



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 15-Feb-2013, 10:50
CMS/CFO: Uch Arun

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

31 January 2013

Trial Day 155

Before the Judges: NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
Claudia FENZ (Reserve)

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KHIEU Samphan

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UCH Arun
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0927H)

3 MR. PRESIDENT:

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

5 During today's sessions, the Chamber continues hearing

6 presentation concerning the documents on the key -- or the key

7 documents on the role of the Accused.

8 Before we hand over to the prosecutors to proceed with this, Ms.

9 Se Kolvuthy is now instructed to report to the Chamber on the

10 current status of the parties to the proceedings.

11 [09.28.54]

12 THE GREFFIER:

13 Mr. President and Your Honours, all the parties to the

14 proceedings are present, except Mr. Michael Karnavas, who is

15 absent due to his health concerns.

16 Mr. Pich Ang, the Co-Lead Lawyer for the civil parties, is absent

17 due to his personal health concerns.

18 And Mr. Ieng Sary is present in his holding cell, while Mr. Khieu

19 Samphan is also present in the holding cell, due to their

20 respective health concerns. Mr. Nuon Chea is still at the

21 hospital.

22 MR. PRESIDENT:

23 Thank you.

24 The Chamber would like to now rule on the objection of the Khieu

25 Samphan defence that concerned documents identified by the

1 Co-Prosecutors.

2 The Trial Chamber notes the objection of the Khieu Samphan
3 defence that certain documents identified by the Co-Prosecutors
4 should not be put before the Chamber pursuant to the Chamber's
5 earlier decision on the written statements of witnesses who will
6 not appear to testify, document E96/7.

7 [09.30.42]

8 The Chamber has set forth the legal framework for the
9 consideration of written statements in document E96/7 and will
10 consider any such statement in light of these legal
11 considerations. The Chamber notes that all documents which were
12 objected to by the Khieu Samphan defence concern individuals who
13 are now deceased and the Chamber finds them to be sufficiently
14 relevant and reliable to be put before it. Any probative value of
15 these statements will be evaluated based on all the circumstances
16 and the legal standards set forth in E96/7. However, the document
17 ,E190.1.72, consists of an interview by an individual who is due
18 to testify before this Court in the near future. Therefore, the
19 Co-Prosecutor will be allowed to introduce the document during
20 the testimony of this individual. Any objection to the document
21 can be presented at that juncture.

22 [09.32.33]

23 The Chamber would like to hand over to the Prosecution to
24 continue putting the questions -presenting the documents.
25 Co-Prosecutor, please hold on.

3

1 Counsel for Mr. Nuon Chea, counsel Son Arun, you may now proceed.

2 MR. SON ARUN:

3 Good morning, Mr. President. Good morning, Your Honours.

4 Following the medical report by the treating doctors at the Khmer

5 Soviet Friendship Hospital regarding my client, Nuon Chea, and as

6 the counsels for Mr. Nuon Chea, we would like to have a few

7 comments for the Chamber, with Mr. President's leave.

8 MR. PRESIDENT:

9 You may proceed.

10 [09.33.31]

11 MR. SON ARUN:

12 According to the medical reports by the treating doctors from the

13 28th of January 2013, Document 93, this document was signed by

14 three doctors, including Dr. Ngy Meng, who said that Mr. Nuon

15 Chea's health condition was improving.

16 On the 29 of January 2013, the treating doctors of Mr. Nuon Chea

17 went to visit him. At the same time, Mr. Nuon Chea invited his

18 family members -- all his family members, to come around him as

19 soon as possible, in case he may die. This is what we would like

20 to add to the report of the doctors. There was some kind of

21 discrepancies in the document by the Court already -- by the

22 doctors already compared with this.

23 Another medical report states that Mr. Nuon Chea's medical

24 condition improved significantly, he could sit up now. At the

25 same time in the report, we read that his old age condition

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1 needs, or requires him to be assisted medically on a regular
2 basis.

3 [09.35.56]

4 On another report on the 30th of January 2013, report number 100,
5 indicates that his health condition is stable compared to -- with
6 the condition of yesterday. So, according to the medical reports,
7 we can presume that Mr. Nuon Chea's health condition improves.
8 Indeed counsels for Mr. Nuon Chea are not medical doctors or
9 experts. However, we have been monitoring the health condition of
10 Mr. Nuon Chea all along and we have heard from the members of Mr.
11 Nuon Chea's family who took good care of him, appear to share
12 different accounts.

13 MR. PRESIDENT:

14 Counsel Son Arun, you are not allowed to elaborate further on the
15 medical report because you already emphasized that you are not
16 medical doctors, and the Chamber notes the reports prepared by
17 the professional doctors, and those reports are sufficient for
18 the Chamber to consider the health conditions of Mr. Nuon Chea.

19 [09.37.48]

20 The Chamber may hear the comments by other experts appointed by
21 the Chamber to examine Mr. Nuon Chea's health condition, if needs
22 be. But we are not going to hear more from you on this.

23 MR. SON ARUN:

24 Thank you, Mr. President, for the instructions and advice. I
25 would like to proceed to another point.

5

1 MR. PRESIDENT:

2 You are not allowed to make further comments concerning the
3 medical condition of the accused, Nuon Chea. The Chamber wishes
4 to leave it to the medical doctors at the Khmer Soviet Friendship
5 Hospital who are on duty to give medical care service to Mr. Nuon
6 Chea, and they are appointed by the Chamber.

7 [09.38.54]

8 Unless you have other issue to raise, you are not allowed to go
9 back to the same medical issue of the Accused.

10 MR. SON ARUN:

11 I would like to also have another point to raise, which is not
12 relevant to the medical report.

13 We received a letter from Mr. Claude -- the letter was sent to
14 Mr. Phalla Prum that Mr. Nuon Chea would be discharged from the
15 hospital at 2 p.m. The letter itself took us by surprise.

16 MR. PRESIDENT:

17 Though you said it's not relevant to medical issue, it is, and
18 the Chamber already receives the note and that when Mr. Nuon Chea
19 is to be discharged from the hospital and he shall be under the
20 supervision of the Chamber when he is here at the detention
21 facility. So, the treating doctors who are on standby or on duty
22 at the Chamber, will take good care of him. So, you should not be
23 too worried about Mr. Nuon Chea's health condition now, as we are
24 informed.

25 [09.40.22]

6

1 And, again, unless you have any other issue to -- you wish to be
2 heard then you may be asked to sit down.

3 MR. SON ARUN:

4 Nuon Chea's counsels have another request. Our humble request is
5 that before Nuon Chea is discharged from the hospital, could
6 doctors be summoned to appear before the Chamber so that parties
7 could ask him some questions concerning his health condition
8 before he could be returned to the Court, please?

9 MR. PRESIDENT:

10 The Chamber has made it clear, this is not the expected
11 procedures and the Chamber sees there is no need to do that and
12 we take that request as inappropriate.

13 Co-Prosecutor, you may proceed now.

14 [09.41.32]

15 MR. ABDULHAK:

16 Thank you, Mr. President. Good morning, Your Honours. Good
17 morning, Counsel, and members of the public.

18 We continue this morning our presentation of documents relevant
19 to the role of the accused, Khieu Samphan. And by way of a brief
20 recap, yesterday afternoon we looked at the interviews between
21 Khieu Samphan and the Co-Investigating Judges, and we then
22 proceeded to look at the issue of his attendance at the meetings
23 of the leadership of the Communist Party of Kampuchea, as
24 evidenced by the surviving records. And we then proceeded to
25 present documents that relate to the establishment of Democratic

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1 Kampuchea, the resignation of Norodom Sihanouk, and the
2 appointment of Khieu Samphan as president of the state presidium
3 of the new state.

4 [09.42.52]

5 We saw a brief video footage which essentially contained images
6 of the return of the late Norodom Sihanouk to Cambodia in
7 September 1975.

8 We now move on to the next document in this topic, and this
9 document dates from January 1976. It is a report of a speech
10 delivered by Khieu Samphan. The speech itself was delivered on
11 the 14th of December 1975. The document is found in E3/273. It is
12 a Foreign Broadcast Information Service transcription, and it is
13 entitled "Text of Deputy Prime Minister Khieu Samphan's Report on
14 the New Draft Constitution delivered at 14 December 1975, Third
15 National Congress in Phnom Penh Recorded", and if we look at that
16 document, Your Honours -- and we will try and display it on the
17 screen for the public and other Khmer speakers. What is important
18 or relevant about this document is that it, essentially, reflects
19 the role played by Khieu Samphan in the creation of the new state
20 and its institutions and it also reflects some of the principles
21 which underpin the new state.

22 [09.44.56]

23 Now, if we start at Khmer ERN 00657438; French, 00725796; and
24 English, 00167811, we see an important passage here, because it
25 discusses the previous National Congress, the second National

1 Congress about which we have already heard evidence. This is the
2 congress held in February 1975, which, according to the documents
3 we've seen, condemned to death the seven super-traitors, as they
4 were called. Now, this is what the document, or the report of
5 Khieu Samphan states, referring to that earlier congress:

6 "The second National Congress was then held in February and
7 stressed our domestic and foreign policies, which consisted of:
8 1) attacking and driving out the U.S. imperialist aggressors;
9 2) condemning and punishing the seven traitors, Lon Nol, Sirik
10 Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, Sosthene
11 Fernandez -- the arch antinational, arch fascist, and arch
12 corrupt traitors; and 3), upholding the stand of great national
13 solidarity."

14 [09.46.31]

15 Two paragraphs down, the document reflects on the victory of the
16 17th of April, as seen by the Khmer Rouge and states the
17 following -- quote:

18 "On 17 April 1975, our revolutionary army, people, workers,
19 peasants, and the entire nation achieved total victory. At that
20 time we faced many new tasks, including the task of protecting
21 and preserving the gains of the victory, the task of smashing all
22 U.S. imperialist plans prepared against us after they lost the
23 war and a task of solving the problems of livelihood of the
24 people..."

25 I will skip a few paragraphs now to look at some brief passages

1 that deal with principles underpinning the Constitution,
2 principles, as described by Khieu Samphan. And the first issue he
3 deals with is at Khmer ERN 00657443; French, 00725798; and
4 English, 00167813. On the issue of culture -- quote: "Our culture
5 has nationalistic and popular traits -- it is our own culture. We
6 also resolutely oppose all corrupt, reactionary classes" - or,
7 rather, "reactionary cultures of the various oppressive classes
8 and of imperialism and colonialism in Cambodia." And then,
9 "movies, magazines which used to spread the corrupt, perverted
10 culture, exists no more as they were completely wiped out from
11 Cambodia along with the foreign imperialists."

12 [09.48.45]

13 The next paragraph, continuing on, on this theme of culture of
14 the preceding regime -- quote:

15 "Look at what those Lon Nol traitors did to their followers: the
16 houses in Phnom Penh are full of unthinkable things. I do not
17 know how to describe them. These houses have no national
18 character at all. For this reason, we resolutely oppose this kind
19 of culture, because, if we allow this corrupt culture to eat away
20 at our country, it will surely affect our efforts to defend our
21 country and protect our independence and sovereignty."

22 The next paragraph, Khieu Samphan goes on to discuss the issue of
23 the collective system in the new state, and he says the
24 following: "Regarding Chapter IV, we practice a collective system
25 in transportation and labour, and such a system has been in

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1 effect for a long time now. We apply this system everywhere. We
2 did it before liberation and we continue to do it at present
3 throughout the country, in all factories, as well as at all
4 production sites."

5 [09.50.11]

6 He then goes on to discuss the institutions of the new state,
7 including the Peoples' Assembly, which he says has the power to
8 establish political lines. But in the interests of time, I will
9 move through this rather quickly and just look at the passage
10 that deals with the judiciary. This is at Khmer ERN 00657445;
11 French, 00725799; and English, 00167814. And he says the
12 following: "As you can see under Chapter VII on justice, the
13 tribunal belongs to the people, working to defend the peoples'
14 liberties and justice, and punishing all activities which run
15 counter to the state and people. This tribunal is elected and
16 appointed by the assembly of peoples' representatives."

17 [09.51.24]

18 And skipping a couple of sentences, he then deals with offences
19 as described in the Constitution -- quote:

20 "Activities defined as running counter to the laws of the state
21 are classified into two categories -- those characterized by
22 their systematic and dangerous nature to be punished to the
23 greatest degree and those of lesser importance to be dealt with
24 thorough constructive re-education within the framework of state
25 organizations or within the framework of peoples' organizations."

11

1 And the last passage I wish to read from this document is at
2 Khmer ERN 00657450; French, 00725802; and English, 00167816. This
3 deals with the issue of religion in the new state.

4 [09.52.35]

5 "Chapter XV, Article 20, stipulates that our people have the
6 right to practice whatever religion they like and the right not
7 to practice any religion at all. This is a new freedom for our
8 people. Also, as stated in our Constitution, our stand is not to
9 allow any foreign imperialists to use religion to subvert us. We
10 are determined to fight them no matter what disguises they use.
11 The imperialists continue to look for means to attack us, among
12 which is the use of a religious cloak to infiltrate our country.
13 We should thus oppose them at all costs."

14 Your Honours, the Constitution itself is on the case file, it is
15 document E3/259, and so the passages - or, rather, the Articles
16 of the Constitution can be considered in conjunction with this
17 report.

18 [09.53.49]

19 The next document we would like to briefly look at has been
20 discussed before, so we will be brief and look at only the
21 passages that relate to the role of Khieu Samphan. It is a
22 meeting, or minutes of a meeting, on base work. It's not
23 described as a minute of the Standing Committee, but it is
24 attended by both Pol Pot and Nuon Chea, as well as by Khieu
25 Samphan and other senior cadre. The document is E3/232, and it is

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1 dated the 8th of March 1976. The committee -- or the leadership
2 had met twice on this day, once to discuss broadcasting for the
3 new elections -- Khieu Samphan also attended that meeting -- and
4 then in the document we're looking at, a discussion is focused on
5 the election itself and some other matters, which we'll consider
6 briefly.

7 If we can show that document on the screen. On the first page, we
8 see the attendance, and the people attending, as I indicated
9 earlier, Comrade Secretary, or Pol Pot; Comrade Deputy Secretary,
10 of course, Nuon Chea; and Comrade Hem, or Khieu Samphan. The next
11 in line is Comrade Doeun, who, of course, has been identified in
12 evidence as the then head of the political office, 870.

13 [09.55.30]

14 If we look at that first page, Your Honours, the meeting starts
15 with a report by Comrade Hem, and the minutes state the
16 following:

17 "The report of Comrade Hem:

18 "1. Comrade Hem reported to the base regarding:

19 "The principles of the election of 20 March '76;

20 ""The objectives of the election;

21 "The method of election;

22 "The various characteristics to run for representative;

23 "The methods of education and propaganda, etc."

24 The minutes then contain a number of additional opinions and
25 explanations attributed to Angkar. Relevant for present purposes,

1 particularly in light of the adoption of a new constitution and
2 the report by Khieu Samphan, which we looked at, indicating that
3 the parliament has power to establish political lines is the
4 following passage, at Khmer ERN 00017118; French, 00323933; and
5 English, 00182630. It's a section dealing with the education and
6 propaganda where the following is stated -- quote:

7 [09.57.01]

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

13 The document is also relevant to the role of Khieu Samphan
14 because of the other matters dealt with at that meeting that he
15 was attending, and the other matters were reports by the then
16 secretaries of three sectors: Sectors 303, 106, and 103. These
17 three sectors had, of course, formed part of the North Zone,
18 which had been commanded by Koy Thuon, a member of the Central
19 Committee.

20 [09.58.14]

21 And we will be very brief on this, but to give a flavour of the
22 types of issues being reported. If we look at Khmer ERN 00182630
23 -- that was in fact the English ERN -- the Khmer ERN 00017118;
24 and French, 00323933, under the heading, "The Situation at the
25 Base" - "The Situation in 303" - quote: "Comrade Sreng reported

1 to Angkar on the activities of:

2 "A Loeun's group and their associates, 34 persons, whom the Zone
3 military have all already arrested."

