



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): 09-Dec-2011, 14:17  
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 December 2011

Trial Day 4

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

The Accused: NUON Chea  
IENG Sary  
KHIEU Samphan

Lawyers for the Accused:

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Michiel PESTMAN  
Andrew IANUZZI  
ANG Udom  
Michael G. KARNAVAS  
Arthur VERCKEN  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:

DUCH Phary  
Matteo CRIPPA  
DAV Ansan

For the Office of the Co-Prosecutors:

CHEA Leang  
Andrew CAYLEY  
CHAN Dararasmey  
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Lawyers for the Civil Parties:

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Élisabeth SIMONNEAU-FORT  
SAM Sokong  
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MOCH Sovannary  
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VEN Pov  
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For Court Management Section:

UCH Arun

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THE ACCUSED MR. NUON CHEA

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French
MR. SON ARUN	Khmer
MR. VERCKEN	French

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

2 (Court opens at 0903H)

3 (Judges enter courtroom)

4 MR. PRESIDENT:

5 Please be seated. The Trial Chamber declares the proceedings on  
6 the substance to be continued in Case 002.

7 [09.04.29]

8 As the Trial Chamber advised the parties and the public on the  
9 23rd of November 2011, the substantive hearing on evidence in  
10 Case 002 will continue from December -- the 5th of December 2011  
11 onward.

12 Mr. Duch Phary, could you report on the attendance of the parties  
13 to the proceedings today?

14 THE GREFFIER:

15 Good morning, Mr. President.

16 The Co-Prosecutors are all present.

17 The Defence counsels for the Accused are present, except Counsel  
18 Victor Koppe. Counsel for Ieng Sary is present. Counsel for Khieu  
19 Samphan is present -- only the national lawyer is present;  
20 international lawyer is absent. Ieng Sary, Khieu Samphan are  
21 present.

22 Civil party lawyers and Lead Co-Lawyers for the civil parties are  
23 present.

24 [09.06.14]

25 Please be informed that, during this hearing session, the Defence

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1 counsel for Nuon Chea comprised only -- comprises counsel Andrew  
2 Ianuzzi, who had already been recognized by the Chamber on a  
3 decision issued by the Trial Chamber.

4 The Chamber would like to note that civil party co-lawyer,  
5 Christine Martineau, has not yet been recognized by the Chamber  
6 and she is present.

7 MR. PRESIDENT:

8 Thank you, Mr. Duch Phary.

9 [09.07.08]

10 Next, before we proceed to the examination of evidence in this  
11 case, this Trial Chamber must conclude the following procedural  
12 formalities: the recognition of international lawyers, those  
13 lawyers who have not yet been recognized by the Chamber.

14 Pursuant to Rule 22.2(a) of the Internal Rules, the Trial Chamber  
15 invites Mr. Pich Ang to ask for recognition of co-lawyers for the  
16 civil parties who have not yet been recognized by the Chamber.

17 MR. PICH ANG:

18 Mr. President, Your Honours, we have with us Mrs. Christine  
19 Martineau. She has already registered with the Bar Association in  
20 France, Paris. She was already recognized before this Chamber in  
21 Case 001, but not yet recognized in Case 002, so we would like to  
22 request that she is recognized in this Court, so that she can  
23 enjoy her full privilege and rights to present -- to represent  
24 civil parties before the Chamber in Case 002.

25 MR. PRESIDENT:

1 Thank you, Counsel Pich Ang.

2 [09.08.57]

3 Mrs. Christine Martineau, you are now recognized by the Chamber.

4 And for the purpose of the proceedings before this Trial Chamber,

5 according to this recognition, you enjoy the same rights and

6 privileges as the national lawyers representing the civil

7 parties. Please be seated.

8 The Chamber notes its decision E143 recognizing international

9 counsel Mr. Andrew Ianuzzi, the Counsel for Nuon Chea.

10 According to the greffier report, he is present in this courtroom

11 today.

12 MR. IANUZZI:

13 (Inaudible) -- for Nuon Chea.

14 We do have a few preliminary matters we'd like to raise this

15 morning, before Your Honours proceed.

16 [09.10.14]

17 Mr. President, may I?

18 MR. PRESIDENT:

19 Counsel, your preliminary remark can be made before the

20 commencement of the hearing on the evidence. We are now in the

21 midst of the procedural formalities, and, for that reason, we

22 should now conclude these before we give the floor to you to

23 proceed with your remarks.

24 MR. IANUZZI:

25 Thank you, Your Honour. I would just like to note that, if those

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1 procedural formalities include the reading of the relevant  
2 sections of the indictment -- our remarks refer to that, so we  
3 would like to make them before you begin that portion of the  
4 proceedings today.

5 MR. PRESIDENT:

6 You may be seated. Because we have already indicated clearly that  
7 your remarks can be made before the commencement of the case  
8 relevant to your client and that, for the moment, we would like  
9 to proceed with the remaining procedural formalities to the --  
10 and, indeed, you will be given that floor.

11 [09.13.05]

12 The Trial Chamber wishes to remind the parties that, pursuant to  
13 an order dated the 22nd of September 2011, document E14, the  
14 proceedings in Case 002 have been severed in accordance with Rule  
15 89ter of the Internal Rules. Therefore, the examination of  
16 evidence shall proceed based on the segments notified to the  
17 parties with a document annexed to the decision E124/7.

