



Detailed Discussion of Party Communications and Defendants' Relationships with Pol Pot

By Doreen Chen, Senior Consultant, Destination Justice, and LLM, Columbia Law School¹

Hearings in the Case 002/1trial resumed Thursday, October 18, 2012, in the Extraordinary Chambers in the Courts of Cambodia (ECCC) with a detailed presentation of documents by the prosecution regarding communications between all levels of the Communist Party of Kampuchea (CPK).

Following this presentation and a tense debate between the parties on documents that the Lead Co-Lawyers for the civil parties will present on the administrative and communication structures in Democratic Kampuchea (DK), the Lead Co-Lawyers commenced their presentation by screening several clips from the documentaries *Enemies of the People* and *Survive: In the Heart of the Khmer Rouge Madness*, in which defendants Nuon Chea and Khieu Samphan described their relationships with Pol Pot.

Challenges from the Nuon Chea Defense Team

Prior to the Office of the Co-Prosecutors continuing with their presentation from last week of documents relevant to DK structure, National Co-Counsel for Nuon Chea Son Arun sought leave to make brief remarks concerning Samdech Norodom Sihanouk, the King Father, who passed away on October 16, 2012, during the court's recess for Pchum Ben. After a brief conferral with his fellow judges, Trial Chamber President Nil Nonn advised that it was not an appropriate time for such remarks.

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>.

International Co-Counsel for Nuon Chea Andrew Ianuzzi raised a number of “housekeeping matters.” First, he notified all parties that in his team’s document presentation, they would be presenting two additional documents to those already presented in writing.² Secondly, he requested clarification from the Trial Chamber regarding the possibility of Nuon Chea commenting on the documents, a request which he had already put in writing to the Trial Chamber’s Senior Legal Officer. Specifically, he sought guidance on what weight the Chamber would attach to comments Mr. Chea might make regarding these documents. He noted that in the October 9, 2012, hearing, Judge Silvia Cartwright had pronounced that “instructions from an accused cannot be given much weight unless the accused chooses not to exercise his right to remain silent and makes himself available for questioning.” He inquired whether that rule also applied in this situation.

Mr. Ianuzzi then expressed his condolences to the Cambodian people on the death of Samdech Sihanouk, before noting that there had been an interesting article in the October 17, 2012, *International Herald Tribune* by Baroness Glenys Kinnock.³ The president interrupted at this point, reminding Mr. Ianuzzi of his obligation to indicate the nature of his submissions before proceeding to them. Perhaps, President Nonn surmised, it was necessary to remind Mr. Ianuzzi of this guidance each time he was on his feet. Moreover, the president questioned the relevance of the article Mr. Ianuzzi was attempting to discuss. Mr. Ianuzzi responded that it was both extremely relevant and timely. Judge Cartwright appeared to whisper something to the president at this point, prompting the latter to cut Mr. Ianuzzi off. President Nonn indicated that Mr. Ianuzzi’s submission had nothing to do with the proceeding, and that if he nevertheless felt it was relevant, he should submit the relevant article as evidence two weeks in advance of the convening of proceedings on the matter.

Prosecutorial Document Presentation Continues

International Senior Assistant Co-Prosecutor Vincent de Wilde resumed the document presentation of the Office of the Co-Prosecutors (OCP) before an audience of approximately 200 villagers from Kampong Thom province, many of whom appeared to be born before the DK period. Henri Locard, the French historian and author of books about the Khmer Rouge, who had attended another recent hearing, was also in attendance today.

Part 2: Government Structure and Ministries, Continued

Mr. de Wilde first reminded the Court that at the conclusion of the hearing on October 10, 2012, he had been in the midst of presenting documents relevant to the structure and operation of DK governments and various Ministries, and that this formed part of the second part of the OCP’s three-part document presentation. Specifically, Mr. de Wilde had been discussing 28 Ministry of Commerce reports sent to defendant Khieu Samphan, to which he now returned.

Further Examples of Ministry of Commerce Reports Sent to Khieu Samphan

Mr. de Wilde presented a report dated January 7, 1978, from the Committee of Commerce to Bang Hem (that is, Mr. Samphan) regarding a commercial delegation from China.⁴ It was copied

² These additional documents are numbered E3/1568 and E3/488.

³ This article, entitled *Cambodia’s Brazen U.N. Bid*, can be found at: http://www.nytimes.com/2012/10/17/opinion/cambodias-brazen-un-bid.html?_r=1

⁴ This report has the document number D366/7.1.351.

to Bang Vorn, K51, and Archives, and advised that Hong Xi ship, transporting military equipment, would arrive in Kampong Som on January 7, 1978, and should be welcomed.⁵ The report then sought instructions from Mr. Samphan.⁶

Next, the prosecutor presented a weekly report on husk rice quantities, transportation, storage, and redistribution dated from March 1 to 7, 1977.⁷ Annotations on the first page indicated that it was sent to Mr. Samphan on March 10, 1977. A further document dated November 4, 1978, and entitled *Statistics Regarding Imports and Exports for the Year 1978 from January to September*⁸ included an annotation on its second page indicating that a copy had been sent to Mr. Samphan.⁸ It detailed products imported into the DK in 1978, including coffee, sesame, beans, wood, and rubber. It also included a table displaying the roles of various Ministerial staff and entities.

Elimination of Enemies within the Ministry of Commerce

Mr. de Wilde then presented a series of documents addressing the elimination of “enemies from within” the Ministry of Commerce. He prefaced the first of these documents — a report of the Congress of the Ministry from July 25 to 26, 1976⁹ — by suggesting that it revealed many commonalities between that congress and those of the Ministry of Foreign Affairs¹⁰ and Ministry of Social Affairs.¹¹ Common denominators included the situation of the internal enemies being given a lot of weight within each of the Ministries, which was consistent with the subject of *Revolutionary Flag* magazines and communiqués of the Party Center previously presented by the OCP.

The Ministry of Commerce congress report indicated that, regarding bad elements, “the situation is precarious, though we have taken some measures with regard to organization and education within some groups.” It listed incidents including moral misconduct, deterioration of equipment, commission of murders, and the establishment of contacts to open a route to the Northwest under the control of the “In Tamist traitors.”¹² Measures had been implemented within the “arrogant, loose groups” and had been strengthened in order to better defend the Party and protect the revolution and popular masses. Screening measures for autobiographies still needed improvement, the report noted.¹³ These themes, Mr. de Wilde reminded, were also themes which were found in the agenda of D1, that is, the Ministry of Foreign Affairs.

Next, Mr. de Wilde presented a record of statements by various officials from July 25 to 26, 1976, on CPK policies of class struggle, collectivism, and Socialist revolution and the need to comply with the directions found in the *Revolutionary Flag*.¹⁴

⁵ The relevant ERNs are 00188509 (in Khmer), 00548785 (in French), and 00574558 (in English).

⁶ The relevant ERNs are 009188510 (in Khmer), 00548786 (in French), and 00574558 (in English).

⁷ This report has the document number D366/7.1.487.

⁸ This report has the document number IS18.68.

⁹ This report has the document number E3/1159.

¹⁰ This Ministry of Foreign Affairs congress report, which Mr. de Wilde had previously put before the Chamber, has the document number E3/522.

¹¹ This congress report has the document number E3/808.

¹² In Tam was prime minister during the Lon Nol regime.

¹³ The relevant ERNs are 00188204 to 05 (in Khmer), 00665460 to 61 (in French), and 00701587 (in English).

¹⁴ This record has the document number E3/153.

