



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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CMS/CFO: Sann Rada

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

18 October 2012  
Trial Day 119

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  
KHIEU Samphan

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Andrew Ianuzzi  
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CHAN Dararasmeay  
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For Court Management Section:

UCH Arun  
SOUR Sotheavy

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. IANUZZI	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MS. SONG CHORVOIN	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

4 The Court is now in session.

5 As the Chamber already informed the parties last week that during

6 today's sessions, the Chamber continues hearing the

7 Co-Prosecutor's putting questions -- rather, putting documents

8 concerning the structure of the Democratic Kampuchea, and we

9 envisage that the prosecutor will finish by this morning.

10 So, the floor is now ceded over to the prosecutor's to proceed

11 with their remaining documents to be put before the Chamber.

12 [09.03.00]

13 MR. SON ARUN:

14 Mr. President, on behalf of Nuon Chea, may I be heard on the

15 remarks concerning the death of the former King of Cambodia? I

16 would be very brief if you give me the permission to do so.

17 (Judges deliberate)

18 [09.04.15]

19 MR. PRESIDENT:

20 Indeed, it is not an appropriate moment yet for any party to make

21 any remarks during the proceedings, so your request is not

22 granted.

23 Counsel for Mr. Nuon Chea, you may proceed.

24 MR. IANUZZI:

25 Thank you, Mr. President. Good morning, everyone. And I hope

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1 everyone had a restful and rejuvenating holiday. I have a few  
2 housekeeping matters to raise this morning.

3 First, I would just like to notify the Chamber and the other  
4 parties, that perhaps, perhaps tomorrow, in addition to the  
5 documents I've already referred to in an email to the Senior  
6 Legal Officer, perhaps tomorrow we will additionally discuss  
7 E3/1568, E3/781, E3/488, and that is in addition to the documents  
8 that I've already mentioned.

9 My second point is a request for clarification, and this relates  
10 specifically to the hearing to these proceedings, rather; and  
11 this goes to the issue of whether or not Nuon Chea himself would  
12 like to comment on the documents, which I believe is an option  
13 that the Chamber put forward, that the Accused would be  
14 permitted, if they so desired, to comment on the documents.

15 [09.06.06]

16 So, my question is -- and I'm just repeating something now that I  
17 put in writing already for the Senior Legal Officer, a request to  
18 which I did not receive a response. So, I would like to put it on  
19 the record, and if the Chamber is able to tell me -- to give me  
20 some guidance, that would certainly help me, certainly help our  
21 team in discussing with our client whether or not it's in his  
22 interest to comment on any of the documents.

23 So, my question is: What weight, if any, what weight, if any,  
24 will the Chamber attach to comments made by the Accused in  
25 relation to the documents that are discussed and presented during

3

1 these days -- during this document hearing?

2 According to Judge Cartwright, from a previous hearing -- and I'm  
3 quoting: "Instructions from an accused cannot be given much  
4 weight, unless the Accused chooses not to exercise his right to  
5 remain silent and makes himself available for questioning on a  
6 particular topic."

7 So, that's what Judge Cartwright had to say about that, and that  
8 is from the 9 October 2012 trial transcript.

9 So, my question is: Does a similar approach -- does a similar,  
10 shall we say, not-much-weight rule apply to comments made on  
11 documents by an accused during these proceedings when the Accused  
12 does not submit to questioning?

13 [09.07.34]

14 It's possible, as I said to the Senior Legal Officer in my email,  
15 that I'm mixing apples and oranges. I have put this in writing;  
16 it would be very helpful if we could have some clarification on  
17 this point, perhaps by the lunch break, so then we could discuss  
18 it with our client.

19 The real questions is: What weight, if any, will the Chamber  
20 place on comments made by an accused with respect to the  
21 documents presented during this hearing if the Accused does not  
22 submit to questioning and does not waive his right to remain  
23 silent?

24 [09.08.05]

25 And for myself, I would just like to very simply express my

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1 condolences to the Cambodian people on the death of King  
2 Sihanouk, and that is a sincere expression of condolences. And  
3 that's all I have to say about that.

4 One last point. I noticed something in yesterday's "International  
5 Herald Tribune", yesterday's newspaper, as I was coming back on a  
6 plane -- and I'm sure people on the stage are familiar with  
7 Baroness Glenys Kinnock. Baroness Kinnock, of course -- of  
8 course, you will recall, was here during 19--

9 MR. PRESIDENT:

10 Counsel, do you still remember that you have been informed time  
11 and again that you should inform the Chamber the topics you would  
12 like to discuss and seek leave from the Chamber before making  
13 such remarks? And we already believed that you fully understood  
14 this. That's why such reminding would never be repeated. With  
15 that, we see that perhaps it is a need to remind you every now  
16 (sic) you're on your feet, about this.

17 [09.09.32]

18 And for the last point you wish to make, was it relevant to  
19 anything -- to the issues before the Chamber?

20 MR. IANUZZI:

21 Thank you, Mr. President. I apologize for not being a bit more  
22 clear. It is relevant to these proceedings, and in fact, it's  
23 incredibly timely. It's an article, as I said, from the  
24 "International Herald Tribune" -- that is the international  
25 edition of the "New York Times" newspaper -- and it relates

1 specifically--

2 MR. PRESIDENT:

3 The Judges already have read the article and it has nothing to do  
4 with the proceedings.

5 And if -- secondly, if you feel that the article is relevant,  
6 then treat it as a new piece of evidence, and you should also  
7 proceed with filing the documents before the Chamber in writing,  
8 and you should do so two weeks before the proceeding on that  
9 matter is convened.

10 We hope you have already been well informed on this. So please  
11 follow these rules and instructions and try to avoid repeating  
12 the same mistakes.

13 [09.11.12]

14 Mr. Co-Prosecutor, you may now proceed.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you very much, Mr. President. Good morning, Your Honours.  
17 Good morning to all the parties, and good morning to everyone in  
18 the gallery.

19 We started this hearing last week. There were a number of  
20 documents that I still had to present regarding ministries.  
21 Before I delve into this, may I request the Chamber to exercise  
22 some flexibility, given that the last time, we started at 9.35,  
23 following Mr. Nuon Chea's statement, and so we are not sure that  
24 we will complete our presentation this morning? We would wish to  
25 complete it in the first half hour this afternoon. Before

6

1 starting, I will give the floor to my colleagues. We have a day  
2 and a half to present these documents, since we started  
3 belatedly. May I request the Chamber to grant me a bit more time  
4 this afternoon, still within the limits of the time allotted to  
5 us?

6 [09.12.59]

7 Last week, my presentation of a number of relevant documents on  
8 the Ministry of Commerce was interrupted. There were 28 reports  
9 of commercial meetings held between the Ministry of Commerce and  
10 delegations from North Korea, China, and Yugoslavia. These 28  
11 reports were addressed to Brother Hem -- that is, Khieu Samphan.  
12 I will use another example to highlight what I stated last time,,  
13 and it is document D366/7.1.351. This report is dated the 7th of  
14 January 1978, and it was addressed specifically by the Committee  
15 of Commerce to Bong Hem, very respected and beloved Brother,  
16 regarding a meeting with the commercial delegation of China. This  
17 was copied to Bong Vorn at K-51, and the Archives.

18 [09.14.17]

19 On the side of Cambodia, representatives were the cadres Rith,  
20 So, Li, and Chheng. I would like to read two excerpts; the first  
21 excerpt had the following Khmer ERN 00188509, and that is the  
22 first page; and in French, it is also on page 1, the ERN is  
23 00548785; and in English, the ERN is 00574558.  
24 And this is what the head of the Chinese commercial delegation  
25 said -- and I quote:



1 "2. Be informed that Hong Chhy ship transporting military  
2 equipment will arrive in Kompong Som port the 7th of January  
3 1978: Dear Cambodian friends, be, therefore, ready to welcome  
4 it". End of quote.

5 Son Sen was Minister of Defence -- not being one of the  
6 addressees of the report -- it goes without saying that one of  
7 the addressees of the report must have informed him of the  
8 arrival of the military equipment. This document, quite simply,  
9 shows that there was a communication between the recipients of  
10 that report, and the Minister of Defence.

11 [09.16.00]

12 The second excerpt -- it is also very short -- it is on page 2 in  
13 Khmer, and the ERN is 00188510; and in French it is on page 2 as  
14 well, the ERN is 00548786; and in English it is 00574558.

15 Regarding the different points discussed by the Chinese  
16 delegation, the Cambodian part simply mentions that it will seek  
17 the opinion of this government and concludes that the report -  
18 concludes the report with these words -- and I quote: "We crave  
19 your indulgence, Mr. Vorn, to kindly take note of this and give  
20 us your instructions."

21 And we see Van Rith who was acting Minister of Commerce, and he  
22 was requesting Bong Hem to give him instructions. And we have the  
23 Ministry of Commerce and we have a number of documents regarding  
24 the collection of food supplies, their distribution within the  
25 country, and export.

8

1 I would like to quote two documents for purposes of illustration.

2 The first document is D366/7.1.487. This is a weekly report on

3 husk and husk rice. It is dated 1st to the 7th of March 1977. On

4 the first page, we have annotations which indicate as follows:

5 "Sent today to Bong Hem in one copy, 10th of March." End of

6 quote.

7 [09.18.12]

8 May I request that the document be placed on the screen?

9 And this document describes quantities of rice from different

10 zones in the country, and it also explains how this rice was

11 partly redistributed, and stored. It is important that it states

12 the function of the coordination in the Minister of Commerce and

13 its superiors regarding production, transportation, storage, and

14 redistribution of this basic food commodity, food stuff.

15 A second document from the Ministry of Commerce regarding food

16 supplies is, document IS 18.68, and it is dated the 4th of

17 November 1978, and it is titled -- and I quote: "Statistics

18 regarding imports and exports for the year 1978, from January to

19 September." End of quote.

20 Also, on page 2 in French, we have an annotation which states as

21 follows -- and I quote: "A copy has already been sent to Mr.

22 Hem." End of quote.

23 This document details, particularly, in the second table, a list

24 of commodities exported by Democratic Kampuchea in 1978,

25 including paddy and husked rice, coffee, soya beans, sesame

1 beans, groundnuts, fish, and wood, kapok, and rubber.

2 [09.19.57]

3 On this table -- on the last table -- we find ministers,  
4 committees, zones, and the General Staff, as well as the Offices  
5 of Angkar that exported -- or, imported commodities during that  
6 period. These tables show the role of coordination vis-à-vis,  
7 numerous organs and different echelons in Democratic Kampuchea,  
8 within the Ministry of Commerce with regard to orders of imported  
9 commodities.

10 Another report from the Ministry of Commerce has to do with the  
11 identification and elimination of the enemies. We have very  
12 important document for the Ministry of Commerce, and it is  
13 document E3/1159, E3/1159; it is a report of the Congress of the  
14 Ministry from the 25th to the 26th of July 1976.

15 The first point that we should take note of is that, within the  
16 Ministry of Commerce, conferences and congresses were also held  
17 just like those that were held in the Ministry of Foreign  
18 Affairs, and you recall that I presented the agenda of the  
19 Ministry of Foreign Affairs last week, and the number was E3/522.

20 [09.21.36]

21 There are many points in common between this document from the  
22 Ministry of Commerce -- that is, E3/1159 -- and that of the  
23 Ministry of Foreign Affairs -- E3/522 -- as well as a document  
24 from the Ministry of Social Affairs -- and the reference is  
25 E3/808.

1 Among these common denominators, we find that the situation of  
2 the enemy occupies a very important place. It's given a lot of  
3 weight in meetings held at these ministries, and this is in line  
4 with the subjects that I elaborated upon in the "Revolutionary  
5 Flags" circulars and instructions from the Centre and the CPK, as  
6 my colleagues presented last week.

7 The first excerpt is document E3/1159, and in Khmer it is pages 1  
8 and 2, the ERN is 00188204 to 05; and in French, it is on page 1  
9 and the ERN is 00665460 to 61; and in English, it is 00701587.

10 Let me quote the excerpt:

11 [09.23.20]

12 "1. The Enemy Situation."

13 Subparagraph 1: "Some of the elements do not carry out any  
14 actions. The situation is precarious, though we've taken some  
15 measures with regard to organization and education within other  
16 groups.

17 "Apart from that, we have the following incidents: And these  
18 incidents include moral misconduct, deterioration of equipment,  
19 the commission of murders or, killings, as well as the  
20 establishment of contacts to open a route to the Northwest; the  
21 enemies have infiltrated through that route. They were under the  
22 control of the In Tamist traitors."

23 Point number 2, "Our measures":

24 "Merits:

25 "Our internal people were educated on the enemy's artifices.

11

1 "Some measures have been implemented with the arrogant loose  
2 groups.

3 The measures have been strengthened to guard, defend the Party,  
4 and protect the revolution, popular masses and common property."

5 [09.25.00]

6 "Shortages:

7 "The education of our internal peoples is still limited. The  
8 attention to follow up and screen the track of autobiographies is  
9 still to improve." End of quote.

10 And you recall that this same topic, enemies, stratagems, and  
11 people who could not be recovered and tracking biographies are  
12 also themes that we find in the agenda of B-1 -- that is, the  
13 Ministry of Foreign Affairs, which we talked about last week.

14 Let us now talk about the next document. The document I have just  
15 quoted, E3/1159, is completed by annotations from the assemblies  
16 held in the Ministry of Commerce, and this document has the  
17 reference E3/153 -- it's E3/153.

18 I will not go into details we find in this document. I will  
19 invite you to read it in detail, but it includes important  
20 statements by various officials of the Ministry of Commerce at  
21 the assembly had on the 25th to the 26th of July 1976. And these  
22 presentations reflect the policy of the CPK in various areas,  
23 and, particularly, we find that mention is made of the class  
24 struggle, collectivism, socialist revolution, and the need to  
25 comply with the directions found in the "Revolutionary Flag".

12

1 [09.27.03]

2 Two specific documents from the Ministry of Commerce, dated the  
3 17th of October 1976, have to deal with power, or the authority  
4 of the Ministry of Commerce to carry out arrest of enemies and  
5 send them to security centres. And these also reflect the  
6 policies of the Centre in this regard.

7 The first of these documents is document E3/962, E3/962. It is a  
8 decision of the Committee of the Ministry of Commerce, dated the  
9 17th of October 1976. I will only quote the very beginning of  
10 this document. This document is one or two pages and is on page 1  
11 in each of the languages -- and I quote: "The Committee of the  
12 Ministry of Commerce, after consulting sections in the Ministry,  
13 has decided to arrest and send the following persons to security  
14 for interrogation." End of quote.

15 And the six persons arrested, whose names feature on the  
16 document, were found guilty, according to the report, guilty of  
17 theft; travelling without permits; protesting against Angkar, or  
18 knowing, or being part of network of persons regarded as  
19 contemptuous.

20 [09.28.45]

21 The second document also provides information on the power, or  
22 the powers exercised by the Ministry of Commerce and other  
23 ministries with regard to the enemy, and it is document E3/174 --  
24 E3/174. It is also a decision of the Committee of the Ministry of  
25 Commerce on the same day, the 17th of October 1976, but it deals

1 with different persons.

2 And I will quote the beginning of the document: "The director of  
3 the Ministry of Commerce, after consulting all the persons, the  
4 following decisions have been taken. Those who have to be sent to  
5 re-education centres are the following..." End of quote.

6 The persons identified are from the general production sector,  
7 urban marketing and commerce, and they are accused, either of  
8 being close to despicable persons, or of having done nothing, or  
9 having not been disciplined in work. They either refused to be  
10 re-educated or committed acts of morale misconduct.

11 [09.30.17]

12 I would like to mention, in passing, the existence of another  
13 document, E3/846, of the Ministry of Commerce, and it is a report  
14 concerning the same arrests of the 17th of October 1976, and  
15 we'll find them in the documents I have just mentioned; the two  
16 documents I have just mentioned. So, it is E3/1846, dated 4th  
17 October 1976, entitled "Report every ten days, 17th of October  
18 1976".

19 As for the Ministry of Foreign Affairs, it would be useful to  
20 report a particular list of S-21 prisoners if one wants to be  
21 apprised of all of the departments that fell under the purview of  
22 the Ministry of Trade. Document IS 16.52, which is also  
23 classified under document IS 16.53 -- they are one and the same  
24 document -- this is a list of S-21 prisoners entitled -- and I  
25 quote: "The people at Commerce arrested from the early stage of

1 26 March 1977."

2 Those working within the Ministry of Commerce had been arrested  
3 from the very start to the end of 1977.

4 [09.31.54]

5 This document is comprised of 210 names; the first list is  
6 comprised of 41 names of individuals who were working in the  
7 agricultural sector, as well as an additional list of 169 names  
8 originating from the following units and entities -- the organs  
9 mentioned are: the State Department for Commerce, Foreign Trade,  
10 Kampong Som Port, Phsar Thmei markets, Orussei market, Russei  
11 Keo, State warehouses, Kilometre 6, state market, as well as  
12 various units scattered throughout the country, including the  
13 trade office in Poipet.