18 In order to encourage a logical flow of proceedings, as the  
19 Accused -- rather, the Accused, followed by civil parties,  
20 witnesses and, later, experts, shall be questioned, first, on the  
21 history of the Communist Party of Kampuchea, as outlined in  
22 Closing Order from paragraphs 18 to 32, General Alleged Facts,  
23 and other paragraphs concerning the separate personal background  
24 of each Accused, namely: Nuon Chea, from paragraphs 862 to 868  
25 and paragraph 1577 to 1579; Ieng Sary, from paragraph 994 to

1 paragraph 1000 and paragraphs 1091 to 1585 to 1588; Khieu  
2 Samphan, from paragraphs 1126 to 1130 and paragraphs 1598 to  
3 1600.

4 [09.15.08]

5 The examination of the Accused in the first trial session in Case  
6 002/01 shall be limited to the alleged facts indicated in the  
7 above-mentioned paragraphs of the Closing Order.

8 With regards to the alleged facts contained in the  
9 above-mentioned paragraphs of the Closing Order, the Chamber  
10 shall order the greffier to read them out to the parties and the  
11 public before submitted them for examination.

12 Concerning the order of proceedings at trial, Rule 91bis of the  
13 Internal Rules provides that the Chamber shall determine the  
14 order in which the charges, the Co-Prosecutors, and all other  
15 parties and their lawyers may put questions to the Accused, the  
16 witnesses, experts, and civil parties.

17 In the first phase, namely the examination of the Accused, the  
18 order of examination will be as follows: the Accused shall be  
19 questioned first by the President, followed by questions by the  
20 designated Judges, by the President, and then by other Judges of  
21 the Bench, and then by the Co-Prosecutors, the civil party Lead  
22 Co-Lawyers, and the Defence teams for Nuon Chea, Ieng Sary, and  
23 Khieu Samphan respectively.

24 [09.17.13]

25 Where an accused is questioned by the Chamber and the other



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1 parties, the Defence lawyers for their accused shall put  
2 questions last.

3 The Chamber wishes, at the outset, to provide the parties and  
4 public with an indication of the sequencing of proceedings before  
5 the Chamber during this first trial session, which commences  
6 today and will continue -- or will conclude, rather, no later  
7 than 16th of December 2011. The Trial Chamber will then recess  
8 and resume on Tuesday the 10th of January 2011 (sic).

9 Following the questioning of all Accused on the history of the  
10 Communist Party of Kampuchea, as mentioned above, the Chamber and  
11 parties will then examine civil parties, witnesses, and experts  
12 concerning those alleged facts.

13 In order to avoid civil parties, witnesses, and experts being  
14 needlessly recalled during later stages of this trial, civil  
15 parties, witnesses, and experts shall be then questioned on all  
16 topics about which they may have acknowledged -- rather,  
17 knowledge, as outlined in the Trial Chamber, in Annex E124/7.1.

18 [09.18.53]

19 As a general rule, no questioning on topics not relevant to the  
20 first trial in Case 002 will be permitted.

21 Questions put to the civil parties, witnesses, and experts should  
22 follow the same order as for the Accused, as previously indicated  
23 to the parties.

24 At the end of their testimony, the civil parties may raise or  
25 indicate the harm they have suffered, where this is relevant to

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1 Case 002/01.

2 As not all civil parties, witnesses, and experts have equal  
3 knowledge of the facts to be discussed, the Chamber not -- or  
4 does not, at this stage, consider it appropriate to provide  
5 strict time limits for parties' questioning. However, all parties  
6 must limit their questions to those relevant to topics under  
7 discussion.

8 [09.20.25]

9 Relevant to document E124/7.1, correction 2, all parties shall  
10 avoid repetitive questions or questions relevant to the --  
11 irrelevant to the facts determined by the Trial Chamber for this  
12 first trial segment, or which are otherwise incapable of  
13 ascertaining the truth, or which are intended to prolong the  
14 proceedings.

15 [09.21.00]

16 As previously ordered by the Trial Chamber, the following -- or  
17 following the questioning of all the Accused regarding the above  
18 paragraphs of the Closing Order, the Chamber then intends to hear  
19 the first two civil parties, TCCP-185 and TCCP-123.

20 With reference to confidential Annex BE131/1.2, their questioning  
21 shall be led by the civil party Lead Co-Lawyers. The President --  
22 the Judges of the Bench appointed by the President shall commence  
23 with some of the preliminary questions, Document E131/10, before  
24 requesting the Lead Co-Lawyers to continue this questioning. The  
25 other parties, namely the Co-Prosecutors followed by the Defence

1 teams, shall then have the opportunity to question the civil  
2 parties.

3 Where, however, any particular civil party, witnesses or expert  
4 is unavailable at the scheduled time, the Chamber will proceed to  
5 the hearing of the next available civil party, witness or expert  
6 and defer the hearing of that individual to a later stage.

7 [09.22.40]

8 During this first trial session, the Chamber also intends to  
9 commence questioning of the first four witnesses to be heard at  
10 this trial, namely TCW-564, TCW-583, TCW-542, and TCW-395.

