



Still of Nuon Chea's interview from the film "Enemies of the People," directed by Thet Sambath, as shown in court Thursday.

Role of Nuon Chea in the Spotlight on Last Day of Document Hearings

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On Thursday, June 27, 2013, the Extraordinary Chambers in the Courts of Cambodia continued with its hearing of key documents in Case 002, as the prosecution presented key documents on the alleged role of Nuon Chea during the Democratic Kampuchea period.

Nearly all the parties were present at the hearing, with the exception of the International Co-Lawyer for the Civil Parties, who had a personal commitment. Nuon Chea observed the proceedings from his holding cell due to health conditions.

Prosecution Present Documents on the Alleged Role of Nuon Chea

The prosecution began by presenting evidence on Nuon Chea's purported involvement in the Standing Committee of Democratic Kampuchea (DK). Deputy Co-Prosecutor Seng Bunkheang started by reading the minutes of a meeting of the Committee at which Pol Pot was absent. In his absence, the minutes stated, Nuon Chea was chair and made a number of declarations, including a new diplomatic policy on border areas and a declaration on the need to be vigilant against the Vietnamese enemy.

An additional document – the minutes of a 1975 Standing Committee meeting - was then read to the court, which, the prosecutor argued, further demonstrated Nuon Chea's role. According to these minutes, a number of duties were assigned Nuon Chea; he was to lead on party affairs, social action, culture, propaganda, and education. The second agenda item of that meeting was the preparations for communal living. It was stated that the party leaders would be moving to their common quarters later in that month.

In his interview with the Office of the Investigating Judges (OCIJ), Mr. Bunkheang continued, Nuon Chea allegedly made a number of admissions about his role in DK. The record of a

¹ Cambodia Tribunal Monitor's daily blog posts on the ECCC are written according to the personal observations of the writer and do not constitute a transcript of the proceedings. Official court transcripts for the ECCC's hearings may be accessed at <http://www.eccc.gov.kh/en/case/topic/2>.

September 19, 2007, OCIJ interview recorded him as stating that he was “deputy secretary of the party and general secretary of the National Assembly” in addition to being in charge of educating the cadre. In that interview he also went on to claim that there were American CIA agents as well as Russian KGB agents hiding among the party and in the cooperatives, the record said. It was these agents who wanted “the party line burnt,” Nuon Chea is quoted as stating. Asked in another OCIJ interview about the power structure at the top of the Khmer Rouge regime, Nuon Chea claimed that it was not invested in one person but rather held communally, according to the record. “No one could overturn the decisions of the party congress,” he said, claiming that he himself was on the legislative side and not involved in executive decisions, according to the record.

Mr. Bunkheang moved on to cover Nuon Chea’s role in the legislative body. The first document on this matter was the minutes of a People’s Legislative Assembly Meeting. In this passage, Nuon Chea is recorded as explaining that when cadre were asked about the Khmer Rouge, they should be reasonable and not go “wild”; however, at the same time, they should not be friendly in the course of their educating of the people.

A document was then read to the court on the subject of elections, in which it was said that “our people, including soldiers, men, women, and cadres, total over 7 million. Out of this figure, 3 million are eligible voters.” The document then reported that the people had turned out peacefully to cast their ballots, with 98 percent of the electorate voting, electing 250 of the 515 candidates who had run for the National Assembly.

Turning to the record of the first Legislative Assembly, Mr. Bunkheang read a statement reportedly made by Nuon Chea accepting the resignation of King Sihanouk. According to the record, Nuon Chea made reference to American imperialists and a number of internal “rebel groups” within the statement.

In an additional speech, Nuon Chea, identified as the Deputy Secretary of the Communist Party and Chair of the Council of Representatives, welcomed a delegation, purportedly stating that they had arrived “at a time when the entire people of Democratic Kampuchea are standing as one man; they are steadfast in their resolve to struggle on with the revolution.”

Similarly, in a presentation to the Communist Party of Denmark, Nuon Chea allegedly claimed that the party and the people were engaged in two forms of struggle – a political and an armed struggle. “Currently we struggle politically and socially. Our forces are very important in the struggle,” he is recorded as saying; the revolutionary struggle had started in the cities and in the rural areas, and it had eventually been successful in the “bases.”

