



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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Sann Rada
CMS/CFO:.....

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

27 June 2013
Trial Day 201

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

Lawyers for the Accused:
SON Arun
Victor KOPPE
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:
Miriam MAFESSANTI
SE Kolvuthy

Lawyers for the Civil Parties:
Élisabeth SIMONNEAU-FORT
LOR Chunthy
VEN Pov

For the Office of the Co-Prosecutors:
SENG Bunkheang
Dale LYSAK

For Court Management Section:
UCH Arun
SOUR Sotheavy

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SENG BUNKHEANG	Khmer

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

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Se Kolvuthy, could you report the attendance of the parties and
6 individuals to today's proceeding?

7 THE GREFFIER:

8 Mr. President, for today's proceeding, all parties to this case
9 are present. On a side note, the national counsel for Nuon Chea
10 is present with the accused downstairs and Nuon Chea is also
11 present in the holding cell downstairs pursuant to the decision
12 of the Trial Chamber concerning his health. The national lead co
13 lawyers for civil party, Pich Ang, is absent due to personal
14 commitment.

15 MR. PRESIDENT:

16 Thank you.

17 I would like now to give the floor now to the Prosecution to
18 present their key documents on the role of the accused. You may
19 proceed.

20 [09.05.49]

21 MR. SENG BUNKHEANG:

22 Thank you, Mr. President; and good morning, Mr. President, Your
23 Honours, and all parties who are present in this courtroom.

24 I'd like now to continue where I left off yesterday, and as I
25 informed the Chamber, I made presentation on the key documents

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1 related to the role and responsibility of Nuon Chea. The first
2 document that I will present is the meeting minute of the
3 Standing Committee, and the document number is E3/218. It is the
4 Standing Committee meeting that was held on 26 March 1976, whose
5 agenda was the result of negotiations with Vietnam regarding the
6 eastern border.

7 In the minutes of that Standing Committee meeting, and in
8 reference to the attendance list for the meeting, it shows that
9 the Secretary, Pol Pot, was absent, and in Pol Pot's absence,
10 Nuon Chea presided over this Standing Committee meeting in his
11 role as Deputy Secretary of the Party.

12 [09.07.36]

13 The other participants in this Standing Committee meeting were
14 Son Sen, alias Khieu; Khieu Samphan, alias Hem; Northeast Zone
15 Secretary Ya; General Staff Deputy Secretary Seat Chhae, alias
16 Tum; and Sua Vasi, alias Doeun. The minutes reflect that Comrade
17 Ya reported on negotiations held with Vietnam that had occurred
18 from the 7th to the 9th of March 1976.

19 Following that report, on pages 6 to 7 of the minutes – that is,
20 on the Khmer page with ERN, 00000756 to 757; and English,
21 00182656 to 57; and on French page, 00334970 to 71, instructions
22 and measures were provided by Nuon Chea. In the list of future
23 measures, paragraph 8 states as follows: "Keep implementing the
24 measures of the Party, political, military and diplomatic."
25 Comrade Deputy Secretary recalled the content of the Standing

1 Committee's decision in the meeting of 11 March concerning the
2 problems on the Eastern Border protection and sending the minutes
3 to Comrade Ya. And in paragraph B, Nuon Chea assigned to Son Sen
4 the task to prepare maps in preparation for negotiations with
5 Vietnam in the future.

6 [09.10.16]

7 And in paragraph C, Nuon Chea proposed measures relating to
8 diplomatic policy, specifically: "...that at the base propose to
9 instruct the brothers and sisters, who have the task of receiving
10 guests at the bases, to maintain a proper attitude along the
11 Party line."

12 And on the last page of these minutes, paragraph 3 records the
13 instructions decided by Nuon Chea and the Standing Committee
14 relating to the use of monks, arrests, attacks on boats, and the
15 need for vigilance regarding people fleeing to Vietnam.

16 I'd like to read the following quote:

17 "3. Vietnamese activities at other locations: During negotiations
18 in the northeast at other locations, the Vietnamese carried out
19 activities non stop as in: A. In the east. In the Chbot
20 (phonetic) area of Snuol District, they built a road across our
21 land along an old French road and entered four to five kilometres
22 into our territory. The Party instructed at the use of mines. At
23 Kbal Cham (phonetic), their tractor drove into our territory and
24 hit a mine, killing the driver, and they came to drag it back. At
25 another location on the Svay Rieng border, they came and emplaced

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1 more than 200 bamboo marker posts more than one kilometre into
2 our territory, etc."

3 [09.12.06]

4 "B. At Peam Chor (phonetic), Khorm Samnor (phonetic). A group of
5 five or six Vietnamese came to live in the forest. What faction
6 of Vietnamese they are from is unknown. We have ordered them
7 arrested already.

8 C. On the sea. They had the small boats and vessels aggress into
9 our territorial waters frequently. We have fired on and sunk some
10 small boats.

11 Therefore, with Vietnam our problems are never-ending. We must
12 continue the political struggle, the diplomatic struggle, but
13 must use military force in combination. Be vigilant for another
14 thing with Vietnam - people who flee to Vietnam and who do not
15 return and make propaganda leading others to revolt. The bases
16 have taken measures on this problem already."

17 Another document that reflects the specific areas of
18 responsibility assigned to Nuon Chea is E3/182. It is the minutes
19 of the 9th October 1975 Standing Committee meeting. On the first
20 page of minutes in the section entitled "Delegation of Work and
21 the Operational Process", the following areas of responsibility
22 were assigned to Deputy Secretary Nuon Chea - and I'd like to
23 quote here: "Party affairs, social action, culture, propaganda
24 and education". End of quote.

25 [09.14.12]

1 I also note that the second agenda item in this meeting was
2 preparations for living in common, and on the sixth page of the
3 Standing Committee minutes for 9 October 1975; Khmer ERN,
4 00019113; English, 00183396; and French, 00292873, and in section
5 2 titled "Living Together", the minutes record the Party leaders
6 will be moving into their common living quarters on the 15th of
7 that month.

8 And the next document that I will present is his first two
9 appearances before the Co Investigating Judges of this Court.
10 Nuon Chea made admissions regarding his role in the CPK and
11 Democratic Kampuchea.

12 In document E3/54, which is the written record of Nuon Chea's
13 initial appearance on 19 September 2007, at the Khmer ERN,
14 00148744; and English, 00148817; and in French, 00148921, Nuon
15 Chea admitted - quote: "I was Deputy Secretary of the Party and
16 President of the Assembly. Besides that, I was in charge of
17 educating cadres and Party members." End of quote.

18 [09.16.39]

19 In this same document, Nuon Chea also made the following
20 statement to the CIJ's - quote:

21 "There were American CIA and soviet KGB agents, the free Khmer,
22 the Vietnamese secret agents who were hiding within the Party,
23 among the population, and in our cooperatives. They were the ones
24 who caused the Party line to be 'raw' and 'burnt' and then
25 destroyed the country, Party, and people."

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1 The next document that I present is E3/558, which is the written
2 record of administrative hearing also held on 19 September 2007.

3 At Khmer page, 00148677; in English, 00148699; and in French,
4 00148715, Nuon Chea made the following admission - quote:

5 "Concerning power, it was not invested in individuals, it was in
6 the Party Congress; therefore, the collective was respected.

7 Leadership in my Party was collective decision-making. Particular
8 individuals held their own responsibility and no one could
9 overturn the decisions of the Party Congress." End of quote.

10 [09.18.40]

11 He also stated - quote: "The military committee had the task of
12 national defence and purging internal enemies. As for me, I was
13 on the legislative side." End of quote. Nuon Chea made a similar
14 claim in the previous document presented, that is, in document
15 E3/54, where he asserted: "As for myself, after the liberation, I
16 was in the legislative body, so I was not involved with the
17 executive."

18 I would therefore now like to present a few documents relating to
19 Nuon Chea's claimed role in the DK legislative body, which was
20 known as the People's Representative Assembly. The first document
21 is E3/232, which is the minutes of a Standing Committee meeting
22 held on 8 March 1976. That was attended by Secretary Pol Pot,
23 Deputy Secretary Nuon Chea, and Khieu Samphan, alias Hem.
24 At this meeting, Khieu Samphan reported on the upcoming 20 March
25 1976 election of the People's Representative Assembly. The true

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1 use of the Party leaders on that Assembly, as shown in section
2 1.2b of the minutes, at Khmer ERN, 00017118; and in English,
3 00182630; and in French, 00323933. As this document is
4 importantly related to the role of Nuon Chea, and I'd like to
5 make the following quote:

6 [09.21.14]

7 "D. Education and Propaganda: If anyone asked, we must explain,
8 not be wild and disorderly; do not let it be seen that we want to
9 suppress. At the same time, do not speak playfully about the
10 Assembly in front of the people to let them see that we are
11 deceptive and our Assembly is worthless. In fact, it still
12 remains the task of the Party."

13 The DK Government announced the results of the quote, unquote -
14 election - of this National Assembly in document E3/274, and on
15 the Khmer page ERN, 00896377 to 87; and on English page, 00167985
16 to 89; and the French page, 00700110 to 12. This document is a
17 transcript of a radio broadcast read by Propaganda and
18 Information Minister Hu Nim of a statement by the election
19 committee and it was signed by Khieu Samphan. It made the
20 following announcement regarding the results of the election that
21 was purportedly held on 20 March 1976.

22 [09.23.34]

23 First, at Khmer ERN 00896377 through 78; and English 00167985;
24 and French 00700111. Quote:

25 "The elections were held at all population bases, peasant

1 cooperatives, factories and revolutionary army units. According
2 to the record books of the Cambodian population, our people,
3 including elders, youngsters, men, women, revolutionary army
4 soldiers of both sexes, and cadres at all ministries and
5 revolutionary offices, total 7,735,279 people. Out of this
6 figure, 3,635,581 are eligible voters - that is, not less than 18
7 years of age".

8 And, continuing on the following page, it was announced:

9 "From 0600 hours to 1800 hours on 20 May - March - they turned
10 out cheerfully to cast their ballots together. The 20 March
11 elections were successfully carried out with all of our people
12 aged 18 years and up, casting their ballots with enthusiasm. The
13 results from all polling stations throughout the country are as
14 follows: 1. the number of eligible voters aged 18 years and up is
15 3,635,581. 2. The number of people who participated in the
16 elections is 3,462,868, or 98 per cent of the eligible voters. 3.
17 The number of candidates running for seats in the Cambodian
18 People's Representative Assembly is 515. Of these 515 candidates,
19 250 were elected as members of the Cambodian People's
20 Representative Assembly". End of quote.

21 [09.26.58]

22 It should also be noted that, notwithstanding that this election
23 was supposedly held from 6 a.m. to 6 p.m. on the 20th of March,
24 1976, and that a total of 3,462,868 people voted at locations
25 throughout the country, including remote regions like Ratanakiri,

1 the DK government was able to announce the election results and
2 exact number of votes by 6 a.m. local time on the 22nd of March,
3 1976. That is, 2300 hours Greenwich Mean Time on 21st of March.
4 Which means it's 6 a.m. of the 22nd of March, 1976, in Cambodia.
5 The third document relating to the People's Representative
6 Assembly that I would like to present is E3/165, which is the
7 record of the first conference of that legislative assembly,
8 dated 11 to 13 April 1976. At pages 43 through 44, the document
9 announced the appointment of Nuon Chea as chairman of the
10 Standing Committee of the People's Representative Assembly, and
11 the document ends - that is, from pages 53 to 66 - with an
12 announcement issued by Nuon Chea on 14 April 1976.

13 [09.29.13]

14 In the section of Nuon Chea's statement announcing the decision
15 to accept the resignation of Prince Norodom Sihanouk at page 59,
16 which is on Khmer page 00053641; and English, 00184073; and
17 French, 00301358. Nuon Chea makes reference to: "the struggle for
18 national liberation in opposition to the cruel and barbaric war
19 of aggression of the American imperialists and the Lon Nol
20 traitor group - Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam,
21 Long Boret and Sosthène - its servants".