11 The evidence shall be led by the Co-Prosecutors, again after the  
12 President or Judges of the Bench appointed by the President have  
13 asked some preliminary questions. The other parties shall then be  
14 given the right to question these witnesses in the same order as  
15 previously indicated.

16 Objections to witness testimony can only be raised pursuant to  
17 Rule 91.3 of the ECCC Internal Rules.

18 And parties have already been notified again that lines for  
19 admissibility challenges to the documents and exhibits and the  
20 procedure for the filing of such challenges have been set out in  
21 the memorandum notified to the parties on the 25th of October  
22 2011, Document E131/1. The Trial Chamber will decide on the  
23 challenges to documents previously filed for the first trial  
24 segment in due course. As indicated, objections to witness  
25 testimony can only be raised pursuant to Rule 91.3 of the ECCC

1 Internal Rules and Article 327 of the 2007 Code of Criminal  
2 Procedure.

3 [09.25.00]

4 All parties are reminded that pseudonyms for witnesses, civil  
5 parties, and experts mentioned in the confidential Annex  
6 AE131/1.1 must be used until that person is examined in Court.

7 All parties are reminded that, during questioning or oral  
8 arguments, they should strictly adhere to accepted professional  
9 standards. Rude or offensive language toward other parties or  
10 individuals will not be tolerated.

11 The greffiers of the Trial Chamber are now instructed to read the  
12 charges to be examined; for the first segment of trial from  
13 paragraphs 18 to 32 of the Closing Order, to be read out by Mr.  
14 Duch Phary. Mr. Dav Ansan will be reading the alleged facts to be  
15 examined before the first segment of this trial with regard to  
16 the background of the three accused persons.

17 Before the greffiers read out these paragraphs of the Closing  
18 Order, the Trial Chamber wishes to inform members of the public  
19 that the names of witnesses and civil parties who shall shortly  
20 be summoned to testify before the Chamber have been redacted from  
21 these paragraphs, along with a limited amount of other  
22 identifying information, nor will the names or identity of  
23 persons who are subject to protective measures be read out in  
24 Court.

25 [09.27.14]

1 Next, Mr. Duch Phary, you may now read the portion of the Closing  
2 Order from paragraphs 18 to 32.

3 THE GREFFIER:

4 Part one: Factual findings.

5 I. Historical background.

6 Paragraph 18. The existence of the Communist Party of Kampuchea  
7 was not officially announced until September 1977, when the Party  
8 had already been in power for more than two years -- it appears  
9 that the term "Angkar", which had been in use since the 1940s,  
10 meant "Organization" and described the Party as a whole, but also  
11 the leaders at different levels, without further specificity.  
12 However, groups espousing Communist ideology had been in  
13 existence in Cambodia for many years beforehand. Despite the fact  
14 that the Party has had a tendency to re-write its own history, it  
15 is possible to ascertain its development through a number of key  
16 dates of relevance to the judicial investigation.

17 [09.29.02]

18 Paragraph 19. One of the first communist organizations in the  
19 region was the Indochinese Communist Party, which was strongly  
20 influenced by Vietnamese Communists and founded in 1930. The  
21 Party was officially dissolved in 1951, and its former members  
22 were supposed to establish separate revolutionary organizations  
23 for each country. The new party created in Cambodia was the Khmer  
24 People's Revolutionary Party, which tried to -- rather, to  
25 dominate the Issarak groups fighting for independence.

1 Independence was finally proclaimed in 1953 and recognized at the  
2 1954 Geneva Conference.

3 [09.30.24]

4 Paragraph 20. Official CPK documents and statements, post-1975  
5 April the 17, identify the 1960 Congress at which the KPRP became  
6 a Workers Party, as the real starting point of the Cambodian  
7 Communist movement. Around 20 people are believed to have  
8 participated in this Congress, including Nuon Chea, elected  
9 Deputy Secretary of the Party, Saloth Sar, alias Pol Pot, Member  
10 of the Standing Committee, Ieng Sary and Sao Phim, alternate  
11 members of the Standing Committee, and Vorn Vet. The August 1975  
12 issue of "Revolutionary Flag", an official Party magazine, states  
13 that "the strategic and tactical lines of the Communist Party of  
14 Kampuchea were clearly and fundamentally correctly drawn-up in  
15 1960 during the First Party General Assembly -- even though it is  
16 true that our Party was created in 1951". On the 30th of March  
17 1976, the Central Committee decided to "designate the birth of  
18 the Party back to 1960, not using 1951, in order not to let it  
19 get attached to the others, to be clearly separate". Nuon Chea  
20 states that, without himself and Pol Pot, the CPK would have been  
21 dominated by the Vietnamese.

22 [09.32.51]

23 Paragraph 21. Immediately after the 1954 Conference, the  
24 Communist movement initially created a public group, the  
25 Pracheachon, and sought socialist reform through the democratic

1 process. However, facing the repression by the authorities, the  
2 leaders of the Workers Party increasingly considered armed  
3 struggle necessary for victory and began preparations for it.  
4 Already in 1960, the Workers Party established a secret defense  
5 unit to protect its cadres and political activities, as well as  
6 to "smash" the enemy. Duch states that this policy was adopted at  
7 the first Congress "to entice the forces that can be lured; to  
8 neutralize the forces that can be neutralized; to isolate and  
9 smash the isolated forces".