Two further documents dated October 17, 1976, related to the authority of the Ministry of Commerce to arrest internal enemies and take them to security centers. The first of these, a decision of the Committee of the Ministry of Commerce, indicated the Committee's decision to arrest and send to security centers for interrogation six persons found guilty of theft, traveling without permits, protesting against Angkar, or being part of networks of contemptuous persons.¹⁵

A second decision of the Committee from the same day listed people who had to be sent to reeducation centers on the grounds of being close to despicable persons, being undisciplined in their work, refusing to be reeducated, or committing acts of moral misconduct.¹⁶ These arrests were also discussed in a report dated October 4, 1976, and entitled *Report Every 10 Days*.¹⁷

An S-21 list of prisoners entitled *The People at Commerce Arrested at Early Stage Up to March 26, 1977* – also presented by the prosecutor – contained names of 210 Ministry of Commerce people arrested, with a first list of 41 names being people working in the agricultural sector, and a further 169 names originating from:

- State Departments for Commerce and for Trade;
- Kampong Som port;
- Psar Thmei (Central Market);
- Orussey Market;
- Russei Keo;
- State warehouses;
- Kilometer 6;
- State markets; and
- Units throughout the country, including the trade office in Poipet.¹⁸

Mr. de Wilde noted that Tang Try *alias* Chhoeun, who was one of the individuals identified, was a member of the Ministry of Commerce.¹⁹ Another cadre in the list, Tith Son *alias* Nhem, was also a member of the Ministry of Commerce and its Standing Committee.²⁰

Ministry of Social Affairs

Moving to the Ministry of Social Affairs, Mr. de Wilde first presented a record of the minutes of the Standing Committee, presided over by Khieu Samphan, Phea (Ieng Thirith), Sou, and Se.²¹ The document mentioned shortages and insufficiencies in pharmaceuticals and medicines and sought instructions from Angkar.²² At the meeting, Pol Pot said that although the ministries had not grasped hold of the duties of the Party, efforts had been made to overcome obstacles in this regard; for example, military men had replaced doctors. The Secretary also made a “radical distinction,” according to Mr. de Wilde, between peasants and workers. He noted the Ministry's

¹⁵ This record of decision has the document number E3/962.

¹⁶ This record of decision has the document number E3/174.

¹⁷ This report has the document number E3/846.

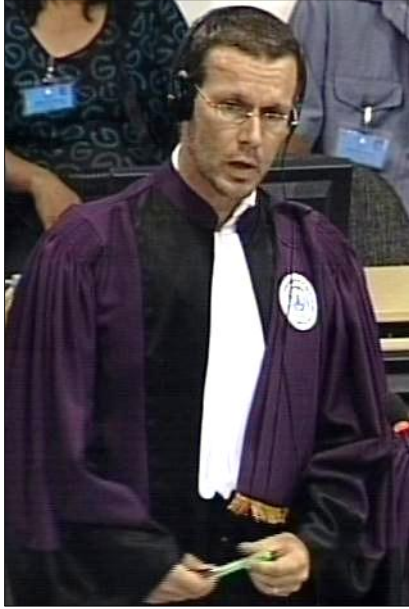
¹⁸ This list has the document number IS16.52, and is also classified under document number IS16.53.

¹⁹ His S-21 confession has the document number E3/1641.

²⁰ His name also appears under the S-21 prisoner list with document number IS16.50, while his confession can be found under D82/2-Annex.42.

²¹ These minutes have the document number E3/226.

²² The relevant ERNs are 0017154 (in Khmer), 00296163 (in French), and 00183368 (in English).



duty to cure diseases, including cholera, which Pol Pot suggested had been carried into the countryside by people evacuated from Phnom Penh.²³

Next, Mr. de Wilde presented a compilation of notes and annotations similar to that produced for the Ministry of Foreign Affairs. This compilation was a summary of a meeting held on May 31, 1978, and was dated April 23, 1978.²⁴ It contains information on the structure of the Ministry, an overview of services at the Khmer Soviet Friendship Hospital (or Po-17), statistics on caregivers, patients, and deceased, policies in place within organs that reported to the Ministry, descriptions of criticisms and self-criticism sessions led by the Communist Party of Kampuchea (CPK), and information on Vietnamese enemies. Moreover, it listed numerous deaths caused by medical errors or unqualified care.

One passage in the compilation described a May 4, 1978, team meeting, which discussed:

- consciousness of daily duties;
- consciousness of solidarity;
- a moral lifestyle;
- communal consciousness of the peasant class;
- respect for disciplinary principles, such as being economical, hygienic, and careful,
- issues of technical, political, and scientific studies; and
- interest in the activities of traitors.²⁵

Another document in the compilation, a document entitled *Joint Meeting of the Whole of 17 April Hospital*, outlined views expressed by the Representative of Party for social action.²⁶ The representative relayed the Party's request "that we attack our enemies so that they can no longer raise their heads," noting that it was imperative to recall the past situation at the hospital under Koy. Regarding the activities of the enemies at the end of May and late June, the representative continued:

After being defeated, the Yuon²⁷ enemy came in and took command for a second round, intending to attack our DK. All they were able to unite with them was the East Zone, which was close to the Yuon, to seize the East, come to the Mekong River, and enter Phnom Penh. This *coup d'état* has been totally smashed. The Yuon enemy is to be attacked really all out. There are some complicated situations. Complicated in what way? Technical experts are needed. They are engaged in wrecking the traitors. Hope in cause was gone. They turned back into CIA corps and hunted wounded comrades in arms instead.

²³ The relevant ERNs are 0017155 (in Khmer), 00296163 (in French), and 00183369 (in English).

²⁴ This compilation has the document number E3/808.

²⁵ The relevant ERNs are 00000534 (in Khmer), 00811290 (in French), and 00197599 (in English).

²⁶ The relevant ERNs are 00000549 (in Khmer), 00811297 (in French), and 00197614 (in English).

²⁷ Yuon refers to the Vietnamese.

Ministry of Propaganda

Mr. de Wilde turned to the Ministry of Propaganda, presenting minutes of the meeting of the Ministry of Propaganda and Work on January 11, 1976 and attended by Pol Pot, Ieng Sary, Khieu Samphan, and Hu Nim (the Minister of Propaganda).²⁸ This meeting dealt with radio broadcasts in 1976, and, according to the prosecutor, indicated that the Standing Committee had made decisions on the content and broadcasting of certain messages during the March 20 elections.

A second set of minutes detailed a meeting on June 1, 1976 that was attended by Pol Pot, Deputy Secretary Touch, and various cadres from the Ministry of Propaganda including “Comrades Kuoy and Song and from its film team.”²⁹ This document demonstrated, according to Mr. de Wilde, that the Standing Committee governed propaganda activities and decided who would be responsible for drafting and producing films and radio broadcasts.

Part 3: Communications

National Assistant Co-Prosecutor Chorvoin Song took over the document presentation and moved to the third part, concerning communications during DK. These documents would show, she said, decisions and instructions from the Center to the zones, from the zones back to the Center, and between zone and district levels. Prior to beginning the document presentation, Ms. Song distributed documents, appearing to be colored maps, to all parties.

Communications from the Center to the Zone

The first document Ms. Song presented was minutes of a Standing Committee meeting on October 9, 1975, attended by the Secretaries in Charge of Military and Economics, Social and Cultural Affairs, and Propaganda and Education, as well as Comrade Van (Foreign Affairs), Khieu Samphan (Government and Commerce), and 13 others.³⁰ In it, the Standing Committee directed departments to immediately relay the telegrams to the office in charge for consideration. The minutes indicated that work was to be sent first to Comrade Doeun, and referred to respective sections for implementing the Party line.³¹ They also noted that telecommunications were to be used in times of war and in maritime areas and Mondulkiri province.³²

A Standing Committee meeting at the base on March 8, 1976, Ms. Song went on, was attended by the Party Secretary (Pol Pot), Deputy Secretary (Touch), and Comrades Hem (Khieu Samphan), Doeun, Sreng, Hang, and Soth.³³ In this meeting, Mr. Samphan reported to the base regarding the election. Arrest of enemy forces was also described, with Comrade Sot reporting on Sector 106 and Comrade Hang on Sector 303; Comrade Hang also reported to the Party on the lack of enemy activities in the area except for people fleeing from other areas. Angkar then instructed that regarding the problems in 303, people were to be called in for questioning in front of other accusers to see their reactions, which were then to be reported to the upper echelon.

²⁸ These minutes have the document number E3/231.

²⁹ These minutes have the document number E3/225.

³⁰ These minutes have the document number E3/182, and the relevant ERNs are 00019108 to 19 (in Khmer), 00183393 to 402 (in English), and 00292868 to 79 (in French).

³¹ The relevant ERNs are 00183395 (in English), and 00292871 to 72 (in French).

³² The relevant ERNs are 00019118 (in Khmer), 00183401 (in English), and 00292878 to 79 (in French).

³³ These minutes have the document number E3/232.

Regarding reporting protocol, matters were to be reported to the Standing Committee on a regular basis, so they could take measures appropriately.