22 [09.30.30]

23 The other documents relates to the speech by Mr. Nuon Chea,
24 document E3/78. This document is a speech given by Nuon Chea on
25 the 18th of January, 1978, at a banquet held in honour of

1 visiting officials from the People's Republic of China – which
2 speech was published in the "Nouvelle du Kampuchéa démocratique"
3 issue number 3. Nuon Chea is identified as the deputy secretary
4 of the Communist Party of Kampuchea and President of the Standing
5 Committee of the Assembly of Representatives. In that speech,
6 Nuon Chea made the following statement at Khmer ERN 00705172;
7 English, 00290285; French, S00009311. I would like to quote the
8 text as follows.

9 Quote:

10 "This visit comes at a time when the entire Revolutionary Army of
11 Kampuchea and the people of Kampuchea as a whole are standing as
12 one man under the leadership of the Communist Party of Kampuchea,
13 and are steadfast in their resolve to forge ahead with the
14 struggle, are always alert in their revolutionary vigilance, and
15 are fighting to accomplish with determination their three tasks:
16 namely, national defence, the furtherance of the socialist
17 revolution, and the building of socialism. With regard to
18 national defence, we have overcome and are still overcoming
19 obstacles and are fighting to successfully retain our sacred
20 land, and we are fully in control of the situation."

21 [09.33.15]

22 "With regard to nation-building, in particular rice production,
23 in 1977 we have achieved 100 per cent success in the plan to
24 produce three tons per hectare and six tons per hectare. We must
25 keep up the revolutionary vigilance and overcome other obstacles

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1 in order to gain better control of the situation in our effort to
2 ensure national defence, build our country quickly, and improve
3 our people's standard of living."

4 The next document is E3/196 is a presentation by Nuon Chea made
5 to the Communist Workers Party of Denmark on the 30th and 31st of
6 July 1978. At the start of his presentation at Khmer ERN,
7 00224458; English, 00762392; and French, 00280665 through 66,
8 Nuon Chea made the following statements about the history of the
9 Party's struggle. I would like to quote as follows:

10 "Point number 3: Our Party chose two forms of struggle, political
11 struggle and armed struggle. These are interrelated. The
12 political struggle was promoted. Currently, we struggle openly
13 and secretly and our secret struggle was the main foundation of
14 our struggle, and we have already determined that this form would
15 be the form for our struggle. And the struggle - the
16 strengthening of our forces were very important in the work of
17 this struggle. Point number 4: We started our struggle in the
18 cities and also in the rural areas. Point number 5: In the rural
19 area, we worked to enhance our struggle in the bases."

20 [09.36.00]

21 And on ERN in Khmer, 00224467; in English, 00762397 through 98;
22 French ERN, 00280671, Nuon Chea provided the following
23 explanation of how Party cadres were politically educated. I
24 would like to quote as follows:

25 "Cadres are also instructed in revolutionary vigilance - that is,

1 taking care to be on guard against the enemy. We arm them with an
2 understanding of dialectical materialism to enable them to
3 analyse things and to understand the ideological standpoints of
4 the Party. All of these ideological standpoints have been
5 propagated in the branches and cells of the Party. This was done
6 not by the reading out of documents but by analysing daily
7 activities, determining what was done wrongly, and correcting
8 shortcomings."

9 [09.37.42]

10 "As for our books, they are only a few pages in length as brief
11 documents are more suitable for poor peasants. We also have some
12 courses, mostly short ones for small groups and underground work
13 for two or three - two to three people once or twice a month.
14 There are also other courses held about twice a year in which
15 Party members are introduced to revolutionary concepts and
16 educated in our political, ideological, and organizational line."

17 [09.38.34]

18 On the following page, which is at point number 4 about the
19 organizational line of the Party, Mr. Nuon Chea mentioned about
20 the background of the Party and cadres and he said - I quote:
21 "We build the Party ideologically and organizationally by relying
22 on our class analysers, taking the poor peasant and worker
23 classes as the basic classes. Those who joined from the petty
24 bourgeoisie or other classes try to promote the standpoints of
25 those classes, but they had to renounce their own standpoints and

1 develop working class consciousness."

2 "Cadres are evaluated on the basis of their concrete activities.

3 Their spirit has to be clean, uncorrupted, and without entangling

4 contacts with the enemy. We investigate life histories and class

5 background, both before and after they joined the Revolution. We

6 do this to prevent infiltration by, for example, CIA, KGB, or

7 Vietnamese agents."

8 "By adopting these organizational principles, we have unity in

9 the Party and can cleanse our Party of bad elements. We have not

10 seen 100 per cent successful - rather, we have not been 100 per

11 cent successful and the enemy is still attempting to determine -

12 undermine, rather, the Party. Consequently, we are striving to

13 strengthen political and ideological education and to clean the

14 Party."

15 [09.40.57]

16 Now, I would like to also quote another document, which is under

17 Khmer ERN, 00224473 through 74; English, 00762402; and French,

18 00280674 through 75. Nuon Chea gave a detailed statement

19 regarding experiences since liberation and addressed the reason

20 for the evacuation of the cities. I would like to cite it as

21 follows:

22 "Since liberation, our experience relates to anti-Party

23 activities organized inside our Party. This usually involves CIA,

24 Vietnamese, and KGB agents. Our experiences in this area are very

25 recent, but it appears from what we have been able to learn that

1 CIA, Vietnamese, and KGB agents have been working inside the
2 Party for a long time."

3 "When we observed that something was wrong we thought it was an
4 internal contradiction and attempted to resolve it by means of
5 persuasion, self-criticism and so on. For example, the Party had
6 to give directives to a branch concerning the living conditions
7 of the people. When nothing changed we realized something was
8 wrong."

9 [09.42.45]

10 "Where there were deviations to the left or to the right, we
11 looked carefully into the backgrounds of the cadres. We also
12 sought the opinion of the masses. We have thus been able to
13 uncover enemy agents step by step."

14 "Generally, we discovered they had been engaged in enemy
15 activities for a very long time. Sometimes good comrades -
16 rather, good comrades had been imprisoned and tortured and
17 afterwards they surrendered to the enemy. Upon release, they
18 served as agents. We welcomed them back, accepted them without
19 looking at what happened or what had happened in prison. We now
20 realize they had become agents of the enemy."

21 "It is best known that the Americans tried to follow up on the
22 situation once every six months, and that we had to internally
23 and externally join hands in this struggle to destroy this plan.
24 And immediately after the evacuation - rather, immediately after
25 the liberation we evacuated all the population from the cities.

1 The CIA, the KGB, and the Vietnamese agents had to be evacuated
2 to the rural areas where they could no longer implement their
3 plans. So these people could not react immediately."

4 [09.44.53]

5 "But later on we learned that they planned to stage their coup
6 d'état. These activities included or joined by the efforts from
7 the outsiders. These people had no power, but they would like to
8 take the opportunity when the Vietnamese attacked us to
9 assassinate our leaders. And later on they would then announce to
10 the outside world about this. Nonetheless, after the Vietnamese
11 attacked, our soldiers failed them and we arrested the traitors
12 within the rank. Although we said we destroyed their plan that
13 doesn't mean that the enemies would like to surrender. We had to
14 work hard to continue fighting them and to find out those who
15 infiltrating in our Party's line. Our current plan does not
16 relate only to the Vietnamese agents but it also relates to the
17 imperialists and the KGB agents." End of quote.

18 [09.46.22]

19 And on another ERN pages, ERN 00224476 in Khmer; and English,
20 00762404; and French ERN, 00280676, Nuon Chea explained the
21 Party's different treatment of urban and rural areas. I would
22 like to quote it as follows:

23 "The best of our cadres worked among poor peasants, building base
24 areas in the most remote regions. They had to transform
25 themselves so as to work among peasants. Initially, there were a

1 lot of problems. Meanwhile, in the cities cadres had to become
2 workers."

3 "The conditions in the cities and the countryside were quite
4 different. In rural areas living conditions were very bad but
5 there were few enemies. In the cities, living conditions were
6 better but there were many enemies. Both places had advantages
7 and disadvantages."

8 "Cadres had to be selected accordingly. There was a lot of
9 malaria in the countryside. Some cadres refused to work there,
10 but we had work to do and we had to strengthen their ideological
11 standpoint." End of quote.

12 [09.48.40]

13 This is going to be my last document to present today, document
14 E3/108. This is an interview that was given by Nuon Chea on the
15 10th of June 2006 from his home in Pailin. In this interview, at
16 Khmer ERN, 00347043; English, 00000932; French, 00613208, Nuon
17 Chea made the following statement regarding his role in re
18 educating cadres - quote - questioned by Mr. Meng-Try:

19 "What was the measure to deal with the bad cadres or comrades?"

20 Nuon Chea said: "I re educated them. It was hard job." Then

21 Meng-Try asked another question: "What did you do?" Nuon Chea

22 said: "I re educated them and did not allow them to stay in their
23 positions." End of quote.

24 And on another page, under Khmer ERN page, 00347046 to 47; and
25 English, 0000934; French, 00613210 through 11, he made the

1 following statements – and I quote – questioned by Mr. Meng-Try:
2 [09.51.21]
3 "Do you think that it is a good idea to teach younger generation
4 about the past? If so, how could we do that?" Nuon Chea
5 responded: "I am now writing a book about the past. I have
6 written it for three years now. I want younger generation to
7 learn what happened in the past. Please keep that to yourself, as
8 I do not want anybody to know that I am now writing a book." Then
9 Mr. Meng-Try questioned him again: "Who were the enemies of your
10 regime?" Nuon Chea said: "They were United States and Vietnam.
11 They were hidden in the comrades and they destroyed my regime by
12 not following the policies – rather policy. They were doing
13 nothing or doing too much."
14 Mr. Meng-Try put to him another question: "What is S 21?" Nuon
15 Chea said: "It was established to search for the enemy of the
16 country." Then Mr. Meng-Try continued: "How did they search for
17 the enemy?", and Mr. Nuon Chea responded: "Somebody who wanted to
18 harm people. S 21 was set up to take care of that matter. Sadly,
19 there were bad comrades there."
20 That ends up my quote, and that also concludes my presentation,
21 Mr. President.
22 Next, I would like to cede the floor over to my colleague to
23 continue presenting some more documents, with your leave, Mr.
24 President.
25 [09.53.30]

1 MR. PRESIDENT:

2 Thank you very much.

3 International Co Prosecutor, you may now proceed.

4 MR. LYSAK:

5 Thank you, Mr. President.

6 In the last document that was just presented by my colleague,
7 Nuon Chea made reference in June 2006 to a book that he was
8 writing that he did not want anyone to know about. And we have
9 since heard Nuon Chea testify that he gave a manuscript to Thet
10 Sambath to publish. And I would like to start by presenting a few
11 excerpts from the book, published by Thet Sambath and Gina Chon
12 in 2010, the book titled, "Behind the Killing Fields", document
13 E152.2. I will make a number of references to statements
14 attributed to Nuon Chea in this document throughout my
15 presentation today.

16 [09.54.47]

17 In the first chapter of the book, at Khmer, 00920126; English,
18 00757477; and the translation of this page in French is still
19 pending. At this page the authors wrote as follows - quote:

20 "He is described as Pol Pot's right hand man. In the early years
21 of the Communist Movement, which ruled Cambodia from 1975 to
22 1979, he had more power than Brother Number 1 himself. He was the
23 political ideologue of the Khmer Rouge and came up with many of
24 the regime's policies. Few details of his life were known because
25 of his obsession with secrecy and his work behind the scenes as

1 Pol Pot's shadow and alter ego."

2 Later in this book, Thet Sambath describes the process of
3 interviewing Nuon Chea and his gradual admissions over time. This
4 is a reference from Chapter 12, English page, 00757555; Khmer,
5 00920135, the authors state - quote:

6 [09.56.34]

7 "It took time for Nuon Chea to trust Sambath enough to give him
8 the answers he sought. In the first year of interviews, Nuon Chea
9 gave predictable responses. He said he did not know anything,
10 that everything was up to Pol Pot, a response offered by other
11 Khmer Rouge leaders. But Nuon Chea began to see that Sambath was
12 being true to his word. The visits were kept secret and nothing
13 was published because Nuon Chea wanted it saved for the book."
14 And then continuing at English, 00757556; Khmer, 00920140, Thet
15 Sambath describes a meeting with Nuon Chea the day before his
16 arrest in September 2007 at which time Nuon Chea provided
17 authorization to publish this book - quote:

18 "Nuon Chea told Sambath he had written a letter that said he had
19 given permission to Sambath to publish information about his
20 life. Sambath asked for - him for the letter before the
21 authorities came for fear they might confiscate it." End of
22 quote.