14 To conclude with the Ministry of Commerce, I would simply add  
15 that, among this list, IS 16.52 and IS 16.53, there also appears  
16 the name Tan Tri alias Choeun, who was one of the individuals who  
17 had been identified as a member of the Commerce Ministry, along  
18 with Van Rith. On the case file is also his confession under  
19 E3/1641 -- and I repeat, E3/1641.

20 [09.33.29]

21 Another cadre from the Committee, Nhem -- spelled N-h-e-m, his  
22 full name is Tit Son alias Om Nhem -- was the second member of  
23 the Committee of Commerce, and he was mentioned in the decision  
24 of the Standing Committee during its meeting of April 19 to 21,  
25 1976. This figures in document E3/235: he was one of the first



1 cadres to have made comments during the Congress of the Ministry  
2 of Commerce on the 25th and 26th of July 1976. This is classified  
3 under E3/153.

4 His name also appears on a list of S-21 prisoners, which is  
5 document IS 16.50. His confession extracted at S-21 in November  
6 1976, are classified under D21/82-Annex 42 (sic) -- that is  
7 D82/II-Annex 42.

8 At this stage, I would wish to address the issues concerning the  
9 Ministry of Social Affairs, which is, perhaps one of the most  
10 significant issues on this matter. Two documents will be referred  
11 to, and I begin with E3/226, this is a record of the minutes of  
12 the Standing Committee presided over by Comrade Secretary and  
13 Deputy Secretary Hem, as well as Phea, who is also known as Ieng  
14 Thirith; Sou as well as Sei, the two assistants of Ieng Thirith  
15 who both ended up at S-21.

16 [09.35.36]

17 This meeting also included the participation of other cadres from  
18 the Department of Social Affairs. According to his written record  
19 of witness interview, Phea makes mention of the Standing  
20 Committee, and some of the progress achieved, as well as  
21 shortages and insufficiencies in pharmaceuticals and medication,  
22 as well as some instructions sought from Angkar.

23 I will quote the following passage, which is found on Khmer page  
24 0017154; in French, it is on page 00296163; and in English,  
25 00183368. The Secretary of the Party in June 1976 says the

1 following - point 1, with respect to the ministry's work --

2 further on:

3 "Although the ministries' have not grasped hold of the duties of  
4 the Party, we have tried hard to overcome all obstacles in order  
5 to fulfil these duties; for example, military men have replaced  
6 medical technicians and doctors."

7 Further on it reads: "The fundamental factor, which is providing  
8 impetus, is policy and mentality." [End of free interpretation].

9 Therefore, it is explicit that the political factor is much more  
10 significant than the technical factor.

11 [09.37.40]

12 With respect to those who were evacuated from the cities, the  
13 Secretary of the Party makes a radical distinction between  
14 peasant revolutionaries and workers. It is found on the following  
15 Khmer ERN page, 00017155; on the French version, it is on page 6  
16 of the same ERN page; and on English, it is on the ERN page  
17 00183369.

18 "The Ministry of Health and Social Affairs has important duties  
19 to cope with the people's living standard and as well as to solve  
20 the domestic animals' diseases. For example, the people carried  
21 with them the cholera when they moved from Phnom Penh to rural  
22 areas, making the lives of our people dangerous." End of quote.

23 [09.38.45]

24 I would place emphasis on Pol Pot's distinction between those who  
25 lived in the countryside and the residents who were driven out of

1 Phnom Penh and carried with them diseases.

2 The second document emanating from the Ministry of Foreign  
3 Affairs is E3/808. This is a compilation of notes and annotations  
4 similar to some of the documents that were produced at the  
5 Ministry of Foreign Affairs and is summary of meetings held in  
6 May and July 1976.

7 This particular document is a summary of the meeting held at the  
8 office on the 31st of May 1978; it is dated 23 April 1978. It  
9 provides the reader information on the structure of the military  
10 body as well as an overview of hospital services, which was also  
11 called the Khmer Soviet Hospital, or Po-17 (sic). It provides  
12 statistics on the number of caregivers, the number of patients,  
13 as well as the number of those deceased.

14 It also provides an overview of the policies in application  
15 within the organs and institutions that reported to the Ministry  
16 of Social Affairs. There is also description of some of the  
17 self-criticism and criticism sessions that were led by the CPK,  
18 as well as information on the Vietnamese enemies. Moreover, there  
19 were numerous deaths that were caused by medical errors -- or,  
20 which were the results of unqualified care.

21 [09.41.03]

22 The first passage I wish to quote is on Khmer ERN page 0000534;  
23 and the French language version, it's on page 8, at ERN number  
24 00811290; and in English, ERN page 00197599. I quote the  
25 following:

18

1 "On the 4th of May 1978 (Team Meeting) on Politics,  
2 Consciousness, and Assignments"; Items on the Agenda:

3 "1. Consciousness of daily duties;

4 "2. Consciousness of solidarity;

5 "3. Moral lifestyle."

6 [09.42.02]

7 And I do believe that the English translation is the far more  
8 accurate conveyance of the meaning of the original Khmer.

9 "4. Communal consciousness of the peasant class;

10 "5. Respect for disciplinary principles;

11 "6. Being economical, hygienic and careful;

12 "7. Issues of technical, political and scientific studies;" and  
13 lastly,

14 "8. Interest in the activities of traitors." End of quote.

15 Once again, I would lay emphasis on morality, discipline,  
16 consciousness of the collective group, consciousness of  
17 solidarity, and interest in traitor activity.

18 I wish to quote a second excerpt, which is on Khmer ERN page  
19 00000549; on French, page 15, ERN 00811297; and on English ERN,  
20 page 00197614 (sic).

21 With your authorization, I wish to read the passage from the  
22 English translation as it is more accurate?

23 [09.43.44]

24 And I quote as follows:

25 "1 June 1978;

19

1 "Joint Meeting of the whole of 17 April Hospital;

2 "1. The representative of the Party for Social Action expresses  
3 views" --, and I go a little further:

4 "Our Party's request is that we attack our enemies so that they  
5 can no longer raise their heads.

6 It is imperative to be concerned about the past situation in 17  
7 April Revolutionary Hospital under Kuoy" -- K-u-o-y; "the reasons  
8 for it and the orientation for a solution in June. Since the end  
9 of last May, assessments of the past situation in our motherland,  
10 which has been concretely apparent in the past and from the  
11 proclamations broadcast over the radio and propaganda  
12 supplemented by what we have seen with our own eyes: the  
13 activities of the enemy at the end of May and mid-June. After  
14 being defeated, the Yuon [Vietnamese] enemy came in and took  
15 command for a second round, intending to attack our Democratic  
16 Kampuchea. All they were able to unite with them was the East  
17 Zone, which was close to the Yuon, to seize the East, come to the  
18 Mekong River and enter Phnom Penh. This coup d'état has been  
19 totally smashed."

20 [09.45.28]

21 "[...] The Yuon enemy is to be attacked really all out.

22 "There are some complicated situations. Complicated in what way?  
23 Technical experts are needed: they are engaged in wrecking [the  
24 traitors]. Hope in cores was gone: they turned back into CIA  
25 cores and haunted wounded comrades-in-arms instead." End of

1 quote.

2 And lastly, I will not enter into detail with respect to  
3 documents from the Ministry of Propaganda, however, I will make  
4 mention of two particular documents that relate to the meetings  
5 of the Standing Committee and I wish to refer Your Honours to  
6 E3/231 which is the minutes of the meeting of the Ministry and  
7 Propaganda and Work. It brought together Pol Pot, Nuon Chea, Ieng  
8 Sary, Khieu Samphan, on the 8th of March 1976, as well Hu Nim,  
9 Minister of Propaganda.

10 [09.46.58]

11 This meeting dealt with radio broadcast in 1976. Upon reading  
12 this document, it is clear that the Standing Committee had made  
13 decisions on the content as well as the broadcasting of certain  
14 messages during the election of the 20th of March.

15 The second document is E3/235 -- 235, rather. These are the  
16 minutes of the meeting regarding propaganda works dated the 1st  
17 of June 1976. The composition of the participants were Comrade  
18 Secretary, Comrade Deputy Secretary, who were representatives of  
19 the Standing Committee, as well as various cadres from the  
20 Propaganda Ministry, including Comrade Phoas.

21 The French translation, unfortunately, contains an error; it  
22 reads "Kas", whereas in English it makes mention of Hu Nim.  
23 Also present were Comrade Kuoy -- K-u-o-y -- as well Comrade  
24 Song, as well as various members from the film team.

25 [09.48.22]

21

1 The Standing Committee through the Secretary -- Deputy Secretary  
2 of the Party had governed propaganda activities and decided who  
3 would be responsible for drafting, as well as production of  
4 certain film works and radio broadcast.

5 Honourable members of your distinguished Bench, ladies and  
6 gentlemen, esteemed colleagues, that brings me to the conclusion  
7 of some of the documents that emanated from the various  
8 departments, ministries, members of the GRUNK and FUNK during the  
9 period of Democratic Kampuchea.

10 I would wish now to respectfully hand the floor over to my  
11 learned colleagues.

12 Thank you, Your Honours.

13 MS. SONG CHORVOIN:

14 Good morning, Mr. President. Good morning, Your Honours, and good  
15 morning parties and members of the public in the public gallery.

16 [09.49.51]

17 Next, I'm going to present certain documents in relation to the  
18 administrative structures and communication took place in the --  
19 during the Democratic Kampuchea. And these documents would  
20 present the decision as well as instruction from the Centre down  
21 to the zone and then from the zone back to the Centre through  
22 telegrams or reports, as a means to inform to their superiors of  
23 the evolvment and development from the zones.

24 In addition we are going to present the telegrams reports from  
25 the district and commune levels and the administrative

22

1 communication used throughout the period.

2 But before my presentation, I would like to seek leave from the  
3 Chamber to display certain documents on the screen and we would  
4 also like to seek your leave to circulate this copy maps to the  
5 relevant parties before the proceedings.

6 And with your leave, I would like to proceed with that.

7 [09.51.12]

8 MR. PRESIDENT:

9 You may proceed.

10 Court Officer, please obtain the document from the national  
11 prosecutor and hand them in to the parties.

12 MS. SONG CHORVOIN:

13 Thank you, Mr. President.

14 First, I would like to begin with -- by presenting the minutes of  
15 the meeting in document E3/182, dated the 9th of October 1975,  
16 with ERN in Khmer 00019108 to 19; English 00183393 to 402; French  
17 00292868 to 679. In these minutes it indicated the attendance of  
18 the Standing Committee, namely the Secretary in charge of  
19 Military and Economics, Deputy Secretary in charge of Social  
20 Affairs and Cultural Affairs as well as Propaganda and Education.  
21 Comrade Van in charge of Foreign Affairs both for Party and  
22 state, Comrade Hem in charge of Government and Price List as well  
23 as Commerce, and other members of -- certain members.

24 [09.53.00]

25 In the same document, English 00183395 and French 00292871 to 72,



1 it indicated the direction to departments to relay the telegrams.  
2 They say upon receiving the telegrams, the department should  
3 forward it to the office in charge immediately to consider. And  
4 certain issue was an urgent matter and if it were the military  
5 affairs, it had to be referred to the military section. If it  
6 were related to Party's affairs it had to be referred to that.  
7 And the same document also outlined the regime of the report. And  
8 I would like to cite as follow:

9 "During the meeting, everyone reported so far. The work was sent  
10 to Comrade Doeun and later on it had to be referred to respective  
11 section. For example, Foreign Affairs it had to deal with Foreign  
12 Affairs. We do not want the work to be concentrated at the  
13 Standing Office because the Standing Office had to follow  
14 respective offices in implementing the Party Line."

15 [09.54.26]

16 And then, down below, it also further stated that "we had to  
17 start it from tomorrow onwards". End quote.

18 ERN in Khmer in the same document, 0009118; in English, 00183401;  
19 and French, 00292878 to 79; on page 11 in Khmer version, it  
20 indicated the duties of the Telecommunication Department, the  
21 telecommunications was used in communicating in times of war and  
22 it was also used in the maritime space as well as in Mondulkiri  
23 province.

24 And next I would like to bring up another minutes of the meeting,  
25 document E3/232, which is the record of the meeting at the base

1 dated the 8th of March 1976. In this document, it also mentioned  
2 the members in attendance, including Secretary of the Party,  
3 Comrade Touch, Hem, Sreng, Hang, Sot, and Thuch (sic). In this  
4 meeting, Mr. Khieu Samphan reported to the base regarding the  
5 principle of the election, as well as additional comments in  
6 relation to the meaning of the election.

7 Following the report by Comrade Ham -- Hem in relation to Sector  
8 303, Comrade Hem also presented the arrest of the enemy forces.

9 [09.56.43]

10 In the same document, in relation to the overall situation of  
11 106, Comrade Sot reported to the Party.

12 As for 103, Comrade Hang reported to the Party on certain  
13 matters, for example, in the following areas -- I quote:

14 "As for the whole area, there were no active enemy activities.  
15 There were only just groups fleeing from different locations,  
16 like fleeing from 303 or from Kampong Chhnang. Since January,  
17 almost 100 have been arrested."

18 [09.57.33]

19 And in the same document E3/232, it also indicated the  
20 instruction of Angkar regarding the base and I would like to  
21 quote as follow -- quote:

22 "Regarding the problems in 303: As measures:

23 "Must call in those named to question them to see what their  
24 responses are. We will not yet remove them from their positions.

25 "Next, call them in for further questioning in front of other

1 accusers and watch to see their reactions. Therefore, there are  
2 two stages: Question and keep them at one site and report to  
3 upper echelon along with a case file."

4 And the same document also indicated the report regimes: "1.  
5 Request to report to the Standing Committee on a regular basis  
6 and the Standing Committee is informed at all times so that they  
7 can take immediate action appropriately."

8 As for the communications that took place during the period of  
9 the Democratic Kampuchea, document E3/216, the records of the  
10 visit of the Standing Committee in the Northwest Zone from the  
11 20th to the 24th of August 1975. The first part of this document  
12 describes the report of the overall situation at the base. In the  
13 first section, one -- it's the report concerning the shortages of  
14 foods and struggle of the New People. The New People had to  
15 endure the shortages of medicines, food supplies, and medication  
16 and many people living in the west of Lvea and along Stuong  
17 Mongkol Borei stream have caught fever.

18 [09.59.51]

19 And in point number 2 on the enemy situation, it reported the  
20 internal activities. I would like to quote -- quote:

21 "They have their undercover links and arrangements for liaison  
22 from one location to another. They are undercover among the  
23 railway workers (new workers) and they conduct psychological  
24 warfare and sabotage.

25 "There exists within our ranks those who have not yet been purged

1 and they make use of them to lead people to flee. We have been  
2 able to arrest them one after the other."

3 [10.00.36]

4 The same document in point number 2, it indicated the instruction  
5 by Angkar. There was one point which mentioned the national  
6 defence affairs. In point A, it indicated:

7 "Key problems -- resolving political situation of the people.

8 "The important problem is to sort out the political situation of  
9 the people, and do whatever is necessary to make the people  
10 stable in monolithic bloc of solidarity with the revolutionary  
11 state power. The revolutionary state power must govern the people  
12 well in every domain..."

13 And in the same point, point number 2, it is about the roles of  
14 the cooperatives which are classified into two; first, the  
15 function after the liberation: "The function of cooperatives  
16 since the total liberation is to observe all the New People  
17 coming out of all the cities and towns especially Phnom Penh city  
18 and in the Northwest, Battambang."

19 And the record also lists down the measures to be implemented by  
20 the lower echelon and I would like to quote that: "The lower  
21 echelon were expected to pay attention to additional assessments  
22 of the both base and the new elements and the cooperatives."

23 [10.02.40]

24 And I would like now to proceed to a new document which is  
25 E3/200. This document is the speech by Mr. Khieu Samphan during

1 the anniversary of the 15 of April 1977, ERN in Khmer, 00292805;  
2 in English, 00004165. I would like to quote as follows:  
3 "We had to do our best to stop the enemies from interference,  
4 from conducting the sabotage against us, and we had to sweep  
5 clean the enemy so that we can be the master of the situation so  
6 that we are able to follow the internal political affairs. And  
7 also we had to do everything neatly meticulously and we had not  
8 -- we had to be vigilant and we should not really be overjoyed  
9 with the victory and we had to be committed to be vigilant at all  
10 time and to preserve the spirit of solidarity without any  
11 condition and to attack to prevent enemy from attacking us at all  
12 time."

13 Another document is new document, document E3/166. This is a  
14 "Revolutionary Flag" on the -- for the February and March 1976.  
15 In the "Revolutionary Flag" under ERN in Khmer, 00063210; and  
16 English ERN 00517830; French ERN 00492773; I would like to quote  
17 the message from the "Revolutionary Flag" as follows:

18 "Seeing the above-mentioned good and the bad elements of making  
19 propaganda to educate the popular masses, every Party member and  
20 cadre at every echelon of the Party must pay a high level of  
21 attention to this issue of making propaganda to educate the  
22 popular masses. No matter how busy they may be, they must know  
23 how to seize the time to make propaganda to educate the popular  
24 masses in our base areas and within our framework."

