their argument, in the previous proceedings, as the document had
25 not been translated into the other two working languages here, at

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1 ECCC. So I believed all parties are well aware of that.
2 So I believe parties will endeavour their best to provide the
3 documents that exist in the three languages, except in the
4 special circumstances, as we already ruled in our written ruling.
5 You may proceed.

6 Could you again provide the ERN of the latest documents in your
7 presentation?

8 [10.27.55]

9 MR. LYSAK:

10 Yes. I'm happy to do that, Mr. President. The last document that
11 I read from -- which is from document D262.26, and the relevant
12 ERN pages are: English, 00168465 through 168470; French ERN
13 00698444 through 698450; and Khmer ERN 00679792 through 679802.
14 And, just to complete the record, the quote that I read from came
15 from English ERN 168466 through 67, Khmer ERN 00679796, and
16 French ERN 00698446.

17 I would proceed to another document at this point, Mr. President.
18 Or if it's time for our -- for our morning break, I will -- I
19 will stop for the moment.

20 [10.29.52]

21 MR. PRESIDENT:

22 Thank you, the Prosecution.

23 The time is now appropriate for a break. I notice the-- Nuon
24 Chea?

25 MR. NUON CHEA:

30

1 If there is any document of my appointment as a Deputy Prime
2 Minister, I would like to request to see that document.

3 MR. PRESIDENT:

4 The document identifications have been provided. Or maybe your
5 defence counsel or the counsel's assistants may assist you in
6 this regard, as they can print in hard copy so that you can read.
7 The Chamber has already ruled. The documents already exists in
8 the ZyLAB system. Unless you have any other grounds to believe
9 that the document is a fabricated one. Otherwise, we will not
10 give you the floor again. We will consider the request upon any
11 special circumstance.

12 MR. ANG UDOM:

13 Thank you, Mr. President. Good morning, Your Honours. Due to the
14 health issue, and in particular the back pain of my client, Mr.
15 Ieng Sary, he wishes to waive his rights to directly participate
16 in the proceedings for the entire day, but to follow the
17 proceedings in the holding cell, downstairs.

18 [10.31.55]

19 MR. PRESIDENT:

20 After having heard the request by the defence counsel for Mr.
21 Ieng Sary for his client not to directly participate in the
22 proceedings and instead to follow the proceeding in the holding
23 cell, downstairs -- that is due to his health issue -- the
24 Chamber agrees to the request for his participating in the
25 proceeding in the holding cells, downstairs, which has already

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1 been arranged.

2 The defence counsel is requested to immediately deliver the
3 waiving letter by the Accused either with his signature or
4 thumbprint.

5 The AV Unit, you are instructed to link the proceedings to the
6 holding cell, downstairs, so that Mr. Ieng Sary can follow the
7 proceeding from that location.

8 The time is now appropriate for a break. We shall take a
9 20-minute break and we shall resume at 10.50.

10 Security guards, bring Ieng Sary to the holding cell.

11 (Court recesses from 1033H to 1053H)

12 MR. PRESIDENT:

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

14 We would like to hand the floor again to the International
15 Co-Prosecutor to make a presentation of those documents intended
16 to be put before the Chamber.

17 [10.54.00]

18 I notice Nuon Chea's defence counsel is on his feet.

19 MR. PESTMAN:

20 Thank you, Mr. President. I had a question and some observations.

21 First of all, we were - we were told by the senior legal officer
22 that we had to provide a list of documents we intend to present
23 at Chamber next week. And we will do so, and it will be very

24 helpful, especially for my client, because he is taken somewhat

25 by surprise by the documents mentioned today, if we were provided

1 by this -- with this list, so that we can show it to our client
2 so that he can prepare himself, possibly over the weekend, to --
3 you know, to respond to or give comments if required to do so.
4 That was my first request.

5 [10.54.58]

6 Then, a comment I would like to make. My client has asked again,
7 today, several times, to see original documents or to listen to
8 original tapes of a speech he gave 30 years ago. That request
9 should be understood as a challenge to the authenticity of those
10 documents. In other words, he is not accepting those documents as
11 authentic, whether they are admitted to the file or not.

12 I think these comments are important when the Court - when Your
13 Honours eventually have to establish the authenticity of a
14 document and the probative value attached to such a document.

15 [10.55.53]

16 Then, I had another remark, an observation about the list of
17 witnesses we were asked to provide the Court with today. I would
18 like to say something about that. Would you wish me to do that
19 now, or shall I do that at the end of this morning's session? I
20 will be very brief anyway.

21 MR. PRESIDENT:

22 You are not allowed to do so, as we already ruled on such issue,
23 and also we ruled in response to your request, yesterday,
24 regarding your intention to request to include a new witness or
25 additional witness.

33

1 The request shall be made in writing, adhering to the rule on
2 confidentiality, so that the Trial Chamber can view and decide on
3 your request.

4 Our ruling was clear yesterday. And in case that I speak Khmer
5 and the translation is not that clear - I'll -- I already asked,
6 even in writing, Judge Cartwright to clarify things, and things
7 have already been clarified through that.

8 [10.57.43]

9 MR. PESTMAN:

10 Thank you, Mr. President. Just an announcement, then: we are
11 currently working very hard on this list -- it's not that easy to
12 compose that list -- out of the list of witnesses we had
13 submitted earlier, in February 2011, to the Court. Those names
14 will be familiar because they were in the other list. We will--

15 MR. PRESIDENT:

16 I think the message is already clear that you are not permitted
17 to state further on this. Yesterday, we made it very clear in
18 response to your comments, and if you are not satisfied with this
19 clarification, you may refer to the transcript of yesterday's
20 hearing for that portion of the ruling.

21 I think your time is up. You may be seated.

22 And the Co-Prosecutor may proceed.

23 MR. PESTMAN:

24 (Microphone not activated)

25 [10.59.12]

1 MR. PRESIDENT:

2 Please be seated, Mr. Pestman.

3 MR. PESTMAN:

4 (Microphone not activated)

5 [10.59.56]

6 Thank you. Yesterday, I was not allowed to ask my final--

7 (Technical problem)

8 [11.00.21]

9 MR. PRESIDENT:

10 Could you please be more precise? What motion are you putting
11 before this Chamber? Because you seem to have repeated several
12 old issues; are you now suggesting that you are putting a new
13 motion?

14 MR. PESTMAN:

15 Yes, indeed. Yesterday, I got the--

16 MR. PRESIDENT:

17 "Yes" means a new issue to be raised, is that correct?

18 MR. PESTMAN:

19 Yes, I won't raise the witness list again. I have another
20 request, very brief.

21 I got the impression yesterday that your Trial Chamber, Your
22 Honours, the Trial Chamber had the intention to close, somehow
23 close the first segment of this trial, the investigation of the
24 historical context. I don't know whether my impression is right,
25 but in any case I would like to object to that closure if that is

1 your intention, because I have not been able to ask my question -
2 my client the final questions yesterday.

3 So I would like to be given the opportunity to finish examining
4 my client on the historical context before you go -- close the
5 first segment of the trial.

6 (Judges deliberate)

7 [11.02.55]

8 MR. PRESIDENT:

9 Mr. Pestman, you may be standing.

10 Yesterday, the Chamber gave you the time, sufficient time for
11 counsel to pose questions to your client, and the Chamber tried
12 its best to remind you time and again that you should make the
13 most of your time, exercise your right to put those questions to
14 your client.

15 The Chamber also noted that you had an intention not to use the
16 time allotted to you to put questions to your client concerning
17 the historical background of the Democratic Kampuchea context as
18 scheduled. The Chamber, therefore, noted that such gesture
19 suggested you had waived your right to pose questions to your
20 client. Your right never been deprived or taken away from you by
21 the Chamber; it was you who made such decision to have it taken
22 away.

23 So, for the time being, to be more precise, the Chamber would
24 like to ask you about your intention, apart from interrupting the
25 proceedings, apart from dragging the trial proceedings. We would

36

1 like to know how much time would you need more to put questions
2 to your client concerning the context of the historical
3 background of the Democratic Kampuchea.