23 [09.58.08]

24 A few excerpts from this book, E152.2 relate to some subjects
25 that were also touched upon by my colleague earlier this morning.

1 And first, in regards to the People's Representative Assembly and
2 government ministries, the following statements are attributed to
3 Nuon Chea at Khmer, 00858245; English, 00757493; and French,
4 00849372 - quote: "The ministries were only in name because we
5 had no people to work because there was no work to do." Nuon Chea
6 said. Continuing the quote from Nuon Chea: "All the people were
7 in the provinces to work in the cooperatives, so why should we
8 have people sitting in a chair in a Finance Ministry Office, that
9 was the style of the old government. Even though he was the head
10 of the National Assembly, Nuon Chea never went to that office."
11 And another quote is attributed here to Nuon Chea - quote: "There
12 was nothing to debate because we had no laws to pass. Only the
13 Foreign Affairs Ministry had a full time staff." End of quote.
14 At the same page in English and French, and the following page in
15 Khmer, 00858246, there is the following excerpt regarding
16 political education and self-criticism sessions - quote:
17 [10.00.27]
18 "To ensure that cadres maintained the revolutionary spirit and
19 correct political thought, self-criticism sessions were held on a
20 regular basis. In Phnom Penh, sessions were organized every week
21 for the various cadres, soldiers, workers and leaders who lived
22 there. Nuon Chea usually presided over these meetings.
23 Self-criticism sessions were seen as a crucial component in
24 encouraging cadres to be better people, to improve their
25 revolutionary stance. 'The self-criticisms did not mean that we

21

1 attacked this person or said something was right and wrong, the
2 purpose was to eliminate individualism and selfishness.' Nuon
3 Chea said."

4 And continuing on the following page - quote:

5 "The top leaders held their own self-criticism sessions once a
6 month. Nuon Chea said he often commented on the behaviour of
7 Khieu Samphan, Ieng Sary and southwest zone leader, Ta Mok, and
8 once in a while, Pol Pot. Although he told people to criticize
9 him, very few dared, except for Pol Pot." End of quote.

10 [10.01.58]

11 And I would now like to play a short video clip from Thet
12 Sambath's interviews of Nuon Chea, a clip in which Nuon Chea
13 describes his self-criticism sessions with Pol Pot and also
14 addresses whether there were any matters on which he and Pol Pot
15 disagreed during the 1975 to 1979 time period. I would ask this
16 excerpt comes from E186.1r, document V00800935, a video titled
17 "Additional footage: Nuon Chea Interview", and this is an excerpt
18 from 14 minutes and 15 seconds through 17 minutes and 47 seconds,
19 of that original video.

20 If the clip is ready to play, it's clip number 1, titled
21 "Self-Criticism", and I would ask, Mr. President, now if the
22 audio-visual, AV Booth can play that clip number 1?

23 MR. PRESIDENT:

24 Yes, you may do so.

25 AV Unit, please display that video clip on the screen, as

1 requested by the Prosecutor.

2 [10.03.42]

3 (Audio-visual presentation)

4 [10.07.13]

5 MR. LYSAK:

6 Returning, Mr. President, to E152.2; the book that was published
7 by Thet Sambath based on interviews and material provided by Nuon
8 Chea at Khmer, 00858381 through 82; English, 00757546; and
9 French, 00849463. At these pages, Nuon Chea discusses his
10 relationship with Pol Pot and states as follows - quote: "They
11 just called him and me Brother Number 1 and 2, he said."

12 Continuing later in the same paragraph - quote:

13 "I was not the right arm or the left arm of Pol Pot", Nuon Chea
14 said, "We were equal. Pol Pot did not serve me and I did not
15 serve him. We both served the way of the Party." End of quote.

16 And at Khmer, 00858363 through 64; English, 00757539; French,
17 00849451, Nuon Chea further discusses his relationship with Pol
18 Pot and the process of collective decisions. The excerpt reads as
19 follows - quote:

20 [10.09.14]

21 "When the serious clashes began, Pol Pot called all the senior
22 leaders to a meeting and said he wanted to make a clear stand
23 against Vietnam and suggested cutting diplomatic ties. Nuon Chea
24 was surprised at this suggestion because it had not been
25 discussed between the two before the meeting, as they usually did

1 before making major decisions. The leaders agreed but Nuon Chea
2 said it was a lack of democracy not to consult him first." End of
3 quote.

4 And in the next video clip I would like to play, Nuon Chea
5 discusses how Pol Pot became the Party Secretary but how the two
6 always worked together and discussed all significant issues. This
7 is another excerpt from the same video as before. The video
8 titled, "Additional Footage - Nuon Chea Interview". This excerpt
9 is from 0926 - I'm sorry, 09 minutes, 26 seconds through 12
10 minutes, 52 seconds from the original E186.1r.

11 And Mr. President, I would ask the AV Booth to now play clip
12 number 2, which is titled, "Pol Pot", with your leave.

13 [10.10.52]

14 MR. PRESIDENT:

15 Yes, you may do so. AV Unit please play the video clip as
16 requested by the Prosecutor.

17 MR. LYSAK:

18 Apparently they didn't hear. It's clip number 2, clip number 2
19 which is titled, "Pol Pot", that we would like to play at this
20 time.

21 (Short pause)

22 [10.12.20]

23 (Audio-visual presentation)

24 [10.15.46]

25 MR. LYSAK:

1 In an interview he gave to a Japanese journalist in October 2006,
2 document E3/26, E3/26, Nuon Chea reiterated this concept of
3 collective decision-making, and the excerpt – first excerpt I
4 will read from this interview is at Khmer, 00000899; English,
5 00329511; French, 00636871, which contains the following question
6 and answer by Nuon Chea – quote:

7 "Question: So did Pol Pot have sufficient capability to control
8 the entire movement? Nuon Chea: On that, it was not him by
9 itself. Everyone worked together. He made his contribution, we
10 made ours."

11 Continuing below: "Question: During the Kampuchea era, did Pol
12 Pot have a monopoly over power or? Nuon Chea: No, the collective
13 democracy concentration or centralism." Later in the same
14 interview, at Khmer, 00000901; English, 00329512; and French,
15 00636873, Nuon Chea was asked – quote: "Who decided to evacuate
16 the people from the cities?" Nuon Chea's response to that
17 question was – quote: "The Party Centre."

18 [10.18.07]

19 And at Khmer 00000903; English, 00329514; French, 00636875, Nuon
20 Chea was asked – quote: "In that era, millions of people died.
21 Are you responsible for that in your status as a leader of
22 Democratic Kampuchea?" Nuon Chea's response – quote: "I am
23 responsible in spirit." End of quote.

24 And the last excerpt from this interview at Khmer, 00000906
25 through 907; English, 00329517; and French, 00636879, Nuon Chea

25

1 was asked why there were no human rights in the Democratic
2 Kampuchea Regime and he responded as follows – quote:
3 "Human rights? The highest human right, the most important human
4 right is the right to take up arms to fight an enemy. That is the
5 highest right, but the right to write, the right of speech, those
6 are ordinary." End of quote.

7 [10.19.58]

8 As noted in a document presented by my colleague, Nuon Chea has
9 acknowledged his responsibility for political education of Party
10 cadres, and I would now like to present a third video clip. This
11 will be clip number 3, clip number 3 and it is from E3/536r,
12 E3/536r, document V00172527, which is a video called – entitled,
13 "BBC's Phil Reese Cambodia Report, Including Nuon Chea
14 interview". The excerpt I'm about to play is from a 16 minutes,
15 16 seconds through 17 minutes and 32 seconds of the original.
16 And Mr. President, with your leave, I would ask the AV Booth to
17 play clip number 3 now, which is titled, "Political Education".

18 [10.21.23]

19 MR. PRESIDENT:

20 Yes, you may proceed. AV Unit please play the third video clip on
21 the screen, as requested by the Prosecutor.

22 [10.21.38]

23 (Audio-visual presentation)

24 [Mr. Nuon Chea, interpreted from Khmer] "We used collectivization
25 to build up our economy. We created a new type of Party cadres to

1 nurture the idea that people should love working in order to
2 build up the country."

3 "If people fell in love without telling their commune chiefs,
4 when it was discovered the two lovers would be imprisoned or
5 killed."

6 "Nuon Chea still has pride in his ideology. We purified their
7 minds through education. Firstly, through education at school;
8 secondly, through sending them to work in the fields. When we'd
9 educated them then they understood and trusted us. They made our
10 Party stronger."

11 [10.23.00]

12 MR. LYSAK:

13 Mr. President, I would now like to turn to a group of documents
14 that relate to Nuon Chea's role as acting premier or acting prime
15 minister during a period when Pol Pot was reportedly sick. This
16 is an issue, and because this is an issue that Nuon Chea has
17 denied and contested, I will present here, fairly quickly, a
18 series of 22 documents that show that Nuon Chea held the title of
19 acting Prime Minister for almost a one year period from the 27th
20 of September 1976 until September, 1977.

21 As you will see from these documents, Nuon Chea's position as
22 acting Prime Minister is confirmed by multiple different sources
23 and types of documents. I will present publications of the Party
24 itself, DK radio broadcasts that were recorded in FBIS or by the
25 BBC's summary of world broadcasts, internal communications within

1 the French Ministry of Foreign Affairs, and some statements by
2 Ieng Sary.

3 [10.24.34]

4 The starting point for the subject is document E3/192, E3/192, a
5 27 September 1976 statement issued by Khieu Samphan, which
6 announced - quote:

7 "The State Presidium of Democratic Kampuchea, one, has decided to
8 allow Comrade Pol Pot, Premier of Democratic Kampuchea, to take
9 temporary leave from his task in order to take care of his
10 health, which has been bad for several months; two, has decided
11 to appoint Comrade Nuon Chea, Chairman of the Standing Committee
12 of the Cambodian People's Representative Assembly, to replace
13 Comrade Pol Pot temporarily and assume the role of acting Premier
14 in addition to his present post; three, this decision is
15 effective from the 27th of September 1976." End of quote.

16 And I will now take you through - often just with a general
17 description of - in a chronological order - of documents that
18 follow during the period Nuon Chea was acting Prime Minister.

19 [10.26.04]

20 E3/269, E3/269, at English, 00525825; Khmer, 00597037; and
21 French, 00389125. This is a report dated 17 October 1976 in the
22 Democratic Kampuchea news bulletin that interim - announcing that
23 interim Prime Minister Nuon Chea had received the Albanian
24 Ambassador Dhimiter Stamo (phonetic).

25 [10.27.04]

1 Next, E3/147, at Khmer, 00679792 through 679802; English,
2 00168465 through 70; and French, 00698444 through 50. And this
3 document is a broadcast on the Phnom Penh domestic service of
4 excerpts from a 16 January 1977 speech by acting Prime Minister
5 Nuon Chea on the occasion of the 9th anniversary of the
6 Revolutionary Army of Kampuchea.

7 I will come back later and talk a little about the substance of
8 this speech. At this time, I note the - again, this reference to
9 Nuon Chea as acting Prime Minister and this is confirmed by other
10 documents reporting the same speech. For example, E3/191 is the
11 BBC SWB's report of the same broadcast, which also confirms that
12 Nuon Chea, acting Prime Minister, delivered the speech. And I
13 would also note E3/544, E3/544 at English, S00005866; Khmer,
14 S00807441; and French, S00802372.