On the subject of education, Nuon Chea had reportedly stated in the presentation that “cadres are instructed in revolutionary diligence. We arm them with an understanding of dialectical materialism so they understand the ideological standpoint of the party.” Two courses were described, one short course with concise literature for small groups of peasants and one longer course held twice a year for the cadre.

The presentation further said that those who joined the revolution from classes other than the peasant and worker class would have to join the working class and adopt its class mentality. Comrades would also have to provide the party with their revolutionary biographies, in order that

the party could “investigate class background both before and after people join the revolution” so as to avoid infiltration of “the enemy,” Nuon Chea is quoted as saying. According to the record, Nuon Chea said that these principles led to unity in the party, though he was clear that the enemy would still endeavor to undermine it.

“Since the revolution our focus has been anti-revolutionary activity from within our party,” usually the result of the CIA, KGB, or Yuon,² Nuon Chea allegedly stated. “When we observed something was wrong, we thought it was an internal contradiction and attempted to resolve it.” However the party had now realized that people had become agents of the enemy while they were in prison abroad, he stated according to the record, going on to boast about destroying the plans of the Vietnamese within DK, yet stressing that the party needed to continue investigating those who had infiltrated it.

In the next speech Nuon Chea is reported as describing the different treatment of urban and rural people, claiming that the best cadre were in rural areas, as in the city cadre had to become workers. Though living conditions in the city were better, the existence of many enemies there required the decision to move the people to the countryside, notwithstanding the presence of malaria there. the record reported.

Next, part of an extensive interview of Nuon Chea by Thet Sambath was read to the court, in which Nuon Chea is recorded discussing his role educating the cadre. Nuon Chea was asked what the measures were to deal with the “bad cadres.” He replied, according to the interview record, that he “re-educated them,” though did not allow them to stay in their positions. When he was asked if he thought it was important for the younger generation to know about the past and the DK period, Nuon Chea purportedly revealed to Mr. Sambath that he had been writing a book about the period, though he asked the journalist to keep that to himself.

Mr. Sambath later asked Nuon Chea who the enemies were and was reportedly told that they included the U.S. and Vietnam, hidden among the comrades. “They destroyed my regime by not following the policy,” Nuon Chea allegedly stated. He also declared that S21 were “established to find the enemy in the country,” according to the record.

At this point in proceedings, Mr. Bunkheang ceded the floor to Assistant Prosecutor Dale Lysak, who began by reading to the court extracts from the book mentioned in the interview with Thet Sambath, which was published in 2010 in part of a larger volume called *Behind the Killing Fields*, by Chon Gina and Thet Sambath.

In that book’s first chapter Nuon Chea is described as Pol Pot’s right hand man. The authors described him as “the ideologue of the party” who came up with many of the party’s policies.

Later in the book Mr. Sambath described the process of interviewing Nuon Chea. The author wrote, “It took time for Nuon Chea to trust [me] enough. In the first year he gave predictable responses that everything was up to Pol Pot.” He claimed that Nuon Chea began to realize Mr. Sambath was true to his word when nothing Nuon Chea said was immediately published.

Mr. Sambath went on to describe a meeting with Nuon Chea the day before the accused’s arrest, at which time Nuon Chea told him that Mr. Sambath could publish the manuscript of his book.

² The term “Yuon” was used to refer to the Vietnamese people.

Included in the book was an alleged statement by Nuon Chea that the People's Representative Assembly and the Ministries were important only in name because in practice there was no work for the people in those offices to do. "There was nothing to debate because we had no laws to pass." Nuon Chea is reported as saying, "Only the Foreign Affairs Ministry had a full time staff."

To ensure that cadre kept "correct political thought," self-criticism sessions were developed every week, according to the author; Nuon Chea usually presided in these in the Phnom Penh area. "Self-Criticism to eliminate selfishness," he had reportedly claimed. Top leaders held their own self-criticism session once a month, which were attended by Nuon Chea. In his interview he had allegedly said that he often commented on the behavior of Khieu Samphan and Ieng Sary and on a rare occasion Pol Pot, but rarely did anyone criticize him.

A video clip was played to the court of the interviews with Nuon Chea, in which he recalled being criticized by Pol Pot for being "too hardline and not soft enough." Pol Pot had been criticized for trusting people too readily and for not paying enough attention to his wife, who was sick. In terms of self-criticism, Pol Pot had also revealed that he still thought about his Karma, which indicated he had not fully adjusted to revolutionary life.