25 [10.06.08]

1 Next, I would like to proceed to E3/2 which is the decision by  
2 the Standing Committee -- rather E3/12, the decision made on the  
3 30th of March 1976. On the first page -- it is available in all  
4 languages -- on point number 2, according to the regime of weekly  
5 reporting to Office 870 and the same document E3/12 under ERNs in  
6 Khmer 0003 -- rather 0003139, English ERN 00182812, and French  
7 ERN 00224365.

8 On point number 9 of the decision by the Standing Committee  
9 concerning the Independence celebration, I would like to quote as  
10 follows: "The three-day event on the 15th, 16th and 17th of  
11 April, our Independence celebration and the New Year celebration  
12 as well, and the base shall also be allowed to attend the  
13 political study session."

14 [10.07.54]

15 Another document is E3/160 is concerning the instruction by the  
16 office of 870 with regard to the arrangement of the Independence  
17 celebration.

18 "During the three days, the 15th, 16th, and 17th of April, can  
19 Brother ask every worker at ministry to have the days off so that  
20 they can celebrate the event? And also peasants shall be allowed  
21 to leave -- to have -- to enjoy the celebration, and foods must  
22 be prepared for receiving the people. And for the celebration, we  
23 shall only prepare for the respect to the national anthem and  
24 that's all without any songs at all."

25 And on point number 3, under the same document, instruction was

1 also laid down from Office 870 to the military. I would like to  
2 quote the message as follows: "With regard to the military, the  
3 program is the same; however, soldiers have to take turn being  
4 vigilant to protect ourselves from being attacked by the  
5 enemies."

6 [10.09.36]

7 And this document also relevant to the instruction which dated on  
8 the 1st of April 1978 from Office 19 - rather, 870.

9 Next, I would like to submit another document on the  
10 pronouncements by the office -- the Central Office, document  
11 E3/727 (sic). This is about the fight against the Vietnamese  
12 aggressors and land swallower, and the Office 870 rendered the  
13 instruction as follows:

14 "The soldiers, the combatants, and all cadres at all levels shall  
15 be vigilant and:

16 "First, must - [you] must harden and expand the stance of  
17 steadily and absolutely combating against the aggressive and  
18 expansionist land-grabbing Yuon enemy [...];

19 "Must raise the spirit of revolutionary vigilance to always be  
20 high to track down and search out Yuon enemy agents and not allow  
21 them to hide anywhere at all, to eliminate them, and gain timely  
22 mastery." End of quote.

23 [10.11.27]

24 Another example about the communication between the Standing --  
25 the Central Committee to the lower level is seen under E31150 --

1 E3/1150. On the top of the document, it starts by saying that:

2 "To: Beloved and missed Comrade Ya". Under point number 1, which  
3 is available in all languages, it reads:

4 "We have received your telegrams dated on the 9th and 10th of  
5 November 1975, and through the recipient -- reception of this  
6 letter, we also reported to the Central Committee.

7 "First, in addition to forced mobilization in the neighbouring  
8 sectors, we request that some forces in Stung Treng or Ponhea  
9 Lueu be organized for an ambush against the enemy.

10 "The letters also state about the views, our views as follows:

11 First, to prepare military forces by collecting the military  
12 forces from the bases as the most important sources including the  
13 zone, sector, and the district military forces.

14 "The selection of forces from the lower level shall not be done  
15 until later; second, to further grasp the enemy situation and  
16 third, to consider contacting their leaders to determine how to  
17 make a complaint against them through a political venue."

18 [10.13.28]

19 And later on in the letter, it states: "With regard to the New  
20 People, we have received a telegram on New People this morning,  
21 will report later."

22 The next document is document E3/241. It is telegram 52 sent from  
23 the new north which is Zone 801 under Sae's supervision. The  
24 letter was -- the telegram was sent to Office 870 and the first  
25 point is about the enemy situation under ERN in Khmer 00020908,



1 English ERN 00183627, English ER – rather, French ERN 00335192. I  
2 would like to quote the text as follows:

3 "The Enemy Situation: The Internal Enemies: During the last few  
4 days, we -- we found -- we managed to find and arrest hidden  
5 enemies burrowing from within the revolutionary rank and the  
6 people successfully -- rather successively. We have advantage  
7 over the enemies and take timely measures making no unusual  
8 circumstances. We continue sweeping out and paying attention to  
9 hidden enemies burrowing from within."

10 [10.15.28]

11 Points number 2 and 3 were about the New People and production,  
12 the cultivation situation. And telegram 53 under E3/1091 -- this  
13 telegram was from the Secretary of Zone 801 by the name of Sae. I  
14 would like to quote as follows:

15 "To the beloved and missed Committee Office 870,  
16 "According to the decision of the Party, I had been assigned to  
17 work in Region 103, or Sector 103, for a period of time. I would  
18 like to report on [my activities] as follows: In a period of 10  
19 days, I worked in five districts, Tbaeng, Kuleaen, Sangkom Thmei,  
20 Rovieng and Choam Khsant. I made conferences in each district  
21 with participation of district chiefs, community chiefs and some  
22 other offices in the districts. In the conferences, Party's  
23 political guidelines were. They are:  
24 "Political guidelines of the continuation of the socialist  
25 revolution, and building up socialism.

1 "2. Party's guidelines of crop diversification for solving the  
2 issues of people's living conditions."

3 [10.17.20]

4 This telegram was issued on the 28th of August 1977 by Sae.

5 Another telegram is telegram 60, under document E3/1144. The  
6 format of the telegram starting from point number 1, concerning  
7 external enemy situation and on point number 5, it is about the  
8 internal soldier -- enemies at the bases, officers, ministries  
9 and military offices.

10 "We have uncovered many enemies who are burrowing from within  
11 either through the spying of their anti-revolution activities or  
12 through the implications. Those enemies, who were former  
13 officials, policemen, or soldiers of the previous regime who are  
14 discovered one after another. Comparing to the earlier time, the  
15 number of enemies who are burrowing from within are decreasing  
16 and mainly only a few of their accessories are left under cover.

17 "The following measures are taken in order to purge those  
18 enemies. We apply the hard work tactics to fight enemies in all  
19 sections, especially in farming. We use farming as a key factor  
20 in purging and screening of enemies."

21 [10.19.25]

22 Another point is on -- point number 2, which is about the  
23 situation of the people and also, point number 3, concerning the  
24 military situation.

25 The fourth point is about the situation of farming in all

1 districts of the zone, and the fifth point is about the peoples'  
2 living conditions, and finally at the end of the telegram people,  
3 including Sae who was mentioned, Sae was Sector 801 Secretary and  
4 the telegram was received on the 6th of September 1977 at 0700  
5 hours. And the telegram was copied to Uncle Nuon, Bong Van, Bong  
6 Vorn, Bong Khieu, and office, and documentation.

7 [10.20.31]

8 Another document is also a telegram from Secretary 80 -- of 801,  
9 from the same person, Comrade Sae. This telegram is 324, under  
10 E3/1073. The telegram was addressed to "The Beloved Office 870  
11 committee"; document in English ERN 00293359, French ERN 00630816  
12 through 17.

13 On the third point of the telegram I would like to quote as  
14 follows:

15 "The internal situation: There is no important change. The  
16 situation is normal. We are continuing to purge the remaining  
17 group continuously, including those who oppose our revolution  
18 openly and secretly. We have done it very well. The enemy is not  
19 able to raise their heads anymore because the people force is so  
20 strong; plus, this force oppresses them constantly, and sweep  
21 clean and screen them constantly."

22 Later on another line reads:

23 "Would like to specify and report about female Comrade Son who is  
24 the wife of Comrade Man. This female comrade was implicated by  
25 many enemies, so I decided to remove this female comrade and

34

1 brought her to stay at the Zone Office 801 so that she will not  
2 be able to continue her traitorous activities anymore."

3 [10.23.04]

4 Another document is a document that -- produced by Secretary of  
5 Zone 801 under the same name, Sae. This document was presented to  
6 the committee of 870 as well. I would like to read it as follows:

7 "To: Beloved Committee 870: I would like to present to you a  
8 confession from San Eap alias Khon, from Committee 103."

9 This document concerns the research of the internal enemy  
10 network. Comrade Sae, Secretary of 801 sent this document to  
11 Committee 870.

12 Another document is E3/801 under Khmer ERN 00017183, and I would  
13 like to apologize because the ERNs in French and English are not  
14 available. This document is also relevant to the document sent by  
15 Sae with regard to the confession by San Eap alias Khon, that was  
16 sent to the central committee.

17 I would like to conclude my submission of the document now, but  
18 would like to cede the floor over to my colleague.

19 Thank you, Mr. President and Your Honours, very much.

20 [10.24.56]

21 MR. RAYNOR:

22 Mr. President, Your Honours, we're moving on now to a series of  
23 communications that relate to the Northeast Zone. So these are  
24 communications from the Northeast Zone to the Party Centre, and  
25 it's perhaps worthwhile, I hope, and helpful if we all have our

1 maps out that were handed out earlier at this stage. We can see  
2 that the Northeast Zone is shown, obviously, on the top right of  
3 the map and that the zone consists -- shown in yellow on the map  
4 -- of Sectors 101, 102, 104 and 107.

5 So, Northeast Zone. First document, E3/1122. So, this is a  
6 telegram. It's a telegram from Vy, the Northeast Zone Secretary  
7 to the Party Centre. It's dated the 11th of January 1978, and we  
8 can see in the title "To respected Brother". So, this is a zone  
9 telegram to the Party Centre, but in the first line of the  
10 telegram, we have the words "Relating to the situation in  
11 District 41". And then, under item 2, mentioning of undercover  
12 burrowing enemies.

13 [10.27.02]

14 There's then reference further down in the page to the situation  
15 in terms of rice at Sectors 104, 101, and 107. And then shown at  
16 the bottom of that page are the recipients of that telegram, in  
17 terms of the characters of the Party Centre.

18 The next document in relation to this zone is E3/319 (phonetic).  
19 So, again, a telegram from Vy, the Northeast Zone Secretary, "To:  
20 Respected Brother", and the telegram is about the enemy  
21 situations at the border. So a zone secretary reporting to the  
22 Party Centre, and towards the bottom of the page the zone  
23 secretary states this:

24 "On the 3rd of January" -- so that would be the 3rd of January  
25 1978 -- "I" -- that's Vy, the Northeast Zone Secretary -- "I

1 attended the meeting to hear the declaration of the Party which  
2 appealed all zones to work in cooperatives, regions, and  
3 centres."

4 Then it talks about contact with the "Yuon", and he says: "And in  
5 conformity with the instructions of Angkar, we strengthen our  
6 stance to have an internal clean up and struggle against the Yuon  
7 day and night."

8 Again, at the bottom, the day of the telegram and the recipients  
9 of that telegram at the Party Centre.

10 [10.29.01]

11 Next, still on the Northeast Zone, document number E3/943. This  
12 is a telegram. It's again from Vy, the Northeast Zone Secretary.  
13 It's to the Party Centre. It's headed "Respected Brother", and we  
14 can see that it's dealing with the situation of the enemy. And  
15 again, the recipients of that telegram are shown at the bottom of  
16 the page.

17 I'm moving now to Independent Sector 105. So, if we all have our  
18 maps to hand we can see that Independent Sector 105 is shown in  
19 blue and we have Mondulkiri written beneath that sector.

20 First document for this sector, E3/1191. This is telegram -- if  
21 we look at the numbering of the telegram we can see that it's  
22 telegram 00 and it's a telegram "To Beloved and Missed Comrade  
23 Doeun". The sender, from Sector 105, is stating that he, the  
24 sender, had arrived in Sector 105 on the 11th of October, so the  
25 day before the telegram was sent; that the sender has changed his

1 name, and the importance of this is we have -- this is the first  
2 telegram from the sender of that day, the 12th of October. And we  
3 can see that in addition to it being addressed to Comrade Doeun,  
4 it's copied to Brother Nuon, office and documentations.

5 [10.31.07]

6 If we turn to the next document for that sector, it's E3/1192.

7 We're still on the same day, it's the 12th of October 1976. The  
8 sender in Sector 105, again, says at the top of the telegram:

9 "To Beloved and Missed Brother Nuon,

10 "We have already received your telegram. We are quite interested  
11 in the substance of the telegram. We have assigned a commerce  
12 group from Phnom Penh. Comrade Chuon has received them."

13 And then, to show how the telegram can move from a relatively  
14 large subject of commerce to a more minor subject, we see here at  
15 item 3 on this telegram, Sector 103 is reporting to Brother Nuon  
16 about a broken radio. And the entry is: "As for broken  
17 communication radio, it has now been repaired; it is thus kept  
18 for use. The new one has not been used yet. It is kept as it is."

19 [10.32.32]

20 Moving next, please, if I may, to communications from independent  
21 Sector 505 to the Party Centre -- again, I hope it's useful to  
22 have the maps to hand at this point. We can see that independent  
23 Sector 505 is shown in blue on the map and we have Kratie shown  
24 next to independent Sector 505. And the first document from this  
25 sector is E3/257. This is a telegram from Sector 505 to the Party

1 Centre. It is dated the first of May 1977. It is addressed "To  
2 Beloved Office 870".

3 We can see at the bottom of the telegraph the recipient at the  
4 Party Centre of that telegram, and the subject of the telegram is  
5 Sector 505 complaining about the number of visitors to its  
6 region, or sector, I should say. And the sector is then making a  
7 request to the Party Centre and that's set out in the bottom of  
8 the telegram under the heading "Request".

9 So, this is Sector 505 making a request to the Party Centre: "We  
10 request that Angkar give us notice about the coming visitors to  
11 our sector. If possible, we would like to request for information  
12 of food to be provided to those visitors."

13 [10.34.40]

14 I'm moving, for the sake of speed, next to communications from  
15 the East Zone to the Party Centre. Again, if we look at the maps  
16 we can see the East Zone shown in blue and we can see the sectors  
17 within the East Zone, Sectors 20, 21, 22, 23 and 24.

18 First document for this zone, E3/879, is a telegram. The date of  
19 the telegram is the 11th of November 1975. This is a telegram  
20 from Chhon, So Phim, the East Zone Secretary, and it's to Brother  
21 Pol, headed:

22 "Respects to beloved and missed Brother Pol, please be advised.

23 "Request to report to Brother on the border situation, in  
24 accordance with the reports of Sector 23."

25 So, plainly, Sector 23 has sent a report to the zone, the Zone



39

1 Secretary So Phim or Chhon, is now sending in reliance or in  
2 accordance with that report from the sector, his own report to  
3 Brother Pol. And in the report from the zone secretary there is  
4 then, in effect, repetition of the sector report and that talks  
5 about the situations in the districts within the Eastern Zone, in  
6 particular Chantrea district and Romeas Haek district.

7 [10.36.55]

8 Next for the Eastern Zone, document number E3/871. This again, is  
9 a telegram. It's dated the 21st of March 1976 and this is from  
10 the East Zone Secretary, Chhon, So Phim, to the Party Centre, and  
11 it's addressed to "Respect to Beloved and Missed Brother Pol".  
12 This telegram also is reporting to the Party Centre according to  
13 the report of Comrade Chhouk, Sector 24. So again, Sector 24  
14 Comrade Chhouk has sent a report to the East Zone Secretary, and  
15 the East Zone Secretary is now relying on this information from  
16 his sector, reporting to the Party Centre. And there's reference  
17 on the page about a grenade throwing situation, and in relation  
18 to the grenade thrower: "We beat him up during interrogation  
19 about his organizational links and got on to more than 20 more of  
20 them in the grassroots of--"

21 [10.38.33]

22 MR. PRESIDENT:

23 Prosecutor, please hold on.

24 The International Counsel for Mr. Khieu Samphan, you may proceed.

25 MR. VERCKEN:

40

1 Thank you very much, Mr. President. Just a brief comment.  
2 I take note that for some time now my learned colleague is  
3 talking about the "Centre of the Party". This is an expression  
4 that seems to be concocted and it does not figure in any of the  
5 documents that he is presenting before Your Honourable Chamber. I  
6 believe that it is worth specifying what exactly this Centre of  
7 the Party is. This term does not figure in any of the telegrams.  
8 In fact, in this particular document, the telegram is addressed  
9 to Mr. Pol Pot.

10 Is this one and the same thing or is this an interpretation of  
11 the Co-Prosecutor?

12 I do not believe that today's hearing serves to plead. It simply  
13 serves to present in the most objective terms possible documents  
14 to be used during this trial.

15 [10.39.44]

16 I would very much appreciate further specifications. Thank you.

17 MR. PRESIDENT:

18 International Co-Prosecutor, you may respond.

19 MR. RAYNOR:

20 Mr. President, Your Honours, it's a fair point, it's well made. I  
21 won't use the phrase again. I'll simply refer to the recipients  
22 of the documents.

23 Mr. President, so that you have an eye on timings, I'm just  
24 proposing to deal with two more documents so that I complete the  
25 communications from this zone, and I wonder if that might then be

41

1 an appropriate moment for the break, but I'm in your hands.