15 And Your Honours, this document is a report from the Peking
16 Review, dated the 28th of January 1977, titled, "9th Anniversary
17 of Founding of Revolutionary Army" that also describes the speech
18 that was given by - quote, unquote - "acting Prime Minister Nuon
19 Chea on the history of the RAK and its future military tasks."
20 [10.30.00]

21 The next document in this series is E3/485 at English, 00519825;
22 French, 00391070; Khmer, 00524036, and this document, Your
23 Honours, is a 24 January 1977 report from the French Embassy in
24 China describing the visit of the Chinese Delegation to Cambodia.
25 And it states that Nuon Chea - quote: "...is still interim Prime

1 Minister in the absence of Pol Pot who is, from all indications,
2 ill." End of quote.

3 The next document in the series is E3/285, and there are actually
4 three - E3/285 is the FBIS collection for the month of March
5 1977, and there are three reports in E3/285 that refer to Nuon
6 Chea, as in this role. First, at English, 00168531; Khmer,
7 00699188 through 89; and French, 00741948. I'll repeat the Khmer
8 ERN which is 00699188 through 89.

9 [10.32.16]

10 And Your Honours, this is a - this report records a 23 March 1997
11 message from State Presidium Chairman, Khieu Samphan and acting
12 Prime Minister, Nuon Chea, sending a greeting to the Pakistan
13 president and Prime Minister. And in the same document, at Khmer,
14 00897511; English, 00168541, you will find a message of
15 congratulations from acting Prime Minister Nuon Chea to the new
16 Prime Minister of India sent on the 25th of March 1977.

17 And again in E3/285, this time at Khmer, 00897512; English,
18 00168543, you will find a message of congratulations from acting
19 Prime Minister Nuon Chea to the Prime Minister of Pakistan dated
20 28th of March 1977.

21 The next document is E3/1245, and this is a message of
22 congratulations that was published in the Voice of Democratic
23 Kampuchea - or that was published by the Voice of Democratic
24 Kampuchea. The ERN cites the Khmer, 00641725; English, 00484193;
25 French, S00006771, where you will find a 30 March 1977 message of

30

1 congratulations from acting Prime Minister Nuon Chea to the new
2 Prime Minister of Burma.

3 [10.35.12]

4 The next documents come from the April 1977 FBIS collection,
5 which is document E3/286, E3/286, and in here there are three
6 reports I will quickly reference again. At Khmer, 00899400;
7 English, 00168222, you will find a 14 April 1977 message of
8 congratulation from the leaders of Bulgaria to State Presidium
9 Chairman Khieu Samphan and acting Prime Minister Nuon Chea on the
10 occasion of the second anniversary of Democratic Kampuchea.

11 In the same document, at Khmer, 00899401 through 02; English,
12 00168232; and French, 00896375 through 76, is a 17 April 1977
13 message of congratulations from the Prime Minister of Pakistan
14 addressed to acting Prime Minister Nuon Chea.

15 [10.36.51]

16 And in the same document, E3/286, at Khmer, 00899401; English,
17 00168231, is a 20 April 1977 message of congratulations from the
18 President of Yugoslavia to acting Prime Minister Nuon Chea.

19 Now Mr. President, I'm going to turn to another document at this
20 time, if this is a convenient breaking point for our morning
21 break.

22 MR. PRESIDENT:

23 Thank you. Yes, indeed, it is now appropriate moment for the
24 adjournment.

25 The Chamber will adjourn for 20 minutes. The next session will be

31

1 resumed at 11 o'clock.

2 (Court recesses from 1037H to 1101H)

3 MR. PRESIDENT:

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

5 Once again, the floor is given to the prosecution to continue
6 presenting key documents in relation to the role of the accused.

7 You may continue.

8 [11.02.13]

9 MR. LYSAK:

10 Thank you Mr. President.

11 When we broke, I was half-way through a series of documents that
12 confirm the time period during which Nuon Chea was the acting
13 Prime Minister, and I appreciate the Chamber bearing with me
14 through this more tedious group of documents. I will get through
15 these quickly and we will move on to some hopefully more
16 interesting documents.

17 E3/287, E3/287 is the FBIS reports for May 1977 and there are two
18 references in here. At Khmer, 00679826 through 28; English,
19 00168121 through 22; and French, 00698451 through 52, you will
20 find a message of greeting sent by State Presidium President
21 Khieu Samphan and acting Prime Minister Nuon Chea to the leaders
22 of the Socialist Republic of Vietnam on the 29th of April, 1977.
23 And in the same document at Khmer, 00679849 through 50; English,
24 00168151; French, 00698466, you will find a message of
25 congratulations from State Presidium Chairman Khieu Samphan and

1 Acting Prime Minister Nuon Chea sent to the President and Prime
2 Minister of Sri Lanka on the 22nd of May, 1977.

3 [11.04.36]

4 The next document, E3/2677, E3/2677, is a circular from the
5 French Ministry of Foreign Affairs dated the 5th of July, 1977.

6 And let me just read from a short excerpt from this report from
7 the French Ministry of Foreign Affairs. Quote:

8 "According to various reports, Saloth Sar, former
9 Secretary-General of the Cambodian Communist Party, who has been
10 missing for a long time, and Pol Pot, who was appointed as the
11 head of the Cambodian government in April 1976 are one and the
12 same person. Since September 1976, Mr. Nuon Chea has been
13 standing in for Pol Pot, but there has been no confirmation of
14 the latter either being ill or being eliminated."

15 Next is E3/143 - E3/143. This is a FBIS collection for the month
16 of September 1977. And this is almost one year after the
17 announcement that Nuon Chea would be serving as interim acting
18 Prime Minister. There are four reports this month in which he is
19 referred to still as the acting Prime Minister.

20 [11.06.34]

21 At Khmer, 00904132; English, 00168724 is an August 31, 1977
22 message of congratulations sent from acting Prime Minister Nuon
23 Chea to the Prime Minister of Malaysia. At Khmer, 00904133
24 through 34; English, 00168727 through 28, is a 1 September, 1977
25 message of greetings from acting Prime Minister Nuon Chea to the

1 leaders of the Socialist Republic of Vietnam.

2 At Khmer, 00904137 through 38; English, 00168729 through 30, is a
3 record of a September 1977 - a 2 September, 1977 speech by the
4 Burmese Foreign Minister referring to his meeting with "Acting
5 Prime Minister Nuon Chea". And in the same document, E3/143, at
6 Khmer, 00658446 through 48; English, 00168738 through 39; and
7 French, 00687146 through 48 you will see a 8 September, 1977
8 message of greetings from Acting Prime Minister Nuon Chea to the
9 North Korean President, Kim Il Song.

10 Your Honours, next document is E3/486 - E3/486. This document is
11 a 29 September, 1977 report by the French Ambassador to Thailand,
12 who reports on an official announcement from Radio Phnom Penh.
13 And he reports both on the announcement of the existence of the
14 Communist Party of Kampuchea and on Pol Pot's trip to China.

15 [11.09.46]

16 And in regards to Mr. Nuon Chea, the document reads as follows:

17 "Pol Pot's re-emergency raises a number of questions. As Prime
18 Minister of Democratic Kampuchea since the March '76 elections,
19 he had to resign from his post for health reasons on 26 September
20 in the same year. It was Nuon Chea, Chairman of the Standing
21 Committee of the Cambodian People's Representative Assembly, who
22 took over as Acting Prime Minister."

23 And the last two documents on this issue, Your Honours. E3/89 -
24 E3/89 is a interview of Ieng Sary that was conducted on the 17th
25 of December, 1996. And the reference I'll read is from Khmer,

1 00062487; English, 00417626; and French, 00332707.

2 And at this part of the interview, Ieng Sary was asked about the
3 public announcement that Pol Pot was ill and what the truth was
4 of this matter. Ieng Sary responded as follows:

5 [11.11.34]

6 "He was not sick. That's the truth. At that time, he really did
7 have a crisis. He, himself, did not know what it was."

8 Continuing on, Ieng Sary refers to the fact:

9 "So then I, First Deputy Prime Minister, had to go up and replace
10 him, but no, Nuon Chea replaced him. From what I know of the
11 matter, there were discussions between Pol Pot and Nuon Chea.
12 There were discussions."

13 And later - or also in 1996, Ieng Sary's Democratic National
14 Union Movement, DNUM, issued a statement on the 8th of September,
15 1996, which is Document E3/86, and in the first section of that
16 document made the following statement:

17 [11.12.45]

18 "In fact, when Pol Pot, then Prime Minister, made a false
19 declaration about his pretend illness in 1976, it was not His
20 Excellency Ieng Sary, then Deputy Prime Minister in charge of
21 foreign affairs, who assumed the post of Prime Minister ad
22 interim. On the contrary, it was Nuon Chea, the personality
23 number 2 in the party and then President of the National
24 Assembly, who was designated by Pol Pot to replace him as Prime
25 Minister ad interim."

1 I'll now move on to another group of documents. And the next
2 group of documents I will present are a few of the telegrams and
3 reports that were sent to Nuon Chea during the Democratic
4 Kampuchea period. These documents are relevant because the
5 subjects of these telegrams and reports reflect the various roles
6 and responsibilities of Nuon Chea in the party and in the DK
7 regime.

8 The first two documents I will present indicate or show that Nuon
9 Chea had responsibility in relation to forced movements of the
10 population.

11 E3/154 - E3/154 is a document the Chamber is well familiar with.
12 It is a 30 - the 30 November, 1975 telegram from the East Zone
13 secretary that discusses the movement of the Cham population out
14 of areas of the East Zone. And I will not read this document
15 again, as it has been covered many times. I will simply note that
16 the document is addressed to Pol Pot and that Nuon Chea is one of
17 the few people who is copied on this matter.

18 [11.15.20]

19 Second is Document E3/1188 - E3/1188. And Your Honours, this is a
20 telegram from a Northeast Zone cadre Buth to Respected Brother
21 dated the 29th of January, 1976 copied to Nuon Chea. And the
22 subjects in this telegram in paragraph number 2 include the
23 evacuation of people from Lao who were then moved into a number
24 of villages and communes.

25 It also discusses some people who were moved into a village named

1 Saop (phonetic) village. And the report talks about in Section
2 3.B., indicates - quote:

3 "The biographies of all key people in the village were compiled."
4 [11.16.36]

5 The next group of telegrams that I would like to refer Your
6 Honours to are some telegrams that show Nuon Chea's
7 responsibility for military matters. And there are five - a
8 series of five telegrams that were sent between the dates of 24
9 September, 1976 and 6 October, 1976. The document numbers are
10 E3/1122, E3/1123, E3/1124, E3/1125 and E3/1126. Consecutive
11 numbers, E3 numbers.

12 Each of these telegrams is a report from the Division 164 deputy
13 secretary, named Dim. And these are presented, Your Honours,
14 because of the people who are copied on the telegram.

15 For each of these five telegrams, there are only two people who
16 are copied outside of Division 164. One is Brother Khieu, Son
17 Sen, and the other is Brother Nuon, Nuon Chea.

18 These documents are submitted to show that Nuon Chea did have a
19 military role in relation to this division and to the centre
20 divisions.

21 And as further confirmation of that, I would present Document
22 E3/1135, E3/1135.

23 [11.19.04]

24 The - as I mentioned, the series of telegrams we just looked at
25 from Division 164 that were copied only to Nuon Chea and Son Sen

1 ran from the period of late September to early October. And

2 Document E3/1135 is a document dated 19 October, 1976.

3 And in this report, which is from the Division 164 secretary,

4 Meas Muth, Meas Muth writes a report to Son Sen, Brother 89. The

5 subject of the report is a cadre's wife who had been in the

6 hospital but had disappeared with a number of people.