Subsequently Nuon Chea was quoted to the court as allegedly saying that he "was not the right arm or the left arm of Pol Pot; we were equal. I did not serve him, and he did not serve me. We both served the party."

In the video clip, Nuon Chea also recounted that when the serious clashes with the Vietnamese began, Pol Pot had called people to the meeting and suggested cutting diplomatic ties with the offending state. Nuon Chea said he was surprised, as he had not been consulted first by Pol Pot, which was allegedly their normal working pattern with regards to major policy changes.

In response to a question from Mr. Sambath about whether Pol Pot had the capability to control the Khmer Rouge movement, Nuon Chea had declared that he did not by himself: "Everyone worked together. He made his contribution; we made ours." Reaffirming this point, Nuon Chea said that Pol Pot did not have a monopoly over power and noted that it was through the party working together that the decision to evacuate the people from Phnom Penh was made.

Mr. Sambath had then asked Nuon Chea whether he was responsible for the many people who had died in the DK period. Cryptically, Nuon Chea replied that he was "responsible in spirit."

Asked why there were no human rights in DK, Nuon Chea told Mr. Sambath, "The highest human right, the most important, is to take up arms to kill the enemy. That is the highest right. The right to write, the right of speech, those are ordinary."

Nuon Chea was also interviewed about "political education" under the Khmer Rouge, as had previously been discussed in the day's proceedings. "We purified [the people's] minds through education," he said in the interview, "first through school, then in the fields." Going on, Nuon Chea claimed, "When we had educated them, then they understood and trusted us. This made our party stronger."

Mr. Lysak then announced that he would be turning to a group of documents, which concerned when Nuon Chea held the role of acting premier during a period in which Pol Pot was ill. He claimed that the Nuon Chea defense team denied and contested this role.

An extensive list of documents was fleetingly brought to the court's attention, as Mr. Lysak attempted to show that Nuon Chea had adopted the role of temporary premier. These included:

- A report of October 17, 1976 in the *Democratic Kampuchea News Bulletin* announcing that interim Prime Minister Nuon Chea had revived the Albanian Prime Minister;
- A broadcast on the Phnom Penh domestic service from January 16, 1977, by "acting Prime Minister" Nuon Chea on the occasion of the ninth anniversary of the Revolutionary Army. This speech was confirmed through other documents reporting which the same speech, such as the BBC, according to the prosecutor;
- "Acting Prime Minister Nuon Chea" was cited in the Revolutionary Military magazine;
- A wire to China in which it was stated that "Nuon Chea is still interim Prime Minister in the absence of Pol Pot";
- The FBIS (Foreign Broadcast Information Service) collection for March 1977 containing three reports that referred to Nuon Chea in the role of Acting Prime Minister;
- A message from Acting "Prime Minister Nuon Chea" to India;
- A message of congratulations in the *Voice of Democratic Kampuchea* in 1977;
- A message from "Acting Prime Minister Nuon Chea" to the new president of Burma; and
- A message of congratulations in April 1977 from the President of Yugoslavia.

Following a brief break, Mr. Lysak apologized for the nature of these documents and promised that when he had gone through them, he would be looking at more interesting documents. He then continued to cite documents, which alleged that Nuon Chea was regarded as the Acting Prime Minister during a period Pol Pot was ill:

- A FBIS report from September 1976 claimed that Nuon Chea had been standing in for Pol Pot. "There is no suggestion of the latter being ill or eliminated," it stated;
- A message sent from "Acting Prime Minister Nuon Chea" to the Prime Minister of Malaysia;
- A message of greeting on September 1, 1977, from "Acting Prime Minister Nuon Chea" to the socialist republic of Vietnam; and
- A speech by the Burmese Foreign Minister referring to his meeting with acting Prime Minister Nuon Chea.

Finally ending this prolonged session of citations, Mr. Lysak went on to quote Ieng Sary, who had been asked in an interview in 1996 about Pol Pot's period of illness:

At that time he did have an illness. He had a crisis; he himself did not know what it was. So I, first Deputy Prime Minister, had to replace him. But no, Nuon Chea replaced him. From what I know there were discussions between Pol Pot and Nuon Chea about it.

