

Donning a pair of dark glasses, Nuon Chea continues his testimony at the ECCC on Tuesday.

Nuon Chea Names Cambodian Politicians as Former Khmer Rouge Associates as Evidentiary Hearings Continue at the ECCC

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On Tuesday, January 31, 2012, the Trial Chamber of the Extraordinary Chambers in the Courts of Cambodia (ECCC) continued hearing evidence in Case 002 against accused Nuon Chea, Ieng Sary and Khieu Samphan. Scheduled for the day was the continued testimony of accused Nuon Chea regarding the topic of the historical background of the Democratic Kampuchea (DK) period.

Chamber President Nil Nonn began the day's proceedings by informing the parties of the schedule for the rest of the week. The President stated that beginning the following day, the Chamber would hear the testimony of Documentation Center of Cambodia (DC-Cam) director Youk Chhang.

Civil Party Questioning of Nuon Chea

Following some discussion concerning the allocation of time to put questions to Mr. Chhang, the floor was turned over to the civil parties to put questions to Nuon Chea. Civil Party counsel Sim Sivorn then began questioning Nuon Chea. When counsel asked Nuon Chea some preliminary questions for the day, she initially spoke in a slow, simple and measured manner. This apparently offended Nuon Chea, who responded in the same tone and was clearly annoyed at being spoken to in such a simple manner. Nuon Chea's mockery of the Sim Sivorn's tone drew laughs among the crowd in the courtroom viewing gallery.

Following this initial difficulty, Sim Sivorn gained better footing and took up questioning of Nuon Chea in earnest. Upon questioning concerning his educational period in Thailand, Nuon Chea testified that a monk gave him a Thai name, which was required to register at Thai schools and that he quit his studies after one year of university in order to join the communist struggle. He explained that if he completed his studies, he would have had to serve the authorities in power and he chose therefore to quit his studies and become a revolutionary.

Nuon Chea next explained that the seeds of his revolutionary fervor were sewn when he was 14-15 years old and witnessed peasants in Cambodia being "treated like animals" by those in power, including French colonial authorities. He then went to study the "Thai way" and became interested in how communism sought to help the poor and disenfranchised.

Sim Sivorn then asked Nuon Chea about the process first used by Cambodian communists to educate the masses. Nuon Chea stated that at first, Vietnamese communists provided training materials for education as well as Khmer-speaking advisors as part of the overall Indochinese Communist Party movement, which included Cambodia, Laos and Vietnam.

Next, Nuon Chea explained that he first joined the Thai Communist Party but was granted permission to return to Cambodia to conduct struggle against the French colonialists. He further stated that he was alone in returning to Cambodia and, upon his return to Cambodia, he fully severed ties with the Thai communists and joined the Indochinese Communist Party.

Nuon Chea then affirmed that, after the 1954 Geneva Convention, the Cambodian Communist Party was reduced to only a few people. Upon further questioning, Nuon Chea stated that he and his small band of communist compatriots started organizing in the forest and approached poor peasants first to build up support networks.

Sim Sivorn then asked Nuon Chea about the Communist Party of Kampuchea's (CPK's) decision to adopt armed struggle in 1962. Nuon Chea, repeating his previous testimony, stated that, after the 1962 CPK congress, the party adopted a policy of armed struggle but that this was still subordinated to the political struggle. He further explained that at this time the CPK's leaders were only himself, Pol Pot and Tou Samouth. When asked how the leaders supported themselves, Nuon Chea explained that they received food from peasants and also hunted wild game in the forests to feed themselves.

Upon further questioning, Nuon Chea stated that the CPK did not adopt any specific policy against King Norodom Sihanouk, who was actually named President of the State Presidium, the most powerful position in the country.

Sim Sivorn then asked what people were characterized as “enemies” by the CPK. Nuon Chea responded that foreigners who had the intention to “swallow the territory of Cambodia” and large-scale “feudalist landlords” along with their “henchmen” were considered enemies. As for the term “pure class,” Nuon Chea stated that this term was “theoretical” only and that the communist party was made up of many individuals who had both good and bad qualities.

Next, Nuon Chea testified that Pol Pot traveled to Beijing, China in 1965 and brought with him the policy documents of the CPK to introduce the movement to the Chinese communists. Nuon Chea also testified that the CPK “never, ever” received any funding from Vietnam.



Civil party lawyer Barnabé Nékuie questions the accused Nuon Chea.