4 Next point: "The group of A Uk Moeun alias Uk Hong, which
5 attempted to flee to Southern Vietnam, and four or five of their
6 associates, and asked for instructions from Angkar."

7 The next report on -- which follows immediately below, "The
8 situation in Sector 106", also discusses the enemy situation
9 under B, and here the report states that, "No clear roots of the
10 events in Siem Reap on 24 February have been discovered."

11 This would appear to be a reference to a bombing which had
12 occurred, or an explosion which had occurred in Siem Reap, which
13 is also referred to in document E3/1173. That document is an
14 instruction from Office 870 and has been considered by Your
15 Honours before, but I note it here in passing, because it relates
16 to the view of the Standing Committee that the bombing was likely
17 organized by the American imperialists. Here in this Standing
18 Committee, or in this meeting minute, we see that it is being
19 investigated, or it would appear it is being investigated and
20 reports submitted.

21 [10.00.36]

22 The next report is from Sector 103 where Comrade Hang is
23 reporting, and at the end of his report he states the following
24 -- quote: "As for the entire sector, there is no enemy activity,
25 just groups fleeing from different locations, like fleeing from

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1 303, or from Kampong Chhnang. Since January, almost 100 have been
2 arrested."

3 Angkar then goes on to give instructions, and in the interest of
4 time I will skip that passage, and it has been considered before,
5 and in particular, during the testimony of Professor Chandler.

6 But before we leave this document, and if we could have the first
7 page on the screen again, there's one aspect of this document, an
8 additional aspect that is of particular relevance, and it is the
9 attendance and the fate of those attending.

10 [10.01.36]

11 We saw earlier that the meeting was attended by Pol Pot, Nuon
12 Chea, and Khieu Samphan. The others were as follows: Comrade
13 Doeun, who, of course, is Sua Vasi, the then head of political
14 office 870. Doeun was purged. His S 21 confession is contained in
15 E3/1625. It is dated the 19th of February 1977, so less than a
16 year after this meeting.

17 The next attendee, Comrade Sreng, one of the sector secretaries
18 who we saw earlier was reporting. He was also purged. His S 21
19 confession is contained in E3/2795 and E3/135. His full name is
20 Cho Chhan alias Sreng, and the confession is dated the 3rd of
21 April 1977.

22 The next attendee, Comrade Hong, who, as we saw earlier, was
23 reporting on Sector 103, he too was killed. His S 21 confession
24 is contained in E3/2470. His full name is Bou Phat alias Hong.
25 The confession is dated the 16th of January 1978.

16

1 And, lastly, Comrade Touch, who also attended, and we see this
2 individual in a number of the minutes, and sometimes he's
3 described as a minute taker. He too was killed. His S 21
4 confession is found in E3/3702. His full name is Phouk Chhay
5 alias Touch, and the confession is dated the 30th of March 1977.

6 [10.03.53]

7 I'm just realizing that I skipped one individual just before
8 Comrade Touch. His name is Comrade Sot, also one of the
9 individuals who reported, and again, he was purged. His S 21
10 confession is found in E3/1754. His full name is Pa Phal alias
11 Sot, and the confession is dated the 19th of March 1977.

12 The relevance of this document, Your Honours, of course, insofar
13 as it relates to these individuals is that everyone attending the
14 meeting, senior people, as the minutes indicate, except for Pol
15 Pot, Nuon Chea, and Khieu Samphan, was killed in S 21.

16 [10.04.49]

17 As we move on to the next document, and this is E3/197 -- E3/197
18 -- we continue to consider the role played by Khieu Samphan or
19 documents -- what the documents say about the role played by
20 Khieu Samphan in the resignation of Norodom Sihanouk. This
21 document is described as a, "Minutes of a Meeting of the Standing
22 Committee", and it is a meeting on the issue of "The Front, 11th
23 of March 1976". We have seen it before, so we will move through
24 it fairly quickly.

25 We see on the first page of the document the sole item on the

1 agenda is Sihanouk's resignation, and the document states under
2 number 1, that "Comrade Hem reported to the Standing Committee on
3 the resignation of Sihanouk".

4 A number of opinions are then expressed in relation to the
5 intended or offered resignation by Norodom Sihanouk, and I will
6 quite briefly -- so section 2, Opinions of Angkar, under number
7 1(a), examining the reasons for the resignation, the long term
8 reason -- quote:

9 "Fundamental class conflict between him and his family and the
10 revolution. He cannot live with us. In the past, he could, only
11 as a tactic. Since we operated tactically, he could go along with
12 us. He did not just resign one time. He resigned since 1971."

13 [10.06.46]

14 And two paragraphs below that, there are further comments
15 describing this resignation, but I will move on in the interest
16 of time and skip to the section of the meeting that deals with -
17 or, rather, a resumption of the same meeting on the evening of
18 the 13th of March. This is at Khmer ERN 00000747; French,
19 00334963; and English, 00182640. It's section 3 of the report
20 entitled, "Opinions of Angkar Meeting of the Meeting of the 13th"
21 - quote:

22 "Comrade Hem reported to the Standing Committee on the Sihanouk
23 problem. He has decided absolutely to resign his position. He
24 explained that Angkar should take pity on him, that he would even
25 crawl and show the gesture of respect, whatever, just let him

1 resign."

2 There were then comments attributed to the Comrade Secretary, and
3 those comments include the following under number 3.

4 [10.08.16]

5 "Send a wire for his children to come immediately, explaining
6 that they are coming for the New Year's and the Independence
7 celebrations. We want to resolve this problem cleanly. We must
8 resolve it like this to the benefit of the revolution."

9 And the next passage, before we leave this document, is at Khmer
10 ERN 00000748; English, 00182641; and French, 00334963. And the
11 following is noted in relation to Sihanouk: "We keep him as a
12 dignitary. We do not kill him. But for the nation and the people
13 he bears serious guilt, in his status of a killer of the people.
14 Therefore, our decision is reasonable in every way."

15 And then this: "We will maintain him, but if he keeps on
16 struggling to free himself, we must end it."

17 And the next passage: "We must end feudalism, just like this. The
18 chess game has gotten to that point. The entire feudalist regime
19 has been permanently smashed and dug out by the revolution. The
20 kings existing over 2,000 years must, in the end, be clean."

21 And we will leave that document there.

22 [10.09.54]

23 Your Honours, the next record that we wish to display or put
24 before you today is a video recording. It is found in document
25 D232/110.1.1.62R. It dates from October 1975, so the period

19

1 immediately preceding this resignation, and it contains a brief
2 excerpt where Norodom Sihanouk himself describes his disposition
3 in relation to the issue of remaining the head of state at that
4 point in time. So, Mr. President, with your permission, we would
5 like the AV Unit to now play that video. In the table that the AV
6 Unit have, it is video D. Thank you.

7 MR. PRESIDENT:

8 You may proceed.

9 AV Officer, please play the video clip as per the request by the
10 Co Prosecutor.

11 (Presentation of video document)

12 [10.12.19]

13 MR. PRESIDENT:

14 Why it does not have any sound at all?

15 MR. ABDULHAK:

16 I'm not sure, Mr. President, there might be a technical glitch.
17 There should be sound. There is sound on this video. I might --
18 oh, it does sound like we have video now, so perhaps, with your
19 permission, we can attempt again.

20 [10.12.44]

21 (Presentation of audio-visual document, interpreted from French)

22 "[Narrator:] In Cambodia, President Sihanouk has decided to
23 resign. Norodom Sihanouk, who has spent five years in exile in
24 Peking, became the head of the Cambodian state, now he has
25 decided to leave Cambodia, and his decision has been confirmed."

20

1 "You are saying at the same time that you have left your family
2 since 2000 and you are now ready to abandon it?"

3 "[Norodom Sihanouk:] When the interests of my country commanded,
4 I have to leave. I don't want to be kicked in the back. I don't
5 want to be sacked. I don't want to be driven out, because I
6 haven't betrayed my country. That is why I fought, and that is
7 why I fought and I won.

8 "I am a fighter. I am like Cassius Clay, and anyone who wants to
9 engage in a match of boxing I will join him in boxing."

10 (End of presentation)

11 [10.13.55]

12 MR. ABDULHAK:

13 Your Honours, the resignation was made public and for the
14 consumption of the public, it appears that the acceptance of the
15 resignation was again issued by Khieu Samphan. This is found in
16 document E3/275. It is an excerpt, again, from the Foreign
17 Broadcast's Information Service. We only have the English version
18 at the moment, we have requested a translation. And just for the
19 record, I will indicate the ERN in English is 00167605. And I'll
20 just note that document for the record, because it purports to be
21 an acceptance issued by Khieu Samphan on behalf of what was then
22 still a -- in effect a government of a national union, and it is
23 dated, as I indicated, the 4th of April 1976.

24 [10.15.08]

25 The next document that is relevant to the activities of Khieu

1 Samphan in the establishment of a new state is E3/165. This is
2 another document that has been considered before, and in
3 particular, during our presentations on the authority structures,
4 and that was discussed on the 10th of October 2012. The document
5 is entitled, "Document on Conference 1 of Legislature 1 of the
6 People's Representative Assembly of Kampuchea", held on the 11th
7 to the 13th of April 1976.

8 And it is now displayed on the screens.

9 It is a long document. We will only look at one portion of it,
10 the portion that contains a speech delivered by Khieu Samphan.
11 The speech starts at Khmer ERN 00053610; French, 00301338; and
12 English, 00184052. And I will read briefly from it. Khieu Samphan
13 states the following -- quote:

14 [10.16.35]

15 "Today is a day to forever end the black era of the sorrowful
16 oppression of the imperialists and the colonialists, both old and
17 new, in all sectors, political, military, economic, cultural,
18 over our Kampuchean people. During that era, we lost all of the
19 soul of our nation, the true nature of our people. The views,
20 stances, laws and customs, politics, economics, culture, social
21 affairs, the way of life, everything which is reactionary,
22 corrupt, and ruffian of the imperialists, colonialists, and the
23 other oppressor classes, held down our nation tightly."

24 And then he goes on to discuss the future - or, rather, the
25 creation of a new state and the way -- state institutions and the

1 way forward -- quote:

2 "We clearly see the scale of the victory of the people, of the
3 worker-peasants and the other labourers, of our Revolutionary
4 Army, under the enlightened and magnificent leadership of our
5 revolutionary organization. We see clearly the great value of our
6 Constitution and Assembly which came out of the struggle from the
7 fresh blood of our people. Therefore, our Assembly was not
8 created by an election trick or legislative tricks, by means of
9 misguided demagogy, or by propaganda and fraud, and neither was
10 it created through begging or surrendering to the imperialists,
11 colonialists, or other oppressor classes."

12 [10.18.27]

13 That passage, of course, is relevant, Your Honours, because Khieu
14 Samphan attended those closed meetings of the leadership where
15 the nature of the parliament as a sham was discussed.

16 And before we leave this document, another brief passage, Khmer
17 ERN 00053614 to 5; French, 00301341 to 2; and English, 00184054
18 to 5 where Khieu Samphan discusses the need for revolutionary
19 vigilance in the new era -- quote:

20 "We continue to strengthen and expand the force of great
21 solidarity of the entire nation and people and to raise
22 revolutionary vigilance to a high level at all times in order to
23 go on the offensive on every battlefield, to produce in every
24 sector."

25 [10.19.36]

1 I will stop there in the interest of time, but the document
2 contains the expression of a number of principles relevant to the
3 state and the policies of the Communist Party itself. What is
4 interesting here is that this speech is then endorsed by a number
5 of representatives, including a representative of industrial
6 workers, a representative of female workers, a representative of
7 peasants from the Southwest Zone, peasants from the Siem Reap
8 sector, and lastly, by a representative of the Revolutionary Army
9 of Kampuchea.

10 Of course, as my colleague presented to you on the 10th of
11 October 2012, in this document we also see the appointment of the
12 Standing Committee of the People's Representative Assembly,
13 headed by Nuon Chea; the Presidium, headed by Khieu Samphan; and
14 the Government, headed by Pol Pot, with Ieng Sary as Deputy Prime
15 Minister responsible for Foreign Affairs.

16 The document also contains decisions to accept the requests to
17 retire of Prince Norodom Sihanouk, as well as a request to retire
18 of the previous government, and those requests and approvals are
19 at Khmer ERN 00053633, and following; French, 00301353 and
20 following; and English, 00184067 and the following pages.

21 [10.21.38]

22 The next document relevant to the role performed by Khieu Samphan
23 in this process is a decree or "Kram", in Cambodian -- in Khmer.
24 This is found in E3/260. It is a "Kram" on the determination of
25 the functioning of the People's Representative Assembly of

1 Kampuchea and of the Standing Committee of the People's
2 Representative Assembly of Kampuchea.

3 We will go briefly through this, in fact, to look at only one
4 article. Article 6 states the following: "The Kampuchean People's
5 Representative Assembly shall have the full right to determine
6 major issues." Again, a decree by Khieu Samphan issued on the 2nd
7 of May 1976 in his capacity as the President, now, of the State
8 Presidium.

9 [10.22.48]

10 We will now briefly look at the issue of the trips which Khieu
11 Samphan undertook into the countryside, in his role as President
12 of the State Presidium, where he was able to visit worksites and
13 cooperatives and various other locations. One such report can be
14 found in E3/273 -- so that is again, an extract from the Foreign
15 Broadcast Information Service. The -- a Khmer translation is
16 unfortunately not available, we have requested it. The French ERN
17 is 00725804; and 00167844 for English.

18 Rather than display the document, I will just indicate that it
19 reports a three-day tour of the North, which Norodom Sihanouk
20 undertook in January 1976 where he was accompanied by the then
21 Prime Minister of the Government of the National Union and the
22 Deputy Prime Minister, Khieu Samphan. So this trip occurred only
23 two or three months before the abolition, if you like, of the --
24 that government of National Union and the establishment of
25 Democratic Kampuchea. And here it is relevant because it records

25

1 Khieu Samphan's trips into the countryside.

2 [10.24.37]

3 Mr. President, with your permission, we have two brief video
4 recordings, which record essentially statements by Norodom
5 Sihanouk describing his return to Cambodia and his trips to these
6 cooperatives and his description of what he saw in those
7 cooperatives. The first video is D299.1.42R, and the second one
8 is D108/32.2R.

9 And with your permission, Mr. President, if I could ask the AV
10 Unit to now play the videos F and video H. They're two video
11 segments of approximately four and two minutes respectively. With
12 your permission, Mr. President, we will play them now.

13 MR. PRESIDENT:

14 You may proceed.

15 AV booth officers are now instructed to play the video clips as
16 proposed.

17 [10.26.22]

18 (Presentation of audio-visual document)

19 "[Norodom Sihanouk, interpreted from French:] When Pol Pot and
20 his army defeated the Americans and Lon Nol in April 1975, they
21 did not allow me to return immediately. Only in September did
22 they say to me, 'Come, Sihanouk, you can return as head of
23 state.' They swore they would retain me as head of state for
24 life.

25 "At the beginning, from September 1975 until April 1976, I, as

1 head of state, travelled through my country, through Cambodia,
2 together with Khieu Samphan. I saw that the communes were
3 concentration camps. I saw how work went on day and night. When
4 the moon shone, people could not sleep. Sleep was not allowed.
5 People had to work.

6 "I saw what people ate, for there was no rice. The rice was mixed
7 with maize and other things, beans, even leaves, the chopped up
8 stocks of banana plants. The diet was very, very bad. [End of
9 interpretation from French.]

10 "[Narrator:] In April 1976, Khieu Samphan took over the post of
11 chief of state and Sihanouk was placed under house arrest. How
12 did he survive Pol Pot's regime? Sihanouk has a clear
13 explanation."

