

A Short Speech by Nuon Chea and a Long Day of Document Presentation

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Defendant Nuon Chea took the floor in today's hearings at the Extraordinary Chambers in the Courts of Cambodia (ECCC) to briefly but categorically deny playing any role within various military committees or in the operation of the S-21 security center.

Following this speech, the Office of the Co-Prosecutors (OCP) opened the hearing on documents relevant to segment 3 of the Case 002/1 trial by with a detailed presentation of documents describing the role of the Central and Standing Committee, the structure of the government during the Democratic Kampuchea (DK) period, and the function, operation, and organization of the Ministries of Foreign Affairs and Commerce during that time as well.

Preface to the Document Hearing

The hearings were delayed by some 10 minutes this morning, during which defendant Khieu Samphan closely read a newspaper that appeared to be the *Cambodia Daily*. The morning's audience, meanwhile, waited patiently. It was comprised of 222 villagers from Kampong Chhnang province and Batheay district in Kampong Cham province, approximately a third of whom appeared to have been born during or before DK period, as well as a small number of Court staff drawn by the prospect of Nuon Chea speaking.

¹ Cambodia Tribunal Monitor's daily blog posts on the Extraordinary Chambers in the Courts of Cambodia 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>.

After the court was called to order, Trial Chamber President Nil Nonn prefaced the day's hearing by first noting that defendant Nuon Chea would be making a statement regarding Closing Order paragraphs that Trial Chamber greffiers had already read out in Court and that are relevant to the third segment of the Case 002/1 trial and to the Tuol Po Chrey execution site that had recently been added to the Case. The Chamber would then move to a document hearing, he added, regarding the structure of the DK. This hearing relates to a list of documents indicated in the Trial Chamber's memorandum of September 24, 2012, to enable the Chamber to identify the most relevant documents.² The co-accused will be permitted to make comments about the documents. The hearing is expected to last between three and four days.

Trial Chamber Directions on Witness Questioning "Clear as Mud"

At this point, International Co-Counsel for Nuon Chea Andrew Ianuzzi was permitted to speak. He first advised that his client would require approximately five minutes to address the Chamber. Mr. Ianuzzi then requested clarification on the Trial Chamber's October 9 ruling on the questioning of witnesses. He noted that in July, the Trial Chamber ruled that parties could question witnesses on information contained in documents "not before the Chamber" as long as they did not quote from or refer to those documents. However, he went on, in the October 9 ruling, he understood that the Chamber required all questions to somehow explicitly relate to a document and that parties were obliged to refer to the document. Mr. Ianuzzi suggested that this seemed to be a "logical disconnect" and sought written guidance on the Chamber's position on this matter because, as he stated, "at the moment, I'm afraid, it's clear as mud."

Mr. Ianuzzi next added that if the Trial Chamber sought to issue a formal written complaint against him, he was happy to hand-deliver it to the New York bar association since he would be in New York at the end of the month. At this point, Judge Cartwright leaned in towards the president and appeared to whisper a comment. The president responded that the Chamber had all the necessary means to communicate its message. As to Mr. Ianuzzi's application, he stated, given the request for a written decision, Mr. Ianuzzi's request likewise needed to be written. Moreover, he added, Mr. Ianuzzi had already been advised of the need for a brief introduction of his submissions before proceeding to a detailed discussion. All motions, President Nonn concluded, "should be in writing."

Nuon Chea Speaks

Next, the president addressed Nuon Chea, reminding him that he was not permitted to make statements straying from the Closing Order paragraphs in question. He asked Mr. Chea to first clarify whether he would also be prepared to respond to questions from the judges, to which Mr. Chea responded that due to health reasons, he would have to exercise his right to remain silent. Mr. Chea then declared:

After hearing the paragraphs in which I have been alleged to have committed crimes, I would like to now comment on the roles I played as follows. In particular, relating to paragraphs 121 to 123,³ 873 to 881,⁴ the accusations against

² This memorandum has the document number E233.

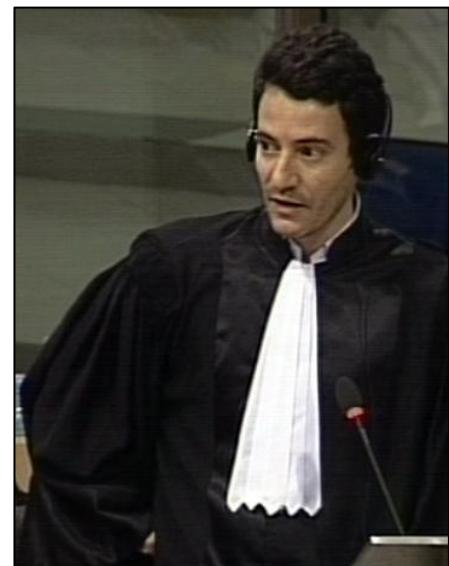
³ These Closing Order paragraphs relate to the function and membership of the Military and Security Committee and Mr. Chea's alleged role within that committee. The Closing Order can be found at <http://www.eccc.gov.kh/document/court/14888> (in Khmer), <http://www.eccc.gov.kh/en/documents/court/closing->

me with regard to the security centers, I would like to reject all these accusations, and I would like to state very clearly that I have never been engaged in such committees before. At the same time, I played no role at all in managing S-21 Office.

Clarifying Arrangements for the Document Hearing

The president then noted that the Office of the Co-Prosecutors (OCP) had been allocated one and a half days to present documents; the civil parties, half a day; and the defense teams, two days. The allocation for the defense included time for the co-accused to make oral comments, President Nonn explained; defendant Ieng Sary, who remains hospitalized, would also be given an opportunity to respond at a later time if necessary. Noting that Mr. Sary had already expressly waived his right to respond to questions, the President inquired whether either Nuon Chea or Khieu Samphan intended to make comments during the document hearing.

Mr. Ianuzzi responded that his team was still considering this question and that they did not really understand what was happening in the document hearing. International Co-Counsel for Khieu Samphan Anta Guissé responded that Mr. Samphan would not be making any comments and that because of limitations of the hearing nature itself (that is, the inability to plead when evidence was being tendered), the Khieu Samphan team did not intend to present any documents during the hearing.



The president noted it was “too bad” that despite the fact that the Chamber had already issued its memorandum containing guidelines on the nature of the document hearing, Mr. Ianuzzi had “no idea what the debate would be about.” Mr. Ianuzzi responded that what he did not understand was the Trial Chamber’s memorandum and what the Chamber wanted. The president rejoined that this was the first time the Chamber had heard about this issue, which should have been indicated earlier.

The Trial Chamber judges conferred, with Judge Silvia Cartwright smiling in apparent amusement. The president then moved on, inquiring as to whether the OCP and the Lead Co-Lawyers for the civil parties had already prepared their documents, which they each confirmed.

Overview of OCP Document Presentation

International Assistant Co-Prosecutor Dale Lysak opened the OCP’s presentation of documents with an overview of what the prosecution would cover, namely documents relating to key allegations in the Closing Order on the administrative structure and communication sections. In particular, he explained, the OCP presentation would be divided into three parts:

[order](http://www.eccc.gov.kh/fr/document/court/ordonnance-de-cl%C3%B4ture-dans-le-dossier-002) (in English), and <http://www.eccc.gov.kh/fr/document/court/ordonnance-de-cl%C3%B4ture-dans-le-dossier-002> (in French).

⁴ These Closing Order paragraphs relate to the function and membership of the Military Committee of the Central Committee and Mr. Chea’s alleged role within that committee.

- **Role of Central and Standing Committees of the Communist Party of Kampuchea (CPK)**, including their decision-making authority, and their communication of Party lines and policies by various means to the organizations that formed DK;
- **Structure of the DK government**, including the functions and operations of four Ministries: Foreign Affairs, Commerce, Propaganda, and Social Affairs, and how those Ministries reported to the Party leaders and implemented policies established by the Center; and
- **Communications**, including detailed telegrams and reports that were sent from the zones and autonomous sectors to the Center pursuant to a regime of reporting mandated by the Standing and Central Committees, and also examples of reports from the commune, district, and sector level as communicated up the hierarchy to the leaders in Phnom Penh.