This concluded questioning by Sim Sivorn, who then gave the floor to international civil party counsel Barnabé Nékuie to continue questioning. Mr. Nékuie asked Nuon Chea first how the CPK administrated liberated zones without using any money. Nuon Chea responded that the Khmer Rouge movement at the time “was not about the cancellation of currency” but that the United States (US) Air Force bombardments destroyed the CPK’s ability to sell goods. Thus, the CPK decided to utilize a barter system and created mutual rice assistance programs to allocate scarce food resources efficiently.

Upon further questioning, Nuon Chea claimed that, wherever money was still used, US and Vietnamese spies used money to “lure” Khmer Rouge cadres to betray the revolution. He stated that, therefore, the further use of money “posed danger to the liberated zones,” arguing that even good-intentioned people could be corrupted by the allure of money. Nuon Chea also explained the CPK’s disapproval of what it viewed as usurious interest rates of up to “50 percent” imposed by landowners and money-lenders in pre-DK Cambodia, stating that farmers were simply “working for the rich” at the time.

Mr. Nékuie then asked Nuon Chea about communications between the CPK and Vietnamese communist representatives concerning disagreements between the two entities. Nuon Chea stated that he did meet with leaders from Vietnam and that initially Pol Pot advised him to “shrink” the conflict with Vietnam out of necessity. Nuon Chea further testified that Cambodian people disliked the Viet Cong soldiers who entered Cambodian territory seeking shelter and supplies during the Vietnam War, as these soldiers offered nothing in return. He also stated that the Vietnamese did nothing to curb the bad behavior of their troops in Cambodia, demonstrating their duplicity as the Vietnamese leaders “said one thing, but did another.”

Next, Nuon Chea elaborated on the CPK’s policies towards “barbaric feudalists” stating that the CPK did not seek to kill this class of people, but wanted to force them to lower interest rates on loans issued to farmers and peasants.

Mr. Nékuie then asked Nuon Chea if people were free to leave cooperatives if they wished to do so. Nuon Chea did not directly answer this question but did indirectly affirm that people could not leave, stating that people would live and work in the cooperative. He further noted that money could be used to buy goods from Thailand, as the CPK was based near the Thai border at the time.

The next topic explored was the division by the CPK between “new” and “base” people. Nuon Chea explained that “new” people were evacuees, while “base” people were those who lived in rural areas. He further testified that the CPK instructed local officials not to discriminate against new people, as they were also Khmer, but that some “bad elements” created conflicts between new people and base people.

Technical Problems and Ieng Sary Retires to the Holding Cell on Schedule

At this point the Court’s translation service encountered a technical problem and cut off. The issue was eventually fixed, and the Chamber announced the morning break. As usual, just before the Chamber adjourned for the break, counsel for Ieng Sary rose and stated that Ieng Sary wished to waive his right to be present in the courtroom due to his bad health and back pain. Chamber President Nil Nonn granted this request and reminded counsel to provide the Chamber with a written waiver signed by Ieng Sary.

Continued Questioning by the Civil Parties

Following the break, Mr. Nékuie continued questioning Nuon Chea about life in early Khmer Rouge cooperatives. Nuon Chea testified that, during the civil war with Lon Nol, he advised and educated people to help one another and band together as united Khmer people.

Mr. Nékuie then asked Nuon Chea whom the Khmer Rouge classified as “good people.” Nuon Chea responded that peasants were generally considered good people and that good people were humble, helpful, and non-alcoholics, repeating his previous testimony. As for the term “seize the people,” Nuon Chea responded that the CPK did not use the term “forced” evacuation but just used plain “evacuation.” It was not clear whether this non-responsive answer was the result of a translation issue or Nuon Chea’s unwillingness to answer directly. Nonetheless, Nuon Chea then repeated his earlier testimony that people were evacuated because of the threat of numerous “cliques” that sought to subvert or take over the revolution.

Next, Mr. Nékuie asked about Nguyễn Văn Linh,¹ a prominent member of the Vietnamese communist movement. Nuon Chea stated that Nguyễn Văn Linh, unlike other Vietnamese people, was trustworthy and did not show a desire to take over Cambodian territory. Nonetheless, Nuon Chea stated, Nguyễn Văn Linh was “indoctrinated” by the political line of the Vietnamese communists, despite being a good person.