Next, Ms. Song referred to a record of the visit of the Standing Committee to the Northwest Zone between August 20 and 21, 1975.³⁴ It noted that “new people” had to endure shortages of medicine and food and that some had caught diseases. Regarding internal activities, undercover links and arrangements for liaison from one location to another had been discovered, the record claimed; undercover enemies were among the new people working on the railway and were conducting psychological warfare and sabotage. The document also indicated instructions from Angkar, including the need to sort out the political situation of the people and do whatever necessary to make the people stable in a “monolithic block of solidarity with the revolutionary state power.” Cooperatives were to observe all “new people,” especially those from Phnom Penh and Battambang, and the “lower echelon” was to pay attention to additional assessments of both “base” and “new people.”

Ms. Song then quoted from a speech by Khieu Samphan during the DK anniversary on April 15, 1977.³⁵ According to the prosecutor, in his speech, Mr. Samphan declared:

We have to do our best to stop the enemy from interfering, from conducting sabotage against us. We have to sweep clean the enemies so that we can be the master of the situation, so that we are able to follow the internal political affairs. We have to do everything neatly and meticulously. We have to be vigilant. We should not be overjoyed with the victory. We have to be committed to be vigilant at all times and preserve the spirit of solidarity ... to prevent enemies from attacking us.

Ms. Song turned to the February to March 1976 issue of the *Revolutionary Flag*. This issue explained:

Seeing the abovementioned good and bad elements of making propaganda to educate the popular masses, every Party member and cadre at every echelon of the Party must pay a high level of attention to this issue. ... No matter how busy they may be, they must know how to seize the time to make propaganda to educate the popular masses.³⁶

³⁴ This record has the document number E3/216.

³⁵ This speech has the document number E3/200, and the relevant ERNs are 00292805 (in Khmer), and 00004165 (in English).

³⁶ This *Revolutionary Flag* issue has the document number E3/166, and the relevant ERNs are 00063210 (in Khmer), 00517830 (in English), and 00492773 (in French).

The prosecutor presented a Standing Committee decision made on March 30, 1976, concerning the independence and new year celebrations.³⁷ In this decision, Office 870 instructed that the base would be allowed to attend political study sessions; brothers were to permit all Ministry workers to have the day off; peasants could enjoy the day; and the military were also permitted to follow the same program of celebrations, although soldiers had to “take turns being vigilant to prevent us from being attacked by enemies.”



Ms. Song also presented a document containing pronouncements from the Central Office on “the fight against the Vietnamese aggressor and land swallower.”³⁸ Soldiers, combatants, and cadres at all levels were ordered to be vigilant, to “harden the stance of steadily and absolutely attacking the stance of the Yuon enemy,” to “raise the spirit of revolutionary vigilance,” and to search out the Yuon enemies and “eliminate them and gain timely mastery.”

Another communication, addressed to “beloved and missed Comrade Ya,”³⁹ noted receipt of letters dated September 1975. It detailed that forces from Steung Traing and Phong Long were to be organized for an ambush against the enemy. Military forces were also to be collected from the bases as the most important forces, although not until later. There was a need to further grasp the situation and to consider how to contact leaders⁴⁰ in order to make a complaint in a political venue.

Telegrams from the Zones: New North Zone

At this stage, Ms. Song presented a series of telegrams from various zones to the Center. She began with Telegram 52, which was sent from the new North Zone (Zone 801, which was under Se’s supervision) to Office 870.⁴¹ Regarding internal enemies, this telegram detailed successful efforts to identify “hidden enemies from within” successively, with timely measures being taken against them.⁴² It also addressed the situation of new people and production levels.

Next was Telegram 53, also from Zone 801 Secretary Se and sent in August 1977 to Office 870.⁴³ Se noted that, as assigned, he had worked in Tbaing, Kulen, Mangkol Thmei, Ro Veang, and Choam Ksan in Sector 103. In each location, he worked with district, commune, and office chiefs and lectured on the continuation of the Socialist revolution, building of Socialism, and Party guidelines regarding crop diversification as a solution to the problem of living conditions.

³⁷ This decision has the document number E3/12, and the relevant ERNs are 0003139 (in Khmer), 00182912 (in English), and 00224365 (in French) E3/160.

³⁸ This document has the document number E3/727.

³⁹ This document has the document number E3/1150.

⁴⁰ Presumably, this is a reference to enemy leaders.

⁴¹ This telegram has the document number E3/241.

⁴² The relevant ERNs are 00020908 (in Khmer), 00183627 (in English), and 00335192 (in French).

⁴³ This telegram has the document number E3/1091.

A further telegram from Se, Telegram 60, received on September 6, 1977,⁴⁴ addressed the “external enemy situation” and “enemies ... burrowing from within.” These enemies, according to the telegram, included former officials, policemen, and soldiers from the previous regime. Compared to earlier times, the number of internal enemies was decreasing with only a few now left. To discover them, there was a need to use “hard work tactics,” particularly farming, to screen and purge enemies. The telegram also addressed the situation of the people and the military. It was copied to Nuon Chea, Bang Van, Bang Vorn, Khieu Samphan, and Office of Documentation.

Telegram 324, from Se to the Office 870 Committee,⁴⁵ indicated that they were “continuing to purge the remaining enemies,” including those operating openly and secretly. These efforts were very successful and the enemy was unable to raise its head any further as there was constant sweeping clean. It also addressed Comrade Son, the wife of Comrade Man. She was implicated by many enemies and accordingly, Comrade Se brought her to Office 801.

A final document from Comrade Se to Office 870 discussed research on the internal enemy network and mentioned a confession from San Aieb *alias* Khun from Commerce Committee 103. Another document also discussed this confession.⁴⁶

Northeast Zone

Next, International Senior Assistant Co-Prosecutor Keith Raynor presented a series of documents concerning the Northeast Zone. He began by drawing the parties’ attention to the map earlier distributed by the OCP, and noted that the zone consisted of Sectors 101, 102, 104, and 107.

Mr. Raynor then presented a series of telegrams from Vy, the Northeast Zone Secretary, to the Party Center. The first of these, dated January 11, 1978, addressed “undercover burrowing enemies” at Sectors 101, 104 and 107. It listed recipients of the telegram, who were “characters” of the Party Center.⁴⁷

A second telegram from Vy also reported to the Party Center and stated that on January 3, 1978, Vy attended a meeting “to hear the declaration of the Party, which appealed to all zones to work in cooperatives, regions, and centers.” In addition, regarding contact with the Yuon, Vy reported that, in conformity with the instructions of Angkar, there was an “internal cleanup” of the Yuon taking place “day and night.”⁴⁸ A third telegram from Vy, again to the Party Center, also dealt with the situation of the enemy.⁴⁹

Moving to Independent Sector 105, which included Mondulkiri, Mr. Raynor first presented Telegram 00, addressed to “beloved and missed Comrade Doeun.”⁵⁰ In it, the sender indicated

⁴⁴ This telegram has the document number E3/1144.

⁴⁵ This telegram has the document number E3/1073, and the relevant ERNs are 00293359 (in English), and 00630816 to 17 (in French).

⁴⁶ This document has the number E3/801, and the relevant ERN is 00017183 (in Khmer).

⁴⁷ This telegram has the document number E3/1122.

⁴⁸ This telegram has the document number E3/319.

⁴⁹ This telegram has the document number E3/943.

⁵⁰ This telegram has the document number E3/1191.

that he had arrived at the Sector on October 11, 1976, the day before the telegram was sent, and had changed his name. The telegram was copied to Brother Nuon, Office, and Documentation.

Also on October 12, 1976, the sender from Independent Sector 105 sent another telegram, this time to Nuon Chea, indicating that they had already received Mr. Chea's telegram and had assigned a Commerce group from Phnom Penh, and Comrade Chhoeun had received them.⁵¹ The telegram moved to the "minor subject" that Sector 103 had previously had a broken radio, which had now been repaired, with the new one not yet being used.

Next, Mr. Raynor presented a telegram from Independent Sector 505, which including Kratie, to the Party Center, dated May 1, 1977, and addressed to beloved Office 870.⁵² The telegram complained about the number of visitors to Sector 505. As such, the sector was requesting that the Party Center "give us notice about the coming visitors to our sector. If possible, we would like to request for information of food to be provided to those visitors."

East Zone

The prosecutor moved to the subject of communications from the East Zone, including Sectors 20, 21, 22, 23, and 24, to the Party Center. In a telegram dated November 11, 1975, from So Phim *alias* Chhorn, the East Zone Secretary, to Brother Pol,⁵³ Mr. Phim reported on the border situation in accordance with an earlier report from Sector 23. He then repeated parts of the sector reports, which discussed various districts, including Chantrea and Romeas Hek.