Together, Mr. Lysak concluded, the OCP presentation would show how the key organizations that formed the DK functioned, how information was communicated to the Center, and how policies and directives were disseminated down from the Center to the base for implementation.

Part 1: Role of the Central and Standing Committees

National Assistant Co-Prosecutor Seng Bunkheang began the OCP presentation on the Central and Standing Committees and particularly the roles and composition of those committees. The first document he put forward was the *Statute of the CPK*.⁵ Mr. Bunkheang noted a few articles in particular, including:

- **Article 23**, which detailed the role of the Central Committee as being to implement the Party line and the *Statute of the CPK*, give direction to all Party branches and cells across the country to ensure compliance with Party lines, and organize Party and core members by controlling their biographies and appointments.
- **Article 25**, which provided that the Central Committee was to convene a general assembly every six months to monitor the progress of the Party and to set directions.

Mr. Bunkheang noted that Mr. Samphan had also testified as to the roles of the Central and Standing Committees in his December 13, 2007, interview with the Office of the Co-Investigating Judges (OCIJ). In that interview, Mr. Samphan described the DK as a Communist state led by the CPK and explained that, while the Central Committee was its main organ, the Standing Committee was its supreme organ in practice, and the latter committee would meet regularly, every 10 days or more frequently.⁶ Mr. Samphan also testified that the Standing Committee was comprised of seven members: Pol Pot, Nuon Chea, Vorn Vet, Sao Phim, Ta Mok, Son Sen, and Ieng Sary. Central Committee members included Meas Mut, Soeu Vasy *alias* Doeun, Koy Thuon, Ke Pauk, and Mr. Samphan himself (as a full rights member from 1976).

As explained by Mr. Bunkheang, Mr. Samphan also detailed to the OCIJ the roles of Offices K1 and K3. The latter, Mr. Samphan said at the time, was the place where the Standing Committee worked and resided and was in front of the Tonle Bassac, close to the conference hall. K3,

⁵ This statute has the document number E3/130.

⁶ This interview has the document number E3/27 and the relevant ERNs are 00156618 to 20 (in Khmer), 00156749 to 51 (in English), and 00156671 to 72 (in French).

meanwhile, was adjacent to the royal palace in the blocks crossing Kampuchea Krom Boulevard and Pasteur. Mr. Samphan stayed in K3, as did Mr. Chea, Mr. Sen, and Mr. Sary. Pol Pot would stay overnight once in a while but, as a preventive measure, would often change residence. Standing Committee meetings were normally held at K1 or at Pol Pot's house.⁷

Next, Mr. Bunkheang turned to a 1996 interview of defendant Ieng Sary.⁸ In this interview, Mr. Sary said that in September 1975, there was a meeting to decide what to do to prevent Vietnam coming to take control of Cambodia. This decision was taken by the Standing Committee, he added, and all Standing Committee members were present, as was Mr. Samphan, although he was not a member.

Mr. Bunkheang then presented a document dated March 30, 1976, relating to a decision of the Party on matters including one to “smash” inside and outside the ranks. The decision seemed to allocate decision-making on these matters to different authorities depending on the level, for example the Central Committee was to make such decisions concerning the surrounds of the Central office. There was also a decision to organize Party organs into revolutionary organs.

The prosecutor moved on to a March 8, 1976, record of a base-level meeting in which Pol Pot, Mr. Chea, and Mr. Samphan participated. In this meeting, Mr. Samphan reported on elections that were to be conducted on March 20 to elect People's Assembly representatives. However, he noted that while they should not be seen as wanting to “suppress,” the People's Assembly was in fact “worthless” and power still remained with the Party.⁹

Resignation of Samdech Norodom Sihanouk

At this point, Mr. Bunkheang put forward a series of documents indicating how the Central and Standing Committees handled the resignation of Samdech Norodom Sihanouk. The first was an OCIJ confrontation dated November 14, 2007, of Mr. Samphan, in which the defendant stated that he participated in an enlarged meeting of the Standing Committee discussing issues regarding national defense, Vietnam, and the resignation of Samdech Norodom Sihanouk.

Mr. Bunkheang turned to a record of a Standing Committee meeting concluded on March 11, 1976, which considered the tendering of Samdech Norodom Sihanouk's resignation. Attendees at this meeting, Mr. Bunkheang noted, included Pol Pot, Mr. Chea, Vorn Vet, Mr. Samphan, and Comrade Doeun. The meeting discussed longstanding and immediate reasons for Samdech Sihanouk's resignation. Ultimately, the meeting concluded, Samdech Sihanouk had a fundamental class conflict and could not live with the Khmer Rouge.

An additional Standing Committee meeting record described various discussions on the “Sihanouk problem,” Mr. Bunkheang stated. Mr. Samphan entreated the Standing Committee to “take pity on him.” The measures that were proposed to be taken in respect of Samdech Sihanouk included not allowing him to leave the country and wiring for his children to return

⁷ This statement was allegedly made in Mr. Samphan's December 14, 2007, interview with the OCIJ.

⁸ This interview has the document number E3/89, and the relevant ERNs are 00062453 to 54 (in Khmer), 00417600 (in English), and 00332682 (in French).

⁹ This record of meeting has the document number E3/232, and the relevant ERNs are 00017118 (in Khmer), 00182630 (in English), and 00323933 (in French).

immediately on the premise that it was for the new year. Also in the same meeting, Samdech Sihanouk was described as a “skinny tiger, clawless and jawless”; if allowed to walk on the road, children and adults would be frightened as they would not know he was in fact a “tamed tiger.” He was to be kept as a dignitary, the record noted, but for the nation he bore serious guilt as a killer of the people.

During the same meeting, there was also discussion of the ongoing development of the revolution. The record, as read by the prosecutor, stated:

We must end feudalism just like this. The chase game has gotten to that point. The entire feudalist regime has been permanently smashed and dug out by the revolution. The kings existing over 2,000 years must in the end be cleaned. We have no way out other than this.

Details of Various Standing Committee Meetings

According to another examination document, Mr. Samphan reported that he had attended a minute of the Standing Committee discussing Vietnam.¹⁰ This meeting was attended by Mr. Chea, Mr. Sen, Mr. Samphan, and Comrades Ya and Doeun, and is described in minutes of a Standing Committee meeting from March 7 to 9, 1976, in which Comrade Ya reported on negotiations with Vietnam concerning the border to the east.¹¹ Yet another Standing Committee meeting minute, from March 11, 1976, described a meeting joined by all three co-defendants at which Mr. Sen was assigned to prepare a map prior to the conduct of negotiations.¹² It then detailed a long list of Vietnamese incursions on Cambodian territory both on land and sea and



concluded that the problems with Vietnam “are never-ending” and that there was a need to use military, diplomatic and political force to contain them.

Mr. Bunkheang continued to the record of another Standing Committee meeting, held on February 22, 1976 and joined by Pol Pot, Mr. Chea, Mr. Sary, Mr. Vet, Mr. Vasy, Comrade Touch, and Mr. Samphan and at which agenda items included national defense.¹³ It was decided that while negotiations with Vietnam should continue, military preparations should still take place at the same time. The meeting also discussed a range of other issues including the establishment of a military hospital and the proposed airfield in Kampong Chhnang. At this point of the hearing, ten villagers rose to leave, catalyzing a steady stream of exits that would continue throughout the first morning session.

¹⁰ This minute has the document number E3/557.

¹¹ This minute has the document number E3/278, and the ERNs 00000756 to 57 (in Khmer), 00182656 to 57 (in English), and 00334971 (in French).

¹² This minute has the document number E3/218.

¹³ This minute has the document number E3/229.