Nuon Chea further stated that initially, conflicts were resolved between Vietnamese and Cambodian communists through the personal relationship he had developed with Nguyễn Văn Linh; however, he implied, this relationship apparently could not prevent eventual war.

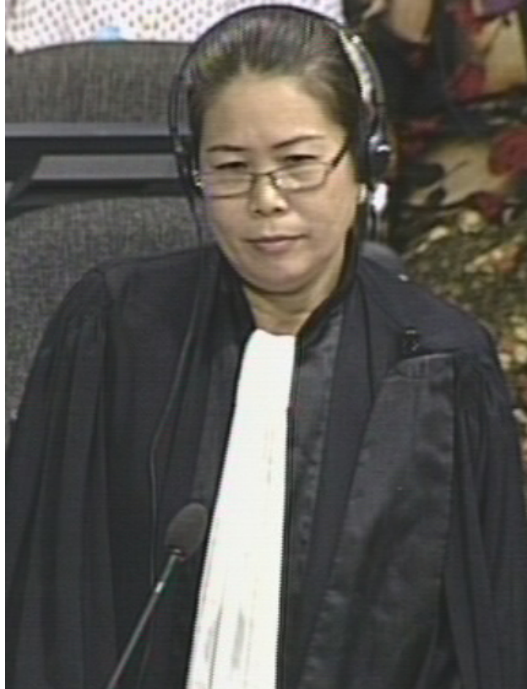
Mr. Nékuie then asked about Nuon Chea’s leadership roles during the war against the Lon Nol government. Throughout this questioning Nuon Chea stood by his previous statements that he was entrusted solely with the task of “education.” Nuon Chea stated that he had “no military power” at the time and that responsibility for military matters was entrusted to each Zone Secretary under the overall supervision of Pol Pot and Son Sen.

In response, Mr. Nékuie revisited the issue of Nuon Chea’s assignment to oversee security for King Norodom Sihanouk and Ieng Sary during their visit to Siem Reap province in 1972. Nuon Chea affirmed that he was put in charge of security for this trip. Mr. Nékuie then asked Nuon Chea how he could provide this important security without having command of any soldiers. Nuon Chea responded that he had security forces available to him for this task but denied that he had any military role or power.

Nuon Chea was then questioned about specific policies of the CPK regarding the evacuation of Cambodia’s cities in 1975. Mr. Nékuie asked whether Buddhist monks were also evacuated from the city and whether these monks were sent to cooperatives. Nuon Chea stated that the monks were sent generally to the forest or other areas. He further asserted that the CPK did not close all pagodas but that a few Buddhist clerics (called “*Achar*”) remained in the pagodas.

Mr. Nékuie then noted that Nuon Chea himself is elderly and in a weak state and asked why elderly Cambodians were evacuated from the cities to cooperatives and whether the elderly were viewed as potential enemies by the Khmer Rouge. Nuon Chea denied that the CPK viewed elderly people with skepticism or that the elderly were overworked during the DK period. Instead, Nuon Chea stated, elderly people were assigned tasks solely according to their capacity to do work.

¹ This individual was a senior member of the Vietnamese Communist movement who died in 1998. During questioning there was some confusion about the pronunciation of the name of the Vietnamese official being discussed. Through the audio feed from the courtroom, the author heard the name of the person being referred to as “Nguyễn Văn Linh.”



Counsel Sim Sivorn concludes the civil parties' examination of Nuon Chea.

As Mr. Nékuie had concluded his examination of the accused, Sim Sivorn again took up the civil parties' questioning with several additional inquiries on the move to armed struggle by the CPK in 1968. Nuon Chea stated that the armed struggle began in Samlot and the reason for turning to armed struggle was "the oppression, of course," referring to pressure put on communists by Lon Nol authorities.

Following the conclusion of the civil party questioning, Chamber President Nil Non inquired whether the Ieng Sary or Khieu Samphan defense teams wished to question Nuon Chea. Both teams declined, and the floor was turned over to the Nuon Chea defense to put questions directly to their client.

Questioning of Nuon Chea by His Own Defense Team

Prior to putting any questions to Nuon Chea, his international counsel, Michiel Pestman, requested the opportunity to question Nuon Chea at a later date, stating that he had become tired from the civil party questioning. President Nil Nonn then asked Nuon Chea if he was fit to continue. Nuon Chea responded that he was "exhausted" but could maybe answer a "few questions" because he desires to assist the Court in finding the truth.