14 "Norodom Sihanouk, interpreted from French:] Why? Because
15 President Mao Zedong and Prime Minister Zhou Enlai told the Red
16 Khmer leaders, Pol Pot and Khieu Samphan, in September 1975, 'You
17 will not kill Sihanouk, his wife and their children. You will not
18 kill Sihanouk, his wife and their two children'.

19 "We are the sole survivors of the Royal Family."

20 (End of audio-visual presentation)

21 [10.28.35]

22 MR. ABDULHAK:

23 And now the second segment.

24 Your Honours, I believe a brief period is required for the AV
25 Unit to set up the second segment which is approximately two

1 minutes long.

2 MR. PRESIDENT:

3 Indeed, you may proceed.

4 AV booth officers are now instructed to play this video clip.

5 [10.29.12]

6 (Presentation of audio-visual document)

7 "[Norodom Sihanouk] I did not see the killing fields. I was
8 practically a prisoner of the Khmer Rouge in the Royal Palace. I
9 was completely isolated. I saw only one man, Khieu Samphan, from
10 time to time. He came to the Royal Palace just to say, 'Hello,
11 how are you?' And I tried to get his permission and Pol Pot's
12 permission to have, for instance, on the occasion of my birthday,
13 anniversaries, I would like to have my children, my
14 grandchildren, but he said, 'No, no, no. Now, they are far from
15 Phnom Penh. They are in good health, but, please, don't have a
16 family life anymore, because now is our new Communist --
17 Communism. We will have to think of the country, the homeland
18 only. No more family life."

19 (End of presentation)

20 [10.30.28]

21 MR. ABDULHAK:

22 Mr. President, the next topic which I wish to turn to now would
23 be speeches delivered by Khieu Samphan throughout the period,
24 1975 to 1979.

25 I'm mindful of the time. Is this an appropriate time to break or

28

1 would you prefer me to continue? Thank you.

2 MR. PRESIDENT:

3 (Microphone not activated)

4 [10.30.58]

5 MR. ABDULHAK:

6 Thank you.

7 The first speech delivered by Khieu Samphan dates to the 21st of
8 April 1975. This is, of course, only four days following the fall
9 of Phnom Penh. So the timing is particularly relevant. This
10 speech is contained in another extract from the Foreign Broadcast
11 Information Service; document E3/118 -- E3/118. The English ERN
12 is 00166994 to 00166996. We have already requested the Khmer and
13 French translations and we hope they will be available shortly.
14 I will read, very briefly, two passages from this speech. It is
15 entitled, "Congratulatory Statement by Deputy Prime Minister,
16 Minister of National Defence, and Commander-in Chief, Khieu
17 Samphan to CPNLAF Units and Cambodian People", and it was
18 broadcast on the Phnom Penh Domestic Service on the 21st of April
19 1975. And this is what the speech says - quote:

20 [10.32.56]

21 "This is our nation's and people's greatest historic victory. Our
22 entire nation, people and CPNLAF, as well as people throughout
23 the world and in all friendly countries far and near, warmly
24 welcome this great victory. It has opened the most brilliant and
25 righteous path which has led the Cambodian people and the CPNLAF

1 in waging the powerful peoples' war to fight the enemy on every
2 field -- military, political, economic, and in its efforts to
3 drain the population from controlled areas -- successively
4 smashing all enemy manoeuvres, relentlessly attacking, and
5 draining the enemy of its military, political, economic, and
6 financial strength, food and rice, until it reached a point from
7 which it could not recover. Finally, the enemy died in agony."

8 And the next passage that I wish to read at Khmer -- it's English
9 ERN 00166995, looks to the future, and it says the following:

10 [10.34.33]

11 "However, there will certainly be many obstacles in carrying out
12 our task of national defence and construction which lies ahead.
13 Therefore, we must unite and continue to struggle courageously by
14 constantly increasing revolutionary vigilance and continuing our
15 firm stand of self-reliance."

16 Of course, Your Honours, the relevance of this document is that,
17 it records a speech given only days following the fall of Phnom
18 Penh. And at a time during which, according to witness testimony,
19 you've heard the evacuations were still continuing. And it is
20 relevant also in light of Khieu Samphan's claim to the
21 Co-Investigating Judges in the document we saw yesterday that he
22 felt sad about the evacuations.

23 [10.35.37]

24 The next documents which relates to the events in April 1975, and
25 I mention it here because it builds on that speech that we just

1 saw. It is a note by the late Norodom Sihanouk and it is document
2 10.18. It is written in French, it is a handwritten note. It is
3 only one page and we have requested a translation into Khmer, we
4 have an English translation and the French original available at
5 the moment. And I will read briefly from it. It was written in
6 Beijing on the 28th of March in 2007 and it states:

7 "On 17 April 1975 from Beijing, PRC, I sent to His Excellency
8 Khieu Samphan, a message of congratulation and admiration on the
9 occasion of the very great victory. Of our heroic and glorious
10 'AFNLC' Armed Forces of National Liberation of Cambodia in Phnom
11 Penh and expressed to the Khmer Rouge who are in state power from
12 now on, my desire to return without delay to our country in order
13 to be able to live among the Khmer nation and people. Now it is
14 our people that the Khmer Rouge wanted and wants at any price to
15 break from me and the Monarchy. I received from His Excellency
16 Khieu Samphan an official response in which there was a fatal
17 epidemic in Phnom Penh that obliged the Khmer Rouge to evacuate
18 people from the capital to the country side and asked me to
19 report later about my return to the country."

20 [10.37.47]

21 Again, Your Honours, this is relevant because it contains a
22 recording of statements made by Khieu Samphan, in this case, to
23 the late Norodom Sihanouk immediately upon the fall of Phnom
24 Penh.

25 As we move on now to other speeches delivered by Khieu Samphan

1 which, as we will see, contain endorsement of CPK policy and
2 decisions. The first document is the 17th of April 1976 speech
3 that was delivered by Khieu Samphan on the occasion of the first
4 anniversary of the fall of Phnom Penh. Now, the speech deals with
5 a number of matters; it is found in E3/275. So it is again a
6 Foreign Broadcast Information Service extract. I will be
7 selective in the passages given that we have limited time. We
8 only have an English version at the moment; we've requested
9 translations into Khmer and French.

10 [10.39.30]

11 At English ERN 00167631, Khieu Samphan again endorses and
12 celebrates the 17th of April victory and he says the following
13 quote in relation to the 17th of April -- quote:

14 "It was also the day the dark era which had overcast our beloved
15 Cambodia ended; it was the day when all sorts of sufferings and
16 misery of our workers and peasants, who had lived for a long time
17 in filth and misery under the oppression of the imperialists,
18 colonialists, and all stripes of reactionaries, ended."

19 The next passage immediately below is as follows: "Our people,
20 workers, peasants, and revolutionary army under the clear-sighted
21 leadership of our revolutionary organization, not only have won a
22 great victory and totally liberated the Cambodian fatherland, but
23 have also put an end to the dark era that had hung over them for
24 thousands of years and liberated themselves from the oppressive
25 yoke of imperialism, old and new colonialism, and that of all

1 other repressive reactionary classes."

2 There are several more excerpts in this document, Mr. President;
3 would you like to take a break now?

4 [10.41.16]

5 MR. PRESIDENT:

6 Yes, it is now appropriate time for the adjournment; the Chamber
7 will adjourn for 20 minutes. The next session will be resumed at
8 11 o'clock.

9 (Court recesses from 1041H to 1105H)

10 MR. PRESIDENT:

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

12 We would like now to hand over to the Prosecution. You may
13 proceed.

14 MR. ABDULHAK:

15 Thank you, Mr. President.

16 We were looking at document E3/275, which contains the April 1976
17 speech given by Khieu Samphan as chairmen of the State Presidium.

18 And we will -- I will read a couple of paragraphs which are,
19 again, relevant to consideration of Khieu Samphan's endorsement
20 and support for the policies that Your Honours are considering.

21 [11.06.45]

22 The next passage is at ERN 00167632; as I indicated, at the
23 moment, only available in English. He states the following --

24 quote:

25 "At present, our people, workers, peasants and revolutionary army

1 themselves determine their own destiny entirely independently. No
2 imperialism, colonialism, or oppressive reactionary classes can
3 determine the destiny of our people, workers, peasants, and
4 revolutionary army. Our entire nation has clearly and forever
5 written with its own fresh blood a new and brilliant page of
6 history for our race and for coming generations. Nothing can
7 erase or make us forget it. The dark past can never return."

8 [11.07.50]

9 A little bit further down, he says:

10 "The victory that our people, workers, and peasants of this era
11 have scored over the most ferocious and the most inhumane U.S.
12 imperialists is even more brilliant and splendid than the Angkor
13 temple."

14 He then goes on to discuss the state institutions which were
15 established, so I will not read those passages because they're
16 similar to the earlier speech we looked at dealing with the
17 Constitution.

18 The next passage that I will read is at ERN 00167636. And this
19 really looks to the future and the tasks before the people -
20 quote:

21 "Following the liberation, that is, from 17 April 1975 to the
22 present, our advance was made with an equally incredible speed.
23 In just one year we achieved in all aspects as much as one would
24 in 10 years.

25 "Our advance is, of course, rapid, but we still have so much to

1 do, and our road is still long. For example, we still have the
2 task of implementing our Democratic Cambodian Constitution
3 correctly, thoroughly, perfectly, and steadily; the task of
4 always maintaining the spirit of revolutionary vigilance to
5 protect and preserve our country as a whole."

6 [11.10.02]

7 This speech was delivered in April 1976. Moving forward in time,
8 Your Honours, the next document is a speech delivered in August
9 1976, this time at the 5th Summit Conference of the Non-Aligned
10 Countries, held in Colombo, Sri Lanka, on the 16th to the 19th of
11 August 1976.

12 The ERN -- the E number is E3/549. We have the English and Khmer
13 versions in full. There is a partial French translation; we have
14 requested for the rest to be translated. This is a speech given
15 at an international forum, and yet again this speech endorses
16 some of the policies of the leadership of the Communist Party of
17 Kampuchea. And I will read a couple of passages to illustrate. At
18 Khmer ERN 0065900, and English ERN 00644938 to 939, he deals with
19 the challenges experienced by the new government of Cambodia and
20 the alleged subversive enemy activities that give rise to some of
21 those challenges. He says the following -- quote:

22 [11.12.00]

23 "Besides, the enemy still carried on its attempt to destroy the
24 results of the victory of our people, as shown by the affair of
25 Mayaguez in May 1975 and the bombing of the city of Siem Reap in

1 February 1976. In spite of that, we have overcome all our
2 obstacles, undertaken actively our production work based mainly
3 on the principle of self-reliance. Since liberation, we have
4 succeeded in solving the living conditions of our people;
5 particularly, we have solved the problem of food."

6 And, towards the end of that rather long paragraph, he says the
7 following:

8 "Nevertheless, we constantly have to strengthen our revolutionary
9 vigilance, for our innumerable experiences have taught us that
10 the enemy would never give up their dark schemes to destroy our
11 revolution."

12 Again, Your Honours, there was a reference there to the bombing
13 of the city of Siem Reap in February 1976. And, as I indicated
14 earlier, that event is dealt with in the Office 870 directive,
15 where it is described in very similar terms to those we've just
16 heard. And that directive, again for the record, was document
17 E3/1173.

18 [11.13.48]

19 The next document is a record of an interview which Khieu Samphan
20 gave during his attendance at the conference in Colombo. And it
21 is document E3/608. This document is available in all three
22 languages. It is entitled "Khieu Samphan Interviewed on
23 Executions, National Problems". It is a publication -- or,
24 rather, it is a transcript of a publication that originated in
25 Italy. And the title of the original publication was "Famiglia

1 Cristiana", I believe. And this was published on the 26th of
2 September 1976. The document is relevant because it contains
3 Khieu Samphan's responses to allegations, in September 1976, of
4 mass crimes being committed in Cambodia. And, looking at Khmer
5 ERN 00635928; French, 00632566; and English, 00419841; the
6 interview has the following section:

7 "Question: Mr. Chairman, what is the present situation in
8 Cambodia?

9 Answer: "Democratic Cambodia is facing one of the most difficult
10 periods of its history. The present situation derives from the
11 fact that [ours is] a small country that has had to go through a
12 five-year war against an enemy whose strength was immensely
13 greater from any point of view.

14 [11.16.07]

15 "In a situation such as this, everyone must work if the country's
16 problems are to be resolved; this means everyone without
17 distinction and as soon as they are able to do so.

18 "Question: According to some news accounts, 600,000 Cambodians
19 lost their lives during the war. Another 800,000 perished after
20 the war. The allegation is that this latter group comprises
21 individuals who have been suppressed by the Khmer Rouge for
22 political reasons. Is there any truth to these rumours?

23 "Answer: Cambodians who lost their lives during their war number
24 more than 1 million. The story of massacres, which is being
25 publicized by sections of the Western press at regular intervals,

1 is a disgraceful slander spread by traitors who have fled
2 Democratic Cambodia. Now many of those Cambodians who had fled to
3 France have returned to their country willingly.

4 "Question: Have you conducted regular proceedings against war
5 criminals, or have you quickly liquidated those who were unable
6 to escape from Cambodia?

7 [11.17.28]

8 "Answer: Why must we always talk about these things? The
9 criminals had committed such crimes against Democratic Cambodia
10 that they deserved the most vigorous abhorrence; after all, this
11 is what the people wanted. I wish to be very emphatic about this:
12 the revolutionaries are no assassins.

13 "Question: Mr. Chairman, please extend me the courtesy of
14 answering my question...

15 "Answer: Those traitors who remained in Democratic Cambodia have
16 been executed.

17 "Question: What is the present population of Cambodia?

18 "Answer: The present population of Cambodia is 5 million.

19 "Question: At the start of the war, there were 7 million people
20 living in Cambodia. If 1 million died in the war, what happened
21 to the rest?

22 [11.18.29]

23 "Answer: It's incredible how you Westerners care about what
24 happens to war criminals. In any case, if you want an accurate
25 count, you must consider the number of Cambodians who have left

1 for Thailand, France, the United States, and other countries."

2 And, finally, before we leave this document, a passage at Khmer
3 ERN 00635931; French, 00632567; and English, 00419843:

4 "Question: How is it possible for a people as traditionally
5 individualistic as the Cambodian people to accept a system of
6 government that reduces everyone to the same level?

7 "Answer: We have just emerged from a war that destroyed
8 three-fourths of the country, a war that was provoked by
9 capitalist imperialism. In such a situation, the question of
10 individualism would be an inconceivable luxury.

11 "Question: The Cambodian people have always been very religious.
12 Does the new government respect freedom of religion?

13 "Answer: The new constitution respects freedom of religion as it
14 respects all other beliefs. Of course, this does not imply
15 respect also for some old privileges enjoyed by the religious
16 class or by others. Just like everyone else, even Buddhist monks
17 have the duty and obligation to work."

18 [11.20.25]

19 That concludes the speeches given in 1976. Now, as we move into
20 1977, Your Honours, we'd like to play another video recording.

21 And this is contained in D295/2/2.65R. It apparently dates from
22 late 1977, and it is footage of a state visit by the Laotian
23 president, Souphanouvong. And, in the video, as far as we can
24 ascertain, present are Khieu Samphan, Nuon Chea, Ieng Sary, and
25 Vorn Vet -- as Your Honours are aware, another member of the

1 Standing Committee. We have six segments prepared with the AV
2 Unit, and they will be played back-to-back, Your Honours, with
3 your permission.