Mr. Bunkheang noted that the three accused were also present at another Standing Committee meeting, which was attended by the same leaders as the previous meeting but also by Comrade Tuy. This meeting discussed issues including the economy, energy, transport, and Yugoslavia.¹⁴ Instructions from Angkar included pushing for additional salt production and the distribution of Chinese rice around the country.

Radio Broadcasts of the DK

Mr. Bunkheang moved to the issue of the public dissemination of information endorsed by the Standing Committee. He noted that some witnesses had testified of learning about the composition of the Standing Committee through radio broadcasts. Mr. Bunkheang thus sought to give some examples of DK radio broadcasts from December 1977 onwards, and directed the Chamber generally to Appendix 5, being OCP's list of documents from September 1977 to January 1979.

First, Mr. Bunkheang referred to a transcript of a radio broadcast by Phnom Penh Radio Station at 23:00 on December 3, 1977.¹⁵ This broadcast reported a meeting between members of the political office of the CPK (including Pol Pot, Mr. Chea, Mr. Sary, Mr. Vet, and Mr. Sen) and members of the Communist Party of China.

The second record of radio broadcast Mr. Bunkheang presented concerned a broadcast on December 24, 1977, about a banquet joined by a delegation from the political bureau of China. It also discussed the roles of Pol Pot, Mr. Chea, Mr. Vet, and Mr. Sary.¹⁶

The final document presented by Mr. Bunkheang was a record of radio broadcast made at 23:00 on December 23, 1977, and a broadcast on December 19, 1977, regarding a banquet for the Laotian delegation.¹⁷ In that broadcast, the roles of Mr. Chea, Mr. Sary, and Mr. Vet were indicated to be relevant to both the Standing and Central Committees.

Role of the Standing and Central Committees in Communicating Party Lines

Mr. Lysak took over the OCP's presentation of documents on the role of the Standing and Central Committees in communicating Party lines, decisions, directives, and policies, for implementation by the regional, military and government organizations that formed the DK. He first referred to a minute of Standing Committee meeting on October 9, 1975.¹⁸ The minute detailed Standing Committee measures in implementing Party lines, including the need for each sector to have "total mastery" in implementing Party lines and decisions, a need to grasp Party lines, and a need for lines of contact to follow the lines clearly. According to the record,

¹⁴ This document has the document number E3/230.

¹⁵ This record has the document number E3/1495 and the ERNs 00727838 (in Khmer), 00168315 (in English), and 00750223 (in French).

¹⁶ This record has the document number E3/1496 and the ERNs 00727587 (in Khmer), 00168351 (in English), and 00726150 (in French).

¹⁷ This record has the document number E3/1499 and the ERNs 00714316 to 18 (in Khmer), 00168363 to 64 (in English), and 00743645 to 46 (in French).

¹⁸ This minute has the document number E3/182 and the relevant ERNs are 00019110 to 109 (in Khmer, and Mr. Lysak noted that the pages are incorrectly ordered in the Khmer version of the document), 00183394 to 95 (in English), and 00292869 to 70 (in French).

“inventiveness” was to be reserved; the Standing Committee’s decision and approval was to be sought over proposed projects, and not doing so would be “a mistake.”

Communication of Party Lines through the Revolutionary Flag

Mr. Lysak explained that Party lines were communicated in speeches or presentations at zone conferences, which would sometimes be subsequently published in issues of the *Revolutionary Flag* magazine. As such, he presented a series of excerpts from *Revolutionary Flag* issues to the Chamber. The first *Revolutionary Flag* presented, the June 1976 issue, included lengthy extracts from the speech of a Comrade Party Organization Representative at a zone conference between June 3 and 7, 1976. In particular, the representative discussed strategies and tactics to achieve the three tons per hectare rice production target in 1976 and experiences of “right and wrong.” The *Revolutionary Flag* issue noted that the representative’s remarks were to be studied in order to advance towards the three tons per hectare goal.¹⁹

The June 1976 *Revolutionary Flag* issue, Mr. Lysak continued, also detailed that the zone conference heard and discussed a zone committee report, after which the Comrade Party Organization Representative provided guidance regarding the “enemy situation.”²⁰ Finally, in his closing remarks to the zone conference,²¹ the representative noted that the outcome of the conference would be reported to the Central Committee and disseminated around the country to improve strategic and tactical lines. The objective was to have all new Comrade Representatives grasp and apply the strategic and tactical measures in all bases, cooperatives, ministries and offices in order to achieve Socialist revolution and the 3 tons per hectare goal during 1976.

Next, Mr. Lysak presented the August 1977 *Revolutionary Flag* issue, which published a presentation of a Party Organization Representative regarding instructions on building party leadership on the occasion of the West Zone conference on July 25, 1977.²² These instructions focused primarily on the problem of “internal enemies within the ranks.” The Party Organization Representative’s instructions were to achieve the three tons per hectare goal, attack and clean out the enemy, and build leadership.²³ Reference was also made to a decision at the prior party zone conference in February 1977 in Kampong Chhnang, in which it was agreed to do whatever it takes to ensure that each 1,000-member cooperative had 30 Party members, 50 core organization members, and 80 progressives.²⁴

After a short adjournment, Mr. Lysak continued to read some lengthier excerpts from the August 1977 issue of the *Revolutionary Flag*. These excerpts concerned instructions for implementation by the zone regarding party membership, as follows:

First, the party has determined to expand new members only in good locations that have no traitor elements, mean those locations in the sectors and districts, in the base areas, in the ministries and offices, large and small, and in the various

¹⁹ This *Revolutionary Flag* issue has the document number E3/760, and the relevant ERNs are 00062845 to 46 (in Khmer), 00509611 (in English), and 00487756 (in French).

²⁰ The relevant ERNs are 00062848 to 49 (in Khmer), 00509614 (in English), and 00487758 (in French).

²¹ The relevant ERNs are 00062873 to 74 (in Khmer), 00509634 (in English), and 00487783 to 84 (in French).

²² This *Revolutionary Flag* issue has the document number E3/193.

²³ The relevant ERNs are 00062948 (in Khmer), 00399222 to 23 (in English), and 00611826 (in French).

²⁴ The relevant ERNs are 00062949 (in Khmer), 00399223 (in English), and 00611827 (in French).

units. Any good locations that have no traitors, and that have good elements, good cadres, and part member elements, must be expanded. This is the first thing.

Second, the Party has determined that any location with traitorous elements must not be expanded.²⁵

The Party Organization Representative then told zone cadres that 50 percent of the West Zone was “not good” and 15 to 20 percent were traitors. Soldiers from the former regime and Kampong Som businessmen controlled cooperatives in the region. “After we seized victory through the country,” the representative added, the enemy “came to bore holes, to seize state power back from us ... especially ... in the cooperatives because we had few cores in those locations.”²⁶ The representative went on:

Prepare the poor peasants and the lower middle peasants to control the cooperatives, to attack and smash the state power of other classes ... and give it back to the ... peasants down below. ... We have not yet been able to fight in the cooperatives. It is imperative to prepare forces to attack and smash the enemy and the no-good elements embedded inside and controlling the cooperatives. ... Every zone throughout the country is like this, therefore it cannot be ignored. It is imperative to see that the cooperatives are still controlled by the enemy and other classes.²⁷

Next, according to Mr. Lysak’s reading, the Party Zone Representative recounted a story about meeting with the zone committee in Longvek, and meeting with Ham, who said that “private property cattle are fatter than collective property cattle.” Upon hearing this, the representative went straight into the conference and struggled. Had he not done so, that force would have spread more throughout the conference as this view would have attacked the regime and the party’s Socialist revolution. Ham “attacked in the status of an enemy;” his stance was “counter-revolutionary.” They ultimately discovered that Ham was an embedded enemy. The representative asked, “If sometimes the door is opened to private property, what will become of our regime?” Thus, the representative concluded, it was important to whip up within the Party and the people.²⁸ The representative instructed that cooperatives were to be set up by late 1977. To this end, poor and lower middle peasants had to be arranged to take state power in more than 50 percent of the cooperatives throughout the zone, and by mid-1978, 100 percent.