Next, Mr. Raynor presented a March 21, 1976, telegram from Mr. Phim to Pol Pot.⁵⁴ In this telegram, Mr. Phim again reported to the Party Center based on a report from a lower echelon, this time sent from Comrade Chhauk. Specifically, he discussed a grenade thrower who was beaten and interrogated, and provided information on 20 other people.

International Co-Counsel for Khieu Samphan Arthur Vercken interjected at this point, noting that Mr. Raynor had, "for some time now," been discussing the Party Center, which was not used in any of the documents to which Mr. Raynor was referring. The hearing did not, Mr. Vercken asserted, allow parties to plead. Mr. Raynor responded that the point was well made, and he would not use the phrase again. When pressed by President Nonn for a more detailed response, Mr. Raynor clarified that he was accepting the objection and proposing not to use the phrase "Party Center" again.

After a short adjournment, Mr. Raynor continued presenting another East Zone telegram,⁵⁵ which was to



⁵¹ This telegram has the document number E3/1192.

⁵² This telegram has the document number E3/257.

⁵³ This telegram has the document number E3/379.

⁵⁴ This telegram has the document number E3/871.

⁵⁵ This telegram has the document number E3/892.

“respected and beloved M (Office) 870” from So Phim *alias* Chhorn, the East Zone Secretary. Reporting on the situation concerning Region (that is, Sector) 23, he discussed the capture of some Vietnamese, and stated:

We would like to know what Office 870 is going to do with the Vietnamese caught at the village’s houses in Ta Dav village. If Office 870 wants these Vietnamese, we will send them. Now they are kept, being interrogated.

Southwest Zone

Mr. Raynor turned to the Southwest Zone, which, he noted, included Sectors 13, 25, 33, and 35. He first presented a report dated June 3, 1977, from the Southwest Zone to “respected and beloved Angkar.”⁵⁶ The report addressed the situations of defense and economics.⁵⁷ Regarding defense, it addressed both the “enemy situation from outside” and the internal situation. It noted specifically that enemies in Region 33 had launched their attack by burning down bundles of rice. It then referred to confessions of enemies caught in Takeo and Kampot provinces. “So far,” the report stated, “we have successfully arrested the enemies who launched activities mentioned above.”

Mr. Vercken interjected again at this juncture, noting that that in the telegram above, the French interpretation indicated that the telegram had been addressed to “Brother Hem” but it seemed there had been some discrepancy in the interpretations here.

West Zone

On the subject of the Northwest Zone, comprised of Sectors 1, 2, 3, 4, 5, 6, and 7, Mr. Raynor first tendered a monthly report dated August 4, 1978, from the West Zone to the “respected, beloved, and missed Angkar.”⁵⁸ Again, the report addressed national defense, external enemies, and “the activities of the hidden enemy burrowing from within.” It continued:

The hidden enemies burrowing from within carried out all forms of their activities. ... Elements were screened out from various units and military as well as the elements of April 17, including former civil servants and some Chinese and Yuon aliens. ... We have had plans in place to apply the Party’s assignment line, to routinely remove, clean and sweep them clean. ... At the factory, the enemy incited people by saying to the female youth, if you love your parents, don’t get married with cadres. ... Rather, to die, than to marry a cadre.

Next, the report addressed enemies burrowing from within the sector in Kampong Chhnang.⁵⁹ It also mentioned enemies burrowing from within Uddong district and Taing Sia⁶⁰ cooperative, where a man had wanted to commit suicide.⁶¹ A female called Pha was also reported to have said

⁵⁶ This report has the document number E3/769.

⁵⁷ The relevant ERNs are 0005285 to 86 (in Khmer).

⁵⁸ This report has the document number E3/1094.

⁵⁹ The relevant ERNs are 00143600 to 01 (Khmer).

⁶⁰ This phrase was unclear in the English testimony and was missed in the Khmer translation.

⁶¹ The relevant ERNs are 00143607 (in Khmer), 00593526 to 27 (in French), and 00215371 (in English).

that Angkar would, in future, arrange for one man to marry five women, to which Rim responded that five women would be exchanged for one cork of tobacco.⁶²

Regarding “moral code activities,” the report went on, these activities occurred continuously in several base areas. In Ta Sal cooperative in District 27, Soeun, a militia member of the cooperative, raped a girl from Sector Koh Kong. He had accordingly been sent to the district education camp.⁶³

In addition, the report discussed the ongoing purge of the “not good elements,” noting that in the sector agriculture unit, four enemy heads had been swept clean. The report also noted, with regard to Sector 37, the screening of Yuon, CIA, and “not good” elements, detailing as follows:

1. Smashed 100 ethnic Yuons, including small and big, adults and children.
2. Smashed 60 persons who had been from the ranking group as well as the CIA of the American imperialists who were hiding in the units and cooperatives.
3. Within the Sector military unit, 40 Chinese combatants were screened out and sent to the production unit.
4. There must be a measure for the three Yuon combatants.
5. Ten persons in the platoons and companies within the cooperatives of all districts were screened. These elements included those being lazy, opposing Angkar, cursing at people, being implicated in many confessions of the enemy, and refusing to work.

The report noted that the cleaning out of enemies would continue.⁶⁴

Next, the report discussed political education, noting that in July 1978, educational sessions were organized for cadres and Party members from all sectors in the zone, including members of the sectors, district secretaries, cooperative committees, and Party members. Education sessions were also held for the core organization, including Youth League members and the base people. Documents used for study were taken from “all seven documents of the Party ... which the Party used to educate us in June, in the first semester of 1978.” The results showed that all:

Had understood and absorbed well from the documents ... [and] understood well that the main factor here was to build leadership forces, and especially, to destroy the hidden enemy burrowing from within.⁶⁵

However, two cooperative cadres, a secretary, and a member of the cooperative, were removed and sent to the “security” center because “they were bad elements who had made some destructive activities” and “were in the traitorous network.” The report then continued for six to seven pages, Mr. Raynor described, with a series of detailed charts mentioning various sectors and agricultural products.

⁶² The relevant ERNs are 00143607 to 08 (in Khmer),

⁶³ The relevant ERNs are 00143609 (in Khmer), 00593528 (in French), and 00315373 (in English).

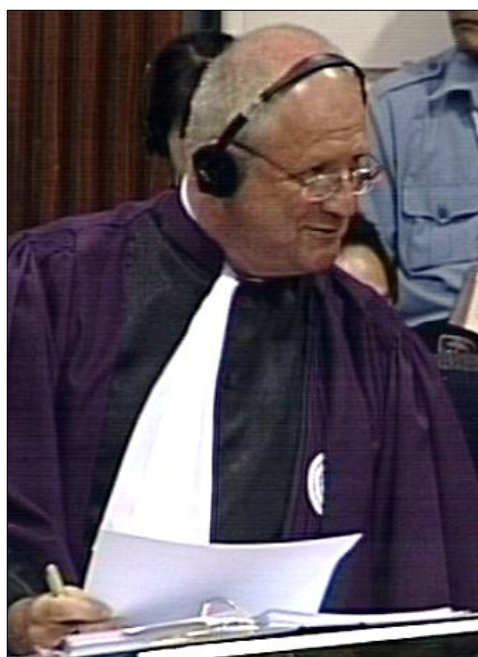
⁶⁴ The relevant ERNs are 00143609 to 10 (in Khmer), 00593529 to 30 (in French), and 00315374 (in English).

⁶⁵ The relevant ERNs are 00143611 to 12 (in Khmer), 00593532 (in French), and 00315376 (in English).

The prosecutor presented a report from the West Zone to Angkar dated July 16, 1978 on the 10-day activities.⁶⁶ It detailed the biographies and confessions of two people who were “linked to several leaders” and had been transferred to the security center already. There were also references to the transfer of people to the reeducation center in Sector 31 and mention of Sector 32.⁶⁷ The report also noted that 10 new families had been established in District 26, in Sector 32. In addition, “political, ideological, and organizational aspects” had been strengthened, and Party cadres constantly met with the masses to permit them to learn more and to monitor biographies and acts of those who would become Party members, core organization members, and popular masses.