4 [11.21.34]

5 So, Mr. President, if you permit, we would now play videos in the
6 AV Unit's table -- videos C1, 2, 3, 5, 7, and 13.

7 MR. PRESIDENT:

8 You may proceed.

9 AV assistant, please play the video clip as per the request by
10 the Co-Prosecutor.

11 (Presentation of video document)

12 [11.28.35]

13 MR. ABDULHAK:

14 The relevance of that video, Your Honours, of course, is not only
15 that it contains footage of Khieu Samphan performing his
16 functions as head of state of Democratic Kampuchea, but also that
17 it has him travelling around the country and inspecting cadre
18 areas at various sites.

19 We're now in 1977, and the next speech that is available in the
20 case file, was given by Khieu Samphan -- is the 1977 anniversary
21 speech. This is contained in E3/201. And it was a speech
22 delivered on the 15th of April 1977. As we will see, this speech
23 deals with a number of relevant topics, including the need to
24 maintain vigilance and fight against the enemy, the allocation by
25 the central authorities of food rations throughout the country,

1 the recognition of large labour sites with tens of thousands of
2 workers, and also other relevant matters, such as the schooling
3 under Democratic Kampuchea.

4 [11.30.13]

5 We will start at Khmer ERN 00292804 to 805, French ERN 00612166,
6 and the English ERN is not available to me at present. It is on
7 the second page of this document. My printed copy does not seem
8 to have ERNs, but I will supply it immediately after the break.

9 The first passage is as follows -- quote:

10 "Immediately after liberation, when we suffered untold
11 difficulties as we had just emerged from the devastating U.S.
12 imperialists' war, the enemy failed to cause us any serious
13 trouble. Today, the enemy certainly cannot do us any harm. This
14 is our firm belief, stemming from concrete, practical evidence.
15 However, we must carry on the task of defending our democratic
16 Cambodia, protecting our worker-peasant administration and
17 preserving the fruits of our Cambodia revolution by resolutely
18 suppressing all categories of enemies, preventing them from
19 committing aggression, interference of subversion against us. We
20 must wipe out the enemy in our capacity as masters of the
21 situation, following the lines of domestic policy, foreign policy
22 and military policy of our revolution organization. Everything
23 must be done neatly and thoroughly. We must not become
24 absent-minded, careless or forgetful because of past victories.
25 On the contrary, we must further steel ourselves, remain alert,

1 constantly maintain the spirit of revolutionary vigilance and
2 continue to fight and suppress all stripes of enemy at all
3 times."

4 [11.32.45]

5 I've just been handed the English ERN for this passage. It is
6 00004165 (sic). The next passage deals with the issue of food,
7 and it states -- quote:

8 "In 1976, we managed to solve our problems and fulfil the
9 production plan. As a result, we harvested a good crop for 1977.
10 Now we can feed our people a sufficient ration, allocated by the
11 state. We even have a surplus of grain for export."

12 The relevance there, of course, is the recognition that food
13 rations are allocated by the state.

14 The next passage is a few paragraphs down, at Khmer ERN 00292807;
15 French, 00612167. And it deals with the worksites that are found
16 in Cambodia.

17 "Therefore we can see that our countryside is undergoing
18 tremendous changes. Each construction site of a reservoir, canal,
19 or dam is manned by as many as 10,000, 20,000, or even 30,000
20 workers. For this reason the work progresses quickly."

21 [11.34.33]

22 In the next paragraph: "Have these achievements been made
23 possibly by machines? No. We have no machines. We do everything
24 by mainly relying on the strength of our people. We work
25 completely, self-reliantly. This shows the overwhelming heroism

1 of our people. This also shows the great forces of our people.

2 Though barehanded, they can do everything."

3 Now, three paragraphs down from that passage, he says the

4 following:

5 "What changes have been brought to the daily life of our people?

6 The people's living conditions are directly related to the

7 national defence of Democratic Cambodia, to all endeavours aimed

8 at consolidating and expanding our worker-peasant administration,

9 and to our nation-building efforts. Our country has a small

10 population, making it necessary for us rapidly to strengthen and

11 expand our population, protect the existing forces, feed the

12 existing forces, and expand new forces. This is the political

13 line dictated by our revolutionary organization. Therefore, we

14 must nurture our people a sufficient amount of three, two and a

15 half, or two small tin cans of rice is allocated daily. Moreover,

16 there is dessert. In the past, how many times did the poor and

17 lower-middle peasants eat sweet food per month? Very rarely. They

18 could afford only green guava, and other fruits. On average, they

19 now eat dessert three times a month, which is sufficient to take

20 care of their health and fatten them up."

21 [11.36.50]

22 The next passage is at Khmer ERN 00292811; French, 00612170.

23 Effectively the next page in English from the last page we were

24 reading -- quote:

25 "Therefore, our goal is to work, serve the nation-building

1 movement and learn technical skills at the same time. Whether the
2 dams and reservoirs that we have built last only 5 or 10 years
3 does not matter. In the 5 or 10 years to come we shall be much
4 more developed, richer and more experienced than we are now, and
5 we will grasp many more technical skills than we do now."

6 And he then goes on to close the speech by referring to the need
7 to continue to uphold revolutionary vigilance. This is one page
8 down from the passages I just read. He says -- quote:

9 [11.38.10]

10 "We should be proud of our past successes, but we should not
11 become reckless, careless and forgetful because of these
12 achievements. We must, by contrast, become more humble, alert and
13 careful, and respect and follow every line of revolutionary
14 organization more steadily. If we can do this resolutely, we
15 shall certainly succeed in further strengthening and expanding
16 our successes. We must uphold our spirit of revolutionary
17 vigilance at all times against the enemy from all quarters, both
18 at home and abroad, to defend Democratic Cambodia, protect the
19 worker-peasant administration and preserve the fruits of our
20 revolution resolutely and permanently."

21 [11.39.13]

22 The next public announcement or speech that Khieu Samphan gave
23 and, that we have available on the file is found in document
24 D108/28.123. And, currently, it has not been allocated an E3
25 number. It is a statement delivered by Khieu Samphan on the 30th

1 of December 1977, and it is essentially a statement on the break
2 of relations with the Socialist Republic of Vietnam. The
3 relevance of this speech is that it contains discussion of
4 alleged Vietnamese subversive activities in Cambodia, and
5 attempts to stage coups d'état, which, as Your Honours are aware,
6 are a recurring theme in the statements of the leadership,
7 particularly when it comes to the policy with respect to enemies.

8 [11.40.40]

9 The passages I wish to refer to begin at Khmer ERN 00229017;
10 French ERN 00345466; and English, 00166065. Here, Khieu Samphan
11 discusses the armed clashes between the Vietnamese forces and
12 Cambodian forces in late 1977. And he goes on to consider the
13 reasons for these clashes and the alleged aggression by the
14 Vietnamese forces. He says the following -- quote:

15 "What are the causes which led the SRV Armed Forces to carry out
16 this aggression, destruction, and plunder in the territory of
17 Democratic Cambodia and against the innocent Cambodian people?
18 According to the true and innumerable proofs, and according to
19 Vietnam's strategic basis, the causes are as follows:

20 "The immediate reason is that the aggressive SRV Armed Forces
21 have carried out such acts of violation and aggression against
22 the Cambodian territory in order to plunder rice and livestock
23 from the Cambodian people to help solve their hunger problem."

24 [11.42.19]

25 Two paragraphs down -- quote: "But the basic cause is the fact

1 that the SRV, for a long time, has held the strategic aim to
2 include Cambodia as a member of the Vietnamese-dominated
3 Indochinese Federation. Adhering to this strategic basis, the
4 SRV, for many years, has carried out activities to exert
5 pressure, force, and provoke Cambodia in order to prevent
6 Cambodia from existing in independence and sovereignty."

7 In the next paragraph, which is number 3, the following passage
8 occurs:

9 "Because of Cambodia's correct stance, the SRV has carried out
10 many manoeuvres, and committed several criminal acts, including
11 inciting a handful of Cambodian traitors to create a new party as
12 its tool in order to destroy the KCP, the Cambodia Communist
13 Party. And when they set up their sanctuaries in Cambodian
14 territory -- since 1965 and especially in the period following
15 the 18 March 1970 coup d'état -- the SRV secretly appointed a
16 group of evil men and turned them into a special Cambodian army
17 as its instrument on Cambodian soil, creating a special Cambodian
18 state administration to oppose and attack the Cambodian
19 revolutionary state power under the KCP's leadership, to divide
20 and destroy the Cambodian Revolutionary Army, and so forth.
21 However, these plans of Vietnam were successfully defeated" --
22 or, rather, "successively defeated by the Cambodian people and
23 the Cambodian Revolutionary Army from 1965 to 1975."

24 Three paragraphs down, he looks at 1975 and 1976. This is at
25 Khmer ERN 00229020; French, 00345468; English, 00166067. It's a

1 brief passage, but relevant -- quote:

2 "In 1975 and 1976, Vietnam continuously conducted aggression and
3 carried out criminal activities in an attempt to stage a coup
4 d'état, overturning Democratic Cambodia through a handful of
5 traitorous forces which were Vietnam's agents."

6 [11.45.38]

7 Part of the relevance of this particular speech, Your Honours, is
8 that the confessions of Vietnamese soldiers which were broadcast
9 in this period and which we have put before you in previous
10 hearings, contain similar allegations against Vietnam,
11 allegations of subversion and attempts to effect a coup d'état
12 against the communist leadership in Cambodia.

13 The final speech that we would look at is the 1978 anniversary
14 speech, delivered by Khieu Samphan. And this is found in document
15 E3/169. It is also contained in E3/562. I will be reading
16 initially from E3/169. It is a "speech delivered by Comrade Khieu
17 Samphan, Chairman of the State Presidium of Democratic Kampuchea,
18 at the mass meeting held on the occasion of the 3rd anniversary
19 of the grandiose victory of 17 April, and the founding of
20 Democratic Kampuchea". The speech is relevant because it
21 contains, again, endorsements of, and support for, the policies
22 of the Communist Party leadership. The speech opens with a
23 discussion of the grandiose victory of the 17th of April, and
24 I'll read one illustrative passage, found at Khmer ERN S00704515;
25 French, S00004802; and English, 00280389. And the passage is as

1 follows -- quote:

2 [11.48.10]

3 "Now, our working-class, peasantry, and Revolutionary Army are
4 complete masters of their own destiny, which they enjoy in all
5 independence and sovereignty. No imperialists, no colonialists,
6 and no class of exploiters and reactionary forces can again
7 decide the destiny of our working class, our peasantry and our
8 Revolutionary Army of Kampuchea. The honour and dignity of the
9 working class and peasantry of Kampuchea that have been dragged
10 in the mud for thousands of years have been brilliantly restored.
11 The dark era is now a thing of the past and will never resurface
12 again."

13 The next passage again returns to the theme of alleged Vietnamese
14 subversive activities and the concern of the leadership with
15 those activities. Khmer ERN S00704517; French, S00004803; and
16 English, 00280391; quote:

17 [11.49.40]

18 "Concerning the eastern border: fighting between us and Vietnam
19 is fierce and persistent because Vietnam is devoured by the
20 sinister ambition to annex Kampuchean territory according to its
21 plan of the, 'Indochinese Federation', which it is obstinately
22 implementing. This year, fighting has been fiercer than last
23 year, the reason being that Vietnam's tactics to annex Kampuchea,
24 especially its subversive, spying, infiltration activities and
25 coup attempts to overthrow the Communist Party of Kampuchea and

1 the Government of Democratic Kampuchea, have all been woefully
2 defeated."

3 The next passage I wish to read calls on the army to eradicate
4 the Vietnamese invader. It is at Khmer ERN S00704519; French,
5 S00004804; and English, 00280392. It is a single, long sentence
6 that reads as follows:

7 [11.51.15]

8 "We are all determined to draw inspiration from the noble and
9 sublime revolutionary heroism of our Revolutionary Army by always
10 raising higher and rendering as solid as steel, our revolutionary
11 patriotism and our revolutionary pride in our nation, our people,
12 our Revolutionary Army, our revolution, and our Party, by
13 resolutely placing the interests of the nation, the class, the
14 people, and the revolution above personal and family interests,
15 and mobilizing all our efforts to accomplish all the tasks
16 entrusted to each of us by the Party, and contributing through
17 our daily activities, to radically eliminate forever from the
18 territory of Kampuchea, all enemy aggressors, especially Vietnam
19 the aggressor, eager to grab and annex our territory."

20 [11.52.30]

21 The next passages deal with the importance of political
22 indoctrination, or importance of teaching of politics, to the
23 cadre in the revolutionary movement. And it also relates to the
24 notion that Democratic Kampuchea is a democratic state. Khmer ERN
25 S00704522; French, S00004806; and English, 00280395 - quote:

1 "Must we learn technology and science? Certainly, but we should
2 specify that we do not study technology that is not embedded in
3 nation-building. Technical studies are closely linked to practice
4 and production. By so doing, we intend to build an independent
5 economy. We want to reinforce our present position to have an
6 independent economy, which we intend to consolidate and develop
7 in the future. That is the way to proceed, which is both
8 appropriate and scientific."

9 [11.54.00]

10 In the next paragraph, he says the following:

11 "It is by so doing that all the masses can acquire knowledge and
12 take control of their [lives - of their] own state authority -
13 [correction] - which is not the State authority in the hands of a
14 handful of individuals, as it was the case in the previous
15 regime. All the people are masters of the country, the masters of
16 the State authority, hold the destiny of the country in their
17 hands and actively participate in nation-building. Such power is,
18 therefore, very solid.

19 "We train our political and technical cadres in the revolutionary
20 movement. We are therefore sure to continue to train them as we
21 go along. If we train our cadres only in schools, detached from
22 the revolutionary movement of the masses, we would not be able to
23 meet the needs of this revolutionary movement."

24 [11.55.10]

25 Two paragraphs down, he returns to the theme of imperialists and

1 expansionists -- quote:

2 "Over the past year, our people's revolutionary forces have
3 considerably developed and grown in strength. Our people have
4 relentlessly fought to defend the country against imperialists,
5 expansionists, annexationists, and reactionary forces of all
6 sorts to lead the socialist revolution and boost production."

7 The next paragraph, he says this:

8 "At the same time, our people are increasingly satisfied with our
9 socialist collectivist regime. They have become increasingly
10 aware of the power of this regime, which can effectively defend
11 and build the country by force, and rapidly improve the people's
12 standard of living in all independence and sovereignty, while
13 relying on its own forces at the highest level."

14 [11.56.22]

15 A little bit further down, Khmer ERN S00704525; French,
16 S00004807; and English, 00280397 - quote:

17 "The fact that we successfully defended our country by smashing
18 the destructive activities of the American imperialists and their
19 lackeys, the fact that we successfully shattered the disruptive
20 activities of the expansionists, annexationists, and reactionary
21 forces of all sorts, especially the criminal acts of the
22 aggressor, Vietnam, which wants to grab and annex our territory,
23 and the fact that we have improved our economy within a short
24 time span, rapidly built our country in every domain by leaps and
25 bounds, and speedily raised our people's standard of living in

1 total independence and sovereignty, while relying on our own
2 forces at the highest level, led our friends, from near and far,
3 as well as people who love independence and justice the world
4 over to increasingly express their sympathy, and to actively
5 support us every day."

6 He concludes this speech with a call for a consolidation of the
7 victories and their further developments. He says the following:

8 [11.58.10]

9 "We have to consolidate and develop these victories, and continue
10 to forge ahead. As such, we have to relentlessly pursue the
11 struggle to accomplish the tasks of the Party, everyone in his
12 unit and domain.

13 "In concrete terms, first task: we must defend tooth and nail the
14 country, the Revolutionary, the power, the people, the Army, the
15 Party, and the Kampuchean race. We can only succeed if we
16 properly implement the Party line in external as well as internal
17 defence. All the units throughout the country must continue to
18 increase their revolutionary vigilance."

19 Earlier, Your Honours, I referred to another document which
20 contains a transcript of this speech. And that was E3/562 -
21 E3/562. And the reason this second document is of interest and
22 relevance is because it contains a number of resolutions that
23 were adopted at this mass meeting, where Khieu Samphan delivered
24 this speech. And the list of resolutions is quite long, so I will
25 quote briefly from it.