The August 1977 *Revolutionary Flag* issue then included a notice requiring “every leadership echelon” study the presentation carefully in order to implement its instructions in their zones.

At this point, Mr. Lysak noted that the Case 002 case file contained an S-21 confession of Ou Phim *alias* Ham, deputy secretary of Sector 32 of the West Zone mentioned in Party Organization Representative’s story.²⁹

²⁵ The relevant ERNs are 00062955 (in Khmer), 00399228-29 (in English), and 00611832 (in French).

²⁶ The relevant ERNs are 00062963 to 64 (in Khmer), 00399235 (in English), and 00611839 (in French).

²⁷ The relevant ERNs are 00062964 to 65 (in Khmer), 00399236 (in English), and 006118840 (in French).

²⁸ The relevant ERNs are 00062977 to 78 (in Khmer), 00399245 to 46 (in English), and 00611850 to 51 (in French).

²⁹ This confession has the document number IS5.71.

Mr. Lysak turned to a third and final *Revolutionary Flag* issue, the March 1978 issue. He noted that the first section of the document contained comments of Pol Pot relating to defense and internal enemies in the West Zone. In May 1976, Pol Pot noted, enemy elements still held much power. The line of the Party in every field was not disseminated down to the base areas and was not implemented in the base areas because the Party “had not sorted out the organizational issues.” However, by 1977, “after fighting politically and economically, we fought organizationally. . . . This fight was very intense and things were turned upside down.” Some who had been revolutionary elements secretly embedded inside the State ranks to destroy it were discovered and completely eradicated.³⁰

Pol Pot then continued to say that the fight in 1977 seemed to have been going on for decades. Things had been turned upside down in a “profound revolution.”³¹ He gave an example of how the Party issued immediate circulars to monitor base areas to see what internal elements there were and how these elements were disseminating internal propaganda to facilitate a Yuon attack from the east. The Party quickly assessed the situation and the Yuon, CIA, no-good, and hooligan elements rose to the surface.³² Pol Pot concluded that:

In order to defend well, there is only purging the Party inside the ranks of the army and the people well to make them clean. This issue is the key issue. . . . If the Party is not clean, if the army is not clean, there is no defense.³³

Pol Pot then discussed plans for 1978.³⁴

Next, Mr. Lysak presented a monthly report sent from the West Zone office, M401, to Angkar on August 4, 1978.³⁵ Mr. Lysak directed the Chamber’s attention to a portion of the report discussing the process by which plans and policies from the Center had been disseminated to the base through “educational sessions” in July 1978 based on core Party documents to all sectors in the zone and to all core organizations, including youth leagues. As a result, the report concluded, “cadres, Party members and core organizations have understood and absorbed well” the Party goals to increase leadership and destroy enemies within.³⁶

Written Circulars and Directives from the Party Center

Mr. Lysak moved on to a presentation of relevant written circulars and directives from the Party Center. The first document presented was a circular distributed in September 1975 and entitled *Document Number 3: Examination of Control and Implementation of the Policy Line on Restoring the Economy and Preparations to Build the Country in Every Sector*, which concerned economy, finance, culture, and social action.³⁷ The circular discussed a range of subjects

³⁰ This Revolutionary Flag issue has the document number E3/745, and the relevant ERNs are 00064455 to 56 (in Khmer), 00504072 (in English), and 00491845 (in French).

³¹ The relevant ERNs are 00064456 to 57 (in Khmer), 00504073 (in English), and 00491846 (in French).

³² The relevant ERNs are 00064458 to 59 (in Khmer), 00504073 (in English), and 00491847 to 48 (in French).

³³ The relevant ERNs are 00064460 to 61 (in Khmer), 00504075 (in English), and 00491849 (in French).

³⁴ The relevant ERNs are 00064466 (in Khmer), 00504081 (in English), and 00491853 (in French).

³⁵ This document has the number E3/1094.

³⁶ The relevant ERNs are 00143611 to 12 (in Khmer), 00315376 (in English), and 00593532 (in French).

³⁷ This circular has the document number E3/781.

including the use of money, which the circular suggested was not yet necessary because the Party did not yet have mastery over it and there were enemy activities to destroy the money, especially initiated by American imperialists.³⁸ Money, if used, would fall into private hands and create private ownership, that is, separation from the collective. It could also facilitate bad activities and eventually a “right to authority” because people had the money and could “tug on emotions” and eventually transform Kampuchea into Vietnam.³⁹

The circular also discussed the Party’s plan to export rice. It stated that it was possible to save three million tons of rice, of which 1.8 million would be saved for Cambodians, 400,000 tons for social action, and 800,000 which could be sold for “capital ... used for national reconstruction and national defense.” The circular also noted the Party’s intention to eliminate villages and implement collectives instead.⁴⁰

The circular discussed previous suffering due to food and medicine, particularly of those who were evacuated from Phnom Penh.⁴¹ It further discussed the division of people due to production requirements and existing composition in different areas, including the decision to move an additional 500,000 people. That decision, Mr. Lysak went on, was due to a report of the Standing Committee in light of their trip to the Northwest Zone between August 20 and 24, 1975.⁴² The report discussed the fact that some enemies had not yet been purged, although they were continuing to search them out.⁴³ In addition, it discussed the need for the cooperatives to absorb all new people coming from the cities, including Phnom Penh and Battambang. Things could be sorted out in the Northwest Zone temporarily. The situation with the base people was okay, the report stated, but there was a need to be vigilant with respect to the new people.⁴⁴

In the same decision, the Standing Committee made a decision in that report to use a mix of old and modern weapons along the border, including spikes of varying length.⁴⁵ The Standing Committee finally determined that additional people were required in the Northwest Zone because “its human being strength is insufficient ... it’s imperative to add [400,000] or 500,000 more.”⁴⁶

Mr. Lysak turned to Circular Number 02-76, entitled *Instructions from 870* and issued by Committee 870 on February 27, 1976, in relation to the February 25 bombing of Siem Reap city.⁴⁷ According to the circular, the Standing Committee asserted that the explosion in Siem Reap was the result of American bombing. They stated that the evacuation of Phnom Penh was intended to thwart an alleged attack by American forces on the cities.

³⁸ The relevant ERNs are 00072389 (in Khmer), 00523585 (in English), and 00543760 to 61 (in French).

³⁹ The relevant ERNs are 00072390 (in Khmer), 00523586 (in English), and 00543761 (in French).

⁴⁰ The relevant ERNs are 00072393 (in Khmer), 00523588 (in English), and 00543763 to 64 (in French).

⁴¹ The relevant ERNs are 00072396 to 97 (in Khmer), 00523590 to 91 (in English), and 00543765 to 66 (in French).

⁴² This report has the document number E3/216.

⁴³ The relevant ERNs are 0008486 (in Khmer), 00850973 (in English), and 00343375 (in French).

⁴⁴ The relevant ERNs are 0008489 (in Khmer), 00850975 to 76 (in English), and 00343377 (in French).

⁴⁵ The relevant ERNs are 0008490 (in Khmer), 00850977 (in English), and 00343378 (in French).

⁴⁶ The relevant ERNs are 0008492 (in Khmer), 00850978 (in English), and 00343379 (in French).

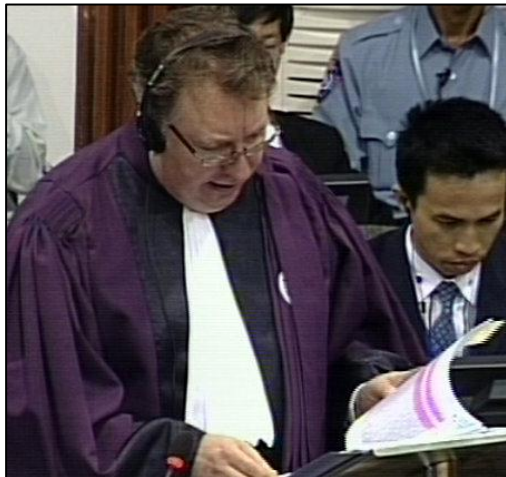
⁴⁷ This circular has the document number E3/1173.