4 [11.05.21]

5 We note also that you have had sufficient time so far, already.

6 MR. PESTMAN:

7 Several things I should say.

8 First of all, I have not waived any rights to question my client,
9 nor did my client waive his right to be questioned by me. As I
10 said -- indicated yesterday, I have three or four questions for
11 my client, and as it is difficult to predict how long the answers
12 will be, I could not be very precise, but I said that my
13 impression was -- my impression was that they would not take more
14 than 30 minutes.

15 Regarding your other remarks about me dragging this procedure, I
16 will come back to that later.

17 [11.06.30]

18 MR. PRESIDENT:

19 Mr. Pestman, could you once again inform the Chamber how much
20 time you need to question your client regarding the fact of the
21 historical backgrounds of the CPK? Please just indicate the time
22 that you need to question your client within the fact determined
23 by the Chamber in Case 002/1.

24 MR. PESTMAN:

25 Thirty minutes.

1 MR. PRESIDENT:

2 You may be seated.

3 (Judges deliberate)

4 [11.08.06]

5 The International Co-Prosecutor, you may -- please indicate to
6 the Chamber how much time you need to present your documents this
7 morning.

8 MR. LYSAK:

9 Thank you, Mr. President. As I mentioned earlier, we are
10 preparing and planning to do most of our presentation as for --
11 as was planned for Monday and Tuesday, so I probably have as much
12 as an additional hour of the documents that I'm ready to present
13 to you today, and after that we would defer to start on Monday or
14 Tuesday.

15 And also, just to let you know, in regards to the list of our
16 documents, because we were preparing to do this on Monday or
17 Tuesday, we are preparing a list; it will be disclosed to all the
18 parties tomorrow so that they will know the documents that we
19 will - we will be presenting on Monday or Tuesday.

20 But in terms of today, I have about an hour in total time left.

21 (Judges deliberate)

22 [11.10.20]

23 MR. PRESIDENT:

24 Due to the request made by the defence counsel for the accused
25 Nuon Chea to question his client, the Chamber agrees to the

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1 request by Nuon Chea's defence counsel, so that you can question
2 your client in regard to the fact relating to the historical
3 background of the DK.

4 And as for the Prosecution, indication of the timing, we shall
5 inform you before the lunch break.

6 [11.11.09]

7 Security guard, you are instructed to bring Nuon Chea to the
8 dock.

9 MR. LYSAK:

10 Mr. President, I just wanted to add that the -- I have -- we have
11 about an hour, 45 minutes of documents to present. My national
12 colleague also had a presentation related to facts that had been
13 agreed to by the Ieng Sary defence, which -- it's hard to
14 estimate how long it would take to read, but probably between a
15 half hour and an hour on his part, too.

16 So we do have two things that we can -- we can do: with the time
17 that you wish to use today, we can also do that Monday or Tuesday
18 also.

19 MR. PRESIDENT:

20 Regarding your indication of the timing, you can do so this
21 afternoon, at 1.30 p.m.

22 The Chamber would like now to hand over the floor to Nuon Chea's
23 defence counsel so that you can question your client regarding
24 the facts relating to the historical background of the CPK, which
25 is parts of the phase one of Case 002/1. You may proceed.

1 [11.13.15]

2 QUESTIONING BY MR. PESTMAN RESUMES:

3 Thank you, Your Honour.

4 Q. Mr. Nuon Chea, I believe it was the 2nd of February that I
5 last asked you one question, and you gave a very long answer. And
6 I would like - just like to go back to the answer and maybe
7 highlight a couple of things you mentioned.

8 One of the things you said is that your family had debts, that
9 your father owed money; could you elaborate a little on that?

10 MR. NUON CHEA:

11 A. Mr. President, the debt is because of the bad business in
12 purchasing and selling rice. After the World War I, the price of
13 rice dropped dramatically, so my father lost money in this
14 business. And when he transported rice to sell a grain of corn,
15 then the storm makes the boat capsize, and then he owed money to
16 other people.

17 Q. Could you give an indication of how much money it was? Did it
18 have a great influence on the family?

19 A. At that time, I was young so I did not know how much he owed,
20 but he had to repay for 10 to 20 years, and only for interest,
21 not the capital. So I could not know the exact amount that he
22 owed.

23 Q. Do you know whether he ever paid back the money he owed?

24 [11.15.36]

25 A. My family did not repay the entire debt until the time that

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1 Thai came to control the Battambang area. At that time, we stay
2 -- we still -- we was still paying debt in Thai bahts.

3 Q. When you last testified, you also mentioned that you witnessed
4 people being beaten, servants being beaten, and that that made a
5 big impression on you; can you elaborate a bit on that? How often
6 did you see -- witness beatings?

7 A. At that time, it was still under the French Colony. The person
8 who owed the money was the one who worked as a servant and also
9 worked as a "pousse" kart rider, and the "pousse" kart was
10 broken, as I could recall, since I was rather young, so the boss,
11 who was actually a clerk at the Battambang provincial town--
12 Can I mention the name, Mr. President? Did you allow so that I
13 can say the name?

14 MR. PRESIDENT:

15 Yes, you can say the name.

16 MR. NUON CHEA:

17 A. The name is Hak Sreynal (phonetic).

18 [11.17.37]

19 The servant was caught, and then he -- the person was asked to
20 sit on his feet and apologize. And then another servant was
21 ordered to go up into the house to use a club to beat on the head
22 of that servant while he was begging. He was beaten until he
23 almost felled unconscious. That was one incident.

24 And there was also another incident involving another servant, a
25 servant serving the father-in-law of (words in Khmer), or the

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1 public defender, and the name was Lu Pen (phonetic). So another
2 servant was ordered to beat another servant up, and the face was
3 swollen, and nobody cared about that or did anything.

4 [11.18.41]

5 During the war era between the French and the Thai, the French
6 used their legionnaire -- that is those countries under the
7 colony of the French, including the Morocco. They went around,
8 arresting women in the village, they mistreated the villagers.
9 And then I thought that what a pity Kampuchea was. I was so young
10 I did not know much about the nation at the time, but I did have
11 a great pitiness on the country and all the people. And that,
12 that really made me form an idea of hatred, of injustice. And
13 that was the incidents that I witnessed in the village; other
14 events, including the attacked by the French fighters.

15 [11.19.56]

16 For that reason, I really hated the injustice but I could not do
17 anything much at the time.

18 Later on, while I went to study in Thailand, in 1941 through to
19 1943, I initially thought that Thai -- Thailand was independent,
20 but in fact it was not. There was a bloody coup d'état, and a
21 number of ministers were shot dead, and I thought that justice
22 would never been found.

23 So I believed that my study was useless. I did not know whom
24 shall I served. If I finish, probably I still would serve the
25 oppressors and the authorities, and then I quit my study in 1950

1 and to join the Struggle Movement -- that is, the Issarak
2 movement. The movement was initiated in 1946, and I joined the
3 movement in 1950.

4 And by 1953, the Vietnamese Nguyen Thanh Son sent me to study in
5 the North Vietnam. I studied there for three or four years, and
6 after the Geneva Agreement, I returned to my country.

7 [11.21.43]

8 By that time, Cambodian people were still mistreated by the
9 French. In fact, the Geneva Convention considered that the
10 Issarak people shall reintegrate into the government. However,
11 they were arrested by the Lol Nol government.

12 And those people were poor peasants who joined the revolution.
13 They were badly mistreated. They fled their home village, their
14 rice field to the forest to engage in the struggle.

15 And then, for that reason, by 1967, the incident in Samlaut
16 occurred. It was a rebellious movement by the peasants against
17 the oppressors. And the war kept on going.

18 And by 1970, there was a coup d'état to topple His Majesty.

19 Subsequently, he made an appeal for the people to go to the
20 maquis, and a lot of people went to the maquis, including the
21 good and the bad elements, or the opportunists.

22 Those opportunists robbed the people during that period, and
23 Kampuchean people were not living in peace. At night, they only
24 could sleep in the banana farm.

25 And later on another movement emerge. So the Issarak movement

1 kept expanding, but some of the elements within the movement was
2 faked ones; they only went around, robbing people and pocketing
3 the money, individually.