7 And the relevance of this document, the reason it is put forth as

8 particularly important, is the note that was – that is written on

9 the left side on the day after the report was sent by Division

10 164 secretary Muth.

11 [11.20.25]

12 On the next day, Son Sen, under his alias Khieu, forwards the

13 report, and the person he forwards it to is Bong Nuon, Nuon Chea.

14 And in his note to Nuon Chea, point number 2, requests to search

15 for the people who are missing related to this matter.

16 This series of documents, therefore, Your Honours, is put before

17 you to show the responsibility of Nuon Chea for matters relating

18 to the military, including security issues relating to personnel

19 and cadres.

20 The next two documents, Your Honours, are two reports from the

21 same date, the 12th of October, 1976. These reports are from the

22 secretary of Sector 105, Laing.

23 And the first of these is E3/1192, E3/1192. And in this telegram,

24 Laing writes directly – directly to Brother Nuon to request a

25 number of matters.

1 And in the second telegram, which is Document E3/1189, E3/1189, a
2 telegram from the same date from Sector 105 secretary, addressed
3 to "Beloved and Missed Two Brothers" - and Nuon Chea's name is
4 the only name that appears in the distribution list, Laing writes
5 - quote:

6 [11.22.37]

7 "I wish to ask you about the opening of a party school. When can
8 Angkar open such school?"

9 These documents, Your Honour, show Nuon Chea's role and
10 responsibility relating to this autonomous sector that reported
11 directly to the centre, and it shows his responsibility for
12 political education and party schools.

13 The next document I would present is Document E3/1154, E3/1154.
14 This is a letter written by a cadre from the logistics office of
15 the general staff named Kol dated the 15th of March, 1977. And
16 Kol's letter is addressed to Brother Pol, Brother Nuon and
17 Brother Phim, referring to So Phim, the East Zone secretary.

18 [11.24.00]

19 The letter reads as follows. I will read a number of passages
20 from it:

21 "Dear Respected Brother. First of all, please forgive me for
22 writing directly to you, which is contrary to the protocol, while
23 you are extremely overwhelmed by great deal of leadership tasks.
24 Well Respected Bong, I trust in you who are the perceptive and
25 fair Angkar of the party. I abide by and trust in the party, so

1 please let me report my own business to the party as follows.

2 Well Respected Bong, on the evening of 14 March, 1977, Brother
3 Tum..."

4 This is a reference to Seat Chhae, alias Tum, who was the deputy
5 secretary of the general staff.

6 "...Brother Tum personally called me to work with him. In his
7 opinion, what was important was that Angkar told him that the
8 enemy had implicated me. Angkar wants his clarification if I got
9 involved by accident so that I could report to the party and ask
10 the party for tolerance. With this regard, I informed him I was
11 not involved with the enemy betraying the party."

12 [11.25.38]

13 Continuing two paragraphs below:

14 "I do not trust Bong Tum with this regard, which was the reason
15 that I did not report it to him and I am writing directly to you.
16 I sent a letter through Ya at the logistics section to you to
17 report inappropriate activities of Tum in order for the party to
18 re-educate him so that he will not commit more serious acts. At
19 that time, I did not know that Ya was a traitor."

20 Continuing in the next paragraph:

21 "Well Respected Bong, I leave my fate to the party. If the party
22 considers me a traitor linking with Ya, I will not deny it.
23 However, based on my past, present and future stance regardless
24 of any situation, I will always love and respect the party and
25 respect the party line. We will never betray the party. If I have

1 any flaws in my daily work performance, I agree that the
2 collective and the party re-educate me."

3 "Well Respected Bong, please forgive me for any awkwardness in
4 this report and other errors we could not grasp. I completely
5 trust the party. I leave my life to the party." Dated the 15th of
6 March, 1977.

7 [11.27.25]

8 For the record, Your Honours, Touch Heng, alias Kol, entered S-21
9 on the 2nd of May, 1977 and was executed on the 9th of December,
10 1977.

11 This document, Your Honours, is submitted because it is
12 particularly relevant to show the role and authority of Nuon Chea
13 in relation to the arrest and purges of cadres.

14 The next document is E3/892 - E3/892. This is a report dated the
15 29th of October, 1977 from the East Zone secretary under alias
16 Chhon addressed to Office 870. Copied on this was Uncle Nuon.

17 And let me read from the last paragraph of the telegram:

18 "We would like to know what Office 870 is going to do with the
19 Vietnamese caught at villagers' houses in Ta Dev village. If
20 Office 870 wants these Vietnamese, we will send them. Now they
21 are kept being interrogated."

22 [11.29.08]

23 This document is submitted, Your Honour, to show Nuon Chea's
24 responsibility again for matters relating to security.

25 Next, E3/181, E3/181. This is a report dated the 2nd - or, I'm

1 sorry, a report dated the 14th of February, 1978 from Son Sen
2 using the alias 47 addressed to "Respected, Beloved and Missed
3 Brother". The two people who are shown on the distribution list
4 are Grand Uncle, referring to Pol Pot, and Grand Uncle Nuon.

5 And in regards to the substance of this report, I will just read
6 from one item, Item Number 5, which reads as follows: "Comrade
7 Tal captured two Yuon heads age 17 and 27. They were sent to
8 S-21."

9 Next is Document E3/867, E3/867. This is also a report from Son
10 Sen under alias 47. This one is dated the 20th of March, 1978.
11 And copied on this report are Uncle, Uncle Nuon, Brother Van and
12 Brother Vorn.

13 [11.31.09]

14 In paragraph 2 of this report, there is the following report:

15 "We destroyed approximately 100 enemy combatants. We captured
16 three. Two were shot and killed because they jumped into the
17 river. One of them is kept to be sent to 21 this evening."

18 And at the end of this telegram, Son Sen reports that - quote:

19 "We continued fighting, mainly using land mines and spikes." End
20 quote.

21 Next Document E3/519 - E3/519. This is a telegram dated 29 March,
22 1978 from Comrade Pauk, referring to Central Zone secretary Ke
23 Pauk, addressed to Committee 870.

24 The substance of the telegram is a number of individuals who were
25 caught and arrested, and Comrade - or the Central Zone secretary

1 is seeking information from Angkar on these individuals.
2 The significance – the reason this document is put forward is
3 that the only person identified who is copied on this telegram is
4 Uncle Nuon. This document, therefore, again, demonstrates Nuon
5 Chea's responsibility with regard to security and matters of
6 discipline of cadres.

7 [11.33.28]

8 Document E3/1144, E3/1144. This is a document I presented the
9 other day, a – the 5 September, 1977 report from the North Zone
10 secretary, Sae, to Committee 870, and which discusses the
11 uncovering of enemies, including former officials, policemen or
12 soldiers, the previous regime.

13 I will not repeat the parts I read the other day. I simply note
14 that one of the people who is copied and included in the
15 distribution list is Uncle Nuon, Nuon Chea.

16 Next document E3/898, E3/898. This is a 11 December, 1977
17 telegram from North Zone secretary, Sae, to Committee 870. And it
18 reads as follows:

19 "It is requested that Siem Reap and Banteay Srei districts are
20 merged as one because they are adjacent. Siem Reap district
21 comprises 40,000 people. They are mainly New People to be
22 distributed to other districts. The population of Banteay Srei is
23 20,000, mainly Old People. It will be unification among them only
24 if the two districts are made into one. It is easy to be
25 controlled."

1 This document is submitted because one of the people, leaders,
2 copied on this matter is Uncle Nuon, Nuon Chea, and therefore, we
3 submit this document as showing Nuon Chea's role and
4 responsibility relating to the treatment of New People and
5 locations and relocations of people.

6 [11.35.58]

7 The last three telegrams I will present are three telegrams in
8 which Nuon Chea is not only copied, but there is also a
9 handwritten note in the upper left corner of each of these
10 documents which states, "Uncle Nuon".

11 For the record, the three documents are E3/1077, E3/1077. And
12 this is a document that has been presented before. It is the 10
13 April, 1978 telegram report from the North Zone secretary, Sae,
14 which has extensive discussion about purges and particular of
15 purges of Sector 103.

16 And in - if you look at the - on the screen at the Khmer version
17 of this document, you will see in the upper left-hand corner a
18 handwritten note which states "Uncle Nuon".

19 Next E3/1008, E3/1008. This is a telegram dated the 12th of
20 April, 1978 from an individual named Roat. Once again, in the
21 upper left-hand corner of the document, you will see Uncle Nuon's
22 name written in hand.

23 [11.37.58]

24 And the last of these reports is E3/156, E3/156. This is a
25 telegram, the telegram from Sector 105 secretary, Sao Sarun, to

1 "Respected Brother" dated the 23rd of April, 1978. It is a
2 telegram that I've previously presented that discusses the arrest
3 of a - the chairman of the repair factory who had been implicated
4 in a confession and requests instructions or advice from the
5 Party on the matter.

6 And again, in the upper left-hand corner of this document you
7 will see handwriting which states "Uncle Nuon".

8 These documents are submitted to show Nuon Chea's particular role
9 and responsibility in relation to these matters.

10 I will now turn to some documents that relate to Nuon Chea's role
11 and responsibilities relating to the military and security
12 apparatus in Democratic Kampuchea. And Nuon Chea has made a
13 number of statements that show his role in matters related to
14 security such as problems of internal enemies or purported spies
15 and traitors.

16 [11.39.49]

17 And I would like to start by playing another video clip, so the
18 AV booth can get ready. This will be Clip Number 4. Clip Number
19 4.

20 And Your Honours, this comes from the same video that I'd
21 presented earlier from a video titled "Additional Footage Nuon
22 Chea Interview", E186.1R. This excerpt is from 19 minutes and 11
23 seconds to 19 minutes and 44 seconds, and it describes - in this
24 part of the interview, Nuon Chea describes a conversation he had
25 with Pol Pot after liberation.

45

1 With your leave, Mr. President, I would ask the AV booth to now
2 play Clip Number 4, which is titled "The Problem of Spies".

3 MR. PRESIDENT:

4 You may proceed, indeed. And AV booth officers are now directed
5 to make sure that this video clip can be displayed on the
6 screens.

7 [11.41.05]

8 (Audio-visual presentation)

9 [11.41.46]

10 MR. LYSAK:

11 Your Honours, Nuon Chea's role in the party policies relating to
12 the identification and elimination of enemies and his role and
13 responsibility - including his role and responsibility for S-21,
14 are matters on which he has made significant statements during
15 his interviews with Thet Sambath and others. And I would like to
16 play now another video clip.

17 For the AV booth, this one is Clip Number 5. Clip Number 5. It is
18 Document E93/7.3R, V00717048. It is an interview by Thet Sambath
19 that is entitled "Nuon Chea on Killing Traitors". And Mr.
20 President, at this time we'd like to ask the AV booth to play
21 Clip Number 5, which is titled "Killing Traitors".

22 MR. PRESIDENT:

23 Yes. AV booth officers are now directed to make sure that this
24 video clip is put up on the screens.

25 [11.43.19]

1 (Audio-visual presentation)

2 [11.45.10]

3 MR. LYSAK:

4 And I would like to follow that, Mr. President, with another
5 video clip. For the AV booth, this one is Clip Number 6. Clip
6 Number 6.

7 For the record, this is a - from an interview of Nuon Chea that
8 is included in the BBC documentary "Pol Pot, The Journey to the
9 Killing Fields", which is Document E3/2357R, E3/2357R, Number
10 V00172603. And the excerpt that has been taken from the
11 documentary is from 44 minutes and 18 seconds through 44 minutes
12 and 41 seconds.

13 And Your Honours, at this time I would like the AV booth to play
14 Clip Number 6, which is titled "Bad People".

15 MR. PRESIDENT:

16 You may proceed. And AV booth is now directed to put up this
17 video clip on the screens, please.

18 [11.46.32]

19 (Audio-visual presentation)

20 "INTERVIEWER:

21 Many former comrades of yours, senior members of the party, were
22 purged and lost their lives.

23 ANSWER: [interpreted from Khmer]

24 Not many. Some didn't admit their mistakes. But others knew and
25 they admitted them in our meetings, and they were accepted. We

1 didn't kill many. We killed only the bad people, not the good."