The circular then outlined instructions on measures to be implemented. These included reeducating the Party internally so as to whip up hatred of the enemy within the Party. Mr. Lysak noted that the circular, which had been obtained from the Documentation Center of Cambodia, was missing a page 2. The president and Judge Cartwright conferred briefly, upon which the president responded that the Chamber would instruct the Senior Legal Officer to examine this document and determine whether it was a technical error or negligence that led to the loss of the page in question.

Mr. Lysak turned to a July 11, 1977, directive from Committee 870 regarding the use of the terms “Angkar” and “Party”:⁴⁸

Our Party has observed that using the term “Angkar” to address an individual does not gain anything to build the political stance, psychological stance, and organizational stance of the Party. It is contrary to our Party’s social and revolutionary stance and our Party stance about removing private ownership.

Thus, the term could only be used to refer to organization, not an individual. For individuals, the term “Comrade,” names, positions, and status as representatives of Angkar were to be used.



Next, Mr. Lysak presented a directive issued by Committee 870 entitled *Instructions of 870* issued on January 3, 1978, regarding the Party line to attack the “Yvon enemy invader and territory swallower.”⁴⁹ It related to the Vietnamese military conflict and directed that measures to attack the Vietnamese should include military attacks, political attacks, elimination of their espionage and psychological warfare, cutting off their food and economy (thus starving them constantly), and cutting off the roads for transportation of their food, ammunition and troops.⁵⁰ It then detailed the conduct of guerrilla warfare, before discussing the need to stir cadres and combatants to attack and smash the Vietnamese and to defend the DK.⁵¹

The circular also instructed that it was imperative to “be absolute in politics, ideology, and organization to eliminate” the enemy at all levels. Clear measures and cooperation were needed, as were firm base cadres to constantly stir up national class anger and transform it into material anger to carry out concrete activities to strengthen the cooperatives, build the economy and increase production. The instructional document concluded that it was to be distributed and studied to improve experience. There was a need to implement the party line very well so that the Yvon invader would “definitely leave piles of their bones on our soil.”⁵²

⁴⁸ This directive has the document number E3/740.

⁴⁹ This directive has the document number E3/741.

⁵⁰ The relevant ERNs are 00284278 (in Khmer), 00296003 to 04 (in English), and 00611865 (in French).

⁵¹ The relevant ERNs are 00284281 (in Khmer), 00296006 (in English), and 00611867 (in French).

⁵² The relevant ERNs are 00284282 (in Khmer), 00296007 (in English), and 00611868 (in French).

Mr. Lysak turned to a document issued by the CPK Central Committee on June 20, 1978 entitled *Guidance of the Central Committee of the CPK on the Party's Policy Towards Misled Persons who Have Joined the CIA, Served as Yuon Agents or Joined the KGB and Opposed the Party, Revolution, People and DK*.⁵³ In the document, the Central Committee modified its policy towards CIA, KGB, and Yuon agents. It modified its policy for those who joined before 1975, but for those who joined between 1975 and 1979, these people were to be punished for their traitorous activity and be eliminated.⁵⁴ Among other things, the document also defined the most serious enemy as “those who carry out the resolute opposing activities as a network by committing concrete acts successively.” The document included instructions regarding the implementation of the instructions in the document.

At this point, International Co-Counsel for Nuon Chea Jasper Pauw conveyed Mr. Chea's request to follow the afternoon proceedings from his holding cell. The president granted this request and then adjourned the hearing for lunch.

The hearing resumed in the afternoon in front of an audience of villagers from Kampong Chhnang province and a mixed group of students from Phnom Penh. Returning to the revised Party policy towards CIA, KGB, and Yuon agents, Mr. Lysak first noted that this policy change was also addressed in the May-June 1978 issue of the *Revolutionary Flag*.⁵⁵ This issue of the *Revolutionary Flag* contained additional explanation as to why the Party line was being put forward, namely to gather forces so as to be able to attack the enemy and “quiet and calm things down” and prevent a stampede into the enemy trap. The party also made clear that enemies who continued activities further must therefore be eliminated.

The Party's focus on internal enemies remained intact, he added, with the document discussing the danger posed by enemies “concealed from within.” It was necessary to continue to take measures against the internal enemies since they were in their true nature, cadres of the Yuon and CIA determined to bring back a regime of private capitalism.⁵⁶

The *Revolutionary Flag* issue said that the CIA, Yuon, and KGB immediately began attacking DK after the revolution, and therefore had to be fought. It listed several “despicable” CIA agents who had previously worked together with the “despicable” Nol to attack the Communists.⁵⁷ It also noted that internal enemies had been much more severely defeated this time both because they had been much more successful in defeating the outside Yuon forces and because they had been successful in defeating internal enemies from the East, Phnom Penh, Sector 103, Kratie, and Sector 25.⁵⁸

The publication concluded that there was a duty to attack CIA, Yuon and KGB agents so that they were “liquidated.” Only in this way would veteran, remnant, and new forces be completely

⁵³ This document has the document number E3/763.

⁵⁴ The relevant ERNs are 00079280 (in Khmer), 00275218 (in English), and 00623529 (in French).

⁵⁵ E3/727. 00064561 to 62 (in Khmer), 00185328 to 29 (in English), and 00524455-56 (in French).

⁵⁶ The relevant ERNs are 00064556-57 (in Khmer), 00185324 (in English), and 00524451 (in French).

⁵⁷ 00064566 to 67 (in Khmer), 00185332 to 33 (in English), and 00524459 to 60 (in French).

⁵⁸ 00064576 to 77 (in Khmer), 00185341 (in English), and 00524468 (in French).

smashed. The Party was on the offensive and had “mastery,” whereas the enemy was being “smashed to smithereens.” This would lead to the greater excellence of the revolution. As such, there was a duty to attack the domestic enemy, and this was related to all other duties. They had to be swept “cleanly away ... ceaselessly,” to achieve purity within the Party.⁵⁹

Telegrams from Office 870

Mr. Lysak turned next to a series of telegrams from Office 870, the first of which was a report from Sector 182 of the East Zone describing the activities of enemies in Muk Kampoul district.⁶⁰ Three copies were provided of this, each with different handwritten annotations indicating to whom it was sent. According to these annotations, the first was sent to Office 870,⁶¹ the second to West Zone 204,⁶² and the third to Brother Vorn, Brother Sy (that is, Chou Chet) and Brother Pauk (that is, Ke Pauk).⁶³

Telegram Number 32 was Office 870’s response to the East Zone report, and was sent on March 20, 1978, and copied to the West and Central Zone secretaries.⁶⁴ It requested that this situation be monitored and reported. The telegram number, Mr. Lysak went on, indicated that telegrams were regularly sent.

Mr. Lysak noted that there were several other issues of *Revolutionary Flag* which the OCP would not have time to put before the Chamber. However, it did wish to put before the Chamber two color copies recently obtained by the OCP from either Professor Ben Kiernan or Professor Steve Heder in response to an inquiry. The first of these was a color version of the July 1975 *Revolutionary Youth* publication.⁶⁵ The second was a color copy of the December 1975 to January 1976 issue of the *Revolutionary Flag*.⁶⁶ These documents needed to be given E3 numbers if this had not already been done, Mr. Lysak added.

Mr. Lysak displayed the cover page of the *Revolutionary Youth* publication. He argued that it was worthwhile to look at the color copies because details including the staples and the bright blood-red color were discernible, which, he added, would be of use to his colleagues in the Nuon Chea team across the floor.

In this issue of *Revolutionary Youth*, Mr. Lysak went on, there were passages discussing the behavior of some of their combatants following the evacuation of Phnom Penh, including some who had looted foolishly, and female combatants who tried on enemy clothes, sprayed on

⁵⁹ The relevant ERNs are 00064578 to 79 (in Khmer), 00185342 to 43 (in English), and 00524469 to 70 (in French).