10 [09.34.27]

11 Paragraph 22. After the disappearance in 1962 of the Secretary of  
12 the Workers Party, Tou Samouth, whose disappearance was never  
13 elucidated, a Second Party Congress was held in late February  
14 1963. Saloth Sar became the new secretary, and Nuon Chea remained  
15 deputy secretary. This Congress was held in Phnom Penh, and the  
16 participants were again a small group that included Ieng Sary and  
17 Sao Phim -- both of whom were elected full rights members of the  
18 Standing Committee -- Ta Mok, Vorn Vet, Son Sen, Ruos Nheum and  
19 Kung Sophal. A few months later, after the government published a  
20 list of 34 known leftists, Pol Pot and a number of the other  
21 named Party leaders, including Ieng Sary and Son Sen, fled the  
22 capital. They took refuge at a Vietnamese base on the border,  
23 where they later established an office known as Office 100. By  
24 1965, they were joined by their spouses, Khieu Ponnary, Ieng  
25 Thirith and Yun Yat. Nuon Chea, whose identity had remained

1 secret and hence was not on the list of 34, stayed in Phnom Penh  
2 and assumed responsibility for Party operations in the capital  
3 and most of the zones.

4 [09.36.59]

5 Paragraph 23. In January 1965, the Workers Party approved a  
6 resolution that rejected the possibility of a "peaceful  
7 transition" to socialism, and confirmed that it was "absolutely  
8 necessary to use revolutionary violence" in the struggle against  
9 the imperialists. In the Central Committee meeting held in  
10 September or October 1966, the leaders of the Workers Party  
11 decided to change the name of the Party to the Communist Party of  
12 Kampuchea, CPK, although that decision was kept secret until the  
13 next Party Congress, to relocate Office 100 to Rattanakiri  
14 province, and that each zone would begin preparation for armed  
15 struggle. In 1967, several Party leaders agreed to launch a  
16 general uprising in 1968. Shortly thereafter, a new Central  
17 Committee headquarters, also called Office 100, was established  
18 in Rattanakiri province, a few kilometres away from Office 102,  
19 the Northeast Zone Office used by Ieng Sary, who had been  
20 appointed Zone Secretary.

21 Paragraph 24. On the 17 of January 1968, pursuant to orders  
22 conveyed by Nuon Chea, the CPK forces attacked a government army  
23 post at Bay Damram village, south of Battambang city, and seized  
24 a number of weapons. This date was later marked by the CPK as the  
25 birth of the Revolutionary Army of Kampuchea. In the following



1 months, guerrilla attacks continued by CPK forces throughout the  
2 country.

3 [09.39.51]

4 Paragraph 25. On the 18 of March 1970, Prince Norodom Sihanouk  
5 was overthrown by General Lon Nol and Prince Sirik Matak, who  
6 established a regime which was later called the Khmer Republic.  
7 On the 23rd of March 1970, Prince Sihanouk announced the  
8 formation of the National United Front of Kampuchea and called on  
9 his countrymen to rise up against the new government. Prince  
10 Sihanouk and the CPK formed an alliance as well as a  
11 government-in-exile based in Beijing, called the Royal Government  
12 of National Union of Kampuchea. This government was officially  
13 announced on the 5th of May 1970. [Redacted] was the President of  
14 the National United Front of Kampuchea, the Prime Minister of  
15 GRUNK was the non-communist Penn Nouth, and Khieu Samphan was  
16 Deputy Prime Minister and Minister of Defence. Ieng Thirith was  
17 appointed Vice-Minister of Culture, Education and Youth for the  
18 GRUNK by August 1970.

19 [09.41.55]

20 Paragraph 26. Around this time, the CPK leaders left Rattanakiri.  
21 A several month trip began, south of Steung Chinit River, on the  
22 border of Kampong Cham and Kampong Thom provinces, the location  
23 of the headquarters of North Zone Secretary Koy Thuon. Pol Pot  
24 and Nuon Chea first stayed at a base code-named K-1, located in  
25 Dang Kdar village, northeast of Speu sub-district. At the end of

1 1970, they moved to a larger base close to -- close by the  
2 northern side of the Chinit River, code-named S-71. The Party  
3 leaders based at this site included Pol Pot, Nuon Chea, Khieu  
4 Samphan, and Chhim Sam Aok, alias Pang.

5 [09.43.11]

6 Paragraph 27. Ieng Sary went to Hanoi in December 1970 to  
7 organize the radio, the "Voice of the FUNK, which was placed  
8 under the authority and control of Ieng Thirith until May 1975.  
9 Thereafter, in April 1971, he travelled to Beijing to stay with  
10 [redacted] and to serve as the "special emissary of the  
11 resistance movement". At his villa in Beijing, Ieng Sary had a  
12 direct telegraph link to S-71.

13 Paragraph 28. In early 1971, the CPK Central Committee met for  
14 the first time since October 1966 for a three-day meeting at  
15 S-71. Twenty-seven of its members attended the meeting, including  
16 Pol Pot, Nuon Chea, Sao Phim, Vorn Vet, Ta Mok, Ruos Nheum, Kung  
17 Sopal, Chou Chet, Kang Chap, Koy Thuon, Ke Pork, Sua Vasi,  
18 alias Doeun, and Pang.