4 And for another group of the Issarak movement supported by
5 Vietnam, after the Geneva Convention, they were kind of good
6 elements. And there were still some Vietnamese experts supporting
7 the movement at the time, and they were still living in Cambodia.
8 But because Cambodian people disliked the Vietnamese, they could
9 not really live comfortably in Cambodia.

10 [11.24.40]

11 Then, there was another war breaking out between Vietnamese and
12 Kampuchean people. And this is just a summary, Your Honour.

13 BY MR. PESTMAN:

14 Q. Thank you, Mr. Nuon Chea. You've just said that you witnessed
15 French soldiers or legionnaires who came to your village or to
16 your area, and you said - said that they "mistreated" women; do
17 you actually mean rape?

18 MR. NUON CHEA:

19 A. That is correct, they did rape women. They were so barbaric.
20 So, in summary, my entire life, from childhood to now, I did not
21 ever live through a period of peace. I witnessed all those
22 incidents, awful incidents.

23 [11.26.09]

24 When I went to study in Thailand, I sort of became aware of
25 loving the country, and upon my return, I joined the Issarak

1 movement to engage in the struggle.

2 Q. Thank you. During your statement -- I believe it was a week
3 ago -- you also mentioned another person called Heng Samrin.
4 Could you tell the Court when you first met him?

5 A. I first met him in the East -- in Eastern Zone, that is. He
6 was working with So Phim, and So Phim assigned him task to escort
7 me from Cambodia to the Thai border in order to liaise with the
8 Vietnamese. At that time, he was tasked like a messenger. He was
9 a good person, but he was extremely poor, he did not even have a
10 buffalo to use in the rice field. They started working in the
11 early morning, from the Vietnamese territory to the Kampuchean
12 territory, in order to do rice farming and not to be noticed by
13 spies.

14 [11.28.01]

15 Q. Do you remember when you first met him? Was it before or after
16 the Geneva Conference, in 1954?

17 A. I believed I met him after the Geneva Agreement. However, I
18 was not sure.

19 Q. Could you describe a bit more in detail your first meeting
20 with him and what happened consequently - or subsequently?

21 A. I-- As I said, I first met him when he was tasked by So Phim
22 to escort and provide protection to myself and a few other
23 people. At that time, I only knew Heng Samrin, but not the other
24 people, as he was close to me and he was rather courageous. He
25 provided me with protection.

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1 Q. And he escorted you to the Vietnamese border; is that correct?

2 A. Yes, it is. He escorted me all the way to the Khmer and
3 Vietnam border when I was received. However, I cannot say exactly
4 that, at that border point, it was in Vietnam territory; it was
5 perhaps in Khmer territory back then, but it was seized by the
6 Vietnamese.

7 [11.30.26]

8 Q. And then would he wait for you to come back and escort you
9 home again?

10 A. He returned before me. He had to come back home first because
11 he was afraid that, if he was disappearing, then he would be
12 suspected by the spy. I think the location was in Kandaol Chrum
13 populated area, before - I mean, the location where I was
14 received by the Vietnamese.

15 Q. This first time you met Heng Samrin and he took you to the
16 Vietnamese border, do you remember who you were going to visit in
17 Vietnam -- or meet?

18 A. We met comrade Nguyen Van Linh, who asked me about the actual
19 situation in Cambodia. Apart from meeting Nguyen Van Linh, I met
20 Pham Hung.

21 They were two different people. Pham Hung was bad tempered.
22 Nguyen Van Linh was less bad tempered. He did not react too
23 immediately.

24 Then, we met -- I met the Vietnamese people who asked us not to
25 start the armed struggle. We were advised not to start the armed

1 struggle with politics; otherwise, it would impact the process of
2 it transporting weapons through Vietnam.

3 Nguyen Van Linh told me that we – or you, Cambodian people, had
4 to study from Uncle Ho – Ho Chi Minh, indeed. And I responded
5 that we had learned from the big party all along; now, we would
6 like the big party to take care -- or to listen to us because our
7 small party has been dispersed, or has been broken.

8 Q. This first trip to Vietnam with Heng Samrin, was that possibly
9 in 1959?

10 [11.34.03]

11 A. It -- perhaps in that year.

12 Q. How often did Heng Samrin lead you to the Vietnamese border,
13 following that first trip?

14 A. Sometimes, once every two months, but it depended on the
15 actual disputes in the location. I was tasked with liaison -- or
16 liaising with the Vietnamese. I sometimes was – was asked to
17 strike a deal with Vietnam when there were armed conflicts,
18 because Vietnamese were attempting -- or, actually, attempted to
19 invade, or encroach Cambodian territory. They started to enter
20 Cambodia's land, and we asked them to respect the sovereign of
21 Cambodia. However, we talked this to the senior leaders, but the
22 low-ranking military officials would never obey the rule.

23 [11.35.51]

24 Q. When did Heng Samrin take you for the last time to the
25 Vietnamese border? Do you remember that?

1 A. I don't remember it, but it started when the Vietnamese
2 invaded into Cambodia, in 1979.

3 Q. I'm sorry; my question was when he last took you on a secret
4 mission to the Vietnamese border; do you remember the year?

5 A. I only recollect the date when the Vietnamese troops invaded
6 Cambodia, which was 1979, early of that year. It was late 1978,
7 early 1979. However, the Vietnamese troops did not invade
8 Cambodia until -- no, the Vietnamese troop came to Cambodia long
9 before that. There were 250,000 troops coming to Cambodia. I met
10 with Nguyen Van Linh, who met with So Phim.

11 [11.37.43]

12 He -- after meeting So Phim-- I met So Phim to ask why Nguyen Van
13 Linh came to meet him. So Phim responded that the Vietnamese
14 troop had to come to Cambodia because they could not stay put in
15 Vietnam, as the troops were bombarded by aerial bombardments by
16 the Americans. And after all, they said that Vietnamese also
17 attacked the Americans, and the Khmer Rouge also did not like the
18 Americans.

19 Q. Thank you, Mr. Nuon Chea, but let me rephrase the question
20 once more: For how many years was Mr. Heng Samrin your
21 guide-messenger and the person that took you on secret trips to
22 the Vietnamese border?

23 A. He had been working on that mission since the afterward of the
24 Geneva Accords.

25 Q. And how long did he do that job? How long did he help you to

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1 go to Vietnam? Was that into the sixties or was that into the
2 seventies? When was the last time he took you to Vietnam? Was it
3 maybe 1975?

4 A. I think the last time he escorted me to Vietnam was in late --
5 in 1975, when the country was liberated. After the liberation of
6 Cambodia, there was another road that we could go to Vietnam. We
7 did not need to go to Vietnam through the jungle as before. And
8 back then the person -- he became the commander of the military
9 already.

10 [11.40.18]

11 MR. PRESIDENT:

12 International Co-Prosecutor, you may not proceed.

13 MR. LYSAK:

14 Yes. Thank you, Mr. President. I've refrained from objecting so
15 far, even though this is of -- seems to be of very limited
16 relevance to historical background, but if Counsel wishes to
17 spend his time, half an hour -- so be it.

18 [11.40.36]

19 However, I do think that both the Accused and counsel should be
20 instructed to limit their questions and limit the statements to
21 historical background events that precede April of 1975, and not
22 to begin discussing events post-April 1975.

23 BY MR. PESTMAN:

24 I have almost finished.

25 Q. One last question: Do you know what Heng Samrin's other

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1 position was? He was your messenger, he was your guide; but what
2 was his official function within the Party? And I'm talking about
3 the period shortly before 1975 -- April 1975, the liberation of
4 Phnom Penh.

5 MR. NUON CHEA:

6 A. (Microphone not activated)

7 MR. PRESIDENT:

8 Nuon Chea, you are instructed not to respond to the question,
9 since it is irrelevant to the historical background of the
10 Democratic Kampuchea.

11 [11.41.58]

12 Counsel, could you please be advised that the time you have asked
13 is already up?

14 MR. PESTMAN:

15 Can I ask one last more question which I think is relevant?

16 MR. PRESIDENT:

17 If the question is relevant, you may proceed. If not, then you
18 are not permitted to put the question. Or if the -- such
19 irrelevant question were to be put, then the accused person would
20 be asked by the Chamber not to respond, again. So, as long as the
21 question is relevant to the historical background of the DK
22 regime, you may proceed with that final question.