⁶⁰ This report has the document number E3/1186.

⁶¹ The relevant ERN is 00019203 (in Khmer).

⁶² The relevant ERN is 00019204 (in Khmer).

⁶³ The relevant ERN is 00019205 (in Khmer).

⁶⁴ This telegram has the document number E3/177.

⁶⁵ The color copy of this publication has the document number E169/4/1.1.1. The previous version submitted was has the document number E3/724, which was an English language summary of the document by one of those professors.

⁶⁶ The color copy of this publication has the document number E169/4/1.1.2. The previous version submitted was has the document number E3/731.

perfume, and looked at them in the mirror, forgetting their task of cleaning up the city.⁶⁷ This concluded Mr. Lysak's section of the OCP document presentation.

Part 2: Government Structure and Ministries

International Senior Assistant Co-Prosecutor Vincent de Wilde commenced the second part of the OCP's document presentation, on the government structure and the organization, operation, and communication of several government ministries.

General Government Structure

In order to demonstrate how the government developed from the Royal Government of National Union of Kampuchea (GRUNK) to the government of the DK between April 17, 1975, and January 7, 1979, it was necessary to look at three documents, Mr. de Wilde explained. The first was a document dated January 19, 1973, and entitled *Seat of Cambodia in the United Nations*.⁶⁸ It described the composition of the GRUNK, which, under the aegis of the National United Front of Kampuchea (FUNK), was constituted on May 5, 1970, and was "the only legitimate and legal government of Cambodia." The document listed the composition of GRUNK, which included Penn Nouth as Prime Minister, Khieu Samphan as Deputy Prime Minister and Ministry of Defense, Sarin Chhak as Minister of Foreign Affairs, Hu Nim as Minister of Information and Propaganda, and various other individuals including Ieng Thirith (then Deputy Minister of Popular Education and Youth), Chou Chet (then Deputy Minister of Public Health, Religious and Social Affairs), and Koy Thuon (then Deputy Minister of Economy and Finance).

The second document, dated January 27, 1975, was entitled *Cabinet of the GRUNK: Declaration by Sihanouk*. This document contained a number of GRUNK communiqués which were contained in a Foreign Broadcast Information Service (FBIS) document.⁶⁹ In particular, the document details that by January 1973, some deputy ministers had in the meantime, become ministers, including Mr. Chet, Ms. Thirith, and Mr. Thuon.

The third document was a FBIS document dated January 16, 1975.⁷⁰ The first article in that document was titled *Sihanouk's 15 November 1974 Decree Relieving GRUNK Ministers*.⁷¹ The document then listed a number of GRUNK Ministers who were relieved of their duties. A second article in the same document was entitled *Sihanouk Names New GRUNK Ministers*.⁷² This document detailed new ministerial appointments including of Mr. Chet, Ms. Thirith, and Mr. Thuon.

GRUNK after April 17, 1975

After April 17, 1975, the composition of the GRUNK was said to have changed, according to Mr. de Wilde. According to a communiqué of the GRUNK mission in France dated August 14, 1975, appointments to the FUNK made on August 12, 1975 included Mr. Sary being appointed

⁶⁷ The relevant ERNs are 00809798 to 99 (in Khmer), 00815132 to 33 (in English), and 00815911 to 12 (in French).

⁶⁸ This document has the document number E3/28.

⁶⁹ This document has the document number E3/1399.

⁷⁰ This document has the document number E9/31, and the relevant ERNs are 00811259 to 65 (in Khmer), 00166706 to 08 (in English).

⁷¹ The relevant ERNs are 008811259 to 61 (in Khmer), and 00166706 (in English).

⁷² The relevant ERNs are 008811263 (in Khmer), and 00166707 (in English).

Deputy Prime Minister in charge of Foreign Affairs and Mr. Sen as Deputy Prime Minister in charge of National Defense.⁷³

Next, Mr. de Wilde turned to the October 9, 1975, minutes of a CPK Standing Committee meeting that detailed the structure of the DK including the roles of different senior Party leaders, including Comrade Van (Mr. Sary), Comrade Hem (Mr. Samphan), Comrade Thuch (Mr. Thuon), Comrade Khieu (Mr. Sen), Comrade Vorn, Comrade Doeun, Comrade Phea (Ms. Thirith), Comrade At, Comrade Chey, Comrade Yem, and Comrade Pang. Mr. de Wilde noted that five of these leaders were also members in the GRUNK, namely Mr. Sary, Mr. Samphan, Mr. Sen, Mr. Thuon, and Ms. Thirith.⁷⁴

At this point, Mr. de Wilde referred to minutes of the Standing Committee from March 11, 1976, discussing the resignation of Samdech Norodom Sihanouk.⁷⁵ In particular, the document mentioned the positive effects of Samdech Sihanouk's resignation. It also noted that there was a need to convene the Cabinet of Ministers (of the GRUNK) to decide, and then meet with Sihanouk again with Penn Nouth participating, ideally to have Sihanouk agreeing to resign.⁷⁶ The will of the Standing Committee, Mr. de Wilde clarified, was that the Central Committee should take a decision about the resignation of Sihanouk and that the cabinet of the GRUNK should endorse it.

Mr. de Wilde turned to a decision of the Central Committee on March 30, 1976, on a number of problems.⁷⁷ In particular, in the document, the Central Committee confirmed the resignation of Samdech Sihanouk and sidelining of Mr. Nouth. In particular, it noted that the State organs were previously a front but were now State organizations in their entirety and should be truly representative and influential enough both within the Party and within the country and abroad. This was a political initiative and Nouth had no problems with that. It was decided to have Samdech Sihanouk retire.⁷⁸ The decision went on to indicate that the government must be totally an "organization of the Party." The matter of establishing the government had been discussed at length since May, and would include Pol Pot, Mr. Sary, Mr. Vorn, and Mr. Sen.⁷⁹

Mr. de Wilde presented a decision by the Council of Ministers of the GRUNK on April 4, 1976, concerning Norodom Sihanouk's retirement.⁸⁰ The decision granted the request for requirement and decided also to grant Samdech Sihanouk the title of "Leading Patriotic Figure." Mr. de Wilde submitted that this showed that there had been a "progressive movement" from Standing Committee decision to Central Committee decision to GRUNK decision.

⁷³ This document has the document number E3/1256 and the relevant ERNs are S00630985 (in Khmer), S00004604 (in French), and 00280610 (in English).

⁷⁴ This document has the document number E3/182, and the relevant ERNs 00019108 (in Khmer), 00183393 to 94 (in English), and 00292868 to 69 (in French).

⁷⁵ This minute has the document number E3/197.

⁷⁶ The relevant ERNs are 00000507 to 08 (in Khmer), 00182639 to 41 (in English), and 00334963 (in French).

⁷⁷ This decision has the document number E3/12.

⁷⁸ The relevant ERNs are 00003140 to 41 (in Khmer) 00182813 (in English), and 00224366 (in French).

⁷⁹ This decision has the document number E3/12, and the relevant ERNs are 00003141 to 42 (in Khmer), 00182814 (in English), and 00224366 to 67 (in French).

⁸⁰ This decision has the document number E3.1/7.1

Mr. de Wilde added that it remained for the People's Representative Assembly of Kampuchea to endorse this same decision, which it duly did in a document dated November 14, 1976.⁸¹ The document repeated the contents of the press release signed by Nuon Chea which confirmed the appointment of Mr. Chea as the president of the People's Representative Assembly and endorsed Samdech Sihanouk's proposal to retire. In the same document, the assembly appointed Mr. Samphan as the chairman of the State Presidium of DK. The assembly also noted that the government of Kampuchea, which was previously known as the GRUNK, was created on May 5, 1968, had "completed its mission completely" and requested its resignation.⁸²

People's Representative Assembly of Kampuchea

Mr. de Wilde noted that the resignation of one government meant the appointment of a new government⁸³ and described how the decision of the assembly went on to appoint a new government that included:

- **Pol Pot:** Prime Minister;
- **Ieng Sary:** Deputy Prime Minister Responsible for Foreign Affairs;
- **Vorn Vet:** Deputy Prime Minister Responsible for Economics;
- **Son Sen:** Deputy Prime Minister Responsible for National Defense;
- **Hu Nim:** Minister Responsible for Information and Propaganda;
- **Chhoeun Chhoeun:** Minister of Public Health;
- **Ieng Thirith:** Minister of Social Action;
- **Touch Phoeun:** Minister of Public Works; and
- **Yun Yat:** Minister of Culture, Training and Education.