19 [09.45.06]

20 Paragraph 29. Following a training session conducted by Pol Pot  
21 at the North Zone headquarters in 1971 that was attended by 200  
22 zone, sector and district cadres, selected participants were  
23 taken some 15 miles away to a camp in the jungle, where the Third  
24 Party Congress was held. This Congress was attended by  
25 approximately 60 delegates, including Khieu Samphan, all zone

1 secretaries, and military commanders such as Ke Pork. The  
2 Congress officially ratified the CPK name that had been adopted  
3 five years later -- five years earlier, and elected a new Central  
4 Committee that included Khieu Samphan as an "alternate" or  
5 "candidate" member.

6 Paragraph 30. In May 1972, the new Central Committee met and  
7 issued a directive to Party members to intensify the struggle  
8 against the "various oppressive classes" and approved plans for  
9 collectivization of agriculture. Cooperatives were officially  
10 imposed by the CPK in the areas they controlled one year later,  
11 on the 20th of May 1973.

12 [09.47.21]

13 Paragraph 31. Later in 1973, the CPK established a new forward  
14 base near Chrak Sdach village, west of Odongk, in Kampong Tralach  
15 Leu District, close to the location of Vorn Vet's Special Zone  
16 headquarters and the command post of Son Sen. Twenty-five CPK  
17 battalions took up positions around Odongk, and attacked the  
18 former royal capital on the 3rd of March 1974.

19 Paragraph 32. In June 1974, the Central Committee met in Prek Kok  
20 sub-district, close to the former location of K-1, and "resolved  
21 to mount the decisive offensive to liberate Phnom Penh and the  
22 entire country". The final assault on Phnom Penh began in January  
23 1975. In early March 1975, Pol Pot established a command base in  
24 Sdok Taol village in Odongk or Ponhea Leu District, only 20  
25 kilometres from the capital of Phnom Penh. On the 1st of April

1 1975, after the CPK forces "liberated Neak Loeang," Lon Nol  
2 resigned and went into exile in Hawaii. On the morning of the 17  
3 of April 1975, the CPK forces entered Phnom Penh.

4 [09.49.48]

5 Thank you, Mr. President.

6 MR. PRESIDENT:

7 Thank you, Mr. Duch Phary.

8 Next, may I invite Mr. Dav Ansan to read out a number of other  
9 paragraphs concerning the first phase of trial: the first one,  
10 for Mr. Nuon Chea, from paragraph 862 to 868, and paragraphs 1577  
11 to 1580; for Ieng Sary, from paragraphs 994 to 1000 and paragraph  
12 1091 and paragraphs 1585 to 1588; and, for Khieu Samphan,  
13 paragraphs 1126 to 1130, 1598 to 1600.

14 THE GREFFIER:

15 Paragraph 862. Nuon Chea became politically active in the late  
16 1940s, while working in Thailand, and was a part of Youth for  
17 Democracy, an offshoot of the Communist Party of Thailand, of  
18 which he was a member.

19 [09.51.25]

20 Paragraph 863. He then moved back to Cambodia and joined the  
21 maquis of the Indochinese Communist Party in the Samlout area,  
22 and he was in charge of propaganda within the Party. At that  
23 time, he was actively involved with the Vietnamese Communists and  
24 Communist elements of the Issarak movement - 1950 to 1953. He  
25 continued as an active member of the Communist movement after the

1 formation of the Khmer People's Revolutionary Party, or KPRP, in  
2 1951. Between 1951 and 1953, he underwent political training in  
3 both South and North Vietnam. Following the signing of the Geneva  
4 Agreement, he posed as a businessman while he was in fact a  
5 member of the underground Communist movement in Phnom Penh.

6 [09.52.30]

7 Paragraph 864. In September 1960, Nuon Chea was elected Deputy  
8 Secretary of the KPRP, which was renamed the Kampuchea Workers  
9 Party and, later, the Communist Party of Kampuchea, or CPK,  
10 alongside Saloth Sar and Tou Samouth. When Saloth Sar became  
11 Secretary of the CPK, following the death of Tou Samouth in 1962,  
12 Nuon Chea remained the Deputy Secretary.

13 Paragraph 865. On the 18th of March 1970, after the overthrow of  
14 Sihanouk, Nuon Chea left Phnom Penh to join the underground  
15 movement alongside Saloth Sar, Son Sen, Ta Mok and Sao Phim. The  
16 CPK leaders set up camp successively in various provinces,  
17 including Kampong Thom, Kampong Cham and Kampong Chhnang.

18 [09.53.44]

19 Paragraph 866. Between 1970 and 1975, Nuon Chea held office as  
20 Vice-President of the High Military Command of the People's Armed  
21 Forces for the National Liberation of Kampuchea and the Chief of  
22 the Army Political Directorate. In this role, he was in charge of  
23 liaising with the Vietnamese.

24 Paragraph 867. In early April 1975, Nuon Chea remained with Pol  
25 Pot, and other prominent military, and political figures within

1 the CPK, such as Koy Thuon, Sao Phim, Ta Mok and Son Sen, until  
2 Phnom Penh fell.