Mr. Pestman then began by stating that he wished to explore Nuon Chea's early home life before he traveled to Thailand to study. Nuon Chea responded that his mother was a seamstress and his father traded rice. He noted that sometimes his father had to borrow money, and when debt collectors came to Nuon Chea's house, his father hid and his mother cried. Despite this difficult upbringing, Nuon Chea stated that his mother did her best to obtain an education for him.

Nuon Chea then explained that, during his youth, Cambodian society was in a status of being “half colonialist” and “half slavery.” He stated that housemaids were mistreated and beaten cruelly by their masters, even though the masters themselves were low-level people, such as a local greffier and public defender whom Nuon Chea specifically recalled. After witnessing all of this cruelty and abuse, Nuon Chea stated that he was “shocked” but had no particular interest in social issues. Next, Nuon Chea recalled, he became a novice monk after witnessing a cremation ceremony at his local pagoda. When the French authorities arrived in the area, Nuon Chea stayed in the local pagoda, where he “again, noticed the oppression of the Thai authority of killing the innocent people.”

Nuon Chea then traveled to Thailand to study, which he eventually abandoned, because he believed it was “pointless” to continue his studies. He worked as a public servant in Thailand before returning to Cambodia and joining the revolution.

At this point, Nuon Chea began to discuss his early experiences in the Khmer Rouge and, in doing so, named two prominent current Cambodian politicians as former revolutionary compatriots. First, Nuon Chea testified that a young man named Heng Samrin,² who was a poor, but “good” person, had guided Nuon Chea from his home in the Northwest of Cambodia to the Eastern part of the country, where the CPK was organizing. He then noted that Heng Samrin eventually became a military leader in the CPK.

Next, Nuon Chea discussed his relationship with Chea Sim.³ He stated that Chea Sim came from a “middle-class peasant” background and studied with Nuon Chea. He stated that Chea Sim sometimes had to borrow money to support his studies because he was poor at the time. Nuon Chea noted that he is unsure what role Chea Sim assumed during the DK period.

Nuon Chea then discussed the relationship between the CPK and Vietnamese Communists yet again. He stated that the Vietnamese opposed any armed revolution in Cambodia and had a contentious relationship with the CPK. He further stated that the CPK had the advantage of self-reliance over the Vietnamese but the Vietnamese sought to take Cambodian territory. He stated that even today many Vietnamese people are entering Cambodian territory, suggesting that the Vietnamese may harbor continuing designs to annex Cambodian lands.

Nuon Chea then stated that the US bombed Cambodia extensively, for “200 days and 200 nights,” but nonetheless, the Vietnamese were still “more barbaric” than the US, because the Vietnamese desired to take Cambodian land. Nuon Chea then stated that he “is not concerned” about his own safety or whether he is imprisoned but is concerned for the future of Cambodia.

² Heng Samrin is currently President of the Cambodian National Assembly.

³ Chea Sim is currently President of the Cambodian People’s Party and President of the Cambodian Senate.



Trial Chamber President Nil Nonn reacts to accused Nuon Chea's testimony.

At this point, Chamber President Nil Nonn interjected and instructed Nuon Chea to answer only the questions he is asked, appearing frustrated with Nuon Chea's commentary on current relations between Cambodia and Vietnam.

In response to this interruption, Mr. Pestman simply asked Nuon Chea if he wanted to add anything else to his statement. Nuon Chea continued where he had left off and stated that he is worried about the future of Cambodia. This again prompted an interruption by the Chamber President, who instructed Nuon Chea to stay within the parameters of the historical background of the DK period. This extended exchange prompted chuckles among the courtroom gallery.

Nuon Chea then began to speak again, but his statement was cut off, as apparently his microphone was turned off or stopped working mid-sentence. Mr. Pestman then asked for Nuon Chea to repeat his statement; however, there appeared to be some confusion, as Chamber President Nil Nonn had just instructed Nuon Chea to rein in his testimony. Mr. Pestman informed the Chamber that he was simply asking to hear the last statement from Nuon Chea that was not translated because of a technical problem.

Before this issue was fully clarified however, the Chamber President announced the day's adjournment just prior to midday, explaining that witness Prak Yut had finished her testimony the previous day earlier than anticipated, and thus it was appropriate to adjourn until the following morning. The Chamber will resume Wednesday morning at 9 a.m. at which time the highly anticipated testimony of DC-Cam directory Youk Chhang will commence.