Son Sen, Ieng Sary, Nuon Chea, and Vorn Vet (from left to right) appear together during the Democratic Kampuchea period. (Source: Documentation Center of Cambodia)

⁸¹ This decision has the document number E3/161.

⁸² The relevant ERNs are 00053634 (in Khmer), 00184067 to 68 (in English), and 00301354 (in French).

⁸³ The relevant ERNs are 00053635 (in Khmer), 00301355 (in French), and 00180068 to 69 (in English).

The document also detailed the creation of different committees assigned to the office of the Deputy Prime Minister for Economics, for agriculture, industry, commerce, communications, energy, and rubber plantations. The president of each committee was equivalent to a minister in the DK. Penn Nouth was notably no longer the Prime Minister, and Koy Thuon was also absent among the list of ministers, Mr. de Wilde noted. A second document presented by the prosecutor, namely the *Summary of Decision of Standing Committee of Meeting of 19, 20, 21 April 1976*, mentioned a more expanded list of 11 committees.⁸⁴ This document then proceeded to discuss commerce and industry issues.⁸⁵

Next, Mr. de Wilde presented a simplification document from the Ministry of Education of the DK dated 1977 and entitled *Political Geography of DK*.⁸⁶ This document explained the state institutions. In particular, it said that the government was “the executive organ of the laws and of the political lines” defined by the People’s Representative Assembly of DK and was “entirely responsible for all of its acts.”

Following the mid-afternoon adjournment, Mr. de Wilde returned to the statement of the regime in 1976 that the government had assumed its role fully by the time of regime change. He noted two reports on the activities of the ministers, one of which was entitled the *First Meeting of the Council of Ministers*. As to the nature of the government of DK, the report quoted Pol Pot as stating that it was not a coalition: “We assume total responsibility ourselves.” Members of governments and committees were required to strive to achieve their tasks following the party line.⁸⁷

According to the report, Pol Pot mentioned principal tasks of the government. In particular, regarding the defense of the country, Pol Pot stated that it was:

Imperative to defend revolutionary power, the Party, the people, the army, the independence, the sovereignty, etc., against every form of enemy activity, both overt and covert. We must always be in high revolutionary vigilance.⁸⁸

Ministry of Foreign Affairs

Mr. de Wilde then turned to documents concerning specific government ministries. Beginning with the Ministry of Foreign Affairs, Mr. de Wilde first presented a notebook of the ministry relating to 1976.⁸⁹ In particular, it related to internal communications, structure of the Ministry, its role, and the dissemination of CPK ideology within the Ministry. On a preliminary note, Mr. de Wilde noted that there were good and bad versions of the Khmer version of the document.⁹⁰

⁸⁴ This document has the document number E3/235 or E3/236, and the relevant ERNs are 0019142 to 43 (in Khmer), 00183416 to 17 (in English), and 00322968 to 69 (in French).

⁸⁵ The relevant ERNs are 00019146 to 47 (in Khmer), 00183420 (in English), and 00322971 (in French).

⁸⁶ This simplification document has the document number D366/7.1.63.

⁸⁷ This report has the document number E3/817, and the relevant ERNs are 0072753 (in Khmer), 00143461 (in English), and 005488894 (in French).

⁸⁸ The relevant ERNs are 00072761 (in Khmer), 00143467 (in English), and 00548899 to 900 (in French).

⁸⁹ This notebook has the document numbers E3/522 and E3/926.

⁹⁰ The ERNs 00427814 to 964 referred to the good version of the Khmer.

Mr. de Wilde then pointed out that the notebook listed all departments of B1, or the Ministry, as follows:

- Propaganda and Education;
- Office;
- Sector on General Production;
- Political Sector;
- Protocol Office;
- Secretariat and Assembly; and
- Civil Aviation.⁹¹

It also contained details about the staff of the Ministry at the time, listing details of Ministry staff around the country, including in Ta Khmau, M1, B1, Kampong Som, Kampot, and experts embedded in the Korean and Chinese embassies.⁹² There was also a passage in the notebook describing the structure of B1. In particular, it noted Brother Van (Mr. Sary) as the Secretary and Comrade Hong, the Deputy Secretary.⁹³

Regarding self-criticisms, Mr. de Wilde said that it was possible to identify many members of the Ministry when reading a portion of the notebook outlining self-incrimination reports of Ministry staff.⁹⁴ In this section, the officials engaged in the self-incrimination process included: Comrade Nou, Chim, Dean, Moeun, Mun, Thi, Hong, Touch, Sou, and others, including Konh. The shortcomings of each comrade are mentioned. In the case of Comrade Moeun, for example, the document detailed that his defects included that he was disoriented after hearing that the population had nothing to eat.⁹⁵

After each passage regarding the self-incrimination of each individual, Brother Van – that is, Mr. Sary – gave his comments, Mr. de Wilde noted. For example, regarding Hong, Mr. Sary's comments included that Hong was not yet imbued with the revolutionary lines and had a *petty bourgeois* tendency to make class compromises.⁹⁶ Regarding Sou, Mr. Sary indicated his major shortcomings were also a lack of ideological solidification. Mr. Sary also noted a need to redouble efforts for those who had university degrees.⁹⁷

In another passage of the notebook, Mr. de Wilde explained, Mr. Sary noted that the masses were still peaceable and their political level was weak.⁹⁸ Further down, Mr. Sary outlined duties, including increasing revolutionary vigilance and cracking down on enemy tactics at all costs.⁹⁹ On July 10, 1976, Mr. Sary noted at the B1 assembly that the April 17, 1975 victory seemed “more grandiose” than the Angkor era itself because in Kampuchean society, there was egalitarianism. There were simply workers and farmers; this, he said, was the conception of the

⁹¹ The relevant ERNs are 00827849 (in Khmer), 00003267 (in English), and 00657989 (in French).

⁹² The relevant ERNs are 00427928 (in Khmer), 00003321 (in English), and 00657891 (in French).

⁹³ The relevant ERNs are 00427949 (in Khmer), and 00003336 to 37 (in English).

⁹⁴ The relevant ERNs are 00427907 to 26 (in Khmer), and 00003304 to 20 (in English).

⁹⁵ The relevant ERNs are 00427850 (in Khmer), 00003267 (in English), and 00657884 (in French).

⁹⁶ The relevant ERNs are 00427916 (in Khmer), 00003310 (in English), and 00657883 (in French).

⁹⁷ The relevant ERNs are 00427924 (in Khmer), 00003318 (in English), and 00657889 (in French).

⁹⁸ The relevant ERNs are 00427822 (in Khmer), and 00003247 (in English).