2 [10.40.20]

3 The next document, East--

4 MR. PRESIDENT:

5 Just now there was an objection by the international defence  
6 counsel by Mr. -- counsel for Mr. Khieu Samphan. Do you have any  
7 response to make to the objection raised by the defence counsel  
8 for Mr. Khieu Samphan?

9 (Judges deliberate)

10 [10.41.20]

11 MR. RAYNOR:

12 Mr. President, can I clarify that I was accepting the objection  
13 from the defence and that I was proposing not to use the phrase  
14 "Party Centre" again. So, I'm in effect -- it may be astounding  
15 for the Chamber, but I'm agreeing with a defence objection.

16 Does that clarify the position, Mr. President?

17 MR. PRESIDENT:

18 Thank you.

19 The time is now appropriate for the morning adjournment. The  
20 Chamber will adjourn now until 11.00.

21 The Court is now adjourned.

22 (Court recesses from 1042H to 1101H)

23 MR. PRESIDENT:

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

25 We would like to now hand over to the Co-Prosecutor to continue

1 putting the documents before the Chamber. You may now proceed.

2 [11.02.14]

3 MR. RAYNOR:

4 Thank you, Mr. President.

5 The last document that was I dealing with was E3/871. I had

6 covered the substance of that telegram. I'd like to move then to

7 another telegram from the East Zone. This is telegram E3/892.

8 This is a telegram "To respected and beloved M [Office] 870".

9 We can see from the bottom of the page that it is from Chhon, So

10 Phim, so the East Zone Secretary reporting to Office 870.

11 At the top of the telegram the zone secretary is saying we would

12 like to report on the situation concerning Region 23. Again if

13 one looks at the maps Region 23 or Sector 23, is shown on the

14 maps. The telegram talks about some Vietnamese being caught. And

15 at the bottom of the page the zone secretary to Office 870 states

16 this:

17 "We would like to know what Office 870 is going to do with the

18 Vietnamese caught at the villagers' houses in Ta Dev village. If

19 Office 870 wants these Vietnamese, we will send them. Now they

20 are kept being interrogated. We would like to report only just

21 then."

22 [11.04.56]

23 I'd like to move please to the Southwest Zone. Again if the maps

24 assist -- the Southwest Zone shown on the map -- and the sectors:

25 13, 25, 33, 35; also shown on the map. The first communication

1 from the Southwest Zone is document E3/769 (sic). This is a  
2 report - it's a report dated the 3rd of June 1977. And it's a  
3 report from the Southwest Zone "To Respected and Beloved Angkar".  
4 The first page of the document Khmer ERN 0005285 moving to 5286.  
5 The report has a number of headings which the Trial Chamber will  
6 now be familiar with. The headings of the report, "the Defence  
7 Situation, the Economics Situation", and under the Defence  
8 Situation one has reports on the enemy activity from outside. And  
9 then still on the first page the internal situation inside the  
10 country. And there the zone states: "At the region 33, enemies  
11 launched their activities by burning down bundles of rice  
12 plants."

13 The next paragraph has reference to the confession of the enemies  
14 caught in Takeo and Kampot province, and the enemy having set up  
15 a network of messengers. And towards the bottom of that  
16 paragraph, in relation to that same subject matter, this quote:  
17 "So far we have successively arrested the enemies who launched  
18 activities mentioned above."

19 [11.07.40]

20 I'd like to move next to the Northwest Zone, so communications  
21 from the Northwest Zone, again, shown in blue on the map, and the  
22 sectors within the Northwest Zone, Sectors 1, 2, 3, 4, 5, 6, and  
23 7.

24 MR. PRESIDENT:

25 Counsel for Mr. Khieu Samphan, you may not proceed.

44

1 MR. VERCKEN:

2 Thank you, Mr. President. This is not an objection; I just want  
3 to point out that on the first telegram referred to by my learned  
4 friend, it appears that there is some discrepancy between Khmer  
5 and French. The interpretation we heard was that the telegram was  
6 addressed to Brother Hem. This is perhaps an interpretation  
7 problem with M-870. I just wanted to raise this issue.

8 MR. PRESIDENT:

9 Thank you.

10 International Co-Prosecutor, you may now proceed.

11 [11.09.00]

12 MR. RAYNOR:

13 Thank you, Mr. President. I'm moving, as I said, now on to the  
14 South - sorry, the West Zone, rather. And the first document  
15 E3/1094. This is a lengthy report, it's a report dated the 4th of  
16 August 1978. And it's a report from the West Zone and it's sent  
17 to "The respected, beloved and missed Angkar".

18 And we can see from the top of the first page the words "we would  
19 like to send Angkar the monthly report".

20 So, a monthly report from the West Zone to that addressee. The  
21 familiar headings "National Defence, External Enemy", and then,  
22 still on the first page at item two: "The activities of the  
23 hidden enemy burrowing from within." End quote.

24 [11.10.30]

25 Based on an overall examination, during this one month the hidden

1 enemy burrowing from within carried out all forms of their  
2 activities. Further down that same paragraph, "those elements  
3 were screened out from various units and military, as well as the  
4 elements of the 17th of April, including former civil servants  
5 and some Chinese and "Yuon" aliens."

6 A few lines below that -- this sentence -- and I quote: "However,  
7 we have had plans in place to apply the Party's assignment line,  
8 to routinely remove, screen, and sweep clean them."

9 And then a heading on that same page around the zone office --  
10 and this is a direct quotation:

11 "At the factory the enemy incited people by saying the female  
12 youth, if you love your parents don't get married with cadres.  
13 Moreover they said rather to die than to marry a cadre. Within  
14 the house construction unit, there were people stealing bicycles  
15 at night."

16 [11.12.20]

17 There's then information coming and this is on the cusp of two  
18 Khmer pages, Khmer 0014360, and also the next page. Again, the  
19 zone reporting to Angkar but giving information on this page  
20 about the sector in Kampong Chhnang and the activities of the  
21 hidden enemy burrowing from within. As far as that sector is  
22 concerned.

23 For the completeness of time on this document, I would like to  
24 move please to Khmer page ERN 00143607 -- that is French,  
25 00593526 moving into 27; and English, 00315371. On that page, we

1 have an item number two, "the activities of the hidden enemy  
2 burrowing from within". And it's in Udong district, and talks  
3 about an arrest within that district. There is then mention of  
4 Tang Sya cooperative and a man - it being reported about a man  
5 wanted to commit suicide.

6 [11.14.29]

7 The next page within this report, so the Khmer page 00143607  
8 moving into 00143608, one has a reference to a female called  
9 Phorn, and it's reported a female said that: "Just wait and see,  
10 in the future Angkar will arrange marriage for one man to marry  
11 five women."

12 And then, apparently, Rim responded: "Five women will be  
13 exchanged for one cork of tobacco."

14 I'd like to move please to Khmer page - we're still within this  
15 same report, as I said a length report. To Khmer page ERN  
16 00143609 -- that's French, 00593528 moving into 29; and English  
17 ERN 00315373. There's a heading on this report - on this  
18 particular page, "The moral code activities", and the quote is  
19 this:

20 "In some bases within each district, these activities occurred  
21 continuously between some male and female youths, as well as men  
22 and women, or even between married men and youths. In Ta Sal  
23 cooperative of District 27, on the 21st of July 1978, Soeung, a  
24 militia of Ta Sal cooperative, violated a moral code by raping a  
25 girl from Sector Koh Kong. As a measure for this, Soeung has been



1 already sent to the district education camp."

2 [11.16.56]

3 The next page I'd like to make reference to Khmer ERN 00143609

4 moving into 00143610 -- that's French, 00593529 going into 30;

5 and English ERN 00315374; the heading on this page, "The ongoing

6 purging of the not good elements from various units." There's

7 reference to "The Sector Fishing Unit", and under the heading,

8 "The Sector Agriculture [Unit], this quote: "Swept clean four

9 heads of the hidden enemy burrowing from within." And their names

10 are given.

11 Moving onto the next Khmer page, there is a heading "Sector 37:

12 The activities of the hidden enemy burrowing from within". And

13 then, still on that same Khmer page, there is a heading in these

14 terms -- and I quote:

15 [11.18.18]

16 "About the screening of the "Yuon" elements, CIA agents, and the

17 not good elements;

18 "1. Smashed 100 ethnic "Yuons" included small and big, adults and

19 children.

20 "2. Smashed 60 persons who had been from the ranking group as

21 well as the CIA of the American Imperialist who were hiding in

22 the units and cooperatives.

23 "3. Within the Sector Military unit, 40 Chinese combatants were

24 screened out and sent to the production unit.

25 "4. There must be a measure for the three Yuon combatants.

1 "5. Ten persons in the platoons and companies within the  
2 cooperatives of all districts were screened. These elements  
3 included those who were lazy, opposing [Angkar], cursing at  
4 people, being implicated in many confessions of the enemy, and  
5 refused to work."

6 And then in a heading in relation to those items, "Our measures  
7 for the above enemy activities" -- and I quote:

8 "Continuing to search for all kinds of networks of the hidden  
9 enemy burrowing from within, and sweep them clean continuously  
10 and absolutely from the bases, units, offices and various  
11 departments."

12 Then moving still within this report, but to the subject of  
13 education, can I take everyone please to Khmer page 00143611  
14 moving into 12; French page, 00593532; and English ERN 00315376.

15 So the zone report under a heading "Building Leadership Forces of  
16 Party", and the first item "Building politic and ideology". There  
17 is this quotation:

18 "In July 1978 we organized educational sessions to educate cadres  
19 and Party members from all Sectors in the zone. The attendees, in  
20 general, included members of the Sectors, district secretaries,  
21 committee of cooperative and Party members. At the same time, we  
22 opened educational sessions to educate the core organization  
23 included Youth League members and the based people."

24 [11.22.20]

25 Then there's a reference to documentation in these terms:

1 "The documents used for education were taken from all seven  
2 documents of the Party. They were documents which the party used  
3 to educate us in June in the first semester of 1978. We took some  
4 parts of the documents to use in general study.

5 "The result of the education sessions shows that cadres, Party  
6 members, and core organization have understood and absorbed well  
7 from all the documents, especially, about the lines on country  
8 defence, ongoing socialist revolution, and the construction of  
9 socialism on all sectors. They also understood well that the main  
10 factor here is to build the leadership forces, and especially to  
11 destroy the hidden enemy burrowing from within."

12 And then, under a further heading, item 2, "Building and  
13 organizing", there is this statement:

14 "At the same time two cooperative cadres, a secretary and a  
15 member of the cooperative have been removed and sent to the  
16 security because they were bad elements who had made some  
17 destructive activities. They, who were being monitored for a long  
18 time, were in the traitorous network."

19 [11.24.55]

20 Now, Mr. President and Your Honours, can I just point -- but I  
21 don't propose to go through it -- that this report from the zone  
22 continues for about another six or seven pages with a series of  
23 detailed charts mentioning various sectors and agricultural  
24 products.

25 The next document from this zone, E3/1092, so these are again a

1 report from the West Zone. It's "To Angkar", and it's dated the  
2 16th of July 1978. And the zone's say at the top of the report:  
3 "I would like to report to Angkar on the 10-day activities for  
4 the first time in July 1978."

5 There are then headings that the Court will be familiar with.

6 [11.26.26]

7 Can I move please to Khmer ERN, page 00143577 moving into 78 --  
8 that is French, 00611447 moving into 48; and English, 00289922.

9 On this page there is a heading the brief biographies of the two  
10 people. So, two people have been identified and now mention of  
11 their biographies. And the next heading is "Confessions of the  
12 two enemies" -- and I quote: "They are linked to several  
13 leaders." There is then a heading, "His Other henchmen", and  
14 names are given. There are three people: Soeun, an illegible  
15 name, and Sok. And then it's stated -- and I quote: "These two  
16 enemies have been transferred to the security office already."  
17 Still on that same page, there is another heading, "The  
18 activities of undercover enemy burrowing from within", and  
19 there's reference in Sector 31 to people being transferred to the  
20 re-education centre, and then there's also reference to Sector  
21 32.

22 [11.28.07]

23 I'd like to move to the final page of this report. Still on  
24 E3/1092 and on the final page there are two headings I'd like to  
25 make reference to. The first one is "Building families", and

1 under that heading there is this direct quotation: "10 new  
2 families have been created in District 26, Sector 32, while there  
3 is no confirmation on this issue in Sectors 31 and 37."

4 And then the report concludes with a main heading, "Building  
5 leadership cadres", and the zone states this:

6 "We have educated and strengthened the political, ideological and  
7 organizational aspects towards the Party's guideline to the  
8 cadres, Party members, core organization, and progressive masses.  
9 At the same time, all levels of cadres constantly meet with the  
10 masses at each spearhead so that the masses will learn more, so  
11 that the cadres can control, check and following the trail of  
12 biography and acts of those who will become the Party members,  
13 core Organization, and progressive masses. We try the best to  
14 strengthen the Party's leadership cadres to strictly follow the  
15 Party's line."

16 [11.30.17]

17 Moving next, please, to the Northwest Zone, again, shown on the  
18 map with the districts within the Northwest Zone. And the first  
19 item from the Northwest Zone, E3/1179.

20 A report from the Northwest Zone -- it doesn't actually state who  
21 the report is to -- at the top there are just the words "Report".  
22 Then it states that it's a report from the 24th of May 1977 to  
23 the 7th of June 1997 - 19 -- forgive me, 1977. Familiar headings,  
24 first page "Enemy situation, internal enemy", and then on Khmer  
25 page 00214271, there's a reference to an incident within this

1 zone and there are these words:

2 "They caught the child to be interrogated and took him away to be  
3 executed. After beating him to death and before burying him, the  
4 reconnoiterers slash his stomach open to take his liver to eat.  
5 As for the case involving the six persons we decided to arrest  
6 the three reconnoiterers and placed the three female militias  
7 under temporary confinement."

8 There is then an entry further down that page:

9 "Conclusion:

10 "External and internal enemies' situation shows that [the  
11 enemies] have carried out activities in all forms, but not worthy  
12 of notice. The activities happened every now and then and the  
13 enemies who had been identified were arrested and smashed  
14 successively."

15 [11.33.16]

16 The next item from this zone, a telegram, it is E3/951. So a  
17 telegram from Ros Nhim, the zone secretary to Angkar 870, so the  
18 zone secretary saying in the first sentence:

19 "I would like to report on the general situation and work in the  
20 zone in the following."

21 And then referenced a meeting with Angkar, he, the zone  
22 secretary, said this:

23 "Following my meeting with Angkar, I returned and went to work in  
24 Regions 5, 3, 1 and 4. On May the 10th, [I] met and worked with  
25 comrades of the Permanent Organizational Assignment Committee.

1 During my meeting with them, I reported about the recommendations  
2 of 870 and then [we] reviewed situations in the zone as follows."  
3 And there's then reference to the external enemies, internal  
4 enemies.

5 On Khmer page 00021043; French, 00296221; and English, 00185216;  
6 there is a heading "Measures". So the zone talking about measures  
7 -- and I quote: "Prevent it more carefully; be more highly  
8 vigilant; smash invasive enemies; successively sweep all  
9 destructive elements; and prevent all acts of secret moving and  
10 looting."

11 [11.35.50]

12 And in the final page of this document, E3/951 contains a heading  
13 "Management of work process and building up of key cadres". And  
14 Nhim, the zone secretary, says this:

15 "Strengthen, as recommended by Angkar, zone, region, district and  
16 collective cadres. Those cadres, who are not responsible, loyal  
17 and constantly close in the investigation with the revolution,  
18 must deal with the Party's guidelines."

19 And then towards the bottom of the telegram Nhim says: "That is  
20 all. Please, Angkar, give ideas and advice."

21 [11.37.11]

22 Moving next, please, if I may, Mr. President, Your Honours, to  
23 communications that cover in effect the old North Zone, became  
24 the Central Zone. Zone Secretary Ke Pauk, the first document  
25 E3/1096. This is a telegram; it's dated the 29th of March 1978.

1 It's a telegram from Comrade Pauk -- so, Ke Pauk, the zone  
2 secretary -- and it's to "Missed Committee 870".  
3 Now, Ke Pauk, in this telegram, is relying on the substance of a  
4 letter and this is set out towards the bottom of the telegram.  
5 He's relying on the substance of the letter that he, the zone  
6 secretary, has received from the Sector Secretary Comrade An in  
7 Sector 41. And we know that from the item at the bottom of this  
8 telegram where Ke Pauk is saying: "The substance of this letter",  
9 in other words, the substance of the letter, "I, Ke Pauk",  
10 ascending to 870, the substance of this letter, "I copy from  
11 Comrade An's letter in Sector 41 to Angkar." So what then has  
12 Sector 41 reported, well that becomes apparent from the first  
13 line of the telegram.  
14 It's apparent that on the 27th of March 1978, soldiers in Sector  
15 41, so in other words soldiers in Ke Pauk's zone had detained two  
16 combatants from the air force. And the detained combatants were  
17 telling Ke Pauk's zone that they were in fact going to repair air  
18 planes at Veun Sai Airport in Kratie province, so in a different  
19 zone. So, the zone secretary here, Ke Pauk, contacting Committee  
20 870, and then, towards the bottom of the telegram: "For the above  
21 mentioned issue Angkar please ask Comrade Met..." In other words,  
22 the air force. Different area: "Please ask Comrade Met are there  
23 such reported names of these two who had been detained? If so  
24 please inform by communicating with Comrade An to receive these  
25 competence. If not Angkar please inform back."