1 [11.59.55]

2 This is at Khmer ERN 00249989; in French, 00280379; and English,
3 00010563. It states, "In the field of national defence", the
4 following resolution under number 4:

5 "To expel resolutely from Cambodian territory and destroy forever
6 all the expansionist, annexationist, Vietnamese aggressors;

7 "5. To exterminate resolutely, all agents of the expansionist,
8 annexationist, Vietnamese aggressors from our units and from
9 Cambodian territory forever;

10 "6. To exterminate resolutely all CIA agents from our units and
11 Cambodian territory forever."

12 And, lastly, I'll quote number 9:

13 "To enhance the moral, physical, and mental strength of each
14 individual, each unit and the nation as a whole, and maintain
15 national unity in the struggle to exterminate the enemies of all
16 stripes; particularly the expansionist, annexationist, Vietnamese
17 enemy, in order to preserve the nation and the Cambodian race
18 forever."

19 [12.01.38]

20 Your Honours, those were the speeches that we wished to present
21 today. I would now move on to the next topic, which deals with
22 correspondence to Khieu Samphan by Amnesty International, in
23 which concerns are raised about allegations of massacres in
24 Cambodia.

25 This may be an appropriate time to break.

1 MR. PRESIDENT:

2 Yes, thank you.

3 It is now appropriate time for lunch adjournment. The Chamber
4 will adjourn until 1.30 p.m.

5 The Court is adjourned.

6 (Court recesses from 1202H to 1335H)

7 MR. PRESIDENT:

8 Please be seated.

9 Before we hand over to the Co-Prosecutors, the Chamber wishes to
10 note that according to the order to bring Mr. Khieu Samphan to
11 the courtroom during this documents hearing, and having noted the
12 time needed for the session and the Chamber would need two half
13 days to finish the hearing; however, the sessions are not yet
14 concluded. The Chamber wishes to order that Mr. Khieu Samphan
15 remain in the holding cell to observe the proceedings during the
16 course of the presentation made by Mr. Co-Prosecutor until its
17 completion.

18 The Chamber wishes to hand over to the Co-Prosecutor to proceed,
19 please.

20 MR. ABDULHAK:

21 Thank you, Mr. President.

22 And good afternoon, Your Honours.

23 [13.37.26]

24 During my last presentation, I was unable to identify the ERNs
25 for document E3/201 which was the - which was the April 1977

1 speech delivered by Khieu Samphan, so I now provide the English
2 ERNs for the record and they are -- of the relevant -- of the
3 passages that I read; they are 00419512, 513, 514, 516, and 517.
4 And, as we leave the speeches delivered by Khieu Samphan during
5 the period 1975 to 1979, I would note one further point of
6 relevance and it is the following: All of the anniversary
7 speeches were delivered after the 30th of March 1976 decision of
8 the Central Committee which, of course, has been presented
9 before. This is the document that my colleague discussed
10 yesterday, a document which issues the right to smash inside and
11 outside the ranks. It is E3/12 and of course, as Your Honours are
12 aware, it is dated the 30th of March 1976. Being a decision of
13 the Central Committee, of course, it is a decision of a body of
14 which Khieu Samphan was a member and, as I indicated, the annual
15 anniversary speeches that we looked at were all made after the
16 issuance of this decision.

17 [13.39.30]

18 The next group of documents that we will take you to, Your
19 Honours, are a small set of records that relate to reports and
20 correspondence issued by the international organization, Amnesty
21 International, which sought to bring to the attention of both the
22 Government of Democratic Kampuchea and of the world public, at
23 large, the allegations of crimes being committed in Democratic
24 Kampuchea.

25 So these documents are relevant to Khieu Samphan because some of

1 them are addressed to him in person, but of course, they're
2 relevant to all of the Accused because they are documents
3 addressed to the government and deal with the actions of the
4 government.

5 [13.40.26]

6 The first document in this -- in this collection is document
7 D84/2.5. It is dated the 20th of February 1977 - or, rather, the
8 28th of February 1977. It is a letter from Martin Ennals, who was
9 then the Secretary-General of Amnesty International, and it is
10 addressed to Mr. Khieu Samphan as President of the State
11 Presidium of Democratic Kampuchea. And I believe we will shortly
12 display a translation of this into Khmer. The original is in
13 French.

14 [13.41.20]

15 This particular document raises concerns about a repatriation of
16 a number of Cambodian citizens to Cambodia and it is -- the
17 relevant passage reads as follows -- quote:

18 "I am writing to you today, concerning a matter that is causing
19 great concern in international circles, in the hope that you can
20 provide us with your comments regarding the fate of 26 citizens
21 of Democratic Kampuchea.

22 "The 26 individuals in question, natives of Samraong in Serei
23 Sisophon district (Battambang province), are reported to have
24 travelled to Thailand on 17 October 1976. It is reported that on
25 the 23rd of November 1976, the Thai authorities handed them over

1 to the Kampuchea Democratic authorities at the Aranyaprathet
2 border post."

3 The next paragraph of that letter states:

4 "Shortly after these people were made to return, several
5 newspapers reported that they may have been executed in
6 Kampuchea. One article reported that 20 of them may have been
7 executed and that the 6 others were detained. It has also been
8 reported that the entire group may have been executed after
9 spending three days in Mongkol Borei. In view of the seriousness
10 of these accusations, Amnesty International appeals to the
11 Government of Democratic Kampuchea to launch an investigation and
12 to provide details about the fate of these 26 individuals.

13 [13.43.15]

14 "I would also like to call your attention to the persistent
15 reports that in certain case areas, Cambodian citizens are
16 subjected to threats and acts of brutality by some local
17 authorities in Kampuchea. The most alarming reports are being
18 circulated and there have been several accounts of citizens, who
19 are considered as 'enemies', by some representatives of the
20 authorities, being removed from their places of work and taken to
21 unknown destinations while their families are unaware of their
22 fate.

23 "There are also accounts of summary executions, and recent
24 reports indicate that there is a camp holding 1,200 families in
25 Phnom Thipakdei to the west of Battambang."

1 [13.44.05]

2 Further down, the letter finishes as follows:

3 "As I pointed out in my letter of 11 May 1976, Amnesty
4 International cannot comment on whether these allegations are
5 true. However, our organizations and other international
6 organizations are gravely concerned about the lack of any
7 comments by the Government of Kampuchea and are quite anxious to
8 hear your government's views. It is in that spirit, Mr.
9 President, that I hereby submit for your consideration the
10 request to allow a delegation from Amnesty International or other
11 international organization to travel to Democratic Kampuchea in
12 order to address this wide-spread concern about this issue."
13 And the letter ends with: "Accept, Mr. President, the assurances
14 of my highest consideration. Martin Ennals, Secretary-General."

15 [13.45.06]

16 Attached to the letter is a list of the 26 -- of the names of the
17 26 individuals who were handed over, according to Amnesty
18 International, by Thai authorities to Cambodian authorities.
19 We have on the case file a -- what appears to be a related record
20 and this document is E3/961 - E3/961. It is a report or a table
21 which is issued by the Democratic Kampuchea Revolutionary
22 Military Committee of Northwest Zone and it is entitled "Letter
23 to Angkar" with the attachment of a list of persons and it
24 states: "We would like to send these traitors, totaling 25, who
25 have been sent back by the Thai authorities."

1 And we will try to display this table on the screen.
2 Your Honours, when one compares the names in this table,
3 addressed to Angkar, with 25 traitors with the list in the
4 previous document, D84/2.5 -- the Amnesty International letter --
5 several of the names appear identical. So, for example,
6 individual number 1 in the table to Angkar is named Srok Yim, age
7 31; sex, male. This individual is number 4 in the Amnesty
8 International document. Number 2; Yim Let, age 39, male, is --
9 appears to be number 15 in the letter of Amnesty International.
10 [13.47.18]
11 And by way of illustration, I will continue; number 4, Bun Hin,
12 25 years of age, a male. This individual appears to be number 7
13 on the list provided by Amnesty International and so it
14 continues. Several of these names, in fact the majority, appear
15 to be identical to the individuals whose disappearance was
16 brought to the attention of Khieu Samphan by Amnesty
17 International.
18 What is also of note, in relation to the table that was submitted
19 to Angkar, is the fact that this document was considered in the
20 first trial, in the first case, and the transcript reference to
21 that -- to that document -- the reference -- the transcript,
22 rather, is D288/4.28.1 is the transcript of the 8th of June 2009
23 and in that transcript, Kaing Guek Eav, alias Duch--
24 MR. PRESIDENT:
25 Mr. Co-Prosecutor, could you repeat that ERN number again?

1 MR. ABDULHAK:

2 Certainly, Mr. President. The case -- so the document number for
3 the transcript from Case 001 is D288/4.28.1; it is dated the 8th
4 of June 2009. And the confirmation by Duch that this is a -- an
5 authentic record, which bears his annotation at the end, is found
6 at the following passage of the transcript in Khmer ERN 00338771
7 to 774; French, 00338661 to 665; and English, 00338548 to 551.
8 Amnesty International continued to express its concerns about the
9 allegations of crimes committed by the Government of Democratic
10 Kampuchea and, in fact, on the 8th of May 1977, they published a
11 press release. This is document E3/3311 - E3/3311. The press
12 release refers back to the letter that we looked at earlier and
13 it says the following -- it is a one-page document.

14 [13.50.50]

15 "The international human rights organization said that in
16 February this year, it had appealed to President Khieu Samphan to
17 look into the fate of 26 Cambodian citizens forcibly returned to
18 Cambodia by Thailand in November 1976. The 26 persons, mainly
19 farmers, but including an 11-year-old child, were later reported
20 to have been executed shortly after their return to Cambodia."

21 Skipping one paragraph, the press release says:

22 "The appeal to President Khieu Samphan was contained in a letter
23 which also referred to reports alleging summary executions and
24 maltreatment of civilians by local authorities in some areas of
25 Cambodia. As with previous enquiries made by AI to the Government

1 of Democratic Kampuchea, the letter has remained unanswered."

2 [13.51.56]

3 Your Honours, we will move on to the next document now, which,
4 again, illustrates - or, rather, is relevant because it

5 illustrates the continuing efforts by Amnesty International to
6 publicize the commission -- the alleged commission of crimes in

7 Cambodia. This document is D84-Annex A-01 - D84-Annex A-01. It is

8 an extract from the 1975 to 1976 Amnesty International report

9 which appears to have been issued in 1977. The Khmer ERN is

10 00597825; French, 00607934; and English, 00004213 and the extract

11 that I wish to refer to is as follows:

12 "During the 12 months that elapsed since the Royal Government of
13 National Union Khmer (GRUNK, now called Government of Democratic

14 Kampuchea) came to power, an increasing number of reports from

15 refugees have been publicized in the international press. They

16 allege widespread execution.

17 "Earlier reports concerned seven leaders of the former Lon Nol

18 Government termed "super-traitors" and condemned to death by the

19 Second National Congress of the Cambodian People in February

20 1975. Four of the seven had fled the country before the

21 liberation army entered Phnom Penh. In November 1975, Deputy

22 Premier Ieng Sary confirmed, during a visit to Bangkok, that

23 three leaders of the former regime had been executed."

24 [13.55.05]

25 I will note, simply for the record, the next relevant document is

61

1 D313/1.2.352, which is also E3/3316; again, this is dated the
2 30th of March 1978. And, again, Amnesty International calls upon
3 the Government of Cambodia to respond to their -- to the reports
4 of alleged killings.

5 The next document is E190.1.392. This one is dated the 14th of
6 July 1978. Again, it raises reports of human rights violations
7 which have not been answered by the Cambodian Government. It also
8 refers to provisions of the Democratic Kampuchea's constitution
9 which raised concerns in terms of the protection of basic human
10 rights from the point of view of Amnesty International.

11 There are two more documents which are relevant to this issue. I
12 will only note them and I will not read from them. They are two
13 earlier letters to Khieu Samphan. They're D84/2.3 -- D84/2.3 -
14 and D84/2.4. These two documents were not on the Rule 80 list so
15 I'm not presenting them, but simply noting in passing that there
16 are additional records of correspondence that relate to Amnesty
17 International attempts to bring the allegations to Democratic
18 Kampuchea Government's attention and to have the allegations
19 addressed.

20 [13.57.03]

21 Your Honours, the next set of records which we will move to now,
22 relates to Khieu Samphan's role in relation to the functioning of
23 the Ministry of Commerce of Democratic Kampuchea. There are a
24 number of documents that are relevant to this appointment. I will
25 just note them for the record; E3/182, the 9 October 1975

62

1 minutes, which we've already referred to, where Comrade Hem or
2 Khieu Samphan is assigned responsibilities, among other things,
3 for commerce, for accounting and pricing.

4 In that document, Comrade Thuch, or Koy Thuon was assigned
5 responsibility for domestic and international commerce. Of
6 course, as we know from the record, Koy Thuon was purged. And of
7 course, Comrade Vorn, number 7 in that document, Vorn Vet, was
8 assigned responsibility for industry, railroads, and fisheries
9 and also we know from the record that Vorn Vet was purged towards
10 the end of the DK period.

11 [13.58.32]

12 I'm going to essentially build here on a presentation that one of
13 my colleagues delivered on the 10th of October 2012, where he
14 looked at the creation of the ministries, so I will not repeat
15 that information, but I will just refer to the relevant
16 documents.

17 They're E3/233, where Khieu Samphan is again assigned
18 responsibilities with respect to matters of the purchasing of
19 merchandise from abroad and a matter of banks, and document
20 E3/220 where, you will recall, Comrade Doeun of Office 870 was
21 assigned certain responsibilities in relation to commerce for
22 three months; May, June, and July of 1976.

23 That second document also contained an instruction that Comrade
24 Rith, who is Van Rith, the Minister of Commerce, was to go to
25 Hong Kong to initiate contacts for purchases.

1 And you will recall, Your Honours, that my colleague presented,
2 on the 10th of October, a number of reports to Comrade Doeun from
3 the Ministry of Commerce whereby the ministry reports to Comrade
4 Doeun on various negotiations with foreign governments and then
5 from October 1976, those reports are submitted exclusively to
6 Khieu Samphan. Of course, these are the documents that we have;
7 the surviving records.

8 As my colleague indicated, there are a total of 28 documents
9 which contain such reports, which are either addressed or
10 submitted to Khieu Samphan, and as I indicated, they spanned the
11 period from October 1976 to the end of the life of Democratic
12 Kampuchea.

13 My colleague has already shown two documents, but I will simply
14 add to that by showing a few more and we will refer to them
15 briefly, simply by way of illustrating that authority structure
16 as the documents seem to reflect.

17 [14.01.35]

18 The first document is E3/1618, which is also E3/3513. This is a
19 Ministry of Commerce report, number 0691-77. It is dated the 29th
20 of November 1977 and it relates to a visit by a Yugoslav
21 technical team to Kampong Som. Attending that meeting from the
22 Cambodian side were Comrade Rith and Comrade Lomouth who, of
23 course, is witness Sar Kimlomouth who has testified before Your
24 Honours.

25 What is interesting about this document is what it reflects about

1 the relationship between Hem and the Ministry of Commerce at
2 Khmer ERN 00002846; French ERN 00665471; and English, 00680478.

3 On that page, the authors of the report state:

4 [14.03.12]

5 "On that occasion, representative from RUDNAP company raised
6 several issues with regard to the equipment that have just been
7 delivered to Cambodia. Following your guidance, we were able to
8 settle as follows."

9 We're not going into the substance of the document because it
10 largely deals with commercial and technical issues. The report
11 ends with the following -- quote: "Kindly, Brother, serve this
12 for your information and have comment on these particular
13 issues."

14 It bears an annotation that it was already sent or that copies of
15 it were already sent to Brother Hem and Brother Vorn.