⁹⁹ The relevant ERNs are 00427825 (in Khmer), 00003249 (in English), and 00657829 (in French).

class struggle and the objective of egalitarianism.¹⁰⁰ He also noted that in the struggle against capitalism, Kampuchean society had defeated enemies and created cooperatives in 1973, concluding that, on April 17, 1975, Angkar was very clever and “annihilated capitalism nationwide from an organizational standpoint.”¹⁰¹

On gnawing and infiltration within the ranks, the notebook said in another passage that Mr. Sary noted that one to five percent of Ministry staff was traitors, and there was therefore a need to study biographies thoroughly and study and self-examination meetings. All embassies wanted to know about Cambodia’s leaders to be in a position to report back to their countries and for other reasons.¹⁰² The enemy was “weakened, decrepit and ready to die” however, there were still American imperialists, CIA, KGB and Vietnamese, which, despite having capitulated, could still block the country. The enemy was also “inside our body. These enemies had to be progressively “wiped out.”¹⁰³



Next, Mr. de Wilde mentioned a report from the Ministry of Foreign Affairs entitled *Cooperation with All of the Units, 12 September 1977*.¹⁰⁴ This report noted success in cleaning out CIA, KGB, and Yuon enemies, meaning that the governing agent of the enemy preparing *coup d'états* was cleaned out and purged.¹⁰⁵ In addition, it was reported that in general, 98 percent of the Ministry was clean, and it needed to be ensured that the two percent did not propagate. They needed to be surrounded and reduced to 1.5 percent, 1 percent, or 0.5 percent. The Ministry generally had a very high level of vigilance. As to strengthening of Angkar, the report noted that Party ranks had recently been reduced by elimination of enemies and that in the strengthening process, it was necessary to favor the working class, the poor peasants, and the medium peasants through a biographical examination.¹⁰⁶

Next, the report identified three tasks necessary for furtherance of the Socialist revolution, including abolishing individual property, struggling against social classes, having a strong stance towards the enemies, and distinguishing between those on our side and the enemies.¹⁰⁷ “Those on our side” meant the Party, the revolution, the population below to the working and peasant classes.¹⁰⁸

¹⁰⁰ The relevant ERNs are 00427830 (in Khmer), 00003252 (in English), and 00657832 (in French).

¹⁰¹ The relevant ERNs are 00427856 (in Khmer), 00003270 to 71 (in English), and 00657846 (in French).

¹⁰² The relevant ERNs are 00427844 (in Khmer), 00003262 (in English), and 00657991 (in French).

¹⁰³ The relevant ERNs are 00427940 (in Khmer), 00003331 (in English), and 00657902 (in French).

¹⁰⁴ This document has the document number E3/857.

¹⁰⁵ The relevant ERNs are 00086707 (in Khmer), 00355487 (in English), and 00811327 (in French).

¹⁰⁶ The relevant ERNs are 00086708 to 09 (in Khmer), 00355489 (in English), and 00811328 to 29 (in French).

¹⁰⁷ The relevant ERNs are 00086710 to 11 (in Khmer), 00355491 (in English), and 00811331 (in French).

¹⁰⁸ The relevant ERNs are 00086712 (in Khmer), 00355493 (in English), and 00811332 (in French).

Finally, regarding the positions held by certain cadres in the Ministry of Foreign Affairs, Mr. de Wilde continued, it was useful to look at the S-21 prisoner lists; for example, the *Names of the Prisoners Coming from the Ministry of Foreign Affairs* list,¹⁰⁹ with the latest date being April 15, 1978. Among the 43 names in that list, Mr. de Wilde noted, there were more than 10 students who had returned from France. There were also cadres and combatants from the Ministry, including Mr. Keo Chin, who was a combatant at the Boeung Trabek office. The list also included cadres from B62, B64, and B1, cadres from the embassies abroad, and from the information and propaganda section of the Ministry. Ministerial staff spouses were also listed.

Ministry of Commerce

Mr. de Wilde next turned to the Ministry of Commerce. He noted that its initial composition in 1976 was described as including Comrades Rith, Nem, and Chhoeun as members of the Commerce Committee.¹¹⁰

Mr. de Wilde presented a written record of a Standing Committee meeting on March 13, 1976, focusing on commerce and attended by Pol Pot, Mr. Chea, Mr. Sary, Mr. Sen, Mr. Samphan, Thoch (Mr. Thuon), Doeun (Mr. Vasy), and Touch.¹¹¹ Mr. de Wilde noted first of all that it was interesting that Koy Thuon still appeared at this time. The Standing Committee went on to create a committee to prepare supplies to be produced, consisting of Comrade Thoch (Mr. Thuon) as president, Comrade Hem (Mr. Samphan) as a member, Comrade Van (Mr. Sary), Mr. Vet, and Doeun (Mr. Vasy), and Comrade Touch as reporter. Mr. de Wilde also noted that there was only one effective member, being Khieu Samphan.

In the same document, the Standing Committee also created a committee regarding banks, the member list of which included Comrade Hem (Mr. Samphan) as president, Com Thoch (Mr. Thuon) as member, then Comrades Van (Mr. Sary) and Doeun (Mr. Vasy) as advisory members, with Com Touch as reporter.¹¹²

In a subsequent Standing Committee meeting dated May 7, 1976, focused on issues relating to commerce,¹¹³ Mr. de Wilde presented, the Standing Committee decided to organize a Commerce Committee which would be led by Comrade Chey. The meeting was attended by Van (Mr. Sary), Hem (Mr. Samphan), Mr. Vet, and Doeun (Mr. Vasy). Mr. de Wilde noted that Comrade Chey was, however, prevented from playing an important role at the Ministry, since the case file contains a November 1976 S-21 confession by him.¹¹⁴

Mr. de Wilde added that Comrade Doeun (Mr. Vasy) led the Commerce Committee at least until the end of September 1976, before entering S-21 at the beginning of 1977.¹¹⁵ This is evidenced by four reports on the case file concerning trade relations with North Korea that were addressed

¹⁰⁹ This document has the document number E3/1534 and the relevant ERNs are 00087007 to 09 (in Khmer), and 00181667 to 69 (in English).

¹¹⁰ This document has the document number E3/235.

¹¹¹ This document has the document number E3/233.

¹¹² The relevant ERNs are 00000749 (in Khmer), 00301333 (in French), and 001826500 (in English).

¹¹³ This document has the document number E3/220.

¹¹⁴ This confession has the document number IS5.69 E1/90.1.14.

¹¹⁵ This confession is dated February 19, 1977 and has the document number E3/1625.

to Comrade Doeun up to and including September 30, 1976,¹¹⁶ after which, all reports were sent directly to Mr. Samphan. Mr. de Wilde then read from the third report, noting that it related to a meeting between members of the Commerce Committee and North Korean friends, with other reports of the Commerce Committee sent to Office K1, Office 51, Interior Commerce, and Archives. Three cadres (Chhoeun, Hong, and Mol) attended the meeting, which focused on the establishment of trade relations and regular communications between North Korea and DK.

By the end of October 1976, Mr. de Wilde explained, reports of this kind were no longer addressed to Doeun but to Mr. Samphan until the end of the regime; there were approximately 28 reports of this nature addressed to Mr. Samphan. Five involved North Korean meetings, 10 with the Chinese, and about 10 others addressed meetings with the Yugoslavs. One representative document was a report from the Commerce Committee to Mr. Samphan dated November 1, 1976,¹¹⁷ the prosecutor noted

On the first page, this report stated, “Our Korean friends want to know how many water compressors we need. ... We are waiting for Angkar’s decision before we provide them with an answer.” It went on to say:

Regarding 80 tons of sesame and 1,000 tons of grains, our North Korean friends say ... next time, they will not take any sesame because their government stressed that the Kampuchean people were underfed. ... We thanked our North Korean friends for their understanding regarding the scarcity of food in our country, but next year there will be enough food in our country.

Mr. de Wilde asserted that from this report, it could be concluded that scarcity of food in Cambodia was already known in 1976 and despite this, the DK was still exporting food.

Bringing the day’s proceedings to a close at this point, the president informed the parties that the Chamber would not sit on October 11 and 12, 2012, since national staff members are permitted to take leave in order to travel to the provinces and check that their names are correctly recorded on electoral rolls. The hearing was then adjourned for the day.

The document hearing will continue on Thursday, October 18, 2012 with the completion of the OCP document presentation, to be followed by the presentation by the Lead Co-Lawyers for the civil parties.

¹¹⁶ The first report, dated August 21, 1976, has the document number IS18.11; the second, dated August 28, 1976 has the document number IS 18.12; the third, dated September 7, 1976, has the document number D366/7.1.823; and the fourth, dated September 30, 1976, has the document number IS18.14.

¹¹⁷ This report has the document number IS18.19.