23 [11.43.06]

24 BY MR. PESTMAN:

25 Q. Mr. Nuon Chea, my last question, then: Is it correct that Heng

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1 Samrin was a division commander, in April 1975, and that he
2 participated in the liberation of Phnom Penh, and that he may be
3 the last surviving division commander who actually participated
4 in the attack?

5 MR. PRESIDENT:

6 Nuon Chea, you may not need to respond to the question, since it
7 is ruled irrelevant and it has already been rejected.

8 Since it is now appropriate time for lunch adjournment, the
9 Chamber will take the adjournment. The afternoon session will be
10 resumed by 1.30.

11 [11.44.22]

12 MR. PESTMAN:

13 Your Honour, I would like to make the usual request for my client
14 to remain downstairs, in the holding cell, after the break.

15 I've got the necessarily waivers -- the necessary waivers, which
16 I will give to the greffier.

17 MR. PRESIDENT:

18 International Co-Prosecutor, you may now proceed.

19 MR. LYSAK:

20 Thank you, Mr. President. We of course, normally, have no
21 objection to those requests. However, in the afternoon, we do
22 plan to continue to present documents on which -- and ask --
23 provide to Mr. Nuon Chea an opportunity to respond. So, I think,
24 if we're going to proceed with those matters, he does need to be
25 present in the courtroom.

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1 [11.45.23]

2 MR. PESTMAN:

3 If I may respond, quickly, my client will be following the
4 procedure from the holding cell -- that's the purpose of the
5 holding cell, it's to be able to participate in a more
6 comfortable surrounding - and, if necessary, he can call us and
7 comment on the documents presented by the prosecutor.

8 (Judges deliberate)

9 [11.48.41]

10 MR. PRESIDENT:

11 We have noted the request by international counsel for Nuon Chea,
12 asking the Chamber to permit their client to observe the
13 proceeding through remote participating, and that he be excused
14 from the courtroom.

15 The Chamber has also noted the comment made by the International
16 Co-Prosecutor, concerning the importance of the Accused's
17 presence during the trial proceedings, when the documents are
18 being put before the Chamber, so that the accused persons may
19 have the opportunity to challenge any of the documents.

20 [11.49.51]

21 The Chamber would like to also inform the parties that this
22 afternoon session is dedicated for putting documents before the
23 Chamber concerning the inculpatory evidence to be put by the
24 prosecutors and that it is important that -- the Accused may find
25 it very relevant and important to be present to challenge such

1 documents.

2 In light of such reasons, the Chamber therefore rejects the
3 request by international counsel for him to be excused from this
4 courtroom. He shall remain in the courtroom during this afternoon
5 session.

6 And the Chamber will rule on any other arising issue according to
7 the practical circumstance.

8 MR. NUON CHEA:

9 Your Honour, my health is not good, and I am afraid I may not be
10 able to continue sitting here.

11 MR. PRESIDENT:

12 Indeed, the Chamber has already ruled on this. We will inspect
13 the situation again in the afternoon session, when the session is
14 resumed. The Chamber has ruled already clearly that you shall be
15 returned to the courtroom in the afternoon session.

16 Security personnels--

17 (Judges deliberate)

18 [11.51.54]

19 The reasons have already been well-informed.

20 Security personnels are now instructed to take the accused
21 persons to the holding cell and return them to the courtroom by
22 -- before 1.30.

23 (Court recesses from 1152 H to 1332H)

24 MR. PRESIDENT:

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

1 We would like now to hand over to the Prosecution so that they
2 can proceed with the documents that they intend to put before the
3 Chamber.

4 MR. LYSAK:

5 Thank you, Mr. President. When we left off, I had presented a
6 speech that had been reported, that Nuon Chea had given in --
7 partly in his capacity as acting prime minister or acting
8 premier.

9 [13.34.18]

10 The Accused made a statement, challenging us to produce -- or
11 present a document that showed his appointment to that position,
12 which I would now like to do. That document is D56-Document 060,
13 and the relevant ERN references are: English, S0003883 through
14 3884; Khmer ERN S00662004; and French ERN S00632833.

15 And this is a report contained in the BBC Summary of World
16 Broadcasts, titled "Pol Pot's temporary sick leave from
17 Premiership", and it reads as follows -- quote:

18 "In accordance with the proposal of the Government of Democratic
19 Cambodia during its ordinary session of 20th September 1976, and
20 in line with the 22nd September 1976 decision of the Central
21 Committee of the people -- Cambodian People's Representative
22 Assembly on the above-mentioned proposal of the Government of
23 Democratic Cambodia, the State Presidium of Democratic Cambodia:
24 (1) has decided to allow Comrade Pol Pot, Premier of Democratic
25 Cambodia, to take temporary leave from his task in order to take

1 care of his health, which has been bad for several months; (2)
2 has decided to appoint Comrade Nuon Chea, Chairman of the
3 Standing Committee of the Cambodian People's Representative
4 Assembly, to replace Comrade Pol Pot temporarily and assume the
5 role of Acting Premier in addition to his present post; (3) This
6 decision is effective from the 27th [of] September 1976. Signed
7 for the State Presidium of Democratic Cambodia, [by] Khieu
8 Samphan, [on the] 27th [of] September 1976."

9 [13.37.06]

10 In addition, in the next phase of the case, there are numerous
11 documents showing messages coming from other countries --
12 congratulatory messages and such -- directed to Nuon Chea as
13 acting premier, and messages going from Democratic Kampuchea to
14 other countries signed by Nuon Chea as acting premier, for a
15 period of almost one year.

16 We will present those in the next phase, but the Accused asked
17 about this document, and so we would like to present it now and
18 give the accused Nuon Chea a chance to comment if he wishes.

19 MR. PRESIDENT:

20 Mr. Nuon Chea, would you wish to make any comment on the document
21 referred to by the Co-Prosecutor just now? The floor is yours.

22 MR. NUON CHEA:

23 Mr. President, I have never seen or have had any knowledge of
24 that document concerning the time when Pol Pot had been sick. The
25 person who attended Pol Pot when he was sick in Beijing was Son

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1 Sen -- or Son Sen was the person who assumed the post as acting
2 head when Pol Pot was not there. I think if you keep saying that
3 I was the person in the paper, you need to produce that paper to
4 me.

5 [13.39.01]

6 Because I was in charge of the People Assembly -- People's
7 Representative Assembly Section, not relevant to the section you
8 mentioned.

9 MR. PRESIDENT:

10 International Co-Prosecutor, you may now proceed.

11 MR. LYSAK:

12 Thank you, Mr. President. The next document we would like to
13 present is the December 1976 to January 1977 "Revolutionary
14 Flag", which is document D243/2.1.9. It has been assigned an E3
15 number by the Trial Chamber, which is E3/25. And there are two
16 portions of this document that I would like to present.

17 The relevant -- the part of the document from which I will make
18 references is from the section that was a presentation titled
19 "The Presentation of the Comrade Party Representative on the
20 Occasion of the 9th Anniversary [of the Founding] of the Brave,
21 Strong, Skilled, and Magnificent Revolutionary Army of
22 Kampuchea".

23 [13.40.28]

24 I won't repeat what I've said before, but if you compare this
25 document to the previous documents I discussed early, you will

1 see that this is a complete publication of the speech that was
2 given by Nuon Chea, commemorating the ninth anniversary of the
3 RAK, which is contained in the FBIS report, D262.26, that I
4 presented earlier.

5 The sections I would like to reference are, first, from English
6 ERN 00491411, which is Khmer ERN 00063021, and French ERN
7 00504032. And it is the first paragraph in a section that is
8 titled "A brief history of the founding of the Revolutionary Army
9 of Kampuchea". The quote is as follows - quote:

10 [13.41.48]

11 "In October 1970, the Party Central Committee held a plenary
12 assembly for the first time. Let me inform you that it was the
13 first plenary because the coup -- because before the coup we only
14 gathered in non-plenary meetings, because each comrade lived in
15 their individual Zones and only 70, 80, or 90 percent of us could
16 be present. This was because communication was very difficult.
17 Some were in the Northeast, some were in the East; some were in
18 the Southwest; and some were in the North. So then, contact was
19 difficult because of strong enemy activities. However, by October
20 1970 we all met for the first time to ready strategy and tactics
21 to fight the American imperialists and their servants, the
22 contemptible Nol being the ringleader. At that time, we [decided]
23 to take many historical measures which I had previously told you
24 about. During the assembly, the Party Center determined that
25 based on the enemy situation and our situation, we had the

1 advantage over the enemy in terms of politics and we were gaining
2 further advantage. We had the possibility of total victory within
3 four to five years. We made this determination in 1970." End of
4 quote.