16 [14.04.12]

17 The next document in this brief series that we're putting before
18 you this afternoon is E3/1637. This is a -- again, a Committee of
19 Commerce report from the 12th of November 1978; in this case,
20 again, negotiations with the Yugoslav delegations. And, again,
21 the report ends with:

22 "I would like you, Brother, to be informed of this report and
23 give your comments as guidance. Especially, I would like to
24 invite the ministry in charge of this spare part issue to come
25 and discuss and make decision accordingly." Signed: "Committee of

1 Commerce".

2 And the document has, in the top left-hand corner, an annotation
3 indicating that it was already sent to Brother Hem, and you can
4 see that on the screen.

5 Those were negotiations with the Yugoslav delegations.

6 [14.05.30]

7 And two more documents, this time relating to the Chinese
8 delegations; the first is E3/3461, addressed to "Beloved and
9 Respectable Brother Hem". It is a report of a meeting with
10 Chinese friends on the 20 -- 28th of April 1978, attended on the
11 Cambodian side by Comrade Rith and Comrade Sae. Again, it deals
12 with technical matters and ends with the following: "I would like
13 you, Brother, to be informed and to give guiding comments". The
14 distribution line indicates that this document was submitted to
15 "Brother Hem, Brother Vorn, K-51, and Archives".

16 And finally, E3/3455, another report of negotiations with Chinese
17 representatives; this deals with exports and imports between the
18 two countries, again, issued by the Ministry of Commerce,
19 addressed to "Beloved and Respected Brother Hem." This meeting,
20 from the Cambodian side, the participants were Comrade Rith, Sae,
21 and Chheng. And again, the document seeks instructions from Khieu
22 Samphan. It is sent to Brother Hem, Brother Vorn, K-51, and two
23 copies to be stored in documents. And it is signed by the
24 Commerce Committee on the 24th of January 1978.

25 [14.07.33]

1 As we go through these documents, I would note for the record
2 that the Closing Order states at paragraph 1190 -- 1190 that
3 approximately 482 individuals from the Ministry of Commerce were
4 sent to S-21. This is a potential - or, rather, an issue of
5 relevance when considering the responsibilities, roles, and
6 contributions of Khieu Samphan; vis-à-vis, the ministry.
7 In addition to these specific reports that are addressed to Khieu
8 Samphan, the case file also contains a total of 51 -- 51 tables
9 or ledgers or records of export and import and of the -- among
10 other things, of management of a credit given to Democratic
11 Kampuchea by the Chinese Government.
12 There are 51 records here, so we will only look at a couple of
13 samples and before I do that I will indicate that, again, my
14 colleague showed or presented before Your Honours two ledgers
15 which were also addressed to Hem; they're out of this collection
16 of 51. He did this on the 18th of October 2012, and the two
17 documents are D366/7.1.487, which was a weekly report on rice
18 collected from various zones, and also document 18.68, which was
19 another ledger relating to the import and export of various
20 items.
21 [14.09.55]
22 The two documents that I wish to show you today -- again, for
23 illustrative purposes -- out of this larger collection - or,
24 rather, we may look at four, but we will be brief. First, E3/312
25 -- E3/312, and this is a ledger which deals with the use of the

1 credits to which I referred earlier from the Chinese Government.
2 The relevance here is that, it is submitted to Brothers Hem and
3 Vorn and that is apparent from the annotation on the first page.
4 The annotation is signed, again, by Rith, dated 22nd of May. The
5 document, itself, is dated the 21st of May 1978 and it is issued
6 by the Commerce Committee. What is relevant about that document,
7 in addition, again, to the reporting structure that it reflects,
8 is the exportation of rice that it records. This is at Khmer ERN
9 00072692; French, 0066510; and English, 00685468. And this ledger
10 records exportation to Madagascar of 14,623 tons of rice for the
11 year 1978, and you can see that on the screen.

12 [14.11.59]

13 Moving on to the next ledger, a similar document, dated the 20th
14 of October 1978, the document number here is E3/2515 - E3/2515.
15 Again, it is sent to Bong Vorn and Hem and we see that on the
16 first page where there's an annotation. It also deals with the
17 expenditure of the loan of 140 million Yuan, but then two pages
18 on, it records some of the exports to China. This is at Khmer ERN
19 00278318; French, 00760043; and English, 00748405. At that page,
20 item number 7, he stated: "Rice, 15 per cent; weight, 5,017
21 tons".

22 Two more documents that record the functioning of the Ministry of
23 Commerce under what appears to be supervision by Khieu Samphan
24 according to the documents. The first document is E3/1640 -
25 E3/1640. It is a letter to the Embassy of the Socialist Federal

68

1 Republic of Yugoslavia, dated the 15th of July 1978. Again, it
2 bears an annotation on the first page that it was submitted
3 personally to Brother Hem and a signature of the 16th of July.
4 [14.14.03]

5 The letter is of interest because it records -- and they are in
6 -- in the section which is now on the screen -- the arrangements
7 to export 5,000 tons of white rice and, also, among other things,
8 3,240 tons of coffee beans of variety number 1; of number 2;
9 2,610 tons, etc, etc.

10 The letter actually indicates that this export could not proceed
11 due to a technical miscommunication or a delay in reply from the
12 Yugoslav authorities. But further down, it indicates that
13 earlier, in 1977, the Ministry of Commerce had arranged an export
14 of 5,000 tons of husked rice and also quantities of coffee,
15 pepper, and peanuts to Yugoslavia through the Kampong Som port.
16 The document is signed by Van Rith.

17 [14.15.24]

18 And the last document in this brief series that we're considering
19 is E3/3533 - E3/3533. Again, it contains an annotation on the
20 first page that it was already sent to Brother Hem. It contains
21 commerce statistics and total goods exported to Chinese market.
22 What is interesting here is that it contains a full list of - or
23 a list of various ministries there on the first page from which
24 exports had been arranged.

25 The relevance of these documents, Your Honours, if I can recap;

1 in addition to the authority structure – or, rather, the
2 authority of Khieu Samphan, as it transpires from these
3 documents, in respect of the Ministry of Commerce is also that
4 the documents appear to reflect a centralized coordination of the
5 gathering of produce from around the country by the Ministry of
6 Commerce and then, of course, the exporting of that produce as
7 well as the coordination by the Ministry of Commerce with various
8 other ministries in relation to matters of import and export.
9 These are matters relevant for the purposes of understanding the
10 communications and authority structures of Democratic Kampuchea
11 and the authority of Khieu Samphan in relation to at least one
12 such ministry.

13 [14.17.18]

14 The next subset of documents, which relate to the Ministry of
15 Commerce, are on a slightly different topic; they're
16 correspondence between the Ministry of Commerce and the cadres
17 who were assigned to work in Hong Kong at a company whose name
18 has already been referred to in the course of this trial, Ren
19 Fung. And the relevance of these documents is, again, the
20 inclusion of Khieu Samphan on numerous of the records; document
21 number E3/323 – E3/323. This is the earliest record in this
22 particular subset, dated the 22nd of July 1977. It is a letter by
23 the Commerce Committee to "Beloved and Missed Comrade Sok". Sok's
24 full name is Ing Sok, as we will see in a few moments, and he was
25 one of the managers and shareholders of the Ren Fung Company in

1 Hong Kong.

2 In the top left-hand corner of that document, we see an
3 annotation which reads: "Sent to Bong Hem to check before sending
4 it to Hong Kong", so it indicates an involvement by Khieu Samphan
5 in this particular communication.

6 [14.19.11]

7 The next document is E3/334 and this one, again, is a letter to
8 Sok by the Commerce Committee, dated the 3rd of February 1978.

9 And on the first page of this document, again, there is an
10 annotation which states, "Sent to Bong Hem for comments before
11 sending to Hong Kong".

12 As we move forward, there are a number of documents in this
13 collection where Hem is mentioned or provided copies of
14 correspondence that is addressed to Ren Fung or to Comrade Sok,
15 by name, and I will read some of the relevant document numbers
16 without showing them on the screen in the interests of time.

17 The first is 21.98 and the 3rd of March 1978; then, D161/1.47,
18 from the 9th of June 1978; the next one, D161/1.4, from the 7th
19 of July 1978; then, D161/1.46, from the 3rd of August 1978; and
20 D161/1.43, 11th of August 1978. All of these are letters
21 addressed to Hong Kong to the company Ren Fung in Hong Kong or
22 Sok, the individual we saw -- referenced to earlier, and all of
23 them are also copied to Khieu Samphan by his revolutionary alias
24 Hem.

25 [14.21.41]

1 What the next series of documents reflects is an arrangement for
2 the return to Cambodia of Ing Sok and his wife and the transfer
3 of shares, in the company which they were in charge of, to
4 another individual. The picture is somewhat incomplete because we
5 don't have all the records, but I will take you through the ones
6 most relevant and indicate what their particular importance is
7 for present purposes.

8 The first is E3/1902, E3/1902, and it is addressed by Comrade
9 Krin. Comrade Krin had previously been in charge of the Port
10 Committee in Kampong Som and he's -- he is assigned that
11 responsibility in Standing Committee minutes, but here he is
12 reporting from, apparently, Hong Kong.

13 And in E3/1902, he says the following:

14 "Greetings to Respected Angkar.

15 "After having received a response from lawyers that they cannot
16 assist in transferring the names between Comrade Sok and myself
17 because the Hong Kong administration, the British, will not
18 accept the signature and stamp of our foreign ministry, I relied
19 on a Chinese person who knows French to accompany me to a law
20 firm to enquire on the law and procedures on this transfer."

21 [14.23.38]

22 And further down he states:

23 "If Angkar agrees with this opinion, please have the Ministry of
24 Commerce make the decision and the letter of transfer, as was
25 already done for me, but leave blank the space for the signature

1 of Comrade Nat so she can sign in front of the lawyer."

2 Comrade Nat, as we will see, is the wife of Comrade Sok. And the
3 document seems to reflect an attempt to transfer shares between
4 the married couple, Sok and Nat to Comrade Krin and here he is
5 seeking assistance from Angkar in that regard.

6 The next document here that is relevant in this particular series
7 is E3/1907 and it deals with problems with a transfer of shares
8 and it implies that Comrade Sok is already back in Cambodia. It
9 is dated the 27th of October 1978. It is addressed to "Lovely and
10 Missing Comrades Krin and Nat"; Krin, of course, being the new
11 appointee in Hong Kong; Nat, being the wife of Sok.

12 [14.25.00]

13 And I'll read a couple of passages. It states:

14 "We received information from Angkar about the report of comrades
15 with regard to transferring the authority between Comrade Krin
16 and Comrade Sok and the transfer of shares from Comrade Nat to
17 another comrade."

18 And then it deals with the problems of transferring the shares
19 which appear to arise from the fact that Sok is not present in
20 Hong Kong.

21 The fourth paragraph reads as follows: "With regard to Comrade
22 Nat's shares, please sell them directly to Comrade Krin".

23 A little bit further down: "If the delay relating to the transfer
24 of authority when selling shares still exists for this second
25 option, please, Comrade Nat and Comrade Krin, approach all

1 together before the Hong Kong lawyers and transfer the authority
2 from Comrade Nat to Comrade Krin by hiring Comrade Krin to be
3 responsible for the company."

4 [14.26.07]

5 A little bit further down: "No matter how you do it, the key
6 issue is to provide Comrade Krin with power to manage the company
7 as set by the rules of Hong Kong administration."

8 There are records in the case file that indicate that during this
9 period, Khieu Samphan continued to be included on correspondence
10 between the authorities in Cambodia and the company in Hong Kong
11 and one of them is E3/1771, which is also found in E3/1779; a
12 letter of the 1st of December 1978 issued by FORTRA, F-O-R-T-R-A,
13 the Cambodian registered company for trade.

14 On the 10th of December 1978, the Commerce Committee issues an
15 instruction for Nat to return to Cambodia. This is in E3/875 -
16 E3/875. It is dated the 10th of December, as I indicated, and it
17 is addressed to "Comrade Krin and Comrade Nat, with love and
18 nostalgia", and I will read a couple of excerpts from it.

19 [14.27.31]

20 "We are instructed by Angkar that Comrade Sok and Nat are to be
21 given a new task in the near future. Because the Party has opened
22 an education hall for Party cadres for the consecutive sessions
23 through 1978, comrades have been able to receive some training
24 before carrying out their new tasks. We would like to request
25 that both of you properly managed the tasks in the company and

1 jointly solve the remaining issues. Upon the completion of the
2 tasks, we would like to request that Comrade Krin help facilitate
3 a return-to-the-country trip of Comrade Nat and a child named San
4 Feng and make sure that they are safe and well."

5 And you see that letter on the screen, Your Honours.

6 "We would like to wish you both, Comrades, very good health and
7 success in your next endeavours with highly revolutionary
8 fraternity Commerce Committee."

9 So, this is a letter of the 10th of December 1978 directing
10 Comrade Nat, the wife, to return to Cambodia with her child.

11 [14.28.49]

12 The next document that I wish to present is E3/1532 - E3/1532. It
13 is a prisoner sheet from S-21 for an individual named Ing Sok,
14 the same individual who we saw addressed in those letters from
15 the Commerce Committee. And under number 3 of that document, he
16 is -- the positions he held are described as "Former Chairman of
17 land transport and commerce Chairman stationed in Hong Kong".
18 Under 11, "Place where detained; State Commerce"; and 12, the
19 date of his detention, "the 29th of December 1978".

20 The next document -- and if we could display this one on the
21 screen -- is another S-21 prisoner sheet. It is E3/1533. It is
22 the prisoner sheet of Phal Va alias Nat, so the individual we saw
23 referred to in the correspondence earlier; the wife. Her position
24 under number 3 is indicated as "Member of the Committee of State
25 Commerce stationed in Hong Kong". Her place of arrest, again,

1 State Commerce and the date of arrest, the 30th of December 1978.

2 [14.30.40]

3 In summary, having been directed to return to Cambodia on the
4 10th of December 1978, by the 30th of December 1978, Comrade Nat,
5 together with her husband, was at S-21.

6 Document E3/1533, the last one we looked at, contains also the
7 photographs of the individuals concerned placed on the case file
8 by the Co-Investigating Judges. The first two documents contain
9 pictures of Ing Sok and if we can, we will display it on the
10 screen.

11 So these are the photographs of Ing Sok during his time in
12 Cambodia. And then if we scroll down and to the next page, this
13 is Ing Sok and his wife, Phal Va alias Nat, in Hong Kong. And
14 further down, again, a photograph from Hong Kong of Ing Sok. And
15 lastly, on the last page, a photograph of Phal Va alias Nat, in
16 her office in Hong Kong and then her photograph -- a photograph
17 from her prisoner file at S-21 on the right-hand side.

18 [14.32.30]

19 That concludes the section dealing with the Ministry of Commerce
20 and the role of Khieu Samphan.

21 Next, Your Honours, we would like to turn to a set of documents
22 which contain statements by Khieu Samphan which relate to the
23 commission of crimes in Cambodia. They're relevant because some
24 of them are made shortly after the end of the Democratic
25 Kampuchea period and they reflect his state of mind or the

1 statements as made by him.

2 Document E3/628 -- E3/628 - is a "Time" magazine article entitled
3 "A Plea for International Support". It's dated the 10th of March
4 1980 and it contains a -- what is described as a rare interview
5 with Khieu Samphan.

6 We will read one portion of that interview. This begins at Khmer
7 ERN 00709453 and French ERN 00740913:

8 Question: "Do you feel that your government made mistakes during
9 the four years that the Khmer Rouge held power in Phnom Penh?"

10 [14.34.15]

11 Answer: "After our war against the pro-Western Lon Nol
12 government, we had to face many complicated problems, but we had
13 one major achievement; we solved the food problem for our people.
14 Of course there were some shortcomings; even our cadres,
15 communist officials, had their shortcomings."