2 [11.46.58]

3 MR. LYSAK:

4 Your Honours, these statements on this subject that Nuon Chea has
5 provided to Thet Sambath that were published in his book are even
6 more detailed and direct, and I will now read from a few more
7 excerpts from that book, Document E152.2.

8 And the first is at Khmer, 00858308 through 09; English, 00757520
9 through 21; and French, 00849414 through 15. Let me repeat the
10 Khmer number, 00858308 through 09. This excerpt reads as follows:

11 "The enemies were everywhere, and they were blamed for
12 everything. According to Nuon Chea, there were Americans, Thais,
13 Vietnamese and French so determined to overthrow the Khmer Rouge
14 that they threw away rice, killed peasants and created general
15 havoc in the regime aided by Cambodian conspirators."

16 A specific quote is then attributed to Nuon Chea - quote:

17 "We knew that there were many enemies hiding in our regime and
18 planning to destroy our policies, so we were very busy trying to
19 find the enemies."

20 [11.49.04]

21 The passage continues:

22 "In this culture of fear, Cambodians were encouraged to root out
23 traitors and name spies. Eventually, neighbours turned against
24 neighbours, sisters turned against brothers and husbands turned
25 against wives."

1 Another specific quote attributed to Nuon Chea then follows:

2 "'There were many spies in Cambodia. They had been hiding in
3 Cambodia and destroying the internal party for a long time', Nuon
4 Chea said, pointing his index finger for emphasis."

5 Next reference, Your Honour, from the book is at Khmer, 00858310
6 through 11; English, 00757521; French, 00849416. This passage
7 reads as follows - quote:

8 "Even for Nuon Chea, the killing of enemies is sometimes
9 difficult to explain. When we once asked him why the Khmer Rouge
10 didn't put the so-called enemies in prison for life, why the
11 leaders felt they had to be killed, he replied, 'That is an easy
12 question to ask but a difficult one to answer'. After a pause, he
13 continued, 'But at that time, we had no proper prisons and if we
14 kept them, they would spread and produce their eggs and many more
15 would have been killed'." End of quote.

16 Next reference is from Khmer, 00858340; English, 00757531;
17 French, 00849435 through 36, which reads as follows:

18 [11.51.55]

19 "Nuon Chea said he was not particularly disturbed when his former
20 comrades and friends were executed."

21 Attributing a quote to Nuon Chea:

22 "The party decided to kill them because they were betraying the
23 party and the nation. I was not scared or sad when they were
24 killed. They had done wrong and betrayed us, so they received the
25 kind of treatment they deserved. We were friends, but friendship

1 and political work are separate." End of quote.

2 And in their discussions, Nuon Chea admitted to Thet Sambath that
3 he was involved in decisions to purge party cadres throughout the
4 DK regime and that he assumed direct responsibility for S-21 in
5 the fall of 1977.

6 [11.53.03]

7 This passage is from Khmer, 00858310; English, 00757521; French,
8 00849416, reads as follows - quote:

9 "For the first half of the Khmer Rouge rule, Nuon Chea didn't
10 have direct control over S-21, but as one of the top leaders of
11 the movement, he was involved in decisions to purge top cadre.
12 And when Khmer Rouge Defence Minister Son Sen was dispatched to
13 take care of border conflicts with Vietnam and growing tension
14 with the Eastern Zone in the fall of 1977, Nuon Chea became the
15 de facto head of the interrogation centre, according to Brother
16 Number 2 and according to testimony from Duch in the spring of
17 2009." End of quote.

18 [11.54.28]

19 Nuon Chea has discussed and admitted to Thet Sambath his role in
20 discussions on the fate of high-ranking cadres accused of being
21 traitors such as East Zone secretary and fellow Standing
22 Committee member So Phim.

23 The next excerpt I will read is from Khmer, 00858355; English,
24 00757536; French, 00849446. And that passage or excerpt from the
25 book reads as follows - quote:

1 "There had been other times when cadre imprisoned in S-21 accused
2 So Phim of being a fellow traitor, but Nuon Chea defended him,
3 saying the accusations weren't true. In the end, though, Nuon
4 Chea succumbed to the allegations against a man he thought of as
5 his brother and left him to a traitor's fate. According to
6 reports Nuon Chea received, which meant confessions extracted
7 from S-21, So Phim was selling rice to Vietnam without asking the
8 Centre if he could do so." End of quote.

9 [11.56.18]

10 And in regards to Koy Thuon, the Minister of Commerce and former
11 secretary of the North Zone, at Khmer, 00858350; English,
12 00757534 through 35; and French, 00849442 through 43, at this
13 part of the book Nuon Chea told Thet Sambath as follows:

14 "Suspicion was cast on those close to Koy Thuon, including Doeun,
15 who headed the party's centre office known as Office 870. Soon
16 after Koy Thuon was taken into custody, Doeun was arrested. Nuon
17 Chea said Doeun was Koy Thuon's man, as Koy Thuon had pushed for
18 his people to be appointed to the centre office. In his
19 confession, Doeun accused Koy Thuon of being a long-time member
20 of the CIA. Again, Nuon Chea's accusations reflect what Doeun
21 said in his confessions. Doeun destroyed equipment, and when he
22 did deliver goods, it was only to his people. Nuon Chea said,
23 matter of factly, that Doeun was killed because he was 'Koy
24 Thuon's string'."

25 Continuing a quote from Nuon Chea:

51

1 "'Koy Thuon was the first one we found had betrayed the
2 organization and we were very surprised', Nuon Chea said. 'After
3 we arrested him, we saw that there were many people under him and
4 we knew that our internal organization was not clean'."

5 Mr. President, is this is a convenient point, I can pause here
6 and pick up after the lunch break.

7 [11.59.01]

8 MR. PRESIDENT:

9 Thank you. It is now appropriate moment for lunch adjournment.

10 The Chamber will adjourn until 1.30 p.m.

11 Security personnel are now directed to bring Mr. Khieu Samphan to
12 his holding cell downstairs and have him returned to the
13 courtroom before 1.30 p.m.

14 The Court is adjourned.

15 (Court recesses from 1159H to 1331H)

16 MR. PRESIDENT:

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

18 Once again, the floor is given to the Prosecution to continue
19 presenting the key documents. You may proceed.

20 [13.31.52]

21 MR. LYSAK:

22 Thank you, Mr. President.

23 When I left off - when we left off for the break, I was in the
24 middle of addressing documents that are relevant to Nuon Chea's
25 role and responsibility for matters of the military and security.

1 And continuing in that part of the presentation, I have one more
2 - one more excerpt to read from the book by Thet Sambath,
3 E1/52.2; and this excerpt is at Khmer, 00858336 through 37;
4 English, 00757530; and French, 00849433.

5 And in this passage, Nuon Chea seeks to provide an explanation or
6 justification for the purges. The statement reads as follows -
7 quote:

8 "We never accused any top leader without evidence and witnesses,
9 Nuon Chea said. We knew clearly about their behaviour and plans
10 to topple the regime and kill innocent people in the provinces
11 without the Centre's orders and knowledge. Pol Pot had evidence
12 and witnesses so he decided to arrest them. I have no regrets
13 because when I read the confessions, it was very clear what they
14 were doing."

15 [13.33.58]

16 And Nuon Chea also admits his receipt of confessions in this
17 recorded excerpt from one of his interviews with Thet Sambath.

18 And Mr. President, I would now like to play clip number 7 - clip
19 number 7. This is a document E93/7.3R, V00717048. It is an
20 interview by Thet Sambath entitled, "Nuon Chea on Confessions".

21 And Mr. President, with your leave, if we could have the AV booth
22 please play clip number 7 - clip number 7 titled, "Confessions".

23 MR. PRESIDENT:

24 Yes, you may do so.

25 AV Unit, please play clip number 7 on the screen as requested by

1 the Prosecution.

2 (Presentation of audio-visual document, no interpretation)

3 [13.37.02]

4 MR. LYSAK:

5 Your Honours, Nuon Chea's admission in this video recorded
6 interview that he received many confessions is confirmed by the
7 S-21 documents themselves, and I would like now to present a
8 group of S-21 confessions that bear annotations indicating that
9 copies were provided to Nuon Chea and we will show the relevant
10 Khmer pages as we go along in this list.

11 The first is document E3/1565 - E3/1565. If we could show that on
12 the screen; the relevant Khmer page 00017305; English, 00822048;
13 French, 00825431. This is the confession of Kung Kien. In the
14 top-right part of this document is an annotation, "Sent to
15 Brother Nuon", and I will come back to this confession later to
16 discuss some other aspects of the annotations in more detail.

17 The next document is E3/1706 - E3/1706. Excuse me, one instance,
18 Mr. President. Pardon - pardon this; we'll get - go to the
19 correct file here.

20 [13.39.27]

21 In the - in the meantime, the next confession is E3/1706 which is
22 Khek Bin alias Sou, and the relevant ERN is Khmer, 00174021;
23 English, 00224632; and French, 00785267; and if we can show this
24 on the screen. This is the confession of the head of the liaison
25 committee with Thailand, dated the 21st of July 1977, and in the

1 middle-left section that is boxed, there is comments addressed to
2 "Respected Brother" and an annotation that reads - quote:
3 "Brother Nuon has already received one copy."
4 Next is E3/1828 - E3/1828; the S-21 confession of Teun San, and
5 the relevant ERN Khmer, 00000881; English, 00662328; French,
6 00766068. And if we show that on the screen, you will see in the
7 upper-right corner there is an annotation that reads "Send to
8 Brother Nuon" and this is on a - the August 1977 confession of
9 this North Zone cadre.
10 [13.41.43]
11 Next is E3/3697 - E3/3697; the relevant ERNs are Khmer, 00175293;
12 French, 00289872; English, 00822359; and this is the confession
13 of a battalion commander and Deputy Secretary of Division 164,
14 Kun Dim, who we saw in some earlier documents today. And this
15 confession has a - a detailed note by Son Sen on the need to
16 contact the East Zone and Division 164 leaders regarding measures
17 to take, and an annotation that you'll see on the left side at
18 the bottom part of that annotation which reads: "One copy sent to
19 Brother Nuon on 10 September 1977".
20 Next document is E3/1842. This is the S-21 confession of Hem Soth
21 at Khmer, 00017272; English, 00662317; French, 00766911; and
22 looking at this - the cover page of this confession, on the
23 upper-left side, if we look at the confession page, you will see
24 a handwritten annotation dated the 25th of October 1977 that
25 states: "Send Brother Nuon one copy". This is a confession of a

1 cadre who was the Central Zone Chairman of Industry.

2 Next, document E3/3665 at Khmer, 00174111; English, 00224634;

3 French, 00386361. This is the confession of Pheng Sun alias Chei

4 (phonetic). And in the upper left, you will see a handwritten

5 annotation dated the 25th of October 1977 that reads - quote: "A

6 copy has already been submitted to Brother Nuon"; and this is the

7 confession of the Central Zone commerce chief.

8 [13.45.02]

9 Next, E3/2129, the confession of Chum Penh, and at Khmer,

10 00017413; English, 00769567; French, 00343744; if we look at this

11 page on the screen, you will see an annotation on the upper-right

12 side of the document dated the 9th of November 1977 that states:

13 "Sent two copies to Brother Nuon, not yet read". This is the

14 confession of a new person from Preah Netr Preah district in the

15 Northwest Zone.

16 And next, E3/1889, the confession of Sao Tong Ly, at Khmer,

17 00017492; English, 00796688; French, 00763394; and on this

18 document, you will see an annotation in the middle right - the

19 middle right, dated November 9, 1977 that reads: "Two copies have

20 been sent to Brother Nuon". This is the confession of another new

21 person from Sector 4 of the Northwest Zone.