3 Paragraph 868. During the CPK regime, Nuon Chea was variously  
4 referred to by his surname "Nuon", as in "Brother Nuon" or "Uncle  
5 Nuon", as well as by his Party title, Comrade Deputy Secretary.  
6 He was also known by the alias "Brother Number Two".

7 Paragraph 1577. Nuon Chea was born on the 7 of July 1926 in Voat  
8 Kor village, Voat Kor sub-district, Sangkae district, Battambang  
9 province. At his initial appearance, he gave Lao Kim Lorn as his  
10 name at birth, adding that this name "had not been used for a  
11 long time". He is the third of nine siblings. His father, Lao  
12 Liv, who was of Han descent, was a corn trader in Battambang. His  
13 mother, Dos Peanh, was a seamstress. She too was part Chinese,  
14 but Nuon Chea was raised in a multi-cultural environment,  
15 speaking Khmer.

16 [09.56.09]

17 Paragraph 1578. Nuon Chea is married to Ly Kimseng and is the  
18 father of three children, and one adopted child.

19 Paragraph 1579. After completing primary school, Nuon Chea  
20 attended secondary school in Battambang. However, his schooling  
21 was interrupted by World War II when Thailand, an ally of Japan,  
22 occupied Battambang province in 1941. He studied Thai and moved  
23 to Bangkok, where he stayed with Khmer monks at a Buddhist  
24 temple. He began law school -- but dropped out -- at Bangkok's  
25 Thamassat University, under the name Runglert Laodi, and also

1 worked as a part-time clerk in the Thai Military (sic) of  
2 Finance. Later, between 1945 and 1949, he worked in the Military  
3 (sic) of Foreign Affairs, before moving back to Cambodia in 1950  
4 and becoming involved in revolutionary activities.

5 Paragraph 994. Ieng Sary became politically active in the 1940s  
6 as a student at Sisowath High School. It was during this time  
7 that he met Ieng Thirith and Saloth Sar.

8 [09.58.02]

9 Paragraph 995. In 1950, Ieng Sary moved to Paris to study. During  
10 this time, he became a member of the French Communist Party, or  
11 PCF, with Pol Pot and Khieu Samphan, and was one of the founders  
12 of the Marxist Circle of Khmer Students.

13 Paragraph 996. After returning to Phnom Penh in 1957, Ieng Sary  
14 joined the Khmer People's Revolutionary Party, or KPRP. He was a  
15 Professor of History and Geography at Kampucheabot Private High  
16 School until he went into hiding in 1963.

17 [09.58.58]

18 Paragraph 997. In 1960, Ieng Sary participated in the First Party  
19 Congress of the Workers Party of Kampuchea, or WPK, the new name  
20 for the KPRP, and the predecessor of the CPK. He was elected to  
21 the Central Committee and was made an alternate member of the  
22 Standing Committee, ranking fourth in the hierarchy of the Party.  
23 At the Second Party Congress in 1963, he was elected a  
24 full-rights member of the Standing Committee.

25 Paragraph 998. In April 1963, after being named by Sihanouk as

1 one of 34 known leftists, Ieng Sary fled to the Vietnamese border  
2 to join Son Sen and Pol Pot. In 1966, Ieng Sary and other CPK  
3 leaders moved to Rattanakiri, the Northeast, where a new Central  
4 Committee headquarters was established. Ieng Sary then became  
5 Northeast Zone Secretary.

6 [10.00.23]

7 Paragraph 999. In 1970, Ieng Sary travelled to Hanoi, where he  
8 organized the "Voice of the FUNK" - F-U-N-K -- radio station,  
9 then managed by Ieng Thirith. From Hanoi, Ieng Sary flew to  
10 Beijing to liaise with the Chinese Communist Party. From 1971, he  
11 was given a permanent base in Beijing. He concurrently became  
12 special envoy of the internal resistance in Beijing and was  
13 placed in charge of relations with [redacted]. Ieng Sary's roles  
14 and functions while in Beijing are set out in the Ieng Sary  
15 section of the Closing Order; the heading: "Returnees". During  
16 this period, Ieng Sary returned to Cambodia twice, once in 1973  
17 when he accompanied [redacted] to visit the liberated zones, and  
18 again in 1974. He returned to Cambodia permanently in 1975.

19 Paragraph 1000. During the CPK regime, Ieng Sary used the  
20 revolutionary alias "Van".

21 Paragraph 1091. In 1970, after the deposition of Prince Sihanouk  
22 as Chief of State in Cambodia, many Cambodians joined him in  
23 forming FUNK to oppose the new government in Phnom Penh, which  
24 later became the Khmer Republic, with Lon Nol as President.