16 Question: "Various estimates have been made of the number of
17 people who were killed while you were in power in Phnom Penh. How
18 many people were executed?"

19 Answer: "We never engaged in mass killings. There was no reason
20 for us to carry out this so-called genocide. Some people say we
21 killed more than 3 million; that is not true."

22 Question: "How many people were eliminated when you made your
23 revolution?"

24 "All I can say is that the number was not more than 10,000."

25 Question: "So you are saying that the almost unanimous testimony

1 of refugees in Thailand and that of other witnesses is
2 incorrect?"

3 Answer: "They are not correct. Very few people were against us;
4 that is why we have succeeded in conducting our people's war
5 against the Vietnamese invaders for the past year. We could not
6 have done this unless we had the support of the people. About
7 those executions, that is in the past."

8 [14.35.55]

9 The next document in this series of statements by Khieu Samphan
10 on the crimes committed during the Khmer Rouge period is document
11 E3/203. It is a rather lengthy transcript of a taped interview
12 with Khieu Samphan conducted by Steve Heder.

13 There are numerous relevant passages including those relating to
14 the then war with Vietnam and the government in Phnom Penh, but
15 that post-dates the '79 period, so I will not refer to it.

16 But then, the document moves on to deal with allegations of what
17 the Communist Party of Kampuchea had done, the allegations of
18 criminal activity, and they begin -- this section begins at Khmer
19 ERN 00385409; French, 00434231; and English, 00424013.

20 (Short pause)

21 [14.37.58]

22 And I'll read selectively from a passage here because it is a
23 very long document where Khieu Samphan says the following --

24 quote:

25 "However, there were innocent people whose lives were affected. I

1 would like to stress that they were affected by Yuon agents, by
2 Khmer people who were Yuon undercover agents in our authority
3 lines. Those people held important position."

4 A little bit further down:

5 "As you may know, during the First Indochina War, there were
6 Vietnamese cadres and army carrying out activities in Cambodia
7 and controlling resistance movements in Cambodia. It was when
8 they established their agents to serve their Indochina
9 strategies. Since then, year by year, those agents had gained
10 more and more important positions and they had worked undercover
11 in our movements. In 1975, it was those people who obtained
12 important positions."

13 [14.39.15]

14 A little bit further down, he discusses the incident of the
15 attempted arrest of So Phim, the East Zone Secretary. That
16 section is as follows -- quote:

17 "I would like to tell you that Heng Samrin, for example, was the
18 commander of a division that had been organized by the Yuon."

19 Question: "Since the 1970s?"

20 Answer: "Since the 1970s. I fought against him to force him to
21 return the troops."

22 Question: "When did he escape to Yuon territory?"

23 Answer: "In 1977. It was in 1977 or 1978 that we started
24 fighting."

25 Question: "Was it before the event of So Phim?"

1 Answer: "During the event of So Phim, he escaped the Yuon."

2 [14.40.14]

3 Question: "You have just mentioned that those people had
4 distorted the line. I would like to ask you whether those people
5 played a role in the formulation of policy."

6 This is a discussion -- by way of context, this is a discussion
7 of people who Khieu Samphan had alleged had distorted the policy;
8 cadres at the highest level of the Party.

9 Answer: "Yes, they had because they were important people in
10 charge of important positions. Thus, they participated in the
11 formulation of policy. Since the 1960s, we formulated independent
12 lines and principles in attempting to control the destiny of the
13 people's movement independently. At that time, those people were
14 there. They were Yuon agents. They served the Yuon Indochina
15 strategy."

16 A little bit further down: "They adapted themselves, and
17 gradually they achieved more and more important positions.

18 Between 1975 to 1978, they carried out their actions."

19 [14.41.30]

20 A little bit further down - question: "In 1975, what percentage
21 of them were in the senior ranks of the Party, in the Central
22 Committee, or in the Standing Committee?"

23 Answer: "There were many."

24 Question: "Half?"

25 Answer: "Less than half in the Central Committee, but nearly half

1 in the Standing Committee."

2 The relevance of that passage, of course, Your Honours, is that
3 numerous members of the Central Committee and the Standing
4 Committee were purged during the Democratic Kampuchea period
5 according to the evidence in the file.

6 The next passage I would read relates to the possibility or
7 question whether or not some of the arrested cadres were
8 innocent. This is at Khmer ERN 00385413; French, 00434236; and
9 English, 00424015.

10 [14.42.39]

11 Question: "I would like to ask you if, among the Party's
12 world-renowned leaders who have died since 1975, were there any
13 of them who were innocent? Were they killed because they had been
14 implicated? Or were they killed by Yuon agents?"

15 Answer: "The case did not occur to senior leaders, but it
16 occurred to some cadres."

17 Question: "Cadre..."

18 Answer: "Because the Yuon agents had accused them abusively."

19 A couple of paragraphs below that:

20 Question: "What I wanted to ask you at the time was about anyone
21 who was accused of being either CIA agents or Yuon agents. I want
22 to ask if any of them were accused of being Yuon agents in order
23 to kill them, in order to kill true patriots. Did that happen
24 among the upper echelon?"

25 Answer: "Yes. There was a comrade in the west. He was an old man.

81

1 He was accused by the Yuon agents. They were responsible for
2 that. They accused him. However, they were not successful because
3 we investigated the case in a timely manner."

4 And, before I leave that document, I will just indicate that the
5 time of the interview or the date of the interview is apparently
6 the year 1981.

7 As we move forward, a brief reference to a document I actually
8 discussed during our presentations on the historical background,
9 E3/687 - E3/687. This is a "New York Times" article dated the 9th
10 of July 1982, which recalls a response by Khieu Samphan to the
11 effect that he had participated in the--

12 MR. PRESIDENT:

13 Since it is now appropriate time for the adjournment, the Chamber
14 will adjourn for 20 minutes. The next session will be resumed by
15 five past 3.00.

16 (Court recess from 1445H until 1509H)

17 MR. PRESIDENT:

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

19 We would like to hand over to the Prosecution now, please..

20 Co-Prosecutor, please hold on.

21 Counsel for Mr. Ieng Sary, you may now proceed.

22 MR. ANG UDOM:

23 Good afternoon, Mr. President. Good afternoon to you, Your

24 Honours, and to my learned colleagues and everyone in and around

25 the courtroom.

1 I would request that the Co-Prosecutor refrain from presenting
2 documents that are supporting the facts relevant to the crimes as
3 the Accused is charged.

4 [15.11.21]

5 Here, we are in the session when we are presenting documents
6 concerning the documents E124 and E124/7.3, so the matter being
7 discussed shall be relevant to that portion. And here, we are
8 discussing about the roles, for example the role of Mr. Ieng
9 Sary. I would like that this role is presented, for example,
10 like: Mr. Ieng Sary was the Minister of Foreign Affairs or
11 minister of any of the ministries, so on and so forth.

12 With that, I would like to humbly ask again that documents -
13 exculpatory documents should be refrained from being represented,
14 because everyone should be on the same page. We are now
15 discussing about the role, the role of the Accused. That's all we
16 want to hear. So, it is important that the accused person is to
17 be informed of some allegations concerning his role during the
18 time. So, when the Co-Prosecutor's overstepping to presenting
19 documents concerning the crimes in this portion of the session,
20 we take that as inappropriate or irrelevant.

21 [15.13.18]

22 MR. ABDULHAK:

23 Mr. President, if I can respond as follows.

24 My learned friend is quite wrong about the relevant aspects of
25 the Closing Order to which these presentations are addressed.

1 And, of course, in E124/7.3, Your Honours have listed a number of
2 paragraphs which are relevant to this trial and to the role of
3 the Accused. And, specifically in relation to Mr. Khieu Samphan,
4 the paragraphs starting from 1126 and onwards deal with the
5 matters which I have been covering to date: his membership, the
6 Central Committee, participation in Standing Committee, the role
7 in relation to the Presidium, Ministry of Commerce,
8 disappearances of people he worked with, etc., etc.
9 I'm also a little bit puzzled as to why my friend is making this
10 objection now, when the presentation of Ieng Sary is well and
11 truly concluded.

12 In conclusion, Your Honours, the presentation follows closely the
13 roles of the Accused - in particular, in this case, of Khieu
14 Samphan - and it is within the paragraphs of the Indictment which
15 Your Honours are considering in this case.

16 [15.14.41]

17 MR. ANG UDOM:

18 Good afternoon, Mr. President, again. I am not, actually,
19 objecting against the presentation of documents; I only want to
20 alert to the prosecutor that it is repetitive. And in the future,
21 if he is going to do that, it's going to be repetitive, and I
22 think that in the interests of time, we should avoid this. I
23 believe that it will save a lot of Court's time if we - if we
24 pursue in this manner.

25 MR. PRESIDENT:

1 Mr. Co-Prosecutor, you may resume your presentation according to
2 your own strategy. You may proceed.

3 [15.15.25]

4 MR. ABDULHAK:

5 Thank you, Mr. President.

6 And just before the break, we were looking at document E3/687,
7 which, as I indicated, has been presented before, and I'm noting
8 it here only for - because of its relevance; it's part of this
9 period that we're looking at. It's an interview dated the 9th of
10 July 1982, with "The New York Times", and it indicates that Khieu
11 Samphan stated that he had taken part in the collective decision
12 to evacuate Phnom Penh by force - E3/687, and the relevant ERNs:
13 Khmer, 00651187; French, 006225450; and English, 00122280.

14 At this point, Mr. President, with your permission, we'd like to
15 play a brief video clip. It's approximately - it's just under
16 three minutes in length. It is from 1983, according to the
17 information on the case file, and it is an interview with Khieu
18 Samphan. The relevant document number is D232/110.1.1.6R, and in
19 the AV Unit's table, it is video E.

20 So, with your permission, Mr. President, we will play this brief
21 segment.

22 MR. PRESIDENT:

23 You may proceed.

24 The AV Unit is now instructed to play the video clip as
25 suggested.

1 [15.17.42]

2 (Presentation of audio-visual document, interpreted from French)

3 "[Journalist:] Mr. President, you know how negative the image of
4 the Khmer Rouge is. They have been associated with a true
5 genocide. They have massacred hundreds of thousands of
6 Cambodians. Do you deny all guilt in these massacres?

7 "[Mr. Khieu Samphan:] Errors were committed, but I can reassure
8 you that those errors were committed at the level of executions.
9 You can imagine how tense the situation was after the war. In all
10 revolutions there may be excesses here and there; and in the case
11 of our revolution, we cannot see any exception to the rule. There
12 were cases of personal vendetta, there were reprisals by people
13 in rural areas against people coming from the towns, and in the
14 case of all cases of revenge, we did our best to stop them and to
15 limit them. But to say that systematic massacres were committed
16 is not true. I will say no to that.

17 [15.19.23]

18 "[Journalist:] The name of Pol Pot is associated with the
19 massacres directly. When you hear the name 'Pol Pot', you think
20 of a blood-sucking murderer. Do you dissociate yourself from the
21 decisions he took?

22 "[Mr. Khieu Samphan:] Like all of us, Pol Pot is a sincere
23 patriot. He loves his people, he loves his country, as I do, and
24 the people as well. Our people know that we committed errors, one
25 error or the other, but they also know that we, all of us,

1 sacrificed ourselves for our country and for our people. That the
2 people know as well, and that is what explains the fact that, in
3 spite of everything..."

4 (End of presentation)

5 [15.20.39]

6 MR. ABDULHAK:

7 Thank you, Your Honours.

8 The relevance of that document, of course, is the discussion by
9 Khieu Samphan of the causes that led to the crimes, of his own
10 role in relationship also with Pol Pot

11 The next document that we would take you to is document E3/703 -
12 E3/703 - and it is dated the 15th of July 1987 - 15th of July
13 1987. It is issued by the Office of the Vice-President of
14 Democratic Kampuchea in charge of Foreign Affairs, an office held
15 at that point in time by Khieu Samphan. The document is entitled
16 "What Are the Truth and Justice about the Accusations against
17 Democratic Kampuchea of Mass Killings from 1975 to 1978?" Again,
18 it's a rather long document, so we will just quote from it
19 selectively the portions where the atrocities and the
20 responsibility of the authorities for those atrocities are
21 discussed.

22 [15.22.07]

23 The document denies that the government was responsible for a
24 large number of deaths under - during the Khmer Rouge period, and
25 it - the first relevant passage is at Khmer ERN 00700550; French,

1 00693794 and following; and English ERN 00004001. And the section
2 is entitled "The number of people who died from various factors
3 during the 1975–1978 rule of Democratic Kampuchea". Number 1:
4 "The number of people who died from illness and food shortage" –
5 quote:
6 "According to preliminary but careful assessments, the number of
7 people who died from illness and food shortage during the
8 three-year period throughout the country amounted to more than
9 20,000, of which the majority were people evacuated from the
10 cities who were not used to hardship of the countryside.
11 "The food shortage had been mainly caused by the Vietnamese
12 agents infiltrated in our state organs who carried out activities
13 of sabotage, especially to destroy medicines and other materials
14 and stole tens of thousands of tons of rice each year from 1975
15 to 1978 and sent them to Vietnam..." End of quote.
16 [15.23.54]
17 The next section deals with another source of deaths. It is at
18 Khmer ERN 00700551 to 552; French, 00693796 to 7; and English,
19 00004002, under item 2, "The number of people who died from
20 Vietnam's agents in violation of the state policy" – quote:
21 "As a result of such criminal activities of Vietnam's agents,
22 10,000 people died. Vietnam and their agents had the plan to kill
23 as many as possible but they could not implement their plan at
24 will because the overwhelming majority of our cadres were
25 dedicated people who enjoyed the support of the people." End of

1 quote.

2 The next section is particularly relevant; number 3, "The number
3 of people who died from our mistakes". And I'll quote from a part
4 of that section – quote:

5 "The situation got all the more confuse of the subversive
6 activities of Vietnam's agents. Thus, in our measures to arrest
7 and punish those of Vietnam's agents, we committed mistakes that
8 affected the lives of minor offenders or innocent civilians. From
9 1975 to 1978, over 3,000 people died in this category.

10 "As we were able to get rid of Vietnam's agents infiltrated in
11 our state organs, we were also able to progressively prevent such
12 mistakes."

13 [15.25.52]

14 A little bit further down, he discusses how the number of deaths
15 or arrests was reduced – and I quote:

16 "Besides, we had also a lenient policy towards the enemy of the
17 nation and people, and we implemented it as follows:

18 "Number 1: To educate those whom we had concrete evidence that
19 they were enemy's agents.

20 "Number 2: To relieve them of their duties and send them to work
21 in cooperatives or state farms like ordinary people so that they
22 could educate themselves.

23 "Only a small number of Vietnam's agents who continued to
24 systematically carry out activities to overthrow Democratic
25 Kampuchea were arrested, imprisoned, and sentenced."

1 [15.26.49]

2 The next section, number 4, deals with "The numbers who died as
3 part of the struggle against the traitors". I quote here:

4 "The number of people who died from the struggle against the
5 enemy, especially in June 1978, was only in dozens.

6 "We were able to keep this figure low because when we took
7 measures to arrest the traitors, we did not send whole army units
8 to arrest the entire centres or departments or zone and
9 provincial headquarters. We arrested one or two at a time."

10 And then he goes on to discuss the arrest of So Phim.

11 The relevance of these passages, Your Honours, is the discussion
12 of centralized, or what appears to be centralized -
13 acknowledgement of a centralized policy and efforts to arrest the
14 enemies.

15 [15.27.58]

16 Then there are concluding remarks on the Democratic Kampuchea
17 rule and on the control exercised by the Communist Party during
18 the period. This is at Khmer ERN 00700556; French, 00693798 to
19 799; and English, 00004004 - quote:

20 "As for the loss of lives of the Kampuchean people by any means
21 during that period, it is still small in comparison with other
22 countries in the world whether during big historical changes or
23 peaceful time. Even though we had to face Vietnamese subversive
24 activities in Kampuchea and their acts of aggression at the
25 border, we always relied on the people to crush these subversive

1 activities and to defend our country."