22 [13.47.04]

23 Next, E3/1875, this is the confession of Pech Chay, the chief of

24 handicraft - handicraft team in Siem Reap, and at Khmer,

25 00017468; English, 00748373; French, 00766072. You will see an

1 annotation in the middle of the page dated the 9th of November
2 1977. The first line reads: "Two copies to Brother Nuon". The
3 next line reads: "Related to both the Northwest [Zone] and
4 [Sector] 106".
5 Next document is E3/1894; this is the confession of Sieng Pauy
6 alias Sean. And this is the confession of a company chief from
7 Sector 4 at Khmer, 00005357; English, 00702082; French, 00747299.
8 If we go back to that, you'll see on the upper right an
9 annotation dated the 9th of November 1977 that reads: "Sent to
10 Brother Nuon two copies".
11 Next, document E3/1879; the S-21 confession of Phorn Phal, the
12 chairman of a brick factory in the Ministry of Industry and the
13 relevant ERN Khmer, 00005192; English, 00182725; and French,
14 00796697. If we look at this page, we will see in the middle an
15 annotation dated the 11th of November 1977 that states: "Sent
16 Brother Nuon one copy".
17 [13.49.38]
18 Next, E3/1537, the confession of Tiv Mei, at Khmer, 00174754;
19 English, 00224639; French, 00271459; this is a confession of a
20 new person from the Central Zone who worked in the Lon Nol regime
21 and this confession contains an annotation, if we look at the
22 document in the upper left, which states: "One copy has been
23 submitted to Brother Nuon".
24 Document E3/1688 is the confession of Chap Mit, who was the
25 Secretary of Khsach Kandal district in Sector 22 of the East

1 Zone, and the relevant page is Khmer, 00226401; English,
2 00284069; and French, 00294523. And we'll see on this document,
3 on the bottom half of the page, a note written by Duch and if I
4 may, if we can show that on the screen, I would like to read the
5 second point in Duch's note. On this confession, Duch writes in
6 the boxed area you see:

7 "2. Withdraw the name of Brother Chhien, Region 22, Brother Mon
8 and Brother Soe. In principle, Brother Number 2 has advised on 25
9 February 1978 that the names of Brother Soe (Region 23), Brother
10 Mon (Sector 203), Soth (Region 21), Chhien (Region 22), Tat and
11 Sokh (Division 170), and Tal (Division 290) must be withdrawn, if
12 they appear in this confession."

13 [13.52.20]

14 Your Honour, we submit these groups of confessions in order to
15 show that Nuon Chea's role in relation to security matters is
16 confirmed not only by his statements that you've heard, but also
17 by the actual documents that record his name and his receipt of
18 confessions from S-21.

19 There is another group of 13 S-21 confessions that is listed in
20 the list that was provided by the Co-Prosecutors - by our office
21 yesterday - last night. I will not go through in detail these 13
22 documents, but we'll discuss them together because they are
23 related. These are documents on the list that was provided:
24 document 69 through 81, and these - these 13 confessions, Your
25 Honours, are all from the same time period and they are all

1 confessions of cadres from the same military division in the
2 Central Zone, Division 174, and indeed most are from one regiment
3 in that division, Regiment 601. All 13 of these confessions were
4 prepared at S-21 in late October or early 1977. And if we can
5 just go through and show the cover pages for the first five of
6 these confessions, the first five of the 13 do not have dates
7 indicating the specific date on which the confession was sent to
8 Nuon Chea. They merely have dates - the dates of the confession.

9 [13.54.35]

10 These five confessions, if you can - we can proceed to show them
11 on the screen. The first is E3/1882, confession of Chap Voeun;
12 E3/3689, the confession of Luon En (phonetic); E3/1831,
13 confession of Chea Sreng; E3/1839, the confession of Di Leng; and
14 E3/1841, the confession of Oeum Chea (phonetic); each of which
15 has an annotation stating that a copy was sent to Brother Nuon.
16 And the next eight confessions that are on our list, number 74
17 through 81 on the list we sent yesterday, have dates - indicate
18 the date on which the confession was forwarded to Brother Nuon.
19 The first of the eight was sent on the 10th of November 1977. If
20 we look at that one - that is document E3/3645 - E3/3645, the
21 confession of Mao Choeun (phonetic).

22 [13.56.03]

23 The other seven, Your Honour, seven confessions, all of them were
24 sent to Nuon Chea on the same day, the 11th of November 1977. All
25 of them are cadres from the same division and mostly the same

1 regiment in the Central Zone. The seven confessions are E3/1687 -
2 if you can show these as we go along - which is Chout Nhe,
3 E3/1764; the confession of An Kan, E3/1843; the confession of
4 Hung Bao (phonetic); and if we can show these on the screen as we
5 go along - E3/1869, the confession of Nheum Sim; E3/1886, the
6 confession of Sak Man; E3/1826, the confession of Taing An; and
7 the last in the group is E3/3648, the confession of Sing Pon
8 (phonetic).

9 And if we look - stop and look at this last confession, E3/3648,
10 at Khmer page 00173881, the other confessions all essentially use
11 the same language; copies submitted to Brother Nuon. This one
12 states: "One copy for Brother Nuon to deliver to the Central
13 Zone". End of quote.

14 [13.58.08]

15 Your Honours, we present this group of 13 confessions, all from
16 one military unit in the Central Zone, as particularly important
17 to show that Nuon Chea had a role relating to the military and
18 relating to the purge of this unit.

19 In the statements he provided to Thet Sambath in his book, going
20 back again to E152.2, and the reference that I would like to go
21 to at this time is at Khmer, 00858358 through 59; English,
22 00757537; and French ERN 00849448. In this passage, Nuon Chea,
23 himself, describes putting annotations on confessions he
24 received. And the section reads as follows - quote:

25 "Nuon Chea said that when he read confessions, he found the

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1 crimes that some of the prisoners were accused of were benign. He
2 said some people were not guilty of anything, but they had walked
3 somewhere, wore something, or ate something without permission or
4 they were arrested just because another prisoner had accused them
5 of wrongdoing without proof."

6 [14.00.10]

7 I'm attributing a quote here to Nuon Chea, a specific quote -
8 quote:

9 "They normally confessed when they were beaten painfully and
10 seriously tortured, Nuon Chea said. This confession could not be
11 valid and usable, so they must be released. Some of the accused
12 were very young." End of quote attributed to Nuon Chea.

13 The book continues:

14 "Nuon Chea said when he read these confessions he made marks on
15 the documents with a red pen to show they were invalid and that
16 the prisoner was not guilty." End of quote.

17 And Your Honours, the next group of documents I will present are
18 six S-21 confessions or other security-related documents that
19 have been identified by S-21 Chairman, Duch, as bearing Nuon
20 Chea's handwriting. As we will see on these documents where we
21 have colour copies, some of that handwriting, indeed, is in red.
22 Contrary to what was told to Thet Sambath in the statement I just
23 read, we will see that these handwritten notes do not direct the
24 release of any prisoners. Let me turn to these documents.

25 [14.01.41]

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1 And I will first start by going back to the first confession in
2 the initial series; this is confession E3/1565, and it is the
3 first slide in this part of the document presentation. E3/1565,
4 same page I read before; Khmer, 00017305; and if we can show this
5 on the screen. The – this is a particularly significant
6 confession, as we look at it here, because it bears the
7 handwriting of the three key protagonists from a – responsible
8 for S-21, Duch, Son Sen, and Nuon Chea.

9 On this confession, we see on the bottom half a 21 May 1977 note
10 from Duch to "Respected Brother"; that is on the bottom part. And
11 then in the top part of the document, there is an annotation
12 written across the top dated the 23rd of May 1977, part of which
13 states: "Sent to Brother Nuon personally or directly".

14 If we go to the next slide, we can – we focus in on the top part
15 of the document and you will see the handwriting that has been
16 identified by Duch as Son Sen's; it's the one that is on the
17 right side and part of the left side.

18 [14.03.30]

19 And there is a third person's handwriting that can be seen on the
20 upper-left side in bigger characters which reads – quote:

21 "Excerpts sent to Comrade Mok". And it is this handwriting that
22 has been identified by Duch as Nuon Chea's. And if we go to the
23 next slide, that handwriting has been isolated so that we can see
24 the particular handwriting of Nuon Chea identified by Duch on
25 this confession.

1 The next slide shows document E3/175 which is a letter – a 17
2 April 1978 letter from the North Zone Secretary, Sae, forwarding
3 – which we have seen and talked about before – forwarding two
4 confessions to Committee 870 to serve as documents for
5 researching embedded traitorous networks burrowing from within.
6 And in this coloured copy, if we look at – go back to the
7 document on the screen, you will see an annotation written in red
8 on the left side of the letter which states: "Follow up". This
9 handwriting has been identified by Duch as Nuon Chea's
10 handwriting.

11 And if we go to the next slide, you will see the red writing –
12 the red handwriting from the second document next to the other
13 handwriting identified as Nuon Chea's.

14 [14.05.16]

15 The next slide is the third document that has been identified as
16 containing Nuon Chea's handwriting, the S-21 confession of
17 Ministry of Social Affairs cadre, Mok Sam Ol; E3/1546. And if we
18 look at – look at the screen, at this document, we can see that
19 the relevant annotation is again in red.

20 And if we go to the next slide, we focus in on – on that part of
21 the document, the handwriting in red annotation reads – quote:
22 "[...] Ministry of Social Affairs. It has already been resolved."
23 End of quote.

24 And in the next slide, you can see the handwriting from this
25 document compared to the prior two.

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1 Next - the next slide is the S-21 confession of San Pau, a
2 Ministry of Foreign Affairs cadre from the state market; it is
3 document E3/1548 - E3/1548. And the - if we look at the screen,
4 there is a red annotation in the upper left-hand corner of this
5 document, if we can show it on the screen. The annotation in red
6 on this document states - or in the upper left-hand corner
7 states, "Comrade Van", a reference to the alias of Ministry of
8 Foreign Affairs Secretary, Ieng Sary. This handwriting has also
9 been identified by Duch as Nuon Chea's.

10 [14.07.17]

11 And in the next slide, you can see - compare the handwriting to
12 the other three documents.

13 Next - the next slide is the S-21 confession of Meak Touch who
14 was the DK Ambassador to Laos. It is document E3/1547. And if we
15 focus on the top part of this document in the next slide, the
16 handwriting that appears in the upper-left corner states "Comrade
17 Van" - same as the prior document - and it has also been
18 identified by Duch as Nuon Chea's writing.

19 In the next slide, you will see all five of these annotations
20 together.

21 [14.08.08]

22 And the next slide is the sixth and last document in this series
23 which is E3/1098 - E3/1098. It is a letter dated the 26th of
24 March 1978 that was written by the West Zone Deputy Secretary,
25 Pal, regarding the arrest and transfer to Phnom Penh of the wife

1 of purged West Zone Secretary Chou Chet alias Si, whose wife was
2 the Secretary of Udong district. The letter reads - quote:
3 "To Respected and Beloved Angkar:
4 We would like to send Ly Neary, spouse of Si, via K-7. Please,
5 Angkar, seize this person.
6 Next, we will send you Moul", referring to the deputy secretary
7 of Udong district.
8 And if you look at the left side, there is an annotation in red
9 in the upper left that has been identified by Duch as Nuon Chea's
10 handwriting which states, "S-21".
11 And in our last slide in the series, you will see this annotation
12 compared to the other five that have been identified as Nuon
13 Chea's handwriting.
14 [14.09.38]
15 Your Honours, I have a couple more - one document that I would
16 like to go back to at this time. Before I do that, let me just
17 briefly note here; we have previously presented to this Court a
18 statement by Ieng Sary in various interviews and documents in
19 which he states that Nuon Chea was a member of the Party's
20 military or Security Committee. And as we presented these before,
21 I will not read them again - read the contents again, but I do
22 wish to note for the record, the identity of the three documents
23 in which Ieng Sary states that Nuon Chea was a member of the
24 Party's Military Committee.
25 First is E3/94, an interview of Ieng Sary conducted on the 22nd

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1 of July 1981 at Khmer, 00578895; English, 00342501 through 02;
2 French, 00602000. The second document, E3/93, an interview of
3 Ieng Sary that was conducted on the 28th of August 1996 at Khmer,
4 00224443; English, 00078610; French, 00347376. And the third
5 document from Ieng Sary indicating that Nuon Chea was on the
6 Military Committee is E3/86, the statement I presented earlier
7 today from Ieng Sary's DNUM group on the 8th of September 1996
8 and the passage in that document can be found at English,
9 00081215; Khmer, 00224430; and French, 00614094.