25 [10.02.35]



1 (No interpretation)

2 MR. PRESIDENT:

3 (No interpretation)

4 THE GREFFIER:

5 In 1970, after -- Paragraph 1091.

6 MR. PRESIDENT:

7 Dav Ansan, could you please now proceed with your reading of the  
8 paragraph?

9 THE GREFFIER:

10 We would like to proceed with the reading of paragraph 1091.

11 [10.04.00]

12 In 1970, after the deposition of Prince Sihanouk as Chief of  
13 State in Cambodia, many Cambodians joined him in exile in  
14 Beijing. [Redacted] appealed to Cambodians to join him in forming  
15 FUNK to oppose the new government in Phnom Penh, which later  
16 became the Khmer Republic with Lon Nol as President. [Redacted]  
17 says that, by 1971, Ieng Sary was already using national  
18 sentiment to indoctrinated Cambodians who had joined FUNK and  
19 would arrange for them -- many of whom were Paris-based  
20 intellectuals -- to travel to Beijing. Subsequently, Ieng Sary  
21 recruited volunteers from this group to join the Front within  
22 Cambodia. Consequently, from the early 1970s, overseas-based  
23 Cambodians began returning to Cambodia from Beijing.

24 [10.05.00]

25 Ieng Sary was born Kim Tran on the 24th of October 1925 in Tra

1 Vinh province, Southern Vietnam, then named Cochinchine. He  
2 stated at his first appearance that he modified his birth date to  
3 1st January 1930 in order to take the entry exam for Sisowath  
4 High School. Officially, he was born on the 1st of January 1930  
5 in Baray village, Prey Veng province, in Cambodia.

6 [10.05.54]

7 Paragraph 1586. Ieng Sary's father, Kim Riem, was a Khmer Krom,  
8 and his mother, Tram Thi Loi, was half Chinese and half  
9 Vietnamese. His father died when he was young, and he was sent to  
10 live with relatives in Prey Veng province, in Cambodia. He then  
11 changed his name from Kim Trang to Ieng Sary.

12 Paragraph 1587. Arriving in Phnom Penh in early 1940s, Ieng Sary  
13 started studying at Sisowath High School, where he met his future  
14 wife, Ieng Thirith, a student in the same school. Before leaving  
15 Cambodia to go to France -- he had obtained a scholarship to  
16 study there -- he got engaged to Ieng Thirith and married her in  
17 Paris in 1953. They both had four children, three daughters and  
18 one boy.

19 [10.07.13]

20 Paragraph 1588. Returning to Phnom Penh in 1957, Ieng Sary was a  
21 Professor of History and Geography at Kampucheabot Private High  
22 School, until he went into hiding in 1963.

23 Khieu Samphan.

24 Paragraph 126 (sic). Khieu Samphan, alias Haem, Hem, Khang and  
25 Nan, is a longstanding activist within the Cambodian communist

1 movement. While studying in France in the 1950s, he began  
2 engaging in political activism. He joined the Marxist-Leninist  
3 circle, which had been founded by Ieng Sary. Pol Pot, Son Sen,  
4 and Ieng Thirith were also members of the circle. He also joined  
5 the French Communist Party.

6 [10.08.30]

7 Paragraph 1127. After his return to Cambodia, Khieu Samphan  
8 worked as a teacher. In 1959, he founded the French-language  
9 newspaper "L'Observateur", supported and funded by Cambodia  
10 Communist activists. Khieu Samphan was monitored by the policed  
11 and harassed and publicly humiliated for the publication of  
12 criticism of the government in "L'Observateur". In August 1960,  
13 he was arrested and held without charges for two months.

14 [10.09.33]

15 Paragraph 1128. In 1962, Khieu Samphan joined Norodom Sihanouk's  
16 Sangkum Reatsr Niyum movement, and was elected as representative  
17 for S'ang district in Kandal province and appointed Secretary of  
18 State for Trade. However, he was forced to resign in 1963. Khieu  
19 Samphan was re-elected as representative in 1966, but his  
20 position became untenable due to Party conflict and instability.  
21 Following accusations that he instigated the peasant uprising in  
22 Samlout in 1966, he was summoned to appear before a military  
23 tribunal. Fearing his imminent arrest, he fled Phnom Penh on 22nd  
24 of April 1967. He found refuge in the village of Chiang Tong,  
25 Samraong Tong District, Kampong Speu province, under the

1 protection of Ta Mok, where he remained until 1970.

2 [10.11.22]

3 Paragraph 1129. After the overthrow of Norodom Sihanouk in 1970,  
4 when the National United Front of Kampuchea was formed, Khieu  
5 Samphan met with Pol Pot, and Nuon Chea, and other CPK senior  
6 leaders at the Communist Party headquarters, in the region  
7 between Kampong Thom and Kampong Cham provinces. Khieu Samphan  
8 was appointed to a number of senior positions, including Deputy  
9 Chairman of the National United Front of Kampuchea and  
10 Commander-in-Chief of the National People's Liberation Army of  
11 Kampuchea. On the 5th of May 1970, Khieu Samphan was confirmed as  
12 the Deputy Prime Minister and Minister for National Defense for  
13 the Royal Government of United Front -- United -- National Union  
14 of Kampuchea. And Khieu Samphan led international delegations in  
15 this role. Following the 1970 coup, he was given the  
16 responsibility for relations with Norodom Sihanouk.

17 [10.12.43]

18 In 1971, Khieu Samphan was admitted as a candidate member to the  
19 Central Committee of the CPK. On the 9 of September 1972, Khieu  
20 Samphan, Hou Yun and Hu Nim made an appeal to monks and city  
21 dwellers in Phnom Penh and in other provincial towns which were  
22 under the enemy's temporary control, to "rise up to smash the  
23 enemy". Between January and April 1975, Khieu Samphan publicly  
24 announced several times that victory was imminent, urging the  
25 people of Phnom Penh to fight to liberate the nation and claiming

1 that the National United Front of Kampuchea and the Royal  
2 Government of National Union of Kampuchea would take over Phnom  
3 Penh.