Northwest Zone

Mr. Raynor presented a report from the Northwest Zone from May 24 to June 7, 1977.⁶⁸ This report contained “familiar headings,” including “enemy situation” and “internal enemies” and detailed the capture and beating to death of a child, who, prior to being killed, had his stomach slashed open and his liver eaten by the reconnoiterers. In addition, it reported that external and internal enemies had carried out activities in all forms and that identified enemies “were arrested and smashed successively.”



The prosecutor then presented a telegram from the Northwest Zone from Ros Nhem, the Zone Secretary, to Angkar Office 870.⁶⁹ It noted that following Mr. Nhem’s meeting with Angkar, he returned to work in regions 5, 3, 1, and 4, and on May 10, met and worked with comrades of the Permanent Organizational Assignment Committee, during which he reported on the recommendations of Office 870 and reviewed situations regarding enemies in the zone. He detailed that further measures to be taken regarding enemies included being more vigilant and preventing acts of secret moving and looting.⁷⁰ Zone, region, district, and collective cadres were also to be strengthened. Finally, Mr. Nim requested Angkar to please “give ideas and advice.”

Central (Old North) Zone

Regarding the Central (Old North) Zone, Mr. Raynor first presented a telegram dated March 29, 1978, from Ke Pork, the Zone Secretary, to Committee 870.⁷¹ In it, Mr. Pork relied on the substance of a letter he had received from the Sector Secretary, Comrade An, of Sector 41 in the zone, which reported that on March 27, 1978, soldiers in Sector 41 had detained two combatants from the air force. These combatants informed the zone that they were traveling to repair

⁶⁶ This report has the document number E3/1092.

⁶⁷ The relevant ERNs are 00143577 to 78 (in Khmer), 00611447 to 48 (in French), and 00289922 (in English).

⁶⁸ This report has the document number E3/1179.

⁶⁹ This telegram has the document number E3/951.

⁷⁰ The relevant ERRNs are 00021043 (in Khmer), 00296221 (in French), and 00185216 (in English).

⁷¹ This telegram has the document number E3/1096.

airplanes at Veun Sai airport in Kratie province; that is, in a different zone. It concluded, “For the abovementioned issue, Angkar, please ask Comrade Met if there are such reported names of these two who have been detained. If so, please inform by communicating with Comrade An. ... If not, Angkar, please report back.”

The prosecutor then presented a telegram from Ke Pork to Pol Pot, copying Nuon Chea, Khieu Samphan, Office, and File.⁷² In it, Mr. Pork reported on the situations of the enemies, masses, and production. Mr. Raynor noted there was also another relevant telegram from the zone.⁷³

Zones Communicating to Other Zones through the Center

Mr. Raynor moved to a new series of documents that showed zones communicating to other zones through the Center. Beginning with the East Zone, he presented a telegram from So Phim, the Zone Secretary, to Pol Pot, reporting the removal of people from the East Zone to the North Zone.⁷⁴ It reported that there was some disagreement between the zones about this removal and that on November 30, 1975, members of the Cham who were being removed from Sector 21 in the East Zone to other riversides in Mr. Pork’s zone were “categorically rejected” in the North Zone, which “accepted only pure Khmers. Therefore, the people who were to be removed were in a state of chaos.” Mr. Phim reported that he duly advised his sectors and districts to temporarily suspend the mass removals pending advice from Pol Pot and the North Zone. Mr. Phim further noted that the matter “might not have been known to Comrade Pol.”

In a telegram dated June 25, 1977, from the West Zone to the “respected and beloved organization,” the West Zone reported on an incident where people who had been detained in the West Zone were on the run, with their period of flight already amounting to 120 days. The zone requested that the organisation make contact with the North Zone to determine whether people had fled there, and what measures would be taken against them.⁷⁵

Another telegram, which was dated May 11, 1977, and sent from Yi, the Independent Sector 505 Secretary, to “dear beloved Office 870,” concerned a report that armed forces in Sector 21, bordering Snoul, had continually entered Sector 505 “to cut leaves and trees without informing Region 505. This also causes difficulties for us to search the forest for enemies.”⁷⁶ Ye accordingly requested Office 870 to request Region 21 inform Sector 505 if people were going to come to carry out such activities.

Communications from Sectors to Zones and Further Upwards

At this point, Mr. Raynor turned to a new theme of documents, namely communications from sectors to zone, which were subsequently communicated further upwards. He began with a weekly sector report dated May 31, 1977, from Sector 5 in the Northwest Zone, and copied to the Zone Secretary and Documentation.⁷⁷ In particular, this report detailed a May 19, 1977, incursion by 10 Thai enemies who “entered 10 meters deep” into Cambodian territory. After

⁷² This telegram has the document number E3/511.

⁷³ This telegram has the document number E3/239.

⁷⁴ This telegram has the document number E3/1379.

⁷⁵ This telegram has the document number E3/956.

⁷⁶ This telegram has the document number E3/501.

⁷⁷ This report has the document number E3/178.

these “enemies” stepped on a landmine, Cambodian forces fired on them.⁷⁸ The report also noted continuing efforts to “sweep clean the treacherous embedded elements – CIA, KGB, and Vietnam elements.” The report further noted the successful identification of the “treacherous April 17 elements” based on the confessions of their networks and of photographs.⁷⁹ Finally, the report noted that for a week prior:

Sector 5 had disseminated and studied the decision of the Zone Congress in the party branches, in all bases, and in the battlefields, and in the army, by involving deeply and understanding to some extent. ... In this week, the biographies of old candidates and those of the progressive masses have been reviewed. ... Have held one Party committee meeting to examine various situations. ... Have opened educational sessions, for internal Party, core members, progressive masses in the sector, district military units, female militias, about various situations. ... Have gone down to educate the cooperative committees, and plan to continue to educate.

Mr. Raynor presented another monthly report from the Northwest Zone dated May 29, 1977, about a week after the previous sector report to the zone.⁸⁰ This zone report transmitted up the reporting chain the information on the entry of 10 Thai people onto Cambodian territory.

At this point, Mr. Raynor noted that the OCP had covered 38 of the 50 documents they had initially selected for presentation and requested an additional half-hour to present a selection of the remaining documents. The president granted this request, before ceding the floor to Mr. Ianuzzi, who stipulated, for the avoidance of any doubt, that the defense had no objection to this request.

Mr. Ianuzzi then sought the president’s clarification about the reading of the *International Herald Tribune* article mentioned earlier in the day, asking whether all of the judges read the article. The relevance of this question, Mr. Ianuzzi stated, was that his application would request that all of the judges do read that document. The president reiterated that any such request would need to be in writing. As the submission was made in English and not yet Khmer, the president stated, he did not wish to respond to the application now, noting again that such applications should be made in writing. Finally, the president granted a request from Mr. Ianuzzi for Nuon Chea to retire to his holding cell for the afternoon due to health reasons.



Communications from Sectors to Zones

Following the lunchtime adjournment, Mr. Raynor presented two examples of direct communications from sectors to zones before a new audience of approximately 200 villagers, some of whom were from Kampong Cham province. Mr. Raynor first presented an example of a

⁷⁸ The relevant ERNs are 00275588 to 89 (in Khmer), 00623326 (in French), and 00342710 (in English).

⁷⁹ The relevant ERNs are 00275587 (in Khmer), 00623305 to 06 (in French), and 00342709 (in English).

⁸⁰ This report has the document number E3/180.

sector receiving information from a district and then passing that information to the zone. In particular, he referred to a report from Sector 23 in the Svay Rieng area to the Standing Committee of the East Zone.⁸¹ The report stated, “We have received a report from the Chantrea District Committee about an incident on February 16, 1976. ... May the Zone Standing Committee kindly be advised of the information reported above.”

Mr. Raynor also referred to a telegram regarding Sector 5 in Northwest Zone and addressed to Ros Nhim, the Northwest Zone Secretary.⁸² Discussing the enemy situation, the report noted:

The sectors have each taken measures with regard to such problems:

1. Going all out to find more enemy apparatuses.
2. Going all out to propagandize and reeducate people so they will understand with additional clarity about the Socialist revolution.
3. The grassroots and the military must cooperate closely to smash all kinds of enemies.

Communications between Communes and Districts and Occasionally Sectors

Mr. Raynor referred to a communication from Trapeang Thom Kang Cheung Subdistrict Cooperative to Tram Kak district regarding a group of youths meeting at midnight.⁸³ The sub-district militia arrested and brought these youths for interrogation, but all refused to speak and were therefore “sent in.”