1 So, here, obviously, not direct communication from a zone to  
2 another zone but the communication having to go through Committee  
3 870.

4 [11.40.30]

5 The next item E3/511, still Ke Pauk's zone and this is a  
6 telegram, it is from Ke Pauk to "Respected Brother Pol". There  
7 are copies to Brother Nuon, Brother Khieu, Office and File. The  
8 date of the telegram: the 2nd of April 1976. Ke Pauk says in the  
9 telegram: "I request to report to Brother on the enemy situation,  
10 the situation of the masses, and the production situation in the  
11 North Zone."

12 And, again, familiar headings that the Trial Chamber will be used  
13 to, and for completeness of time I'm not going to dwell anymore  
14 on that document.

15 I also had set out in a chart that all parties and the Court have  
16 another telegram from this zone -- that was E3/239. But for time  
17 purposes, I will not be covering it.

18 [11.41.55]

19 Can I move next please to an item that I've already touched upon,  
20 but it is zone to zone communication? Was this permitted? And the  
21 first document under this theme is E3/1679. This is a telegram;  
22 it's from Chhon - so, So Phim, the East Zone Secretary. And the  
23 telegram is to Comrade Brother Pol, so the East Zone reporting to  
24 Comrade Brother Pol, the East Zone Secretary. What's the  
25 secretary reporting about. Well that's apparent again from the

1 first line of the telegram. East Zone Secretary stating:  
2 "We would like to report the removal of people from the East--"  
3 In other words, from his zone.  
4 "We would like to report the removal of people from the East to  
5 the North" -- the North, at that time Ke Pauk's zone -- "in which  
6 there was some disagreements" -- disagreements between the East  
7 Zone and the North Zone - "and the failure to follow the  
8 Organizations advice and instructions at the receiving  
9 destinations where phenomena occurred as follows.."

10 [11.43.56]

11 And by reading the first paragraph it becomes apparent that on  
12 the 30th of November 1975, members of the Muslim people were  
13 being removed from Sector 21 -- so were being removed from the  
14 East Zone, and they were being ferried to other riversides - so,  
15 being ferried from the East Zone into Ke Pauk's zone. And then we  
16 read: "The two destinations" - so, the two destinations in Ke  
17 Pauk's Zone -- "categorically rejected the receipt of Muslim  
18 people, but accepted only pure Khmers. Therefore, the people who  
19 needed to be removed were in a state of chaos."

20 So, So Phim, the East Zone Secretary states this: "I immediately  
21 advised the sectors and districts in my zone -- the sectors and  
22 districts to suspend the mass removals temporarily pending advice  
23 from you..." Advice from who? Advice from Comrade Brother Pol. So:  
24 "...temporary pending advice from you, Comrade Brother Pol, and the  
25 North Zone."

1 And So Phim then says: "This matter might not have been known to  
2 Comrade Pauk?"

3 So, the East Zone Secretary cannot contact Ke Pauk, a different  
4 zone secretary, but had to go through, in this circumstance,  
5 Comrade Brother Pol.

6 [11.46.02]

7 Another item on the same theme, E3/956, this is a telegram, it is  
8 a telegram dated the 25th of June 1977, and it is from the West  
9 Zone and it's from the West Zone to "Respected and Beloved  
10 Organization". We understand from reading the telegram that the  
11 West Zone is now reporting of an incident on the 23rd of June  
12 1977. When people had been detained in the West Zone that, then  
13 some of those people were on the run from the West Zone. And the  
14 West Zone say, at item 4 in this telegram:

15 "Their period of flight is already 120 days. It's, therefore,  
16 proposed that the organization please make contact with the  
17 North, as to whether there have indeed been persons who fled or  
18 not. And what sort of measures will the organization have taken."

19 So, again, the West Zone cannot contact the North Zone directly  
20 to talk about the detainees but have to in this case communicate  
21 with the respected and beloved organization, asking the  
22 organization to make contact with the North.

23 [11.48.02]

24 The final item on this theme, E3/501, this is a telegram. It's a  
25 telegram dated the 11th of May 1977. The telegram is form Yi --

1 that's the Independent Sector Secretary at Sector 505. So for all  
2 intense and purposes treated as a zone but Independent Sector  
3 505. So, Yi, the Independent Sector Secretary, sending a telegram  
4 to "Dear beloved Office 870"; what's it about? Well, item 3 in  
5 this telegram says:

6 "According to Prum's report" -- so the Sector Secretary Yi has  
7 received a report from Prum. "According to Prum's report, people  
8 and armed forces in Region 21." Or, for that, read Sector 21. And  
9 if you look at your maps, you'll see that Sector 21 was in the  
10 Eastern district. So armed forces in the Eastern district or  
11 Region 21 bordering Snuol have kept entering 505, in other words,  
12 have kept entering my region. So, people from another area keep  
13 entering Yi's area, Sector 505. For what purpose? Well, it  
14 becomes apparent, to cut leaves and trees without informing  
15 Region 505 and this also causes difficulties for us to search the  
16 forest for enemies.

17 [11.50.02]

18 And so the independent Sector Secretary Yi is saying to Office  
19 870 in his request at the bottom of the telegram: "We request  
20 Region 21 (Eastern)" -- in other words, we, in independent Sector  
21 505, request Office 870 to request Region 21 in the East - "to  
22 get us informed if there are people coming to cut leaves and  
23 trees in the bordering Region 505."

24 So, pausing there, the Independent Sector Secretary Yi cannot  
25 contact Region 21 or Sector 21 in the East. The communication has

1 to go through, in this case, Office 870.

2 [11.51.06]

3 I'd like to move next please to contact between the sector and  
4 the zone. And for these purposes document number E3/178. Now,  
5 this is a weekly report, it's a weekly report from Sector 5. If  
6 we look at the maps we can see that Sector 5 is within the  
7 Northwest Zone and it's a weekly sector report. The report was  
8 copied to the zone secretary, in other words to the relevant zone  
9 secretary, and also to documentation. So this weekly report of  
10 the sector has typical headings.

11 On Khmer page 00275588 moving into 89 -- which is French,  
12 00623326 and, English, 00342710 -- there is this entry, it is red  
13 boxed in the Khmer and it's at the top of this page. And I'd  
14 invite the Chamber please to pay particular attention to this  
15 box. It states that:

16 "On the 19th of May 1977, there were 10 Thai enemies who entered  
17 10 metres deep into our territory [...]. They stepped on one  
18 landmine of ours at the same time we fired on them; when we went  
19 to visit the site..."

20 I remind you again, please, that this is a weekly report from  
21 Sector 5 to the Northwest Zone. And we'll see in due course what  
22 the Northwest Zone does with that piece of information. So I'd  
23 ask the Trial Chamber please just to bare that in mind because  
24 it's going to feature in another telegram.

25 [11.53.26]

60

1 The next red box on that Khmer page deals with - I need to quote:

2 "Based on the Party's continuous direction, based on the zone  
3 congress decision" -- so a Northwest Zone Congress decision --  
4 "based on the above realities, we have continued the storm attack  
5 by conducting the propaganda and educating and instilling the  
6 Party cadres."

7 And towards the bottom of that paragraph, this quote:

8 "At the same time, have disseminated to and deepened the  
9 understanding of both the base and the new people in the  
10 cooperative, farmer collective, worker union about strengthening  
11 both the views and stance; continue to encourage the great  
12 movement to defend the cooperative, the union by continuing  
13 sweeping clean the treacherous, embedded elements-- CIA, KGB or  
14 Vietnam networks."

15 Still within the same report -- Khmer page 00275587; French,  
16 00623305/06; and English, 00342709 --we have this within the  
17 sector report. There is an item and I quote:

18 [11.55.11]

19 "We have successively searched for and found those who bore  
20 insignias and the traitors who were the 17th of April elements  
21 from Phnom Penh. The examination of their activities are based on  
22 the confessions of their network and based on the photographs for  
23 which the Angkar has asked to search."

24 Again, for the completeness of time, I am going to skip some  
25 pages in this document. And can I move to the final page of this

61

1 document? I'm still on E3/178. So, Sector 5 is saying under a  
2 heading, "The work to construct, strengthen, expand the Party and  
3 the core organization" -- and I quote -- so this is the sector --  
4 Sector 5:

5 "For the past week, have disseminated and studied the decision of  
6 the zone congress in the Party branches, in all bases, and in the  
7 battlefields, and in the army by involving deeply and  
8 understanding to some extent..."

9 The next paragraph: "In this week, the biographies of old  
10 candidates and those of the progressive masses have been  
11 reviewed..."

12 Next paragraph: "Have held one party committee meeting to examine  
13 various situations..."

14 [11.57.07]

15 The next paragraph: "Have opened educational sessions for  
16 internal party, core members, progressive masses in the sector,  
17 district military units, female militias..." Again about various  
18 situations.

19 And, finally: "Have gone down to educate the cooperative  
20 committees and planned to continue to educate..."

21 The next document, E3/180, to set the scene please, the previous  
22 document that was the weekly report from the sector was dated the  
23 21st of May 1977. And now we're moving in E3/180 to a report from  
24 the zone - from the Northwest Zone and the report we have at the  
25 top of the document begins from the 4th of May 1977 until the

62

1 29th of May 1977. So this is a - in effect a monthly report from  
2 the Northwest Zone. It's dated the 29th of May 1977, so it's  
3 about a week after the previous sector report to the zone.

4 [11.58.42]

5 I asked the members of the Trial Chamber to hold in their minds  
6 the entry from the sector report about 10 Thai people. And if one  
7 looks at the first page of this zone report at E3/180, there is  
8 an entry under the "Enemy Situation": "On the 19th of May 1977, a  
9 group of 10 Thai violated our territory, entering as far as 10  
10 metres in Lak 42. They stepped on our landmine, and at the same  
11 time we fired at them."

12 So, pausing there, I hope the Chamber has in mind that the  
13 sector's reported this incident to the zone and the zone is now  
14 reporting the very same incident further up the reporting chain.  
15 Again, given the time matters, I'm not going to quote any other  
16 aspects on that.

17 Mr. President, it's approaching 12 o'clock. Can I say this that I  
18 hope will help; we, at the Office of the Co-Prosecutor, had  
19 selected 50 documents to put before you, Mr. President and Your  
20 Honours. We have covered now 38 of those documents, there are 12  
21 documents left. I don't propose to cover all 12 of those  
22 documents, but in accordance with the request made earlier today,  
23 can I please ask for half an hour this afternoon, given the fact  
24 that there was 15 minutes delay this morning whilst matters were  
25 raised by the Defence -- in effect asking for half an hour after



63

1 lunch to complete this document presentation?

2 [12.01.01]

3 MR. PRESIDENT:

4 Yes, indeed. The Chamber grants such request.

5 Counsel you are on your feet, you may proceed first.

6 MR. IANUZZI:

7 Thank you, Mr. President. The first thing I was going to say is  
8 that we have absolutely no objection to the OCP being given as  
9 much time as it needs to get through the documents it would like  
10 to present. And that's not just because Mr. Raynor was gracious  
11 this morning -- that tends to be our general position.

12 [12.01.32]

13 Second point I'd like to make is brief request for clarification  
14 of something you said this morning, Mr. President. And I just  
15 want to make sure that I heard you clearly. Did you say that all  
16 of the Judges read the article that I was referring to, some of  
17 the Judges, or just Judges? I didn't quite catch you; you were  
18 conferring with Judge Cartwright. So I just wanted to make that  
19 clear because that was my application that the Judges read that  
20 article.

21 MR. PRESIDENT:

22 Allow me to indicate that, again, the document is somehow a new  
23 document and if you feel that the document is relevant please  
24 proceed with the submission of the document to be put in the -  
25 before the Chamber in writing. And please follow the procedures

64

1 as stipulated in Rule 87 sub-paragraph 4 and 3. And, indeed, the  
2 Chamber have already informed you concerning the procedures with  
3 regard to the request for the submission of any new piece of  
4 document.

5 I would not wish to respond to any other response because the  
6 submission was made in English not in Khmer. It was not yet  
7 submitted before the Chamber but, again, please be informed that  
8 with regard to any new document you are only allowed to submit in  
9 writing and pursuant to the internal rules as stated. And you  
10 cannot do that orally. And I am not entitled to respond to your  
11 question.

12 [12.03.46]

13 MR. IANUZZI:

14 Thank you for that clarification.

15 My last point. I've been told that Nuon Chea is suffering from a  
16 backache, a headache, and a general lack of concentration. And  
17 for those three reasons, would prefer to retire to the holding  
18 cell for the afternoon. And that's my final application for this  
19 morning. Thank you.

20 MR. PRESIDENT:

21 Thank you.

22 The Chamber notes the request by Mr. Nuon Chea through his  
23 counsel in which he has asked that he be allowed to observe the  
24 proceedings from his holding cell for the remainder of the day.  
25 The Chamber therefore grants such request.

65

1 [12.04.36]

2 Mr. Nuon Chea is now allowed to observe the proceedings from his  
3 holding cell for the remainder of the day. And with that, Mr.  
4 Nuon Chea has expressly waived his right to participate directly  
5 in the courtroom.

6 Counsels for Mr. Nuon Chea are now instructed to produce the  
7 waiver signed or given thumbprint by Mr. Nuon Chea.

8 AV booth officers are now instructed to ensure that the AV is  
9 linked to the holding cell of Mr. Nuon Chea so that he can  
10 observe the proceedings from there.

11 And security personnel are now instructed to bring Mr. Nuon Chea  
12 and Khieu Samphan down to their respective holding cell, and have  
13 Mr. Khieu Samphan returned to the courtroom when the next session  
14 resumes by 1.30.

15 The Court is adjourned.

16 THE GREFFIER:

17 (No interpretation)

18 (Court recesses from 1205H to1335H)

19 MR. PRESIDENT:

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

21 I hand over to the Prosecution to present the documents relevant  
22 to the Democratic Kampuchea in accordance with the request by the  
23 Prosecution this morning that he would conclude this presentation  
24 in 30 minutes. You may now proceed.

25 [13.36.36]

1 MR. RAYNOR:

2 May it please you, Mr. President, Your Honours, the next few  
3 documents deal with communications between sectors to zones. I  
4 contrast that for one moment with the documents the Court was  
5 dealing with just before the luncheon break, and those were  
6 documents where the sector had passed information to the zone and  
7 the zone had then passed that on upwards. I'm now dealing with  
8 straightforward sector to zone communication.

9 And the first document is E3/1019. This is a report dated the  
10 20th of February 1976. The report is from Sector 23 to the  
11 Standing Committee of the East Zone. If we relay that information  
12 through to the maps, we can see the East Zone shown on the map.  
13 We can see Sector 23 in the Svay Rieng area bordering on Vietnam.  
14 And this report from the sector states in the second paragraph of  
15 the actual report -- and I quote: "We" -- so, that's we, Sector  
16 23 - "have received a report from the Chantrea District Committee  
17 about an incident on the 16th of February 1976."

18 The report then says, towards the bottom: "May the Zone Standing  
19 Committee kindly be advised of the information reported above."  
20 So, there we have a sector receiving a report from a district  
21 beneath it, and then passing that information up to the zone, in  
22 this case the East Zone.

23 [13.39.30]

24 The next document under this generic heading is document E3/1120.  
25 It's to do with the Northwest Zone, so again, referring to the

1 maps, Northwest Zone shown on the map and Sector 5 shown north of  
2 Battambang, and the document is a telegram. It is from Sector 5,  
3 and it's to Brother Nhim. So Ros Nhim, the Northwest Zone  
4 Secretary.

5 The telegram speaks of the enemy situation in Sector 5, and then  
6 halfway down the page there is an extract in these terms -- and I  
7 quote:

8 [13.40.42]

9 "The sectors have each taken measures with regard to such  
10 problems.

11 "Firstly, going all out to find more enemy apparatuses;

12 "Secondly, going all out to propagandize and re educate people so  
13 they will understand with additional clarity about the socialist  
14 revolution;

15 "And thirdly, the grassroots and the military must cooperate  
16 closely to smash all kinds of enemies."

17 Next, I'm moving onto a different heading now, and this is going  
18 further down towards the bottom of the administrative  
19 organizations in Democratic Kampuchea, namely, communications  
20 between the commune, the district, and on some occasions, the  
21 sector, but principally, communications between the commune and  
22 the district.

23 And the first document in this collection is IS18.52. The Khmer  
24 ERN for this is 00079106; French, 00712134; and English,  
25 00276574. This is a communication from a cooperative to a

1 district. So the cooperative concern was the Trapeang Thom Cheung  
2 Sub District Cooperative, and the cooperative is passing  
3 information to "Beloved and Respected Angkar at Tram Kak  
4 District", so a communication cooperative to district, and the  
5 communication talks about a group of youths who had been meeting  
6 together in secret at midnight, and then it stated:

7 [13.43.30]

8 "The sub district militia unit arrested them and brought them in  
9 for interrogation. They refused to respond; all of them remained  
10 silent.