10 [14.12.19]

11 And at this point, I want to go back to a document that I -

12 MR. PRESIDENT:

13 Mr. Co-Prosecutor, could you please hold on.

14 And Counsel Koppe, you may now proceed.

15 MR. KOPPE:

16 Thank you, Mr. President.

17 My client is listening at this moment to the presentation of key
18 documents of - by the prosecutor and I think it would be good if
19 those three passages from Ieng Sary's interview will be read to
20 him. It might be that they were earlier read during the absence
21 of my client; I'm not quite sure about that, but nevertheless; we
22 are not short of time, so I would like to ask the prosecutor to
23 read those three passages that he's just been referring to.

24 [14.13.14]

25 MR. LYSAK:

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1 Mr. President, I'm happy to do that. I may have to do it from the
2 computer screen, so if I can have just 30 seconds just to pull
3 the document up and then I'm happy to oblige Counsel and - and
4 read - read those passages if I can have one moment.

5 (Short pause)

6 MR. LYSAK:

7 I'm ready. I'll try my best to read from the computer screen.

8 E3 - I won't repeat the ERN numbers, but I will - the first
9 document was E3/94, which was the interview of Ieng Sary
10 conducted on 22 July 1981, and in this interview, Ieng Sary made
11 the following statement in response to certain questions - quote:

12 [14.14.52]

13 Question: "Who was in charge of security?"

14 Answer: "Three or four very top leaders discussed the matter -
15 then reported to the Standing Committee."

16 Question: "Who were those three or four leaders?"

17 Answer: "Pol Pot, Nuon Chea, So Phim, and Son Sen - Son Sen was
18 in charge of security. They relied on regional people (for
19 reporting on security)."

20 The second document - Mr. President, the second document was
21 E3/93. This was an interview of Ieng Sary conducted on the 28th
22 of August 1996 and in this interview, Ieng Sary made the
23 following statement - quote:

24 "I am not the right hand of Pol Pot. Obviously the main
25 right-hand man is Nuon Chea. And there was a committee which

1 considered all questions about security which comprised four
2 people: Pol Pot, Nuon Chea, Son Sen, and Son Sen's advisor, Yun
3 Yat." End of quote.

4 [14.16.25]

5 And the last - the third document is a statement - is the
6 statement that was issued by Ieng Sary's group, DNUM, on the 8th
7 of September 1996 which contains the following statement - quote:
8 "The government was only a screen to hide Pol Pot's personal
9 dictatorship; firmly based on the secret security committee
10 composed of Nuon Chea; Son Sen alias Khieu; and Son Sen's
11 advisor, his wife, Yun Yat alias At. From 1975 to 1978, it was
12 this gang of four: Pol Pot, Nuon Chea, Son Sen, Yun Yat, who
13 decided the killings and massacres." End of quote.

14 Mr. President, at this time, I'd like to return earlier today in
15 the group of documents in which Nuon Chea's identified as Acting
16 Prime Minister. One of them, E3/147 - E3/147, the pages that were
17 identified earlier, is the FBIS report of a radio broadcast in
18 which Nuon Chea made a speech to the gathering of the
19 Revolutionary Army of Kampuchea at a commemoration of its ninth
20 anniversary on the 16th of January 1977.

21 [14.18.30]

22 And this document is quite significant as it - it is the radio
23 broadcast, as is indicated at the very start, was just of
24 excerpts of the speech by Nuon Chea. The full speech can be found
25 in the "Revolutionary Flag" for December 1976 to January 1977,

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1 which is document E3/25 – E3/25, and in this document, you will
2 find the entire speech in an issue that was released just for the
3 Party members.

4 And in E3/25, that speech, which is titled, "The Presentation of
5 the Comrade Party Representative on the Occasion of the Ninth
6 Anniversary of the Founding of the Brave, Strong, Skilled, and
7 Magnificent Revolutionary Army of Kampuchea", that speech starts
8 at – for the record – starts at: Khmer, 00063014; French,
9 00504027; and English, 00491406.

10 [14.20.15]

11 In the "Revolutionary Flag" issue, Nuon Chea is not identified by
12 name. He is identified by name in the radio broadcast of the
13 excerpts of the speech, so I wish to quickly touch upon a
14 comparison of the two documents so that the Court can see how it
15 is evident that the speech on the radio in E3/147 made by Nuon
16 Chea is the same speech that appears in the "Revolutionary Flag",
17 E3/25.

18 And the best way to show that – well, the Court itself will be
19 able to follow along the two speeches and see how they track. But
20 to give you a couple – just two examples of that, at the outset
21 of the speech – and I will first read the – from the radio
22 broadcast, that is, in which Nuon Chea is identified by name,
23 and at the very start of the speech, Nuon Chea makes two points.
24 And this is at the very outset; you will find this in E3/147; at
25 Khmer, 00679793; English, 00168465; French, 00698444; and the

1 first point reads:

2 "The first point is that the anniversary of our revolutionary
3 army reminds us of its great sense of heroism. At this moment we
4 think with profound emotion and revolutionary sentiment of our
5 comrades in arms."

6 [14.22.21]

7 And then continuing to the next paragraph:

8 "The second point is that we should be greatly please about our
9 formerly empty-handed army's present condition; we should have
10 great pleasure at the thought that never before have we had such
11 an army as the present revolutionary army."

12 And to compare that, if you look at the start of the speech in
13 the "Revolutionary Flag", and here this is document E3/25, I
14 would refer you to pages Khmer, 00063016; English, 00491407
15 through 08; and French, 00504028 through 29; and you will see
16 here the exact same content. The speech starts by providing -
17 making two impressions - quote:

18 "Our first impression is that the ninth anniversary of the
19 founding of our army leads us to think about the high and lofty
20 heroism of the revolutionary army."

21 [14.23.51]

22 And then continuing to the second point:

23 "Our second impression, on this occasion, is that all of us, when
24 we think of our revolutionary army that was built with our bare
25 hands up until today, we are all happy and unimaginably satisfied

1 because originally, we never had an army."

2 And you can follow through the speech that was broadcast on the
3 radio with the speech in the "Revolutionary Flag" and see how
4 they match up.

5 Let me give one more quick example for the Court's reference. In
6 the radio broadcast of Nuon Chea's speech, E3/147, at page Khmer,
7 00679796; English, 00168467; French, 00698446; there is a
8 paragraph that reads as follows - quote:

9 "The start of the arms struggle on 17 January 1968 was not
10 accidental. Since 1960, our Cambodian revolutionary organization
11 had drawn up the strategic and tactical lines", and it then
12 continues - continues on to explain those.

13 [14.25.24]

14 You will find the corresponding part of the speech in

15 "Revolutionary Flag" at Khmer, 00063023; English, 00491412; and
16 French, 00504033. And that paragraph starts off -

17 "Next, I wish" - quote - "I wish to inform you that opening fire
18 on 17 January 1968 was not an accident", and then it goes on to
19 discuss the strategic lines of the Party in 1960.

20 I make these references to Your Honours as simply - as it is
21 important to see the relationship between these two documents.

22 And I will note just one part - one significant part from the
23 speech; there's quite a few parts. It is a long speech in which
24 Nuon Chea covers the history of the military and the Party lines.

25 There is much information in there, but one of the most

1 significant parts of the speech can be seen in the "Revolutionary
2 Flag" publication, E3/25, at pages Khmer, 00063039 through 41;
3 English, 00491424; and French, 00504049; and this is a document
4 that the Court may recall from near the start of the trial as it
5 is quite important. This is a section where Nuon Chea discusses
6 the strategy - the military strategy of seizing or controlling
7 the people. Let me just read a couple of short excerpts - quote:
8 [14.28.00]
9 "We seize victory by implementing these combat lines correctly.
10 A. Attacking the enemy politically: Taking just one example,
11 fighting to seize the people. Throughout the world, they never
12 fought to seize the people. Our line was to fight to seize the
13 people: one, we took him; two, we took them; 100, we took them;
14 1,000, we took them, and so on until we fought for and seized the
15 people from Phnom Penh too. The line of drying up the people from
16 the enemy was very correct."
17 Continuing in the next paragraph:
18 "An example: The fighting in Banam in 1973. We took everyone in
19 Banam town, expelling the ethnic Vietnamese, the ethnic Chinese,
20 the military, the police; we took everyone, drying up the people
21 from the enemy."
22 And two - two paragraphs below this - quote:
23 "We liberated Udong in 1974. We pulled out all the people. When
24 they took it back, they had no forces."
25 [14.29.22]

1 And the next paragraph - quote:

2 "This is a very important strategic line: control the people and
3 seize the people." End of quote.

4 Your Honours, when Nuon Chea - while Nuon Chea opened up and made
5 significant admissions to Thet Sambath in their interviews, which
6 you have seen today, while he made admissions to Thet Sambath
7 regarding his knowledge and responsibility for events during the
8 regime, he also made it clear to Thet Sambath that he did not
9 intend to be as forthcoming with this Court.

10 And I would like to read an excerpt from - again from E152.2, at
11 Khmer, 00858404; English, 00757560; and French, 00849479; which
12 reads - in which the following statement is attributed to Nuon
13 Chea - quote:

14 "If they ask me in Court who killed the people, I will say I was
15 in charge of the legislative body and education, so the killing
16 was the problem of government administration which was the
17 responsibility of Pol Pot and Son Sen", he said.

18 [14.31.11]

19 And continuing the quote attributed to Nuon Chea - quote:

20 "If they still ask, then I will tell them it started with
21 Kissinger." End of quote.

22 We have seen this at various points from Nuon Chea including his
23 initial appearances at this Court; the documents that my
24 colleague read to you this morning.

25 And I will close my presentation, Your Honours, with one more

1 video clip. This is a – for the AV booth, this is clip number 10.

2 We will skip 8 and 9; this will be clip number 10, and it is
3 document E93/7.3R, case file B00717048. It is interview by Thet
4 Sambath entitled, "Nuon Chea on the Nation".

5 And Mr. President, with your leave, if the AV booth could play –
6 please play clip number 10, which is titled, "No Regrets".

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 AV Unit, please play the video clip number 10 as requested by the
10 Prosecution.

11 (Short pause)

12 [14.33.46]

13 (Presentation of audio-visual document in Khmer, no
14 interpretation)

15 (End of audio-visual presentation)

16 [14.34.56]

17 MR. LYSAK:

18 Your Honours, that ends our presentation on the role of the
19 accused, Nuon Chea. We finished early today, but we thank you for
20 the opportunity to present these documents.

21 MR. PRESIDENT:

22 Thank you, Mr. Prosecutor, for the presentation on key documents
23 and that you finished even before the time allocated to you.

24 Today's proceedings come to an end. We will adjourn today's
25 proceeding today and we will resume on Monday the 1st of July

1 commencing from 9 a.m.

2 And for Monday, we will continue our evidentiary hearing by
3 hearing the testimony of TCW-505. This information is for all the
4 parties, the support staff, and the general public.

5 Court officer - security officer, rather, you are instructed to
6 take the two accused back to the detention facility and have them
7 returned to the courtroom on Monday, the 1st of July 2013.

8 As for Nuon Chea, take him to the holding cell downstairs which
9 is equipped with audio-visual means for him to follow the
10 proceeding remotely.

11 The Court is now adjourned.

12 (Court adjourns at 1436H)

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