He then noted a report, dated June 7, 1977, from the Tbok Trabeak sub-district to the Tram Kak district, regarding 10 new military people who came in from Phnom Penh. The report requested these people be handed over “for whatever Angkar decides.”⁸⁴

Next, Mr. Raynor showed a report from the commune to the district, with instructions then coming back from the district to the commune.⁸⁵ In this report, the commune reported about a new person and begged Angkar to be informed about the person’s issues. The district secretary of Tram Kakk, Kith, endorsed the report with the words, “It is accepted that this person, named Mou Phun, be arrested.”

The prosecutor concluded this topic by presenting two reports: one dated December 14, 1977, from a district to a district security office following a decision from the district Angkar to arrest two people and send them to the district educational office,⁸⁶ and the second from Ang Ta Som commune to the district security office of Tram Kak requesting a new person be sent over to that office.⁸⁷

⁸¹ This report has the document number E3/1019.

⁸² This telegram has the document number E3/1120.

⁸³ This communication has the document number IS18.52, and the relevant ERNs are 00079106 (in Khmer), 00712134 (in French), and 00276574 (in English).

⁸⁴ This report has the document number IS18.44, and the relevant ERNs are 00276590 (in English), and 00082729 to 30 (in Khmer).

⁸⁵ This report has the document number D157.47.

⁸⁶ This report has the document number D157.95.

⁸⁷ This report has the document number IS18.26.

Other Forms of Communication in DK

At this point, Mr. Raynor moved to present a range of additional types of communications. The first among these documents was a handwritten letter dated August 1, 1977, from An to Boeun, requesting the assembly of a militia squad in order to arrest two persons in Sre Krol village who had been planning to escape to Vietnam.⁸⁸

The telephone was also a means of communication used during the DK period, Mr. Raynor noted, referring to a document headed *Confidential Phone Conversation* and dated April 15, 1978, which described telephone conversations in the East Zone.⁸⁹ Another similar document was dated August 12, 1977, from Comrade Mut, and entitled *Reported Dated August 12, 1977 Via Secret Telephone*. It contained handwritten annotations, the first of which indicated that in relation to a fishing incident “there was only a raft.” The second, addressed “to Angkar,” indicated, “We asked to find inside networks. Find the entry and exit. Traitorous elements along the border.” It was signed Khieu and dated August 13.⁹⁰

Finally, to conclude the prosecution’s document presentation, Mr. Raynor mentioned two examples of confessions being broadcast on the Phnom Penh Domestic Services. The first confession, broadcast at 23:00 on February 1, 1978, was by Mau Chhin, a Cambodian national allegedly serving as a Vietnamese agent,⁹¹ while the second, broadcast at 23:00 on February 25, 1978, detailed the confession of a Vietnamese soldier, Vu Khieu Sok, who had been captured.⁹²

Clashes over the Civil Parties’ Document List

The scheduled presentation of documents by the Co-Lead Lawyers for the civil parties was preempted by an animated and complex debate between the parties on the documents noted in the civil parties’ document list. It was catalyzed by National Co-Counsel for Ieng Sary Ang Udom, who noted that the list of documents International Lead Co-Lawyer Elisabeth Simonneau Fort sent on October 11, 2012, included witness statements by witnesses whom Ieng Sary had not been able to confront and who testified about alleged acts of the accused.



In an email from the Trial Chamber’s Senior Legal Officer on October 10, 2012, Mr. Udom continued, the Chamber sought to remind the Lead Co-Lawyers that in accordance with a previous Trial Chamber decision,⁹³ written statements presented in lieu of oral statements would be inadmissible if they went to the acts and conduct of the accused; the Senior Legal Officer then clarified that parties should present documents to which the Chamber was able to attribute

⁸⁸ This letter has the document number D232/78.2.

⁸⁹ This document has the document number E3/859.

⁹⁰ This document has the document number E3/1082.

⁹¹ This broadcasted confession has the document number E3/1289, and the relevant ERNs are 00224163 (in Khmer), 00324920 (in French), and 00169190 (in English).

⁹² This broadcasted confession has the document number E3/1362, and the relevant ERNs are 00701795 (in Khmer), 00701785 (in French), and 00169986 (in English).

⁹³ This Trial Chamber decision has the document number E96/7.

probative value and weight. Mr. Udom therefore requested that the Chamber not allow Ms. Simonneau Fort to present documents 5 through 15 from her list.

Ms. Simonneau Fort responded, first, that there was no record of a witness statement on her list but only civil party applications and records of civil party interviews. Second, she said, Mr. Udom had referred to an old list and there was now a much shorter list than the list initially drafted by National Lead Co-Lawyer for the civil parties Pich Ang. Third, she continued, this new list, which arrived today, contained 13 documents, none of which went to the acts or conduct of any of the accused, in line with the Trial Chamber's decision in this regard; rather this list contained interviews, transcripts of radio broadcasts, civil party applications, and annexes to those documents, which included lists of persons, newspaper articles, etc.

Ms. Simonneau Fort conceded that there were two documents that could eventually pose a problem for the accused, which were records of witness interviews.⁹⁴ While, in her view, these documents did not go to the conduct of the accused, Ms. Simonneau Fort was nevertheless willing to exclude them if the Chamber wished, for the avoidance of any conflict.

Mr. Ianuzzi submitted that this issue was related to the matter he raised earlier in the day's hearing regarding comments made by the accused. He therefore sought clarification on what value was attributed to civil party statements, if any. In response, Ms. Simonneau Fort expressed her shock that this issue was still being discussed and asserted that Mr. Ianuzzi's comments were "so unpleasant and lacking in respect."

Mr. Ianuzzi clarified that he did not and would never say that civil party statements had no evidentiary value but that he had asked the Chamber what the evidentiary value of those statements was, in light of the fact that the Chamber had, according to Mr. Ianuzzi, been happy to give direction on the probative value to be attached to comments given by the co-accused. He also renewed his request from the morning regarding the value to be attributed to comments from the co-accused.

Mr. Udom redirected parties to the issue of the documents to be presented by the Lead Co-Lawyers for the civil parties and reiterated his request for the removal of documents 5 and 15. At this point, Judge Jean Marc Lavergne sought confirmation that all parties were referring to the same list, in particular, whether Mr. Udom was referring to the last list submitted by the Lead Co-Lawyers and what specific documents he was challenging. Mr. Udom responded that he was referring to documents proposed by the Lead Co-Lawyers on October 11, namely a list of 15 documents. He did not receive any newer list of documents, he noted.

Next, Mr. Ianuzzi began stating that he "just now—," but was cut off by the president, who gave the floor to Ms. Simonneau Fort. She stated, by way of clarification, that there was an initial list prepared by Mr. Ang, which indeed included records of witness interviews. Following a letter sent by Mr. Sary, and for other reasons, the list was amended and resubmitted without any witness interviews. Ms. Fort had also submitted her list of 13 documents not containing any records of witness interviews.

⁹⁴ The two records of civil party interviews have the document numbers D368/2 and D199/14.

At this point, Mr. Udom stipulated that Ms. Simonneau Fort had just sent a new list at 2:12 p.m. today (that is, only a few minutes before this debate), and that it included two records of civil party interviews.⁹⁵ Given that Mr. Sary could not respond, he asserted, these documents could not be put before the Chamber. Judge Lavergne queried whether these were the only two documents Mr. Udom sought to challenge. Mr. Udom disagreed, stating that he objected not only to the use of these two documents, but also to other documents that related to these two witnesses. He reiterated his request that the Lead Co-Lawyers not read documents 5 through 15 from the initial list of 15 documents.

Ms. Simonneau Fort objected that in her view, this justification did not suffice. Apart from the two civil party interviews in question, no other documents in the list went to the acts and conduct of the accused. She entreated that the Court's time not be wasted any further but that whenever Mr. Udom believed that a document would seem to go to the acts and conducts of the accused, he should simply rise and object when it was presented.

Mr. Udom then listed a series of documents to which he objected.⁹⁶ This prompted Mr. de Wilde to interject on behalf of the OCP, stating that, apart from the two witness interviews, they did not see why there were objections to other documents. The OCP did not want a situation in which the defense was rising to their feet "at every turn" to object to documents without offering good reasons for their objections, he concluded.