5 [13.43.23]

6 So, Mr. President, I would offer the Accused the opportunity to
7 comment on this passage if he wishes.

8 MR. PRESIDENT:

9 Mr. Nuon Chea, you may now proceed.

10 MR. NUON CHEA:

11 Once again, I would like the Co-Prosecutor to produce the actual
12 original documents to me. You keep failing to provide that
13 original document to me. How could I respond? If the documents
14 are real and original, I would have no problem admitting it.

15 MR. LYSAK:

16 Mr. President, the next section of the document I would like to
17 present is, first, a segment from English ERN 00491422, French
18 ERN 00504046, and Khmer ERN 00063036, which contains the
19 following statement - quote:

20 [13.45.03]

21 "When we set up the plan for the decisive attack in mid-1974 to
22 prepare for 1975, we agreed to close the doors to the Party and
23 not expand the Party to prevent the enemy from entering."

24 Similarly, on page -- English ERN 00491427, French ERN 00504054,
25 and Khmer ERN 00063044, there is the following passage - quote:

1 "So then, we closed the door, and we took firm measures in
2 mid-1974. Aside [from] the Army, we did not allow anyone to join.
3 This was because the enemy was attacking us, not just the Army,
4 but in the base areas they attacked the state authorities; they
5 attacked and joined the militias and joined the Arts, the
6 hospitals; they joined all units, and they attacked us. So then,
7 we took meticulous measure to counter this and we closed the door
8 in mid-1974. This measure, according to the Party's assessment,
9 was 70 to 80 percent effective to dealing with the enemy. We
10 countered enemy activities and kept 70 to 80 percent of them from
11 being able to join us. Previously, they joined as they pleased.
12 Now, since mid-1974 when we took these measures, we have resisted
13 them from 70 to 80 percent."

14 [13.47.02]

15 Again, Mr. President, I would like to offer the Accused a chance
16 to comment on this document.

17 MR. PRESIDENT:

18 Mr. Nuon Chea, you may proceed.

19 MR. NUON CHEA:

20 Please provide me with the original documents in Khmer; do not
21 give me the translated versions of the document. I would like to
22 say time and again that it is a waste of time if you keep doing
23 this. Why are you reluctant to provide the original Khmer
24 documents to me? Why are you insisting that the translated
25 versions of the document be presented to me? I don't read that

1 translated documents.

2 [13.48.13]

3 MR. PRESIDENT:

4 International Co-Prosecutor, you may continue. And that if you
5 quote from the revolutionary -- or "Revolutionary Youth" and
6 "Revolutionary Flag" magazine during your course of putting this
7 document before the Chamber, you may proceed without even asking
8 the Accused to seek clarification. You may proceed until you
9 complete your documents, and if the Accused wishes to object or
10 challenge, then he may do so by interrupting that - the
11 procedure.

12 MR. LYSAK:

13 Thank you, Mr. President. I do have one more "Revolutionary
14 Flag", and I will - I will not specifically ask the Accused about
15 it.

16 [13.49.20]

17 The next document we would like to present is document D189.2. It
18 is the August 1977 "Revolutionary Flag", which contains a speech
19 that was given, that is -- bears the following title -- quote:
20 "The Presentation of the Party Organization Representative
21 Regarding a Number of Instructions in Building, Strengthening,
22 and Expanding Party Leadership on the Occasion of the West Zone
23 Cadre Conference [on] 25 July 1977".

24 The portion that I would like to present and read from is at
25 English ERN 00399226 through 399227, French ERN 00611830, and

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1 Khmer ERN 00062952 through 62953. And this is a section that
2 discusses the history in one region where, pursuant to the
3 mid-1974 policies that were discussed with the Accused and that
4 were also the subject of the last document -- what happened in
5 one part of the country. Quote:

6 [13.51.10]

7 "Comparatively, Sector 37 is still more complicated than Sectors
8 31 and 32 because there are many new elements, and it has a bad
9 history. Koh Kong has had betrayal since long, long ago. In 1974
10 we sorted that out and got good control. As for Kampong Seila, we
11 only recently sorted that out last year. The health of Koh Kong
12 in the past was hugely complicated. It was not just complicated
13 for the Zone, not just complicated for the Sector; the
14 complications reached the Party Center too. How was it
15 complicated? There were many complications.

16 "For example, [Koh] Kong led the people from Kampong Seila to
17 flee and to oppose Kampong Seila. But Koh Kong and Kampong Seila
18 got along with one another. Not good people getting along
19 together, but bad people getting along together. The despicable
20 Chong and the despicable Chhan got along well. This is just
21 talking about three people. They made constantly complicated,
22 made the Center constantly complicated. But it was not just that.
23 This was one thing.

24 [13.52.33]

25 "Another issue was that they wanted to take Koh Kong (meaning the

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1 old Koh Kong and Kampong Seila combined) in order to collaborate
2 with the contemptible Nol and the Thai reactionaries, and take
3 all of Koh Kong to join with the Thai reactionaries.

4 "Whenever American imperialists and the despicable Nol were
5 defeated in Phnom Penh by the revolution, the Americans would
6 deploy at Kampong Saom and have the contemptible Nol stay there,
7 and they would Koh Kong as a fall-back. So, they fought to seize
8 the entire Koh Kong territory from Kampuchea too. This is not a
9 minor issue. Re-examining this, it is seen that the group that
10 collaborated with the traitors in Koh Kong committed a very
11 serious offense. But we were able to sort out the germ elements
12 at Koh Kong and at Kampong Seila. Now the whole of Sector 37, the
13 combination of the 11 (Old), 37 (Old) that is called 37 (New), is
14 clean, very much cleaner than before."

15 [13.53.46]

16 Continuing on on the next page, it concludes -- this passage
17 concludes by saying:

18 "[...] in 1974 we sorted out this issue completely and permanently;
19 [no] problem remained because we had already eradicated all the
20 enemies. The major enemies were all gone. Koh Kong, we were able
21 to sort that out, and we were also able to sort out Kampong
22 Seila."

23 [13.54.22]

24 Mr. President, next, I have a couple of documents, further
25 documents to present, relating to the evacuation of Oudong in

1 1974.

2 The first - first of those documents is D313/1.2.38, and the
3 relevant page I will be referencing is English ERN 00412834,
4 Khmer ERN 00709524, and French ERN 00726584. And this is a 10 --
5 document from the 10th of July 1974 and is a U.S. State
6 Department summary of various press reports.

7 And on the reference page, the report refers to reports that
8 GRUNK had announced the "capture of Oudong though the city was
9 devastated and all of its 100 monasteries destroyed or damaged",
10 and also a reference to a "New York Post" article from July 9th,
11 indicating - quote -- "Oudong's 30,000 civilians were marched
12 away when rebels overran the town".

13 [13.56.27]

14 The other document relating to Oudong that we would like to
15 present at this time is document D313/1.2.32, and the relevant
16 ERN page is English 00412703, Khmer ERN 00740837, and French ERN
17 00771779. This is a reference from a 9th -- 9 April 1974 report
18 from the U.S. Embassy in Phnom Penh to the U.S. State Department,
19 and there is a paragraph that references the expulsion of monks
20 and destruction of pagodas in Oudong, on the cited page.