11 "Now they have been sent in. Request Angkar accept this as  
12 information."

13 Next, document IS 18.44. This is a report from a sub district to  
14 a district. I note that there is no French ERN for this document.  
15 The English ERN is 00276590 and the Khmer 00082729 moving into  
16 730. It's a fairly simplistic communication, though it is to the  
17 Tram Kak district base from the Khpop Trabek sub district. The  
18 substance of the communication is about 10 New People, military,  
19 who came in from Phnom Penh. The date is the 3rd of June 1977.

20 [13.45.18]

21 And in respect of these 10 people, the sub district says at the  
22 bottom of this communication or report: "Therefore, request to  
23 hand all ten of them over for whatever Angkar decides."

24 Next, on the same thing, document D157.47. This is a report from  
25 a commune to a district with instructions and coming back from

1 the district to the commune, and the report is headed  
2 "Respectfully reported to the beloved and respected Angkar of the  
3 District", and in it, the commune says, in relation to some  
4 people -- and I don't need to cover the details. It's in fact a  
5 person who's a new person. The commune says at the bottom: "I beg  
6 the Angkar" -- in other words, the district Angkar -- "I beg the  
7 Angkar to please be informed of this above-person's issues."  
8 And then, at the bottom of the report, we have an endorsement by  
9 the district secretary. So the District Secretary in Tram Kak  
10 district was a man by the name of Kit. And here, Kit, the  
11 district secretary, endorses the report from the commune with the  
12 words -- and I quote: "It is accepted that this person named Mou  
13 Phon be arrested." Date is given.

14 [13.47.29]

15 So that shows the communication from the commune to the district,  
16 with the district giving instructions back to the commune.

17 Next, please, document D157.95. This is a report from a district  
18 to a district security office following a decision of the  
19 district Angkar. It's dated the 14th of December 1977. The report  
20 states at the top: "I would like to report to the brother  
21 representative of Tram Kak District Education Office."

22 And then we find out what's happened in the next line: "As the  
23 district's Angkar has decided that we arrest and send two people  
24 to the district educational office."

25 The two people are then named, and at the bottom of the

1 communication: "Accordingly, please Comrade Brother accept  
2 [them]."

3 [13.49.01]

4 So that's showing the interaction between the Angkar at district  
5 level, the district security office.

6 Next document, IS 18.26. This is a report from a commune to a  
7 district security office. We can see at the bottom of the  
8 communication or -- that the report is from Angk Ta Saom commune,  
9 and it's addressed to the District Security Office to Comrade  
10 Educational Office of Tram Kak, and the content of the

11 communication: "From the base I would like to send over a person  
12 named Peou Phal, new person." So, to summarize, the commune,  
13 sending a new person to the District Security Office.

14 I'd like next to deal with "Other Forms of Communication", and  
15 that title is intended to cover forms of communication in  
16 Democratic Kampuchea other than telegrams, speeches, Standing  
17 Committee minutes, and matters of that like.

18 [13.50.46]

19 And the first document under this heading is D232/78.2. It's  
20 simply a letter. It's a letter dated the 1st of August 1977. It's  
21 a letter from An to Boeun and is ordering the arrest of two  
22 enemies who have been named in confessions of persons arrested  
23 previously. We can see in the letter:

24 "Dear Comrade Boeun,

25 "[We would like to] make a request to you to assemble a militia



1 squad to arrest two enemies located in Srae Krau village", and  
2 there they're named.

3 "Both of them have planned to escape to Vietnam. They were named  
4 in the confessions of Inh and Thorn who have been arrested  
5 previously." So, letter, as opposed to telegram.

6 Next, document number E3/859. This is a document dated the 15th  
7 of April 1978. The persons to whom the communication was copied  
8 to are shown at the bottom of the document. The document itself  
9 is headed "Confidential phone conversation dated April the 15th,  
10 1978."

11 It's then headed "Respected and beloved Grand Uncle" and it's  
12 dealing with events in the East Zone, and in particular Sector  
13 24, but showing confidential telephone conversations.

14 [13.53.33]

15 On that same theme of confidential telephone conversations, the  
16 next document is E3/1082. This is a document dated the 12th of  
17 August 1977. It is a document from Mut, Comrade Mut, and the  
18 document is headed "Report dated 12 August 1977 via secret  
19 telephone". There is a handwritten annotation at the end of the  
20 first paragraph of this report. The annotation at the end of the  
21 first paragraph says: "Based on telephone communications with  
22 Comrade Mut, there was only a raft." And that's in relation to a  
23 fishing incident.

24 And then there's a handwritten annotation in the left hand  
25 margin, which says: "To Angkar, we ask to find inside networks.

72

1 Second, we find the entry and exit, and thirdly, traitorous  
2 elements along the border." And that's signed, Khieu, and dated  
3 the 13th of August.

4 [13.55.26]

5 Finally, Mr. President, I'm moving onto some broadcasted  
6 confessions, and for these purposes the first document is  
7 E3/1289. This is a document which -- I'll need to give the ERNs.  
8 The Khmer page is 00224163; French, 00324920; and English,  
9 00169190.

10 And this page deals with confessions, and in this particular page  
11 a confession that was broadcasted on the Phnom Penh Domestic  
12 Services in Cambodia at 11 o'clock at night on the 1st of  
13 February 1978.

14 And what was being broadcasted was the 29th of January confession  
15 by Mau Chhin, a Cambodian national serving as a Vietnamese agent.  
16 And finally, on this theme, document E3/1362. Khmer ERN 00701795;  
17 French, 00701785; and English ERN 00169986. This is a page  
18 dealing with the confessions of captured Vietnamese soldiers. It  
19 was broadcasted on the Phnom Penh Domestic Service in Cambodia at  
20 11 o'clock at night on the 25th of April 1978.

21 [13.58.08]

22 And what was being reported was a 15th of April confession of a  
23 Vietnamese soldier, Vu Huu Soc, who'd been captured on the 7th of  
24 April.

25 Mr. President, Your Honours, can I conclude just with these

73

1 comments? The purpose of this document's presentation on  
2 communication has obviously been to show the methods of  
3 communication at the Upper Echelons, the communications between  
4 the Upper Echelons and the zones, the zones and the sectors, the  
5 sectors and the districts, the districts and the communes, the  
6 district security offices, and the other methods of communication  
7 that were used.

8 Mr. President, that concludes the presentation from me. Thank you  
9 very much.

10 MR. PRESIDENT:

11 Thank you.

12 Next, the Trial Chamber will give the floor to the Co Lead Lawyer  
13 for civil parties to make presentation, but please hold on,  
14 Counsel. We should wait and hear the comment by national counsel  
15 for Mr. Ieng Sary.

16 Now, you may proceed, Counsel.

17 [13.59.50]

18 MR. ANG UDOM:

19 Thank you, Mr. President, Your Honours. Good afternoon,  
20 prosecutors, all parties to the case. It's my apologies that I  
21 have to make this request before giving the floor to the civil  
22 party lawyers to make presentation.

23 I have a notice to the Trial Chamber and my request to the Trial  
24 Chamber. It relates to the presentation of documents by the  
25 International Lead Co Lawyers today, and I would like to inform

74

1 the Trial Chamber also that the presentation to be given by the  
2 International Lead Co Lawyers based on her list on the -- sent to  
3 the parties on the 11th of October 2012 at 12.35 p.m. contained  
4 witness statements by witnesses. Mr. Ieng Sary was not afforded  
5 the opportunity to confront that go to the acts and conduct of  
6 the Accused.

7 [14.01.28]

8 I would like to refer to the Trial Chamber Senior Legal Officer's  
9 email on the 10th of October 2012 at 2.08 p.m., which responded  
10 to the letter sent by the Ieng Sary defence counsels the same  
11 day. The email said:

12 "The Chamber wishes to remind the Lead Co Lawyers that in  
13 accordance with this decision -- I mean the Decision Number E96/7  
14 -- written statements presented in lieu of oral testimony are not  
15 admissible if they go to the acts and conducts of the Accused."

16 And the Trial Chamber Senior Legal Officer confirmed that the  
17 parties are encouraged to utilize the time allocated to them for  
18 the documents hearings to the presentation of those documents  
19 which the Chamber is able to give probative value and weight.

20 [14.03.38]

21 I request that the Trial Chamber not allowed -- not allow the  
22 International Lead Co Lawyer to present the documents listed from  
23 number 5 to number 15 on their list sent on the 11th of October  
24 2012 at 12.35 p.m., because, as I addressed the Court earlier, if  
25 doing otherwise it may affect the possibility that I mentioned

75

1 earlier to the Trial Chamber. Even though this hearing is not a  
2 hearing of evidence -- to hear evidence in nature of inculpatory  
3 or exculpatory evidence and there may be the confrontation later  
4 and it may be the victims or the witness may be confused.

5 So I would like to request that Mr. President not allow the Co  
6 Lead Lawyer to use the document as I requested earlier.

7 MR. PRESIDENT:

8 The Lead Co Lawyer, if you have any comments in responding to the  
9 defence counsel for Ieng Sary, you may proceed.

10 [14.05.30]

11 MS. SIMMONEAU-FORT:

12 Yes, Mr. President, I, of course, would like to respond.

13 The first submission I would like to make is that there is no  
14 record of the witness statement on my list. We have civil party  
15 applications and records of civil party interviews. They do not  
16 include the 10 documents referred to.

17 May I also add that Ieng Sary's defence counsel refers to last  
18 week's letter -- which was drafted after an initial list, which  
19 was a lot longer -- that list was drawn up by the civil party.

20 At the time, it was Mr. Pich Ang alone and there were a number of  
21 records on that list. Mr. Ieng Sary's list arrived subsequently  
22 and Mr. Pich completely amended that list.

23 Today, I also have a list which arrived belatedly which does not  
24 contain 15 documents but only 13. And these documents do not  
25 include any documents that go to the acts and conduct of any of

76

1 the Accused as we understood in your decision 967 and paragraph  
2 21 of your decision which specifies that when we are talking of  
3 the acts and conduct of the Accused we are talking of personal  
4 participation.

5 [14.07.02]

6 So, in my documents, we do not have any document dealing with the  
7 personal acts and conduct of any of the Accused. There are  
8 interviews, there are transcripts of radio broadcasts, there are  
9 a civil party application by two civil parties that do not at all  
10 go to the acts and conducts of the Accused, and essentially we  
11 have annexes to these civil party applications which are  
12 objective documents, lists of persons as the list produced by the  
13 prosecutor, newspaper articles and so on and so forth. These  
14 articles do not go to the acts and conduct of the Accused.

15 There are two documents which could eventually pose a problem to  
16 your Chamber and these are the records of the interviews of the  
17 two civil parties I referred to. These are documents D368/2 and  
18 document D199/14.

19 From my standpoint, these records of interviews do not at all go  
20 to the conduct of the Accused, but if your Chamber would prefer  
21 that I withdraw these documents to avoid any discussions on that,  
22 I could do that, but I would like to insist on the fact that the  
23 other documents do not go to the acts and conduct of the Accused.

24 [14.08.36]

25 May I add for purposes of conclusion that if a party is of the

77

1 view that a document goes to the acts and conduct of an accused  
2 person and produces evidence in support of that, I believe that  
3 Ieng Sary's defence will be hard put to it to establish that the  
4 documents on my list go to the act and conduct of the Accused.  
5 With the exception, I do admit, of the discussion on the two  
6 records of witness interviews, I have no further submissions on  
7 the subject. Thank you.

8 MR. PRESIDENT:

9 International Defence Counsel for Nuon Chea, you may proceed.

10 [14.09.34]

11 MR. IANUZZI:

12 Thank you, Mr. President. Good afternoon, everyone.

13 This is perhaps related to the application I made this morning  
14 with respect to the weight to be afforded to any comments by an  
15 accused and it's also, I would say, tangentially related to the  
16 topic on the floor for debate now.

17 What is the evidentiary value of civil party statements before  
18 this Chamber, if any?

19 MS. SIMONNEAU-FORT:

20 Mr. President, I am shocked that at this stage in the proceedings  
21 we are still questioning the probative value of civil party  
22 testimonies.

23 [14.10.21]

24 I think it is up to the Chamber to assess the probative value of  
25 these statements. I must say that I find what counsel has said so

78

1 unpleasant and lacking in respect. To hear counsel say that they  
2 do not have any probative value, we are going to call a number of  
3 civil parties to give testimony and the probative value of those  
4 testimonies will be assessed by the Chamber in due course. Thank  
5 you.

6 MR. PRESIDENT:

7 Do you have anything to address to the Court?

8 MR. IANUZZI:

9 Your Honour -- excuse me, I do, Your Honour. I would just like to  
10 reply very briefly to that.

11 I did not say that civil party statements have no evidentiary  
12 value. I would never say that. That's not what I said. I asked  
13 the Chamber: What is the evidentiary value of civil party  
14 statements, especially those civil parties that don't come into  
15 court?

16 [14.11.25]

17 And let me just clarify for a moment. The Chamber has been happy  
18 -- or has been willing, I should say -- I detract the word  
19 "happy" -- has been willing to give us certain elucidation with  
20 respect to the probative value and the weight that will, or  
21 perhaps may, be attached to any comments made by an accused. So  
22 the Chamber has been willing to go into that on a detailed basis  
23 and I would just cite to the transcript reference I referred to  
24 this morning.

25 So, just very clearly, for the record, I did not say that civil



79

1 party statements have no evidentiary value. I would never say  
2 that, again. I would simply like to know what kind of standard  
3 this Chamber, this Court -- your Court -- is going to apply to  
4 those statements. Thank you.

5 And I renew my request from this morning. Thank you.

6 [14.12.25]

7 MR. PRESIDENT:

8 Counsel for Mr. Ieng Sary.

9 MR. ANG UDOM:

10 Thank you. The Lead Co-Lawyer for civil party, so there will be  
11 only 13 and D194 and D363.

12 The document that I mentioned from number 5 to number 15, it  
13 relates to the two witnesses, so we cannot remove only the two  
14 documents and keep the same document as they are. So, as I told  
15 Your Honour earlier, we cannot change the witnesses if we remove  
16 as requested by our teams from number 5 and number 15, and we  
17 request that the Co-Lead Lawyers do not need to read those  
18 documents.

19 [14.13.44]

20 JUDGE LAVERGNE:

21 Yes, thank you, Mr. President. I want to be sure that we're  
22 talking of the same lists of documents that will be presented. I  
23 am not absolutely sure of that.

24 Is defence counsel for Ieng Sary in a position to tell us -- the  
25 list he is referring to, is he talking of the last list that was

80

1 presented by the Civil Party Lead Co-Lawyers or not?  
2 What are the exact documents that the defence counsel is  
3 challenging? And we should bear in mind that all records of  
4 witness statements have been withdrawn from the initial list.

5 MR. ANG UDOM:

6 I would like to address again to the Court.

7 The documents proposed by the Lead Co-Lawyers dated 11 October,  
8 including 15 documents. I did not receive any new lists of  
9 documents. So, it mentioned only the 12 documents. It is the list  
10 attached to the email dated 11 October by the Lead Co-Lawyers.

11 Thank you.

12 [14.15.29]

13 MR. IANUZZI:

14 Perhaps I could provide some clarification. I just, now, in my  
15 in--

16 MR. PRESIDENT:

17 Lead Co-Lawyers for the civil party, you may proceed.

18 MS. SIMONNEAU-FORT:

19 Yes, I will try to clarify the situation somewhat.

20 May I already crave the Court's indulgence for this situation  
21 because we actually sent a number of lists successively and this,  
22 coupled with the long delays that some of us witnessed -- I'll  
23 pose the problem -- you had an initial list prepared by Mr. Pich.  
24 That list included records of witness interviews. Following the  
25 letter sent by Mr. Ieng Sary -- and for other reasons -- that

81

1 list was amended and resubmitted, as was the case with the list  
2 of documents presented by National Co-Lawyers.

3 As far as I'm concerned, I presented -- rather belatedly -- a  
4 list of documents. Initially, I sent a list of 15 documents on 11  
5 October and since then I have withdrawn two of the documents, and  
6 I subsequently sent a list of 13 documents; that list may be  
7 missing.

8 [14.16.55]

9 I have just referred to that list and that list of 13 documents  
10 doesn't contain any records or witness testimonies or statements.  
11 If those two documents -- two of the documents may pose a problem  
12 and I may request the Chamber to withdraw it, but a list prepared  
13 by Mr. Pich remains and it is the first list I will talk about  
14 this afternoon. That list does not contain any records.

15 MR. PRESIDENT:

16 Counsel, you may proceed and you may address specific requests so  
17 that Trial Chamber can consider the matter and make decision. So,  
18 if you are not addressing specific requests, if you make clear it  
19 may be easy for us to make decision based on our previous  
20 rulings.

21 [14.18.05]

22 MR. ANG UDOM:

23 I have some difficulty. The Co-Lead Lawyers for civil parties  
24 said I have just received, dated today, at 2.00 and 12 p.m.  
25 today. It is a recent request talking about removing of documents

82

1 and at 2 o'clock today, D368/2. It is the same. It is the record  
2 of witness -- a record of civil party interview, and D199/14 stay  
3 the same.