Mr. Vercken took his turn to address the Court, although the president interjected first, in apparent amusement, asking whether he had any new points to mention. Mr. Vercken said that the question before the Court was whether document lists were provided by the civil parties with enough time in advance to give the defense reasonable opportunity to work. Like Mr. Udom, he stressed that Ms. Simonneau Fort's latest list had been given to the defense at only 2:12 p.m. today.

The Trial Chamber judges took an opportunity to confer, with Judges Cartwright and Lavergne each gesturing animatedly at a document being passed and perused by them all. Reserve Judge Claudia Fenz approached the judges and briefly spoke to them, before returning to her seat. After



this conference, Judge Lavergne advised that the Chamber had received a list of 13 documents from the Lead Co-Lawyers on October 15, although the parties had only just received this list at 2 p.m. today. The Chamber had not had time to examine whether there were overlaps between the initial list of 15 documents and the subsequent list of 13 documents.

Judge Lavergne reminded the Lead Co-Lawyers of the need to provide the parties with sufficient notice. Ms. Simonneau Fort clarified that the list of 13 documents was identical to the previous list of 15 but

⁹⁵ These records have the document numbers D368/2 and D199/14.

⁹⁶ The offending documents, in Mr. Udom's view, have the document numbers D22/289, D368/2, D22/289.21, D22/289.11, D22/289/14, D22/44, D199/14, D22/44.11, and D22/44.13.

for two documents, being written records of interviews of civil parties, which had been withdrawn. The Trial Chamber judges sought to confer again, but were interrupted by Mr. Vercken, who wished to convey the difficulties the defense were experiencing, highlighting that there was one document on the list provided to the parties today⁹⁷ that was not on the initial list and seemed to be a book. Ms. Simonneau Fort responded that it was not a book but rather a list of Khmers living abroad.⁹⁸

Judge Lavergne provided the Trial Chamber's final word on this issue prior to the mid-afternoon adjournment. He indicated that the Trial Chamber would only refer to the list distributed on October 11, as this was the only one distributed with sufficient notice, although it would subtract from this list the two documents being written records of civil party interviews. He then chastised the civil parties for not notifying the parties of their documents with sufficient notice, leading to this debate, which was not, he said, "in the interests of the administration of justice."

Clarifications from the Bench

When the hearing resumed, President Nonn first handed the floor to Judge Lavergne to provide a further explanation on his ruling on the Lead Co-Lawyers' document list and to convey the Trial Chamber's ruling concerning the probative value of comments made by defendants. As to the first matter, Judge Lavergne noted that Ieng Sary's defense team sought to challenge several documents on the Lead Co-Lawyers' list and not just the two documents that had been withdrawn; indeed, he said, it was a general challenge to the effect that these documents were likely to deal with evidence going to the acts and conduct of the accused. However, this challenge had not been specified, and as such, the Chamber was not in a position to rule on the matter at this time and would hand down its ruling on a subsequent date Judge Lavergne announced, at the very latest, by the time it handed down its decision on the merits of Case 002/1.

Similarly, he continued, it would hand down a reasoned decision on the probative value of statements made by an accused at a later date, although the comments of Judge Cartwright (as mentioned by Mr. Ianuzzi in the morning) still stood.

Civil Parties Screen a Series of Clips from Documentary Films

Mr. Ang was permitted to begin the presentation of documents by the civil parties. He referred to the contentious issue regarding documents to be presented by the civil parties, noting first that they had excluded records of civil party interviews and would be raising some documents that had already been mentioned by the OCP but would not belabor their points. In addition, Mr. Ang stated, the civil parties would seek to present a number of videos as part of their documents.

Nuon Chea Discusses Pol Pot: Excerpts from Enemies of the People

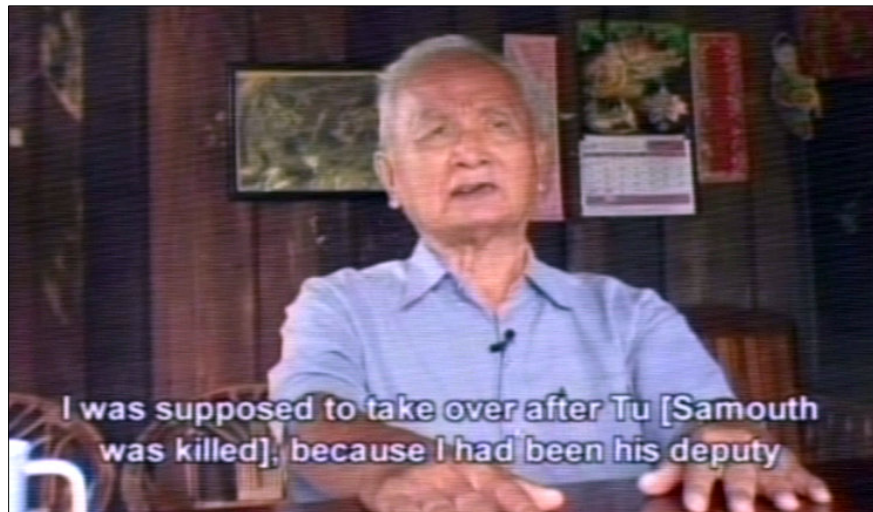
Mr. Ang was granted leave to present a clip from the documentary *Enemies of the People*.⁹⁹ After a short delay, the video was displayed. It showed an interview with Nuon Chea. During the clip, Mr. Chea said he was a "low level intellectual" and that, in the face of the current circumstances, he "was not the right person to become the Party Secretary, so Pol Pot should

⁹⁷ This is Document 12 in the new list of 13 documents.

⁹⁸ This list has the document number D22/289.17.

⁹⁹ This clip is from minutes 9:41 to 11:10 in the documentary, and the film has the document number E1668R.

assume the position as the Secretary.” Pol Pot agreed, Mr. Chea said in the video, although he had emphasized there was a need to unite. After the conclusion of the clip, Mr. Ang clarified that Mr. Chea and Pol Pot had agreed to work together.



*Still of Nuon Chea from the film Enemies of the People.
(Credit: Thet Sambath and Rob Lemkin, Directors)*

In a second clip from *Enemies of the People*, Mr. Chea discussed meetings of the Standing Committee, indicating that sometimes they were just informal gatherings in which comrades simply exchanged comments quickly outside of a meeting’s setting “for efficiency’s sake,” noting that this happened frequently.¹⁰⁰ Mr. Ang added that this clip demonstrated a close consultation between Pol Pot and Mr. Chea.

Mr. Ianuzzi interjected at this point, not to object to the presentation of the clips, but to the characterization of the clips by counsel, which strayed, he asserted, into final submissions with respect to the material being presented. Mr. Ang agreed to seek to avoid characterization of the facts and drawing of conclusions.

Mr. Ang then presented a third video clip from *Enemies of the People* describing criticism and self-criticism sessions.¹⁰¹ In this clip, in which a woman could be seen apparently tidying up the house in which Mr. Chea was speaking, Mr. Chea stated that he was criticized for “not following the guidelines of the United National Front” and “was not thorough enough in following the Party lines.” His own criticisms of Pol Pot were his health issues and his being too quick to trust people.

On this issue, Mr. Ang read an excerpt of the CPK Statute.¹⁰² In particular, he noted that the CPK adopted criticism and self-criticism meetings “on a daily basis, to change the disadvantages or mistake made by Party members.” The Statute then provided that, in relation to criticism and

¹⁰⁰ This clip is from minutes 11:36 to 12:43.

¹⁰¹ This clip is from minutes 14:24 to 15:35.

¹⁰² This statute has the document number IS9.1.7.

self-criticism, life-view sessions, and the revolutionary stance: “We shall examine life view biographies and try to expand our qualities and advantages.”

In a fourth clip from *Enemies of the People*, Mr. Chea was asked whether he and Pol Pot ever argued. Mr. Chea responded, steadily, that there were no contentions between him and Pol Pot between 1975 and 1979.¹⁰³ This clip, Mr. Ang said, showed the nature of Mr. Chea and Pol Pot’s relations during the DK.

In a fifth clip, Mr. Chea discussed a “lack of discipline amongst our cadres. They were drunk on power, debauchery and wine. Even though wine was not sold, it could be found somewhere. This was an internal affair of the Party. I talked with Pol Pot. Our party was still young.”

Mr. Chea, in a sixth clip from *Enemies of the People*, described matters he used to discuss with Pol Pot.¹⁰⁴ Mr. Chea noted that they discussed “being away from women and not to be drunk” and the need “to smash the nature, not the person.”