21 And if I can just read from part of that - quote-- This is
22 paragraph 4 in the document - quote:

23 "Continuing a slowly increasing pro-government activism from the
24 Sangha, the Supreme Patriarch of the largest Buddhist sect ([the]
25 Mohanikay) broadcast an open letter to leaders of the Khmer Rouge

1 and Khmer Rumdos, appealing for peace and reconciliation. His
2 eminence took the KC to task for the destruction of Oudong with
3 its many pagodas and cultural treasures and pointed out that they
4 are serving North Vietnamese genocidal, expansionist goals by
5 continuing to kill innocent fellow countrymen. He appealed to the
6 KC to show compassion by allowing villagers to return to their
7 native land, and monks and laymen to return to Oudong. He urged
8 the Khmer Rouge and Khmer Rumdoh leadership to drive the VC/NVA
9 from Cambodia and return to the national community to help build
10 a peaceful and prosperous republic."

11 [13.59.05]

12 As these are not "Revolutionary Flag", Mr. President, I would
13 stop at this point to give the Accused a chance to comment on
14 these documents relating to Oudong, if he wishes.

15 MR. PRESIDENT:

16 Mr. Nuon Chea, you may now proceed.

17 MR. NUON CHEA:

18 May I see the document first?

19 MR. LYSAK:

20 Mr. President, we'll be happy to provide Khmer copies. Right now,
21 I have an English copy of this, but we'll get a Khmer hard copy
22 for the Accused, provide it to his counsel. And if he has any
23 comments in addition to the other document later on in the
24 proceedings, he can make them. So we will -- we will get hard
25 copies of those documents for the Accused.

1 [14.00.33]

2 The next document I'd like to present, Mr. President, is document
3 IS 20.30. It is titled "Statement of the Communist Party of
4 Kampuchea to the Communist Workers Party of Denmark, [from] July
5 1978" and is a report of a speech that Nuon Chea gave on that
6 occasion. The relevant document page that I'll be referencing is
7 English ERN 00762402, French ERN 00280675, and Khmer ERN
8 00224474.

9 [14.01.42]

10 And in this speech from Nuon Chea to the Communist
11 representatives from the Communist Workers Party of Denmark, the
12 following -- contains the following statement -- quote:
13 "It is more widely known that the USA planned to seize power from
14 us six months after liberation. The plan involved joint action on
15 the part of the USA, the KGB and Vietnam. There was to be
16 combined struggle from inside and outside. But we smashed the
17 plan. Immediately after liberation, we evacuated the cities. The
18 CIA, KGB and Vietnamese agents there left for the countryside and
19 were unable to implement the plan." End of quote.

20 Once again, I would provide an opportunity for the Accused, if he
21 so wishes, to respond to this document.

22 MR. PRESIDENT:

23 Mr. Nuon Chea, you may proceed.

24 MR. NUON CHEA:

25 Again, I ask for all the documents to be presented to me. I want

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1 to see all of those documents first.

2 MR. LYSAK:

3 Thank you, Mr. President. We will - we will add that to the list
4 of hard copies of documents we'll provide to Mr. Nuon Chea.

5 [14.03.16]

6 The last group of documents that I wish--

7 MR. PRESIDENT:

8 The National Co-Prosecutor, please be seated.

9 MR. NUON CHEA:

10 I don't understand why it is difficult for you to understand,
11 because I want all the documents to be put before me so that I
12 can see and respond to them. If you simply read them out, I have
13 no comment at all.

14 MR. PRESIDENT:

15 Mr. Nuon Chea, the Chamber will be discussing and address this
16 issue.

17 (Judges deliberate)

18 [14.06.06]

19 Mr. Nuon Chea, these documents has already been put in the case
20 file.

21 And the defence counsel for Nuon Chea can retrieve these
22 documents from the case file because the Prosecution has already
23 identified the identity of the documents.

24 And the Chamber notes with pleasure that the Prosecution is
25 willing to provide documents, the hard copy documents to Mr. Nuon

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1 Chea.

2 However, the Chamber is of the view that the defence counsel for
3 Nuon Chea should get all of those documents from the case files
4 for Mr. Nuon Chea.

5 [14.07.06]

6 And, again, Mr. Nuon Chea, for the presentation of document of
7 this kind, parties will not be able to provide you upon request
8 immediately because the documents are all in the case file.

9 And, once again, we appreciate the goodwill of the Prosecution
10 for willing to provide this paper document to the Accused.

11 And we will reserve some time, next week, for Mr. Nuon Chea to
12 respond to the documents put by the Prosecution for him.

13 And it is advisable that the defence counsel retrieve all the
14 documents presented by the Prosecution for their client.

15 [14.08.12]

16 Prosecution can now proceed with further question -- document
17 presentation. And please continue the proceeding, and if you are
18 willing to provide paper documents, you can do so. So, now, you
19 may proceed.

20 MR. LYSAK:

21 Thank you, Mr. President. The last group of documents that I
22 would like to present today relates to a testimony of the
23 Accused, who has, in describing the party's pre-1975 analysis of
24 Cambodian society, has asserted that the Party did not find any
25 contradiction between the Communist Party's goals and ideology

1 and the King-Father or the Royal Family. And he has testified at
2 one point that cadres who thought they were to attack the King
3 had mistaken the Party line.

4 [14.09.30]

5 I would like to present this time a number of Party documents
6 that show the actual position and views of the Communist Party of
7 Kampuchea to the monarchy and Royal Family.

8 The first of those documents is IS 13.9, which are the minutes of
9 the Standing Committee meeting that was held on the 11th of March
10 1976 to discuss whether to accept King-Father Sihanouk's
11 resignation from the government.

12 This is a meeting that was attended by Nuon Chea, who is listed
13 in the minutes as Comrade Deputy Secretary, and by Khieu Samphan,
14 who is listed by his alias, Comrade Hem.

15 And the first part I would like to put before the Chamber is from
16 English ERN 00182638, French ERN 00334961, and Khmer ERN
17 00000745.

18 In discussing the opinions of Angkar regarding the long-term
19 reason for Sihanouk's resignation, the minutes contain the
20 following statement -- quote:

21 [14.11.18]

22 "The reasons which lead Sihanouk to resign:

23 "There are two, namely: the long term and the immediate."

24 "The long term reason: Fundamental class conflict between him and
25 his family and the revolution. He cannot live with us. In the

1 past, he could, only as a tactic. Since we operated tactically he
2 could go along with us. He did not just resign one time. He
3 resigned since 1971." End of quote.

4 And in -- the same minutes, towards the end, at English ERN
5 00182641, French ERN 00334963, and Khmer ERN 0000748, contains
6 the following statement -- quote:

7 "We must end feudalism, just like this. The chess game has gotten
8 to that point. The entire feudalist regime has been permanently
9 smashed and dug out by the revolution. The kings existing over
10 2,000 years must, in the end, be clean. We have no way out other
11 than this one." End of quote.

12 [14.12.58]

13 And, Mr. President, I would like my national colleague to read
14 the Khmer -- original Khmer language from this section too
15 because the English word "clean" I'm not sure translated
16 properly, and I think -- I wanted to have the original Khmer read
17 into the record as well.

18 MR. PRESIDENT:

19 The national prosecutor, you may proceed.

20 MR. SENG BUNKHEANG:

21 Thank you, Mr. President. I would like to quote, as follows:

22 "We must end feudalism, just like this. The chess game has gotten
23 to that point. The entire feudalist regime has been permanently
24 smashed and dug out by the revolution. The kings existed over
25 2,000 years, must, in the end, be clean. We have no way out other

1 than this one."

2 Thank you, Mr. President.

3 [14.14.11]

4 MR. PRESIDENT:

5 Thank you.

6 The International Co-Prosecutor, you may proceed.

7 MR. LYSAK:

8 Mr. President, the last document that I would like to present
9 today is IS 6.2, and the reference will be from page English ERN
10 00244275, French ERN 00611568, and Khmer ERN 00072403. This is a
11 document dated 22 September 1975, entitled "Follow-up of
12 implementation of the political line in mobilizing the National
13 Democratic Front Forces of the Party".

14 And, again, there is a section that goes to the policy that was
15 developed, the existence of contradictions between the Communist
16 Revolution and the Royal Family as part of the feudal class.

17 [14.15.39]

18 Again in this one, I would like to have my national colleague
19 read the original Khmer language to start with, because the
20 English -- the English translation seems to be hard to follow. So
21 I prefer just to have the original Khmer read into the record.