4 I would like to emphasize that these two witnesses are related  
5 clearly to the case of Ieng Sary and as Mr. Ieng Sary has no  
6 opportunity to challenge, how can we put this before the Chamber?  
7 I would not like to address the name of the witness because it is  
8 to remain confidential in the Court. Thank you.

9 [14.19.51]

10 MR. PRESIDENT:

11 Judge Lavergne, you can proceed.

12 JUDGE LAVERGNE:

13 Well, can Ieng Sary's defence tell us whether those are the only  
14 two documents they are challenging? That is D338, D22 and 29 and  
15 D368/2. Are these the only two documents that they are  
16 challenging? And if there are other documents, for what reason  
17 are they challenging them?

18 MR. ANG UDOM:

19 Mr. President, Your Honours, we object not only these two  
20 documents. The two persons here are civil parties and other  
21 documents related to these two witnesses, if I refer to the  
22 earlier list including 15 documents and a new list is containing  
23 12 documents.

24 I would like to request that the Lead Co-Lawyer not present or  
25 read the document from number 5 to number 15 in the earlier list.

1 As for the new list, I am not sure to make any requests now.

2 Thank you.

3 (Judges deliberate)

4 [14.21.50]

5 MR. PRESIDENT:

6 Counsel, you may proceed.

7 MS. SIMONNEAU-FORT:

8 Mr. President, it doesn't suffice to say that we do not want  
9 documents, you have to explain why you do not want the document,  
10 and the only justification would be to establish that the  
11 documents I'm presenting go to the acts and the conduct of the  
12 Accused.

13 Now, apart from the two records of interviews, there are no other  
14 documents that go to the acts and conduct of the Accused.

15 During the last hearing on documents, you authorized us -- and we  
16 are very happy with that -- to present a statement by civil  
17 parties and that is what I intend to do today. These statements  
18 do not contain any accusations regarding the acts and the conduct  
19 of the Accused nor do the annexes go to the acts and conduct of  
20 the Accused.

21 [14.22.49]

22 I suggest that we shouldn't waste the Court's time any further.

23 May I suggest that insofar as a document goes to the act and  
24 conduct of the Accused, counsel for Ieng Sary could rise to his  
25 feet and challenge the presentation of the document and say why

84

1 they do not want the document --referring to the contents of the  
2 documents.

3 MR. PRESIDENT:

4 Counsel, do you have anything to address the Court? If you have a  
5 new issue to address to the Court, so we give you the last chance  
6 to address a new request. Otherwise, we keep exchanging your  
7 address to the Court and also to the party.

8 MR. ANG UDOM:

9 It's -- my apology, Mr. President, because we have many documents  
10 sending back and forth, so it -- I need some time to work on  
11 this. My choice now is that so they can wait until they read the  
12 document and they can make an objection.

13 [14.24.18]

14 So let me read the document that fall on my request; D22/289  
15 number four; D368/2; and another document is D22/289.21; and  
16 another document, D22/289.11; another document is D22/289/14,  
17 D22/44, D199/14, D22/44.11 and number 11 D22/44.13. Thank you.

18 MR. PRESIDENT:

19 Mr. Prosecutor, you may proceed.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President. I will be very brief.

22 We have just observed that apart from the two documents which are  
23 records of civil party statements, we do not see why the other 11  
24 documents cannot be presented during this hearing on documents.

25 So they don't have to wait for each document to be presented and

85

1 then they can object to each individual document.

2 [14.26.39]

3 This is not the time to object to all these documents, and we do  
4 not want the situation in which at every turn they are rising on  
5 their feet to challenge documents. If they do not proffer any  
6 reasonable and objective reasons as to why these documents should  
7 not be admitted, then they shouldn't object to them. Thank you,  
8 Mr. President.

9 MR. PRESIDENT:

10 The International Co-Lawyer for Mr. Khieu Samphan, do you have  
11 any other issue to raise? Because we are now deviating from the  
12 advice by the Chamber because we have spent considerable time to  
13 discuss this topic, and we have given floors to all parties. But  
14 then, if you keep discussing back and forth on this, we may not  
15 be able to use -- to make a good use of the Court's time.  
16 And you may proceed, but please be very brief.

17 [14.27.55]

18 MR. VERCKEN:

19 Very briefly, Mr. President, may I remind the Co-Prosecutor that  
20 we received the last list of civil parties only three minutes  
21 ago?

22 So, to repeat that, the Defence is not capable is not the point  
23 here. The question is whether the civil parties are able to send  
24 their lists in time to enable us to work. That is a question that  
25 should have been raised.

86

1 That list was given to us 2.15 p.m., and we received the last  
2 document at 2.12, Mr. President.

3 (Judges deliberate)

4 [14.33.05]

5 MR. PRESIDENT:

6 I hand over to Judge Jean-Marc Lavergne. You may proceed, Judge.

7 JUDGE LAVERGNE:

8 The Chamber received a list from the Civil Party Lead Co-lawyers  
9 of the 15 documents. This list was received on 11 October, if I'm  
10 not mistaken. I understand that the parties have just received  
11 this list at 2 p.m.

12 In fact, that list is a new list of 13 documents. Obviously, we  
13 have not had the opportunity to go through in detail all of those  
14 documents and ascertain as to whether or not the list of 13  
15 documents overlaps with the 15 documents, or if the most recent  
16 list contains new or supplementary documents.

17 If this is the case, we would kindly inform the Civil Party Lead  
18 Co-Lawyers to provide sufficient notification to the Chamber and  
19 to all parties.

20 MS. SIMONNEAU-FORT:

21 You Honour, you are entirely right. Everybody has a duty to  
22 provide sufficient notice. These 13 documents are in fact the  
23 same documents of the 15-document list minus two documents that  
24 we have withdrawn. I hope that is clear.

25 [14.34.44]



1 JUDGE LAVERGNE:

2 So, with respect to the most -- latest 13-document list, you have  
3 withdrawn two documents which are, indeed, the written record of  
4 witness interviews of the civil parties?

5 MS. SIMONNEAU-FORT:

6 Yes. If the Chamber believes that those PVs do speak to the acts  
7 and conduct of the Accused, then we would respectfully withdraw  
8 the written record of witness interviews that were produced by  
9 the Co-Investigating Judges. Thank you.

10 (Judges deliberate)

11 [14.35.58]

12 MR. VERCKEN:

13 Mr. President, just to convey the difficulty that we are  
14 experiencing, there is one documentary exhibit, and that appears  
15 on the most recent list that we were conveyed at 2.12 p.m., and  
16 it is a document that does not figure on the list of 11 October.  
17 I'm referring to document 12, which is a book, and I do not see  
18 this publication figure on the list of the 11th of October. It  
19 carries the document number E3/1713.

20 MS. SIMONNEAU-FORT:

21 I am not requesting the admission of a book; I am producing  
22 D22/289.17. This is an annexed list of Khmers living abroad, and  
23 once again, I would specify that I am seeking the admission of  
24 D22/289.17.

25 (Judges deliberate)

88

1 [14.38.00]

2 MR. PRESIDENT:

3 I hand over to Judge Jean-Marc Lavergne.

4 JUDGE LAVERGNE:

5 Thank you very much, Mr. President. The Trial Chamber shall refer  
6 to the list that was notified to the parties on 11 October. This  
7 is the only list that was truly notified in due course to all  
8 parties.

9 Nevertheless, of that list we shall withdraw the two documents  
10 that no longer appear on the second list, therefore, we are  
11 dealing with only a total of 13 documents.

12 We will also, in the interests of time, withdraw the two written  
13 records of witness interviews belonging to the civil parties.

14 I would draw the attention of the civil parties to the fact that  
15 we have used up a substantial amount of time. And if the civil  
16 parties had notified the final and definitive version of the list  
17 that it intends to submit before this Chamber, we would not have  
18 been confronted with this situation, as such a debate is not in  
19 the interests of the good administration of justice.

20 Thank you.

21 [14.41.02]

22 MR. PRESIDENT:

23 The time is now appropriate for an adjournment. The Chamber will  
24 adjourn for 20 minutes, and we will resume at 3.00.

25 The Court is now adjourned.

1 (Court recesses from 1441H to 1511H)

2 MR. PRESIDENT:

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

4 Before I hand over to the Lead Co-Lawyer for the civil parties to  
5 present the documents before the Chamber, I hand over to Judge  
6 Jean-Marc Lavergne to provide additional explanation on the  
7 ruling of the Chamber made in relation to the request by the  
8 defence counsel for Ieng Sary concerning the documents to be  
9 presented before the Chamber by the Civil Party Lead Co-Lawyers.

10 [15.12.40]

11 Then Judge Jean-Marc Lavergne will rule on the application by the  
12 defence counsel for Mr. Nuon Chea concerning the probative and  
13 weight of the -- probative value and weight of the evidence.

14 Judge Jean-Marc Lavergne will provide additional clarification in  
15 relation to this issue in furtherance of the ruling by the  
16 Chamber earlier on.

17 I now hand over to Judge Lavergne.

18 JUDGE LAVERGNE:

19 Thank you, Mr. President.

20 [15.13.19]

21 Let me first of all make a clarification regarding the motion  
22 made by Ieng Sary's defence. We have indeed heard that, beyond  
23 the 11 documents which will be presented by the Civil Party Lead  
24 Co-Lawyers regarding those 11 documents, Ieng Sary's defence  
25 intends to challenge a number of them, apart from those that have

1 already been withdrawn, regarding this additional motion on which  
2 the -- the Chamber has not yet ruled.

3 The Chamber finds that a general challenge has been made to the  
4 effect that these documents are likely to deal with evidence that  
5 goes to the act -- acts and conduct of the Accused. However, this  
6 challenge has not been specified and the challenge -- I beg your  
7 pardon, and the Chamber is not in a position to rule on this  
8 matter at this point in time. It will hand out its ruling  
9 subsequently -- at the very latest, at the time of the verdict on  
10 the merits of the challenge -- and it will also clarify the point  
11 whether it would refer or consider such evidence regarding the  
12 motion made by Nuon Chea's defence regarding the position of the  
13 Chamber regarding the probative value of comments made by an  
14 accused person on documents presented at hearings.

15 [15.15.20]

16 The Chamber points out that the specifications that have been  
17 provided by Judge Cartwright on behalf of all the Judges of the  
18 Chamber remain valid.

19 The Chamber recalls, by the way, that the probative value of  
20 comments made by an accused person, as is the case with all  
21 evidence presented during this trial, will be assessed in light  
22 of the Internal Rules. When the Chamber will hand down its  
23 verdict, the judgement that will be rendered in that regard will  
24 be reasoned.

25 MR. PRESIDENT:

1 Thank you, Judge.

2 I now hand over to the Lead Co-Lawyer for the civil parties to  
3 present the documents before the Chamber. You may proceed.

4 [15.16.24]

5 MR. PICH ANG:

6 Good afternoon, Mr. President. Good afternoon, Your Honours. My  
7 name is Pich Ang. I am the National Lead Co-Lawyer for the civil  
8 parties.

9 I would like to seek your permission to present a number of  
10 documents. There were a lot of documents in the initial list  
11 submitted by the Civil Party Lead Co-Lawyer section which also  
12 included the written records of interviews of witnesses as well.  
13 However, in the updated list of the documents, we have excluded  
14 many written record of interviews and we only wish to present  
15 only selected documents and we know that some of the documents we  
16 intend to present have already presented by the Prosecution so I  
17 would not labour the points and I would simply like to present  
18 new documents. Certain documents we are going to present to the  
19 Chamber are the video clips as well as the relevant written  
20 documents which illustrate the communication during the  
21 Democratic Kampuchea period.

22 [15.17.57]

23 To begin with, I would like to ask for permission to present a  
24 video clip which demonstrate the interview with Mr. Nuon Chea,  
25 document E1668R entitled in English "Enemy of the People". I do

1 not wish to mention the author of this document, but I would like  
2 to seek leave from the Chamber to have this document display on  
3 the screen.

4 MR. PRESIDENT:

5 You may proceed.

6 AV assistant, please play this video clip on computer screens.

7 [15.19.42]

8 MR. PICH ANG:

9 I would like to clarify this document. This document is E186.1R.  
10 In this video clip, it starts with minute 9.41 to minutes 11 and  
11 10 second. This were -- this is the first video clip in the  
12 series and I would like it to be played now.

13 MR. PRESIDENT:

14 Court Officer, please check with the AV assistant whether or not  
15 the video can be played.

16 [15.20.57]

17 (Audio-visual presentation)

18 [Interpreted from Khmer] "Actually, I was supposed to take over  
19 after Tou Samouth was killed because I had been in -- his deputy,  
20 but I recognized that Pol Pot as an independent thinker with a  
21 very analytical mind. And at the time, we also needed to attract  
22 intellectuals to the resistance. Some consider me as an  
23 intellectual, but I consider myself as a low-level intellectual,  
24 so I approached Pol Pot and told him that in the face of the  
25 current circumstance, I was not the right person to become the

1 Party Secretary because it would not be good for the Party, so  
2 Pol Pot should assume the position as the secretary. He thought  
3 about it and agreed to my request, but he emphasized that we had  
4 to unite so that was it. He became the Party's Secretary from  
5 then on. There was one issue that I have almost forgotten back  
6 then."

7 (End of audio-visual presentation)

8 MR. PICH ANG:

9 Thank you. In this short video clip, I would like to emphasize  
10 that when Mr. Nuon Chea was discussing with Pol Pot, he noted  
11 that Pol Pot agreed to become the Secretary of the Party, but  
12 they usually agreed that they would work together in the Party.

13 [15.23.07]

14 Now, I would like to seek leave from the Chamber to play the  
15 second clip. The second video clip starts with minutes 11 and 36  
16 second to minutes 12 and 43 second.

17 (Audio-visual presentation)

18 [Interpreted from Khmer] "Back then they -- sometimes they did  
19 not call them meetings. They simply gathered informally. If it  
20 was a meeting, there must have been a proper set-up for that  
21 purpose. But at that time he said, 'Comrade, I have an idea I  
22 would like to discuss with you,' so it was merely informal  
23 discussion. We simply exchanged our comments outside of the  
24 meeting setting so it was fast. So for efficiencies' sake, we  
25 exchange our comments at that time. That's what we talked to each

1 other and that were done on a more -- a frequently basis because  
2 there was no formal meeting. There were ongoing situation that  
3 required us to exchange our views."

4 (End of audio-visual presentation)

5 [15.24.48]

6 MR. PICH ANG:

7 In this second video clip, when Pol Pot was talking to Nuon Chea  
8 that he had to work together with Nuon Chea, since then, the  
9 working relation with Nuon Chea was through exchanges of comments  
10 and views. And those comments were made informally; it was not in  
11 the form of a meeting setting, so -- but it demonstrates that  
12 there was a close consultation between Pol Pot and Nuon Chea.

13 MR. IANUZZI:

14 Thank you. I'm - I do not object to the presentation of the  
15 clips. I do object to characterizations of the material by  
16 counsel that is in the way of what I believe we would refer to as  
17 final submissions or legal submissions or factual submissions. So  
18 perhaps if we could just stick to the playing of the clip and if  
19 counsel wants to read from a transcript; that's fine, but could  
20 we refrain from characterizations of whatever is being presented?

21 MR. PICH ANG:

22 Thank you, Counsel, for the comments. I will try to avoid the --  
23 any characterization of the facts or so and I will try not to  
24 draw any conclusion out of this either.

25 [15.26.41]



1 Now, I would like to move on to the -- the fourth video clip  
2 starting from minute 14 and 24 second to minute 15 to second 35.

3 This video describes the criticism and self-criticism session.  
4 (Audio-visual presentation)

5 [Interpreted from Khmer] "Did your self-criticism session -- what  
6 -- what did you do?"

7 "As I recall, he criticized me for not following the guidelines  
8 of the United National Front. He said that I was not sorry enough  
9 when it comes to complying with the Party lines. I was not in  
10 conformity with the Front lines; that's what he criticized me at  
11 that time, and my criticism of Pol Pot were, firstly, health  
12 issue and secondly, I cannot recall because there were a lot of  
13 things. Oh, that's right; he was too quick to trust people around  
14 him. This is according to my recollection."

15 (End of audio-visual presentation)

16 [15.28.35]

17 MR. PICH ANG:

18 Thank you. In relation to the criticism and self-criticism  
19 session, it was also mentioned in the Statute of the Communist  
20 Party of Kampuchea and with your leave, Mr. President, I would  
21 like to ask my colleague to project document IS 9.1 and point 7  
22 of the Statute.

23 MR. PRESIDENT:

24 You may proceed.

25 MR. PICH ANG:

1 And I would like to read out the Statute.

2 The Statute of the Communist Party of Kampuchea, point 7:

3 "Communist Party of Kampuchea adopts the self-criticism and  
4 self-criticism on a daily basis as the basis to change the  
5 disadvantages or mistakes made by parties."