2 A little bit further down: "We were able to do so because of our
3 confidence on the people and of their support and because we were
4 fully in control of the situation through the people in various
5 departments and in the cooperatives."

6 [15.29.29]

7 Lastly, on the following page in all three languages, he
8 concludes as follows - quote:

9 "To be fair, the number of people who died in Kampuchea from 1975
10 to 1978 is less than people who died by car accidents in some
11 countries where each year 30,000 or more died from road
12 accidents."

13 Before we leave this report, I will just note for the record that
14 the rest of it seeks to attribute 2.5 million deaths of
15 Cambodians to the Vietnamese in the period 1979 and 1980.

16 The next document, Your Honours, in which Khieu Samphan discusses
17 his role in the regime and his knowledge or otherwise of the
18 policies and crimes committed during the regime is D366/7.172. It
19 is an interview with the French newspaper "Le Monde", and I will
20 quote from two sections of this interview only.

21 [15.31.11]

22 At Khmer ERN 00002735; French, 00710202; and English, 00716438,
23 he says the following: "'Pol Pot used to talk about enemies from
24 without and from within,' he continued, 'but I found that normal
25 because we were a young revolutionary regime which had been

1 through so much.'" "

2 And in the next paragraph: "'From 1975 to 1979,' he said, 'there
3 was no debate. The politburo meetings I attended were simply Pol
4 Pot monologues.' He said that the former dictator, who died in
5 1998 in unexplained circumstances, 'started to lose touch with
6 reality' following the 1975 military victory. 'But everyone
7 within the Communist Party ranks continued to commend and
8 'endorse his actions' because he spoke of 'the threat posed by
9 the American CIA and the Vietnamese'. His explanation sounds
10 unconvincing considering the purges within the Communist
11 leadership were ongoing."

12 [15.32.36]

13 The next passage of that article - at Khmer ERN 00002738 to 39;
14 French, 00710204; and English, 00716442 - quote:

15 "Even though he acknowledges the genocide, albeit belatedly,
16 Khieu Samphan insists that he still has 'conflicting' feelings
17 about the Khmer Rouge leader. 'Pol Pot was always forthcoming
18 with me, and I can say that he regarded me as a patriotic
19 intellectual. He used to liken our relationship to that between
20 Lenin and Gorki and seemed to think that intellectuals, like me,
21 do not have both feet on the ground.' Speaking about Ta Mok,
22 whose alliance with Pol Pot was crucial, he said that he never
23 took notes during meetings. Whenever Ta Mok was reprimanded by
24 Pol Pot, he would begin scribbling on 'cigarette paper'. Asked
25 whether he was ever threatened by the Khmer Rouge leadership,

1 Khieu Samphan answered, 'To tell you the truth, never.' Even Ta
2 Mok liked me. I had no problems with him."

3 [15.34.07]

4 The relevance of that document, Your Honours, is obviously that
5 it records Khieu Samphan's apparent admissions of participation
6 in meetings, his relationship with Pol Pot, and also his
7 awareness of meetings between Ta Mok and Pol Pot or his presence
8 at those meetings, as well as the fact that he didn't feel under
9 any threat.

10 The next relevant document is E3/198. It is a 17th of August 2005
11 interview of Khieu Samphan by SOAS, the School of Oriental and
12 Asian - and African Studies of the University of London. It's a
13 short document, so I only mention it in passing. The relevant
14 contents of it include - and an indication by Khieu Samphan that
15 the Central Committee received reports from the regions, although
16 he alleges that the Central Committee could not control the
17 situation but only receive the reports. And in that document he
18 also indicates that he had become aware of arrests in the North
19 Zone after the assignment of Kang Chap to be in charge.

20 [15.35.47]

21 Before we turn to the two books authored by Khieu Samphan, I
22 would like to now play two brief - or two excerpts from a
23 documentary which we have seen - parts of which we have seen
24 before, but not these particular parts. It is entitled "Pol Pot
25 and Khieu Samphan - Facing Genocide", was produced in 2007 or

1 2008, and it contains extensive footage of Khieu Samphan and
2 interviews with him. It is document E109/2.3R, and in the AV
3 table, it is identified as video J.

4 And, Mr. President, with your permission, we will play the first
5 segment now. So, this is video J, number 1, in the AV table.

6 MR. PRESIDENT:

7 (No interpretation)

8 [15.37.18]

9 (Presentation of audio-visual document)

10 "[Narrator:] When we ask Khieu Samphan about the crimes of the
11 Khmer Rouge, he takes out a pile of papers, pages from a book
12 he's writing. He demands to read from his book first."

13 "[Mr. Khieu Samphan, interpreted from French:] First of all, most
14 of the authors had made errors in interpretation. For example,
15 authors, including Ben Kiernan, wrote that in the campaign
16 against the domination of the Vietnamese - or the Vietnamese
17 (inaudible), Pol Pot allied with Ta Mok (not interpreted). [End
18 of interpretation from French]

19 "[Narrator, in English:] (Inaudible) academic who disagrees with
20 other academics, and not like the Khmer Rouge leader he's been
21 for 25 years.

22 "[Interpretation from French - Question:] In your opinion, how
23 many people were killed during the Khmer Rouge?"

24 "[Answer:] I can't give you the exact figures. Certainly there
25 were many, but I do not believe that there was as many as 2

1 million; it's a bit of an exaggerated number."

2 "[Question:] In what way were you responsible?

3 [15.38.44]

4 "[Answer:] My personal responsibility? I didn't exert any power.

5 Perhaps, but if you are talking about responsibility, one cannot

6 accuse me of anything because I didn't know anything. Why didn't

7 I know anything? Why didn't I try to find out anything? Perhaps

8 you can blame me for that. But for me, I didn't want to know

9 because I respected the rules of the Party."

10 "[Question:] Did you feel betrayed by Pol Pot or cheated that he

11 didn't let you know?"

12 "[Answer:] No, because afterwards, still, I felt that he had

13 reasons for it. What Pol Pot really did, certainly he had reasons

14 for doing so.

15 "[Question:] And the torture centre at S-21?

16 "[Answer:] No, I had no idea about S-21. I can't say that Pol Pot

17 had created it.

18 "[Question:] But wasn't he responsible?

19 "[Answer:] Pardon me?

20 "[Question:] Wasn't he responsible for S-21?

21 [15.40.13]

22 "[Answer:] Of course, since he was the leader of the Party. He

23 either tolerated it officially or unofficially. He was the leader

24 of the Party and is responsible.

25 "[Question:] Has that changed your respect for Pol Pot?"

1 "[Answer:] I'm telling you, it is a very complex problem. You
2 can't just simply attribute guilt; you can't just say you're
3 punished and leave. It's not that simple."

4 (End of presentation)

5 [15.41.07]

6 MR. ABDULHAK:

7 We'll move on now to the two books authored by Khieu Samphan and
8 we will return later to this documentary, with your permission,
9 Mr. President.

10 But for now, looking at document E3/16 - E3/16 - this is a book
11 entitled "Considerations on the History of Cambodia From the
12 Early Stage to the Period of Democratic Kampuchea", and this is
13 in Chapter 5. It is a very long book - over 300 pages in Khmer. I
14 will only quote a few brief passages where Khieu Samphan
15 discusses his views about the Khmer Rouge movement and also about
16 the policies of the Communist Party.

17 The first passage of relevance is at Khmer ERN 00380351; French,
18 00643824; and English, 00498222. He says the following, and this
19 is by way of describing his ability to analyze the Khmer Rouge
20 period - quote:

21 "I have faith in my own general views on the movement based on
22 two things.

23 "First, I travelled with the movement for 30 years and I passed
24 through many twists and turns many times, sometimes at the peril
25 of my life.

1 "Second, I personally knew many heroes unknown to others, cadres,
2 combatants, male and female, the beloved children of the peasants
3 who sacrificed their lives for the cause of the nation and the
4 cause of social justice that they so loved and desired."

5 [15.43.17]

6 The next passage deals with Khieu Samphan's view on the arrest of
7 one of the senior cadre, Chan Chakrey, an East Zone divisional
8 commander. This is at Khmer ERN 00380444; French, 00643877; and
9 English, 00498272. And this is what he says - quote:

10 "As for Chakrey, Pol Pot had not trusted him for quite some time.
11 For example, at the 9 October 1975 meeting of the Standing
12 Committee, he remarked that even though his [Koy Thuon's]
13 division was 'strong', the political education of the combatants
14 was 'not very profound', and Chakrey himself was 'new' and had
15 his position because of 'Vietnam'. We must monitor somewhat
16 closely."

17 For fairness, I should indicate that he footnotes a reference to
18 the book of - to one of the books of Ben Kiernan.

19 But then he goes on to say:

20 "It is my understanding that Pol Pot's saying this in front of
21 the Standing Committee was responsible speech, not words of
22 hatred for Chakrey because of some matter. He was speaking as a
23 Party Secretary who had been monitoring Chakrey for a very long
24 time."

25 [15.44.51]

1 The next passage with respect to the arrest of Chakrey and others
2 connected, or suspected of being connected to him: Khmer ERN
3 00380454; French, 00643883; and English, 00498277 - quote:
4 "Because of the clear interference of the Vietnamese that I have
5 repeatedly described above, I wish to take this opportunity to
6 make an observation: The evidence Philip Short provided about the
7 Vietnamese having created the Khmer 'Rumdos' movement, together
8 with the evidence that other researchers have discovered, makes
9 it clear that all of Pol Pot's monitoring, following his 3-7-8
10 principle, of Chakrey, Chhouk, Ya, and the other cadres who had
11 cooperated with the Viet Minh, was correct. Thus, Philip Short
12 was incorrect when he wrote 'The role of Prison S-21 and the
13 confessions was not primarily to provide information, but rather
14 to provide the 'proof' of treason that they needed to arrest
15 anyone they had already decided to arrest.' The policy of
16 independence from Vietnam required the implementation of absolute
17 policies inside the country..."

18 [15.46.33]

19 In the next section of the book - of this chapter, Khieu Samphan
20 analyses the confessions of Koy Thuon alias Thuch and his
21 understanding of what was happening in relation to Koy Thuon's
22 arrest and those of his associates - Khmer ERN 00380457; English,
23 00498279; and French, 00643885 - quote:
24 "As I understand it, in these responses there were three primary
25 themes that may have caught Pol Pot's attention.

1 "These confessions may have led Pol Pot to believe even more that
2 he's arresting Ya was not wrong, and Ya may have been an
3 individual that played an important role in the new party that
4 they were setting up."

5 Second: "But the issue that Pol Pot may have noticed most of all
6 was related to the confession of Koy Thuon, meaning Doeun of
7 Office 870 having given to Ya secret information of the Standing
8 Committee on a matter of Vy and Lao, the secretary and deputy
9 secretary in Rattanakiri. Aside from Doeun, no one had known-"

10 MR. PRESIDENT:

11 Mr. Prosecutor, could you please pause?

12 (Judges deliberate)

13 [15.56.08]

14 MR. PRESIDENT:

15 I hand over to Judge Silvia Cartwright. You may proceed, Judge.

16 JUDGE CARTWRIGHT:

17 Yes. Mr. Prosecutor, this is a general announcement, so it
18 doesn't specifically concern you.

19 The President has asked me to inform the parties and the public
20 that we have received a medical report in respect of Nuon Chea,
21 and it recommends that he have a period of rest for two weeks.
22 And, following a request by the Chamber for clarification, this
23 was confirmed to be that he must rest completely, that he cannot
24 follow from the holding cells. So this means that the Chamber has
25 to consider how it might proceed next week.

1 The first issue is this, that the document hearing in relation to
2 Khieu Samphan is not yet concluded and we won't proceed any
3 further with that this afternoon. So that will be the first
4 matter to be resumed on Tuesday.

5 [15.57.30]

6 Counsel for Mr. Nuon Chea, I have a couple of queries for you.

7 The first is this: we're not asking for any waivers in respect of
8 the first witness scheduled for next week, but there are two - a
9 witness and a civil party that we would like to have some
10 indication from you concerning. We certainly appreciate that you
11 can't react immediately, but in the circumstances, we ask that
12 you keep the Court informed over the weekend.

13 The first of these is TCW-100, who is part heard - in other
14 words, his testimony has not yet finished. We understand that he
15 will take between one and two days to conclude, and it may be
16 that Nuon Chea is prepared to waive his right to be present in
17 respect of that witness.

18 The next one is TCCP-116. It's clear to the Chamber that on many
19 occasions the parties do not wish to examine civil parties very
20 closely, and it occurs to us that this may be another possible
21 opportunity for a waiver by Nuon Chea. In respect of that civil
22 party, that person is either here already or is flying from
23 Europe, so it would be really helpful to have some indication as
24 soon as possible.

25 [15.59.20]

100

1 So, President, I think that's everything that you wanted covered?
2 Simply to ask to assist the Trial Chamber as much as you can, Mr.
3 Koppe, as I know you will, to give as much notice as possible.
4 And there seems to be one other matter. Oh! The presentation of
5 Khieu Samphan documents. Obviously, that includes the opportunity
6 for the parties to comment on those documents. It's not simply
7 finishing the presentation by the prosecutor; it incorporates the
8 rest of the part of the process, as well.

9 I think that's everything now?

10 (Short pause)

11 [16.00.35]

12 MR. KOPPE:

13 Mr. President, Your Honours, one practical issue and one issue
14 already in response to your queries.

15 As you know, tomorrow and Monday the Court is closed, and there
16 might be practical difficulties in speaking to our client. I
17 think my colleague, Son Arun, is there right now. Maybe we could
18 arrange for something in order to speak - I hope that that will
19 work, but I just wanted you to - to let you know that.

20 The second thing is the queries about possible waivers. I think
21 it's good to indicate that in respect of the waiver of the
22 witness, Mr. Rockoff, Mr. Nuon Chea was quite clear, while
23 instructing us, that this was a waiver - that the waiver had to
24 be seen as an exception. I don't think he will have the same -
25 probably have the same position when it comes to civil parties.

101

1 So, I am inclined to say, of course without having spoken to him,
2 that he might agree to a waiver in respect of the civil party,
3 but not necessarily in respect of Witness TC-100.

4 [16.02.05]

5 JUDGE CARTWRIGHT:

6 Yes, thank you for that early indication, Mr. Koppe. The Chamber
7 fully understands the position and has suggested only two names
8 which may provide an opportunity for a waiver. I emphasize that
9 the Chamber has not indicated any suggestion of a waiver for any
10 of the others.

11 Thank you.

12 (Judges deliberate)

13 [16.03.27]

14 MR. PRESIDENT:

15 The time is now appropriate for the day's adjournment. The
16 Chamber will adjourn now and resume on Tuesday, the 5th of
17 February 2013, starting from 9 o'clock in the morning.

18 And the hearing schedule for the 5th of February 2013, as Judge
19 Cartwright advised the parties, we are going to hear the key
20 documents concerning the roles of the co-accused Khieu Samphan,
21 to be presented by the prosecutor, together with the observations
22 as well as objections and responses by other parties. And, if
23 time allows, we are going to hear the civil party or witnesses.
24 And the Chamber, just now, asked the defence team for Mr. Nuon
25 Chea, and we will assess the situation as it unfolds.

102

1 The security guards are now instructed to bring the Co-Accused,
2 Mr. Ieng Sary and Mr. Khieu Samphan, back to the detention
3 facility and bring them back to the courtroom on the 5th of
4 February 2013, at – before 9 o'clock in the morning. As for Mr.
5 Ieng Sary, he will remain in the holding cell downstairs, where
6 the audio-visual equipment is linked for him to observe the
7 proceeding remotely.

8 The Court is now adjourned.

9 (Court adjourns at 1605H)

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