22 MR. PRESIDENT:

23 It is granted. The national prosecutor, you may proceed.

24 MR. SENG BUNKHEANG:

25 Thank you, Mr. President. I would like to read the quote:

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1 "We understand Sihanouk very well. He does not have anything: no
2 power, and no economic power, political power, so we could
3 control of the situation well. If we compare with him, he is more
4 powerful, but if he left or he deviated from us, he would be
5 killed. So, now, he have learn it better; we have conquered the
6 enemy, so everything is in our hands. Even the Royal Palace is
7 our Royal Palace, so we can work with him more easily. He -- as
8 long as we treat him well, he will be happy. He may travel
9 oversea or he may stay inside the country as he wish. And if, in
10 the future, he wants to deviate from us, he will be eliminated.
11 So he was like an ulcer."

12 [14.17.55]

13 MR. PRESIDENT:

14 Thank you.

15 Please proceed, International Co-Prosecutor.

16 MR. LYSAK:

17 Understanding that we cannot provide the originals of this
18 document and that I still would offer, before I finish here,
19 offer the Accused an opportunity, if he wishes, to comment on the
20 issue presented by these documents, which is whether there was a
21 contradiction between the revolution and the - and the Royal
22 Family and King as part of the feudalist class.

23 [14.18.30]

24 MR. PRESIDENT:

25 Mr. Nuon Chea, do you have anything to respond?

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1 MR. NUON CHEA:

2 I cannot respond to anything unless the document is presented to
3 me. So long as I don't see the document, I cannot respond.

4 MR. PRESIDENT:

5 International Co-Prosecutor, you may now proceed.

6 MR. LYSAK:

7 Thank you, Mr. President. That's -- those are all the documents
8 that I will present today, but we will continue with presentation
9 of specific documents on Monday and Tuesday.

10 But my colleague has one document that he would like to read
11 also, at this time, so I would like to turn it over to my
12 national colleague at this time.

13 MR. PRESIDENT:

14 Thank you. The national prosecutor, you may proceed.

15 [14.19.46]

16 MR. CHAN DARARASMEY:

17 Good morning - good afternoon, Mr. President. Good afternoon,
18 Your Honours. I would like to make some observation on the
19 comment made by the defence counsel for Ieng Sary concerning the
20 documents.

21 With the permission from the Chamber, for the document
22 presentation next week, the prosecutor would present the Agreed
23 Facts concerning the historical background of the Communist Party
24 of Kampuchea as well as the roles of the accused Ieng Sary,
25 before 1975, in the Communist Party of Kampuchea.

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1 [14.20.31]

2 However, if there is permission by the Chamber, I am going to
3 read now the Agreed Facts, and it's going to take me around 40 to
4 45 minutes. With your permission, I am going to read the Agreed
5 Facts now to the Chambers.

6 MR. PRESIDENT:

7 So I would like to ask the Ieng Sary defence team: Do you know
8 any Agreed Facts in terms of the frameworks with which the
9 Prosecution has raised?

10 MR. KARNAVAS:

11 Good afternoon, Mr. President. Good afternoon Your Honours. The
12 Agreed Facts that we submitted, in my opinion -- or at least in
13 my memory, if it serves me right -- could be read in about five
14 minutes. I don't know what will take 45 minutes, but there were
15 some, and we acknowledge that. But I assume that the gentleman
16 knows exactly which facts we agreed to and will read them. Thank
17 you.

18 (Judges deliberate)

19 [14.22.00]

20 MR. PRESIDENT:

21 Why there is a huge difference in terms of the times required to
22 read, national prosecutor?

23 MR. CHAN DARARASMEY:

24 Thank you, Mr. President. The reason why there is a time
25 difference: because we are going to spend some time reading out

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1 the identity of the documents which -- I mean, in this context,
2 we read the ERN numbers and we have to read it slowly for the
3 interpreting teams to follow.

4 MR. PRESIDENT:

5 Thank you. The Chamber grants you the permission to read the
6 Agreed Facts.

7 [14.22.49]

8 MR. CHAN DARARASMEY:

9 Mr. President, since the Chamber has ordered that parties
10 presented the Agreed Facts, the Co-Prosecutor has tried to reach
11 the Agreed Facts in writing from the three Accused through their
12 defence counsels. So we try to identify the facts which they did
13 not protest.

14 As the Chamber may have been aware, the Prosecution has submitted
15 document to the Chamber on the 25th of March 2011, document
16 E9/21.

17 The accused Nuon Chea and Khieu Samphan did not agree with any
18 facts presented in the Closing Order. However, the accused Ieng
19 Sary has provided so far two agreed facts concerning the history
20 of Communist Party of Kampuchea and his activities before 1975
21 indicated in the Closing Order, the agreed -- the limited Agreed
22 Facts submitted to the Chamber, document E9/21.3.

23 [14.24.28]

24 Mr. President and Your Honours, with your permission, I would
25 like to read out the Agreed Facts. And the main purpose of

1 reading this Agreed Fact is to -- is for -- is to be clear for
2 the record and it is part of the Closing Order, in the paragraph.
3 And then, afterward, I will read from -- I will read paragraph by
4 paragraph.

5 And the counsel for Ieng Sary has also highlighted the Agreed
6 Facts in the Closing Order, and they have highlighted them green.
7 Only a part of the agreed paragraph and certain parts of certain
8 paragraph were highlighted, and I would read them out.

9 In addition, certain Closing Order -- certain part of Closing
10 Order has been agreed, but there has been some modification as
11 well by the defence counsel or Ieng Sary, which I'm also going to
12 read it out as well.

13 And with permission from Chamber, I would like to read it as
14 follows:

15 Paragraph 18: We agreed on the existence of the Communist Party
16 of Kampuchea, CPK, which was officially announced in September
17 1977.

18 This is the - this is one of the Agreed Facts in paragraph 18.

19 As for paragraph 20, we have agreed on the Congress held on the
20 30th of September 1960. At that time, the - at that time, the
21 KPRP became the Workers Party. It was the starting point of the
22 Communist movement of Cambodia.

23 [14.26.53]

24 So paragraph 20 is -- the counsel for Ieng Sary raise the opinion
25 that we should revise it as follow. And as what they said, I'm

1 going to read it out as well: In Closing Order in Khmer, the
2 exact date for the congress on the 30th of September 1960. So
3 they specify that on the exact date of the congress.

4 [14.27.32]

5 As well, paragraph 22, I would like to read the Agreed Fact:

6 "After the disappearance of the Secretary of the Workers Party,
7 Tou Samouth, in 1962, there has never been any explanation -- or
8 it was never elucidated, and a second Party Congress was held in
9 late February 1963. Then, Saloth Sar became the new Secretary,
10 and Nuon Chea remained Deputy Secretary. This congress was held
11 in Phnom Penh, and the participants were a small group that
12 included Ieng Sary and So Phim, most of whom were elected full
13 rights members of the Standing Committee. Ta Mok, Vorn Vet, Ros
14 Nhim are other important participants. A few months later, after
15 the government published a list of known leftists -- 34 known
16 leftists, Pol Pot and a number of other main Party leaders,
17 including Ieng Sary and Son Sen, fled the capital. They took
18 refuge at a Vietnamese base on the border, where they later
19 established an office known as Office 100. By 1965, they were
20 joined by their spouses, Khieu Ponnary, Yun Yat, and Ieng
21 Thirith."

22 Since Nuon Chea's identity had remained secret and he was not on
23 the "list of 34 members", the defence counsel suggested that it
24 be revised -- I mean, the word should revise that-- In the line
25 number 3 from the last, it should be revised that Nuon Chea --

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1 the defence counsel suggests that Nuon Chea had become the Deputy
2 Secretary.

3 [14.30.41]

4 I would like now to proceed to paragraph 23. This has been
5 already agreed: "In 1967, the group started rebellion as an
6 office was established in Rattanakiri--"

7 Rather, I would like to read out again: "In 1967, several Party
8 leaders agreed to launch a general uprising in 1968. Shortly
9 after, a new Central Committee headquarters (also called Office
10 100) was established in Rattanakiri, a few kilometres away from
11 the Office 102."