6 [15.29.50]

7 Then I would like to move on to point 7.2 of this Statute, the  
8 Revolutionary Stance:

9 "All members shall uphold the firm revolutionary stance in  
10 relation to the life views and the life view of the Revolutionary  
11 Movement and we shall examine the life-view biography and we have  
12 to try to expand our qualities and advantages."

13 This was in relation to the self-criticism and criticism as well  
14 as the life view session.

15 I have already mentioned the portion of this Statute and now I  
16 would like to ask the Chamber for leave to continue to play  
17 another video clip, clip 5A from minutes 17 second -- 17 to --  
18 minute 17 to 4 -- 17.49 second

19 [15.32.05]

20 (Audio-visual presentation)

21 [Interpreted from Khmer] "Did you and Pol Pot ever argue?"

22 "[Response]: There was nothing. There was no argument between us  
23 between 1975 and 1979. There was no contention between us."

24 (End of audio-visual presentation)

25 MR. PICH ANG:

1 This video clip shows the discussions between Nuon Chea and Pol  
2 Pot and the nature of their relation during that period.

3 Now, I would like to ask the AV assistant to continue to play --  
4 to display document 5C.

5 [15.33.15]

6 (Audio-visual presentation)

7 [Interpreted from Khmer] "After the liberation, we knew this  
8 problem, but it's not so clear, but we saw a lack of discipline  
9 among several cadres. They were drunk on power, debauchery, and  
10 wine even though wine was not sold, but it could be found  
11 somewhere. This is the internal affair of the Party so I talk  
12 with Pol Pot, our Party is still young."

13 (End of audio-visual presentation)

14 MR. PICH ANG:

15 Thank you. Another clip, he's talking about the matter that Nuon  
16 Chea and Pol Pot used to discuss. This is one of the clip -- clip  
17 number 6-- Sorry? Yes, number 6 from minute 23.34 second and  
18 24.36 seconds. I would like leave from the Court to play this  
19 clip.

20 [15.34.42]

21 (Audio-visual presentation)

22 [Interpreted from Khmer] "When you talk with Pol Pot, (inaudible)  
23 -- you smash a person of selfish nature, (inaudible) drawn to  
24 power and privilege from personal, not to use the power and to be  
25 away from women and avoid alcoholic drunk, money, and talking

1 about materialism, so materialism make people selfish. So to  
2 smash the nature is not to smash the person, to smash the selfish  
3 and the aristocratism. You think only you, your own personal  
4 interest, and never of other people. This is what smashing  
5 means."

6 (End of audio-visual presentation)

7 [15.35.47]

8 MR. PICH ANG:

9 Next, I would like to request for the play of clips 5B from  
10 minute 18.00 to 18.56 seconds.

11 (Audio-visual presentation)

12 [Interpreted from Khmer] "Question: Do you have any different  
13 views or you still support Pol Pot because Pol Pot loved his  
14 country? He only killed traitors. He didn't kill the people. It  
15 was the traitor who did that. They were the traitor who killed  
16 them. What do you think of people who say Pol Pot was the killer?  
17 Do you have any comment against him?

18 "He is not a killer. A killer is someone who murders innocent  
19 people without any reason. It is a -- a killer. Pol Pot was not a  
20 killer. He killed, sorted out those who betrayed the nation and  
21 the people, those who sold the land to foreigner."

22 (End of audio-visual presentation)

23 MR. PICH ANG:

24 Thank you for the last video clip.

25 In relation to the interview of Nuon Chea, clip number 7.

1 MR. PRESIDENT:

2 Counsel, you may proceed.

3 [15.37.40]

4 MR. VERCKEN:

5 Thank you very much, Mr. President. At this stage of the  
6 proceedings and this point where we're projecting these videos,  
7 what is the link between these passages and communication  
8 structures and military structures? This is the question that I  
9 wish to pose my learned colleague across the way.

10 MR. PICH ANG:

11 These video clips were the interview on the information structure  
12 as I also addressed the Court. And between Pol Pot and Nuon Chea,  
13 their communication -- they share their information; how their  
14 discussion was, what was the view of Nuon Chea in relation to Pol  
15 Pot's view, and what Pol Pot said and did. These are the  
16 relationship or the communication structure of information. It  
17 falls with the presentation of this document.

18 [15.38.53]

19 MR. PRESIDENT:

20 Counsel, you may proceed.

21 MR. PICH ANG:

22 The last clip for the interview is clip number 7. It related to  
23 the confessions of S-21 from minute 26.40 second to 27 and 30  
24 seconds. I would like to ask the Court to present or to play this  
25 clip. Thank you.

100

1 (Audio-visual presentation)

2 [Interpreted from Khmer] "Question: You told me you read the  
3 confessions so you could use them for educational purpose. They  
4 were from S-21 so that you can educate the cadre so that they can  
5 follow. How did you use them to educate your junior cadres? So  
6 how did you do that for education?

7 "I didn't read all the documents because there -- there were  
8 many. It was not my job to read them all. I just highlighted some  
9 of the enemies' dangerous trick to warn our junior cadres the  
10 enemy led our cadres astray from the Party line."

11 (End of audio-visual presentation)

12 [15.40.34]

13 MR. PICH ANG:

14 Thank you.

15 Next, I would like to move on to another interview conducted by a  
16 person named Roshane Saidnattar, and this video is numbered  
17 E101/2.3R, E109/2R, the title: "To Survive in the Heart of the  
18 Khmer Rouge Madness". It is -- its title is "To Continue to  
19 Survive of the Heart of the Khmer Rouge Madness". This is my oral  
20 interpretation of the title.

21 I would like now to request, Mr. President, to show -- to play  
22 this video from number 1 -- from minute -- 6 minutes 35 seconds  
23 to minute 8 and 20 seconds.

24 MR. PRESIDENT:

25 The Court grants your request.

101

1 [15.42.13]

2 (Audio-visual presentation)

3 [Interpreted from Khmer] "At Steung Chinit, I met Pol Pot for the  
4 first time. It was Saloth Sar, the same man I knew at school in  
5 Kampong Cham, but I didn't know he was the Party Secretary. He's  
6 the high leader. I was not only one surprised. Everybody was  
7 surprised because Saloth Sar was not known, good reputation. It  
8 was like that so I was surprised. What is -- I know at the first  
9 meeting I listen to his analyze or his discussion. He had such a  
10 capacity to analyze things. Everyone recognized him like Hou  
11 Yuon, Hu Nim, Pok Deuskomar, and myself. We were all impressed.  
12 Before we only knew Saloth Sar as a musician and a soccer player.  
13 At all of our meetings among the intellectuals, we met at each  
14 meeting. When we left the meeting, we understood the situation.  
15 We understood and the measure -- understood the measure quite  
16 well. We saw it was the only path to take. That's all."

17 (End of audio-visual presentation)

18 [15.44.04]

19 MR. PRESIDENT:

20 Counsel for Mr. Khieu Samphan, you may proceed.

21 MR. VERCKEN:

22 Thank you, President. I repeat my comment from earlier on. I  
23 believe that these passages of video recordings have absolutely  
24 no link to the subject of these hearings. The defence team for  
25 Mr. Khieu Samphan has already made written submissions with

102

1 respect to this matter.

2 I will therefore emphasize once again that my learned colleague  
3 representing the civil parties is submitting before Your  
4 Honourable Chamber elements that do not fall within the framework  
5 that has been defined by Your Honourable Chamber. The passages  
6 that we have just heard have absolutely no relevance to  
7 administrative structures or communication structures. They refer  
8 to meetings for which they do not even know the dates concerning  
9 participants that are unidentified.

10 I believe Your Honours must put an end to this exercise. That is  
11 my request, Your Honours.

12 [15.45.42]

13 MR. PICH ANG:

14 I would like to respond to the defence counsel for Khieu Samphan.  
15 In fact, the defence counsel for Mr. Khieu Samphan raised the  
16 possibility that it does not related to Saloth Sar  
17 (unintelligible) or the poor person, but he failed to say that  
18 Khieu Samphan mentioned about the meeting and when they left the  
19 meeting, Khieu Samphan have an idea on that meeting. This is the  
20 assessment of Mr. Khieu Samphan on the capacity of Pol Pot. This  
21 is the critical point and it related to a person who is the --  
22 the accused Khieu Samphan and the relationship or information  
23 sharing between the member of the Central Committee, in the past,  
24 and also in the framework of the fact the temporal jurisdiction  
25 of the Court and these are the points are really relevant to the



103

1 presentation of the document regarding the communications  
2 structure especially in this part of the hearing.

3 Thank you.

4 (Judges deliberate)

5 [15.48.46]

6 MR. PRESIDENT:

7 The Trial Chamber considers that the show of video clips is  
8 somewhat relevant to the presentation of the administrative  
9 structure of the DK so the counsel for civil party can continue  
10 his presentation.

11 MR. PICH ANG:

12 Thank you, Mr. President.

13 Regarding the information structure and communication structure,  
14 I would like to request for leave to show clip number 5 of the  
15 video from minute number 1 and 5 second -- it's my apology, from  
16 minute number 5.23 second to 6 minutes and 44 seconds. I would  
17 like to request that video clip be shown.

18 (Audio-visual presentation)

19 [15.50.06]

20 [Interpreted from Khmer] "After a long fight in the forest, what  
21 was your first impression the day of victory in Phnom Penh?

22 "As soon as I learned the victory April 17, 1975, I was very  
23 happy.

24 "Where were you?

25 "I was in the west of Udong, a little bit, in Phum Dong

104

1 (phonetic), the headquarters of the Khmer Rouge, the last base  
2 before the capture of Phnom Penh. They asked me to come along. It  
3 was near the end of March. I had to be on site to closely follow  
4 the progression of the fighting in battlefield. The day of  
5 victory, I was so very happy, but then I ran into combatants  
6 coming from Phnom Penh. It was (unintelligible). They were  
7 talking a discussion about the evacuation of Phnom Penh and they  
8 spend a long time crowded people in the street of Phnom Penh. I  
9 was surprised. I later learned the order had been given from the  
10 leaders."

11 (End of audio-visual presentation)

12 [15.51.31]

13 MR. PICH ANG:

14 Next, I would like to request a show of clip number 3 from minute  
15 55 and 28 second to 58 minute to 04 second. Thank you.

16 MR. PRESIDENT:

17 Your request is granted.

18 (Audio-visual presentation)

19 [Interpreted from Khmer] "I would like to know if you could live  
20 your life again, would you still choose to work and fight in the  
21 struggle in the Khmer Rouge again if you could do it all again?

22 [15.52.26]

23 "Firstly, I would like to tell you that your question is  
24 difficult for me to respond because you can't change history.  
25 History belongs to the past. We cannot repeat the history.

105

1 However, what can I draw from my experience? As I already told  
2 you, what I did, I did with conviction. I joined the movement in  
3 good faith half of my life. Do I regret what happened -- what  
4 happened in the event which caused the death of so many  
5 countrymen? I explained it -- it -- my first -- in my first open  
6 letter. I didn't know what was happening, however, I can -- I can  
7 be accused that -- of not firmly opposing the order and the  
8 organization and the Party. All I did -- I was address my remark  
9 in the meeting and so does it -- should I be responsible to what  
10 extent for doing this?"

11 (End of audio-visual presentation)

12 [15.54.26]

13 MR. PICH ANG:

14 This clip is related to the evacuation, the establishment of the  
15 cooperative. And in related to the establishment of cooperatives,  
16 we can find the content in other documents. I would like to  
17 request permission from the Court to read the document of Mr.  
18 Khieu Samphan, his thesis, document E3/123, ERN in Khmer  
19 00767387, English 005, and in French 002023575.

20 [15.55.31]

21 MR. PRESIDENT:

22 Counsel for Mr. Khieu Samphan, you may proceed.

23 MR. VERCKEN:

24 Mr. President, I have the impression that the lawyer for the  
25 civil parties is rather confused. He seems to assume that these

106

1 hearings are devoted to the closing arguments of this trial. Once  
2 again, he has presented a passage that has absolutely no  
3 relevance to the framework that you have defined. He's talking  
4 about cooperatives and once again, he is wasting the precious  
5 time of all present. I do not see how the matter of cooperatives  
6 is, in any way, connected to administrative structures and  
7 communication structures of Democratic Kampuchea.

8 Thank you.

9 MR. PICH ANG:

10 I would like to respond to the remark by the defence counsel.  
11 Cooperative is part of the structure of the DK from the Central  
12 Committee and it existed at the local level, at the base, and we  
13 need to look into the cooperative. Were there any cooperative  
14 during the DK period? What are the policies of establishment of  
15 the cooperative? And it related also to the structure of the DK  
16 in this regard.

17 So I would like to request the Court to allow me to present this  
18 document.

19 (Judges deliberate)

20 [15.58.18]

21 MR. PRESIDENT:

22 You are granted. Counsel, you may proceed.

23 MR. PICH ANG:

24 I'm sorry that objection that cost me to lose some time from my  
25 allocation.

107

1 The phrase that I read -- ERN that I read a while ago reads as  
2 follows:

3 "A -- the prevents from the products imported from abroad. First,  
4 we need to move the location because of the importation of the  
5 consumers good which eliminate the influence of the foreigner and  
6 then we can direct the goods which are imported so we can limit  
7 the importation so the requirement in the domestic will be  
8 complemented by the small industry and we do not need a big  
9 investment so that we need to create a cooperative for  
10 production, supply, and employment of the works."

11 This is related to the cooperative.

12 [15.59.55]

13 And the next point, it is in his thesis -- the thesis of Mr.  
14 Khieu Samphan deal with the cooperative. Khmer ERN 00767441,  
15 English ERN 00750636, French ERN 00236643. One paragraph in this  
16 section said:

17 "We have seen already that the narrow market in Cambodia may  
18 prevent any efforts toward the industrialization. Due to this  
19 reason, the government should try to gather the farmers so that  
20 they can help one another, try to organize the cooperative to  
21 supply food and other things, and to implement the agriculture --  
22 agricultural credit with -- by the plan."

23 So I would like to end the quote so I would like to tell the  
24 defence counsel that here it's also talking about cooperatives.

25 In the preface of the thesis with the ERN number in Khmer,

108

1 00767296; English ERN 00750555; French ERN 00236473; here we can  
2 see in the preface mentioned about the goals of the writing of  
3 this thesis. I would like to quote the following paragraph.

4 [16.02.55]

5 MR. PRESIDENT:

6 (No interpretation)

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I would like to respond to the  
9 conclusion made by the Civil Party Lead Co-Lawyer.

10 He made mention that in the previous paragraph he read out they  
11 use the word "cooperatives", but actually, it did not mention the  
12 use of the word "cooperative" specifically, but they did mention  
13 "cooperative", but there was no definition as such. It was only  
14 plain use of this term.

15 MR. PRESIDENT:

16 Thank you.

17 The Chamber has already advised the parties that they need not  
18 mention in detail the term "cooperative". We simply wish to hear  
19 the documents relevant to the communication. We did not want  
20 parties to dwell on the details of this. We did not want to know  
21 the detail of the cooperatives that were ongoing at the Tram Kak  
22 district at the time.

23 [16.04.17]

24 So Lead Co-Lawyer may proceed.

25 MR. PICH ANG:

109

1 I would like to read out the preface of his dissertation. It  
2 reads in paragraph 2:

3 "The study is divided into two parts. In the first, we shall make  
4 a case for the objective necessity of industrial and  
5 self-directed development through an examination of Cambodia's  
6 current economic structure and the mechanism fostering this  
7 structure and its consequences of continuing economic change. And  
8 in second part, we shall treat some specific obstacles to  
9 industrial development. We shall make an effort to determine how  
10 to undertake structural reform so as to establish a firm basis  
11 for industrialization and to specify the requirements of such  
12 reform." End quote.

13 [16.05.23]

14 And I would like to come back to the video clips and Mr.  
15 President, I know that we are running out of time for the day and  
16 I need approximately 10 more minutes today to play these video  
17 clips.

18 MR. PRESIDENT:

19 Thank you.

20 Lead Co-Lawyers, can you please advise the Chamber as to how much  
21 time you will need tomorrow to present your documents?

22 MR. PICH ANG:

23 Thank you, Mr. President.

24 Today we have spent approximately one hour presenting our  
25 documents and tomorrow, in our estimation, we may need another --

110

1 an hour. We are not going to exceed the time allocated by the  
2 Chamber to the civil parties for this purpose.

3 [16.06.21]

4 MR. PRESIDENT:

5 Thank you.

6 The time is now appropriate for the day adjournment. The Chamber  
7 will adjourn now and we will resume tomorrow morning, on Friday,  
8 starting from 9 o'clock in the morning.

9 And tomorrow's hearing, the Chamber will start with the  
10 presentation of document by the Civil Party Lead Co-Lawyers and  
11 the Civil Party Lead Co-Lawyers will finish the presentation of  
12 all the documents by tomorrow morning and then we will proceed to  
13 the defence teams for the co-accused, beginning with the defence  
14 team for Nuon Chea.

15 Security guards are instructed to bring the co-accused back to  
16 the detention facility and return them to this courtroom tomorrow  
17 morning, before 9 o'clock.

18 The Court is now adjourned.

19 (Court adjourns at 1607H)

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