Mr. Lysak then drew the court's attention to a group of telegrams that he said reflected the role of Nuon Chea in the Communist Party of Kampuchea (CPK). The prosecutor argued that these telegrams showed that Nuon Chea had responsibility for forced movement. The first telegram, from November 1975, was sent by the Secretary of the East Zone; it discussed the movement of the Cham population out of areas in the Secretary's Zone. While the telegram was addressed to Pol Pot, Nuon Chea was one of a few others who were copied on it, according to the document.

The next telegram regarded the evacuation of people from Laos, who were then moved to villages and communes. Again, Nuon Chea was one of a few copied into the telegram, the prosecutor stated. The final telegram reportedly informed Nuon Chea that “the biographies of all key people in the village were compiled.”

The document numbers of five additional telegrams were cited to the court, each of which it was claimed demonstrated that Nuon Chea was also responsible for military matters. On each of these telegrams, only Nuon Chea and one other person were copied, Mr. Lysak said. This military role was also apparent by a report, he continued, which was forwarded to Nuon Chea regarding a cadre’s wife who had gone missing from hospital. The prosecution argued that the significance of this document was that it requested Nuon Chea to order a search operation, demonstrating that he had military responsibility.

Moving on, the prosecution next sought to show Nuon Chea’s responsibility for educational matters. Mr. Lysak highlighted for the court a report to Nuon that asked him about a CPK school and requested clarification as to when the school could be opened. This report showed his control on political education, the prosecutor argued, and that party schools in an autonomous sector reported to him.

The prosecutor then appeared to move back to tackle both Nuon Chea’s military role and his participation in the purges. He presented a succession of documents in this area. First, he showed a letter from a cadre on the logistics staff to the court, in which the cadre allegedly reported to Nuon Chea that he believed his superior was a traitor. A further document sought orders from Committee 870 about how to deal with a number of Vietnamese people who had been caught in villager’s houses. It was copied to Nuon Chea, which Mr. Lysak claimed was significant because it demonstrated his security responsibilities.

Similarly, a report from February 1978, purportedly given to Nuon Chea, described a battle and reported that an enemy was being sent to S21. “We continued fighting, mainly using landmines and spikes,” it went on to say. The prosecutor presented two further letters to Committee 870, both of which he said were copied to Nuon Chea. One of them sought information on a number of individuals who had been caught and arrested, while the other suggested the merging of two districts in order to better balance the proportion of new people to old people.

Three further documents, which contained the term Uncle Nuon Chea, were cited but not quoted, one of which discussed purges.

Mr. Lysak also showed the court a number of video clips, including one from the television documentary “Pol Pot: The Journey to the Killing Fields.” In one clip, Nuon Chea is asked about the many key members of the party who were killed. “We didn’t kill many; we killed only the bad people. Not the good,” he had replied to the interviewer.

The prosecutor claimed that statements made to Mr. Sambath were even more detailed and direct on Nuon Chea’s view of the enemies. Mr. Sambath wrote:

The enemies were everywhere and they were blamed for everything. According to Nuon Chea, they were CIA, French, and Vietnamese and caused havoc to the regime. “We knew that there were many enemies hiding in our regime and planning to destroy our revolution. We tried to find the enemies.” Eventually

neighbors turned against neighbors, brothers against brothers, and husbands against wives.

Mr. Sambath went on to document how he had asked Nuon Chea why enemies could not be imprisoned for life, rather than executed. “That is an easy question to ask but a difficult one to answer,” Nuon Chea had allegedly responded. “At that time we had no proper prisons, and if we left them, their eggs would have been spread, and many more would have been killed.”

According to Mr. Sambath, Nuon Chea had said he was not particularly disturbed when he heard his former comrades were executed, purportedly saying, “They had done wrong and betrayed us so they received what they deserved.”

Mr. Sambath had contended in his book how, for the first half of the Khmer Rouge’s rule, Nuon Chea did not have direct control over S21; however, as one of the top leaders he was involved in decisions to purge top leaders. However, the writer asserted, when a former defense leader went to fight the Vietnamese, Nuon Chea became *de facto* head of the interrogation unit.

After the lunchtime recess, Mr. Lysak continued to read another extract from the interview with Mr. Sambath, in which Nuon Chea allegedly provided an explanation for the purges and was quoted as saying, “We never accused any top leader without evidence and witnesses. We knew clearly about their plans to topple the regime and kill the people in the provinces. ... I have no regrets because when I read their confessions it was very clear what they were doing.”