In a seventh clip from the documentary,¹⁰⁵ Mr. Chea stated, with his hand resting on his chin, that Pol Pot loved the country, and that it was traitors who killed the people. Asked what he thought of the accusation that Pol Pot was a killer, Mr. Chea denied this. He said that killers were those who killed without any reason. Pol Pot was not a killer, Mr. Chea asserted; he was killing those who betrayed the nation and the people, those who sold land to foreigners.

Mr. Vercken objected, inquiring as to the link between these videos and proof of communication structures in the DK. Mr. Ang responded that these clips were an interview of Mr. Chea on the information structure between Pol Pot and Mr. Chea and what Pol Pot said and did. The president permitted Mr. Ang to proceed with his presentation.

Mr. Ang presented a final clip from *Enemies of the People* regarding S-21 confessions.¹⁰⁶ In this clip, the interviewer noted that Mr. Chea had mentioned reading S-21 confessions to learn from them and then educate junior cadres, and asked how this education proceeded. Mr. Chea stated that he did not read all the confessions; he merely highlighted “some of the enemy’s dangerous tricks” and noted that “the enemy led our cadres away from the Party line.”

Khieu Samphan Also Discusses Pol Pot

Next, Mr. Ang turned to a second documentary film, which had been produced by Rosanne Saidnattar and was entitled *Survive: In the Heart of the Khmer Rouge Madness*.¹⁰⁷ Mr. Ang played the first of two clips from this film. In this first clip,¹⁰⁸ Khieu Samphan animatedly described meeting Pol Pot for the first time. He noted that he did not know at the time that Pol Pot, or Saloth Sar, was a high leader. At this first meeting, Mr. Samphan continued, Pol Pot demonstrated a great capacity for analysis. Prior to this, they only knew Saloth Sar as a musician

¹⁰³ This clip is from minutes 17:00 to 17:49.

¹⁰⁴ This clip is from minutes 23:34 to 24:36.

¹⁰⁵ This clip is from minutes 18:02 to 18:56.

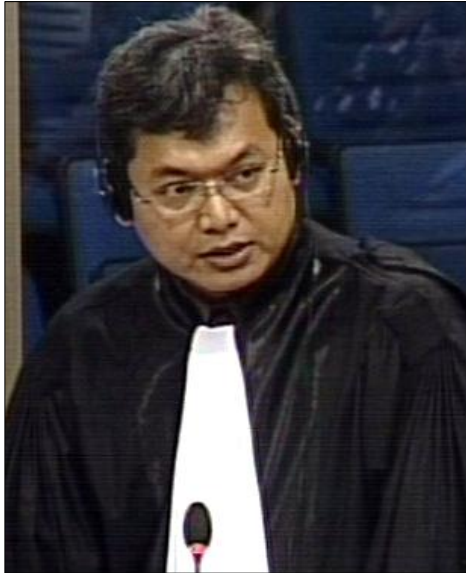
¹⁰⁶ This clip is from minutes 26:40 to 27:30.

¹⁰⁷ E109/2.3R

¹⁰⁸ This clip is from minutes 6:35 to 8:20.

and soccer player. When they left the meeting, they understood the situation and understood measures to take quite well he continued; they thought “it was the only path to take. That’s all.”

This clip prompted a further objection from Mr. Vercken. He noted his view that these clips had “absolutely no link to the subject of these hearings” and that he had already made written submissions with respect to this matter. Specifically, these matters “had absolutely no relevance to administrative structures or communication structures. They refer to meetings for which the dates are not given, concerning participants which are not identified.” He requested the Chamber to “put an end to this.”



Mr. Ang responded that in the clip from *Survive*, Mr. Samphan had mentioned a meeting with Pol Pot, and, after leaving that meeting, Mr. Samphan had an idea inspired by the meeting. Mr. Ang’s presentation concerned, he said, the information sharing between the accused Mr. Samphan and the members of the Central Committee within the temporal jurisdiction of the Court. The points mentioned were highly relevant to the issue of the communication structure within DK.

The Trial Chamber judges huddled together to consider this objection. Following a short deliberation, the president responded that this show of video clips was “somewhat relevant” to the administrative structure of DK, and therefore, Mr. Ang was permitted to proceed with his presentation.

In a second clip,¹⁰⁹ when asked for his first impressions upon learning of the April 17, 1975, victory, Mr. Samphan stated that he was very happy. He had been in Phum Dong, the Khmer Rouge’s last base before the capture of Phnom Penh. He had to be onsite “to closely follow the progression of the fighting and the battlefield.” He was very happy but then ran into combatants from Phnom Penh who discussed turmoil in Phnom Penh during the evacuation. At this point, Mr. Samphan “was surprised and later learned that the order had been given from the leaders” presumably to evacuate Phnom Penh.

In a next clip regarding the establishment of cooperatives,¹¹⁰ the interviewer asked Mr. Samphan if he could do it all again, whether he would still choose to be with the Khmer Rouge and fight. Mr. Samphan responded, shifting from side to side:

You can’t change history. History belongs to the past. ... However, what can I draw from my experience? As I already told you, what I did, I did with conviction. I joined the movement in good faith, for half of my life. Do I regret what happened? What happened in the event which caused the death of so many countrymen. I explained it in my first open letter. I didn’t know what was

¹⁰⁹ This clip is from minutes 5:23 to 6:44.

¹¹⁰ This clip is from minutes 55:28 to 58:04.

happening. However, I can, I can be accused of not firmly opposing the order and the organization of the cooperatives. ... And so that's it. To what extent should I be responsible for doing this?

Mr. Ang then sought to present a thesis by Mr. Samphan. This prompted a further objection from Mr. Vercken, who asserted that Mr. Ang seemed to think this was a time for making closing arguments and discussing irrelevant matters. He did not see, he added, how the discussion of cooperatives related to the question of administrative and communication structures in the DK. Mr. Ang responded that cooperatives were part of the DK as mandated by the Central Committee, and there was a need to look into cooperatives, and what the policies of their establishment were, as it went to the structure of the DK. This prompted another conference between the Trial Chamber judges. Following this, the president granted Mr. Ang leave to proceed with his presentation of his next document.

Mr. Ang read a passage from Mr. Samphan's thesis concerning the importation of consumer goods from abroad. It stated that this needed to be limited and complemented by production by small industry. There was no need for big industry. Cooperatives were needed to ensure production and supply.¹¹¹

In another passage, Mr. Samphan asserted that the:

Narrow market in Cambodia may prevent any efforts towards the industrialization. For this reason, the government should try to get farmers to help one another, try to organize the cooperatives to supply food and other things, and to implement agricultural credits by plan.¹¹²

Finally, Mr. Ang sought to read from Mr. Samphan's thesis preface, in which he discussed its goals. At this point, National Co-Counsel for Khieu Samphan Kong Sam Onn challenged Mr. Ang's conclusion that the previous paragraph discussed "cooperatives." Mr. Ang responded that the term was used for its plain meaning and was not defined in that paragraph. The president cautioned at this point that the parties did not need to mention the term "cooperatives" in detail. They simply wanted to hear about documents relevant to communications and did not want parties to dwell on the subject of Tram Kokk cooperatives.

Mr. Ang proceeded to read from Mr. Samphan's preface,¹¹³ in which the author indicated:

This study is divided into two parts. In the first, we shall make the case for the objective necessity of industrial and self-directed development through an examination of Cambodia's current economic structure and the mechanisms fostering this structure and the consequences of continuing economic change. In the second part, we shall treat some specific obstacles to industrial development. We shall make an effort to determine how to undertake structural reform so as to

¹¹¹ This thesis has the document number E3/123, and the relevant ERNs are 00767387 (in Khmer), and 0023575 (in French).

¹¹² The relevant ERNs are 00767441 (in Khmer), 00750636 (in English), and 00236643 (in French).

¹¹³ The relevant ERNs are 00767296 (in Khmer), 00750555 (in English), and 00236473 (in French).

establish a firm basis for industrialization and to specify the requirements of such reform.

Mr. Ang noted that Lead Co-Lawyers would need approximately one further hour for its document presentation. Following this announcement, the president adjourned the hearing for the day.

Hearings will continue on Friday, October 19, 2012, at 9 a.m. with the completion of the presentation of documents by the Lead Co-Lawyers for the civil parties and continuing to the document presentations from the defense, beginning with the Nuon Chea defense team.