12 And the -- counsel ask that a portion of this paragraph be
13 changed.

14 And later on -- I would like to continue -- the date was
15 identified as the date for the commemoration of the establishment
16 of the Party.

17 Paragraph 25:

18 "On 18 March 1970, Prince Norodom Sihanouk was overthrown by
19 General Lon Nol and Prince Sirik Matak, who established a regime
20 which was later called the 'Khmer Republic'. On the 23rd of March
21 1970, Sihanouk announced the formation of the National United
22 Front of Kampuchea and called on his countrymen to rise up
23 against the new government."

24 This - this part is already agreed.

25 I would like to proceed to paragraph 27, concerning the Agreed

1 Facts: "In December 1970, Ieng Sary went to Hanoi to organize the
2 radio (the 'Voice of the FUNK')".

3 On this, Ieng Sary's counsel asks that the date could be changed
4 to early 1971. The paragraph indicating that it was in December
5 1970, but Ieng Sary's counsel asked that it be changed to early
6 1971.

7 [14.33.48]

8 We would like now to proceed to the next line:

9 "Ieng Sary went to Hanoi in early 1971 to organize the radio (the
10 'Voice of the FUNK'), which was placed under the authority and
11 control of Ieng Thirith until May 1975. Thereafter, in April
12 1971, he travelled to Beijing to stay there to serve as the
13 'special emissary of the resistance movement'. In his villa in
14 Beijing, Ieng Sary had a direct telegraph link to S-71."

15 On that, counsel suggested that "S-21" be converted to "Office
16 100".

17 I would like now to proceed to the administrative structure, and
18 starting from paragraph 33:

19 "As of 17 April 1975, the CPK was governed by a Statute which had
20 been initially adopted at the Party's first Congress, in
21 September 1960."

22 This has been agreed so far.

23 I would like to now continue to another Agreed Fact, in paragraph
24 35:

25 "Both the Central Committee and the Standing Committee were

1 comprised of 'full-rights' and 'candidate' (or 'reserve'
2 members). Candidate status was a lower ranking than full-rights.
3 Being a full-rights member meant having the rights 'to consider
4 and discuss and join in the decision making'--"

5 Rather, "candidate member was allowed to participate in meetings,
6 without the right of decision-making".

7 I may now proceed to another paragraph, paragraph 42:

8 "Pol Pot was the highest authority in the CPK as Secretary of the
9 Standing Committee, stating that 'When we talked to Pol Pot it
10 was the same as talking to the party because he was the party
11 secretary'."

12 Paragraph 43, the Agreed Fact is as follows: "Nuon Chea was the
13 second in the Standing Committee hierarchy followed by Ung
14 Choeun, alias Ta Mok."

15 This is the Agreed Fact in paragraph 43.

16 [14.37.57]

17 Paragraph 995, concerning the historical background of accused
18 person Ieng Sary, here are the Agreed Facts: "In 1950, Ieng Sary
19 went to Paris for his education."

20 That is the Agreed Fact in paragraph 995.

21 Now, paragraph 996: "After he returned to Phnom Penh in 1957,
22 Ieng Sary was a history professor and geography professor at a
23 private school called Kampucheabot until he went into hiding in
24 1963."

25 [14.39.04]

1 This is the Agreed Fact on -- in paragraph 996.

2 Paragraph 992 (sic):

3 "In 1960, Ieng Sary attended the First Party Congress, Workers
4 Party, the new name given to the People Revolutionary Party of
5 Kampuchea, and he was elected as the Standing - member, a
6 Standing Committee member and also the permanent member."

7 This is in paragraph 997.

8 The defence counsel asked that the term be -- "elected" be
9 changed to the "candidate" - "elected to the Central Committee
10 and was made an alternate member of the Standing Committee". So
11 the term "elected" and the term "alternate" be removed by reading
12 the new line as saying he was -- "he became the Central Committee
13 and full-rights member of the Standing Committee".

14 In paragraph 998: "In April 1963, after being named by Sihanouk
15 as one of 34 known 'leftists', Ieng Sary fled to the Vietnamese
16 border to join Son Sen and Pol Pot."

17 In this last phrase, the counsel suggested there should be an
18 adjustment. Ieng Sary fled to the Vietnamese border to join Son
19 Sen, and that he asked that the phrase should be changed: "Ieng
20 Sary fled to the Vietnamese border at the same time with Son
21 Sen." And the term "and" should be removed and replaced with the
22 terms "joined Pol Pot" instead.

23 Paragraph 998, I would like to proceed: "In 1966, Ieng Sary and
24 other CPK leaders--"

25 At this point, counsel suggested that the term "leaders" be

1 removed and replaced with "members". So the phrase should now
2 read: "In 1966, Ieng Sary and other CPK members moved to
3 Rattanakiri in the Northeast, where a new Central Committee
4 headquarters was established. Ieng Sary then became Northeast
5 Zone Secretary."

6 [14.43.40]

7 So, in that paragraph, only the term "leaders" was suggested to
8 be replaced by "members".

9 Paragraph 999:

10 "In 1970, Ieng Sary travelled to Hanoi where he organized the
11 'Voice of the FUNK' radio station, then managed by Ieng Thirith.
12 From Hanoi, Ieng Sary flew to Beijing to liaise with the Chinese
13 Communist Party. From 1971 he was given a permanent base in
14 Beijing. He concurrently became 'Special Envoy of the Internal
15 Resistance in Beijing' and was placed in charge of relations with
16 Norodom Sihanouk. Ieng Sary, during this period, returned to
17 Cambodia twice, once in 1973 when he accompanied Norodom Sihanouk
18 to visit the 'liberated zones', and again in 1974. He returned to
19 Cambodia permanently in April 1975."

20 Mr. President, there is no change to the paragraphs in -- to the
21 substance of paragraph 999. A few phrases were not agreed,
22 indeed, and I did not read out.

23 Now, I would like to proceed to paragraph 1000, which is my last
24 reading: "During the CPK regime Ieng Sary used the revolutionary
25 alias 'Van'."

1 It is agreed.

2 [14.45.46]

3 Mr. President, I thank you very much, indeed, for allowing me to
4 read out the Agreed Facts. I have no further reading.

5 MR. PRESIDENT:

6 Thank you, National Co-Prosecutor.

7 Next, we proceed to Ieng Sary's counsel for reading the Agreed
8 Facts.

9 MR. KARNAVAS:

10 Again, good afternoon, Mr. President. The facts as read are
11 accurate; we submitted it in writing prior to the submissions.
12 We consulted and were instructed by Mr. Ieng Sary. Thank you.

13 [14.46.42]

14 MR. PRESIDENT:

15 Thank you, Counsel.

16 Next, we would like to know whether other parties would wish to
17 put further documents before the Chamber, without which and
18 according to the schedule of our hearing, there are no further
19 issues to be discussed during this afternoon session. The
20 following session will commence on Monday.

21 Now, Counsel for the civil parties, you may now proceed.

22 MS. SIMONNEAU-FORT:

23 Yes, Mr. President. We don't have any document to present this
24 afternoon, but we will certainly present them next week, after
25 those of the Prosecution, after they -- that is in line with the

1 memorandum that you issued.

2 [14.47.45]

3 MR. PRESIDENT:

4 Since there is no further documents -- evidentiary documents to
5 be put before the Chamber at this moment in time, the Chamber
6 concludes that today's session may be adjourned. The following
7 session will be resumed on Monday, 13 February at 9 a.m.

8 Counsel for Ieng Sary, you may now proceed.

9 MR. KARNAVAS:

10 My apologies, Mr. President; I'm told that, in the translation,
11 it was said in Khmer that we instructed the client; we received
12 instructions from the client, so I want to make-- I know in
13 English I was very clear, but--

14 Our client instructed us; we don't give instructions to the
15 client. Thank you.

16 MR. PRESIDENT:

17 Thank you for your observation and correction.

18 And now we would like to adjourn the hearing. As indicated, the
19 following sessions will commence on Monday the 13th of February,
20 at 9 a.m.

21 Security personnels are now instructed to take the three accused
22 persons to the detention facility and have them returned to the
23 courtroom before 9 a.m., on the 13th of February.

24 The Court is adjourned.

25 (Court adjourns at 1449H)