A short clip was shown of Mr. Sambath’s interview with Nuon Chea, in which he claimed to have received confessions from S21, as stated in the quote above.

Nuon Chea’s admission in the interview that he received many confessions is confirmed by the S21 documents themselves, Mr. Lysak asserted. He presented on screen a number of confessions that had annotations that the prosecutor said demonstrated that they had been sent to Nuon Chea. These documents, quickly shown on the court’s monitors, included:

- A confession with “sent to brother Nuon” written at the top right;
- The confession of the head of the liaison committee with Thailand with the comment “brother Nuon has already received a copy”;
- The confession of a North Zone Cadre with “sent to Brother Nuon” on it;
- The confession of a battalion commander, with “copy sent to Nuon Chea 10 September 1977”;
- A confession of a Central Zone Chair of Industry with “send Brother Nuon one copy” written on it;
- A confession of a “new person” with “sent two copies to Nuon Chea written on it”;
- A confession of the head of a handicraft team with “please send to brother Nuon” written on it;
- The confession of company chief from section 4; and
- The confession of a Chairman of a brick factory at the Ministry of Industry.

In addition, Mr. Lysak read to the chamber a note from the secretary of Sector 22 , with a note written on it by Duch³ ordering that certain names should be “withdrawn if they appear on this confession.” It is unclear if this meant the persons’ names were to be withdrawn from the confession, or whether the people themselves were to be withdrawn from their current roles.

Mr. Lysak submitted to the court that these lists show that Nuon Chea’s role involved the receipt of confessions. There were a further 13 confessions that he discussed together. They were all from the same time period, prepared in S21 in late October or November 1977, and were confessions of cadres who were all members of the same military division. The prosecutor highlighted these confessions as being particularly important as they allegedly show Nuon Chea had a role related to both the military and to the purging of this unit.

Further in his book, Mr. Sambath recalled Nuon Chea’s stance on confessions, the prosecutor continued. According to Mr. Sambath, the accused said that when he read confessions, he found the crimes that some of the prisoners were accused of were benign, that they had walked somewhere or eaten something without permission and only confessed when they were beaten and seriously tortured. Nuon Chea purportedly said that when he read these confessions he made a mark on the confessions with a red pen to indicate the person was not guilty.

Having read this statement to the court, Mr. Lysak presented five confessions to the court that had indeed been marked in red pen and that Duch had stated had Nuon Chea’s handwriting on them. Contrary to the interview reported by Mr. Sambath, however, they did not have orders for the prisoners to be released or suggest the prisoner may be innocent, the prosecutor asserted.

Mr. Lysak noted that he had previously presented Ieng Sary’s statements in which he stated that Nuon Chea was a member of the security committee. He said he wanted to note these documents even if he was not going to quote them today.

At this point Mr. Victor Koppe, Co-Lawyer for Nuon Chea, indicated that his client was listening and would like the documents read out. The prosecutor obliged after a brief pause to allow him to find the documents on his computer. Drawing his presentation of documents to a close, Mr. Lysak presented a speech allegedly given by Nuon Chea, which had been printed in a special issue of the *Revolutionary Flag* magazine in December 1976 and broadcast on the radio. He drew the court’s attention to what he said was the most important section of the speech, where Nuon Chea reportedly discussed the strategy for “seizing or controlling the people.” “We seize victory by implementing these combat lines,” he was quoted as saying.

The final quote read to the court related to Nuon Chea’s own testimony before the chamber. “If they ask me in court who killed the people, I will say that I was in charge of legislation, so the killing was the responsibility of Son Sen. If they still ask, then I will tell them it started with Kissinger,” he had reportedly told Mr. Sambath.

We have seen this from Nuon Chea, the prosecutor asserted. He closed his presentation with a final video clip of Mr. Sambath’s interview with Nuon Chea. In the clip Nuon Chea claimed if people had not been killed under the Khmer Rouge regime there would be no Cambodia today. He also affirmed that he had no regrets.

³ The alias of Kaing Guek Eav, former head of S21 detention center, who was convicted in Case 001 at the ECCC.

The court adjourned the day's proceedings early, to resume on Monday, July 1, 2013, at 9 a.m. when it will continue hearing witness testimony.