4 [10.13.50]

5 There are three more paragraphs.

6 Khieu Samphan -- Paragraph 1598. Khieu Samphan, alias Haem, Khang  
7 or Nan was born on the 27 of July 1931, in Svay Rieng. His  
8 father's name was Khieu Long, and his mother's name was Ly Kong.  
9 His father was a civil servant, and his mother was of Chinese  
10 origin -- became a vegetable merchant when her husband died in  
11 1947.

12 [10.14.39]

13 Paragraph 1599. In 1953, Khieu Samphan went to France to pursue  
14 university studies. In 1959, Khieu Samphan completed his doctoral  
15 thesis, entitled "Cambodia's Economy and Industrial Development".  
16 While in Paris, he began to participate in political activism.

17 Paragraph 1600. In 1962, after returning to Cambodia, Khieu  
18 Samphan was elected to be a Member of Parliament in Kandal  
19 province and was appointed Secretary of State for Trade. In April  
20 1967, after a period of instability in the government, Khieu  
21 Samphan faced arrest and prosecution by a military tribunal. This  
22 prompted him to flee Phnom Penh on the 22nd of April 1967. He  
23 sought refuge in Chiang Tong village, in Kampong Speu province,  
24 with Ta Mok, where he remained until 1970.

25 [10.16.11]

1 Thank you, Mr. President.

2 MR. PRESIDENT:

3 Thank you, Mr. Dav Ansan.

4 The Chamber would like to proceed to the Co-Prosecutors with  
5 regard to the agreed facts. Has there been any agreed facts, so  
6 far?

7 MR. LYSAK:

8 Good morning, Your Honours.

9 [10.16.49]

10 My understanding is that there has not been any agreed facts  
11 between the parties.

12 MR. PRESIDENT:

13 (No interpretation)

14 [10.17.40]

15 Judge Cartwright, you may proceed.

16 JUDGE CARTWRIGHT:

17 Thank you, Mr. President. I understand that certain, albeit very  
18 brief, facts were admitted in E9/21.3 by the accused Ieng Sary.

19 Do you have that document in front of you?

20 MR. LYSAK:

21 I don't have it right now, but we can get it very quickly.

22 But, Your Honours, just to clarify, we circulated a proposed list  
23 of agreed facts. I understand that Ieng Sary may have been - may  
24 have responded to it, but I don't believe we have any agreement  
25 from the other Accused as to these matters.

1 MR. KARNAVAS:

2 Good morning, Mr. President, and good morning, Your Honours, and  
3 good morning to everyone in and around the courtroom.

4 We did submit a list of some modest agreed facts. There was an  
5 exchange -- I wasn't prepared today to list them.

6 [10.18.56]

7 However, there are a few, concerning particularly Mr. Ieng Sary's  
8 background, but nothing that is so substantial, that should hold  
9 up the proceedings. And I'm sure, given the time, the prosecution  
10 can retrieve the document, and we can have a chat before coming  
11 back to Your Honours. Thank you.

12 MR. PRESIDENT:

13 Thank you, Counsel, for your position on this.

14 Since there has not been further review on the document submitted  
15 by Ieng Sary, we will defer -- or we will proceed to the next  
16 proceeding, and we will indeed give opportunity to the parties to  
17 work on these agreed facts. And counsel Ieng Sary (sic) alone  
18 indicated the modest agreed facts, as indicated. However, the  
19 prosecutors have not yet been -- or have not been able to inform  
20 the Court with regard to that agreed facts.

21 We will discuss on this before we proceed to the questioning on  
22 Ieng Sary.

23 [10.20.31]

24 We would like now to proceed to Mr. Andrew Ianuzzi to make his  
25 remark. As we noted, he were -- he was on his feet this morning.

1 But please advise the Chamber how much time would you need for  
2 that.

3 MR. ANUZZI:

4 Thank you, Mr. President. Certainly not more than 10 minutes.

5 Thank you.

6 The first point relates to the reading of the indictment, the  
7 reading of the paragraphs from the indictment, which just to  
8 place. And I'm referring now to document -- it's a memorandum  
9 from the Senior Legal Office -- the Chamber's Senior Legal  
10 Officer. It's E141, and that's a 17 November memorandum in which  
11 the Legal Officer indicated -- the Senior Legal Officer, excuse  
12 me, that, subject to any order to the contrary, the documents or  
13 other sources referred to in the footnotes of each paragraph --  
14 which have been read out - shall, without further order, be  
15 deemed to be placed before the Chamber pursuant to Rule 87.  
16 Your Honours, we're certainly familiar with the general  
17 objections that we've made to document -- we're mindful of those  
18 - but, with respect to the footnotes of those paragraphs, we  
19 would like to reiterate and make a specific objection to the  
20 admission of the statements of witnesses who may or will not  
21 appear before the Chamber.

22 [10.21.58]

23 With respect to - with respect to the authenticity of all of  
24 those documents, again, we stand by our original objection, and  
25 now we make reference to a very sensible proposal by the Office



30

1 of the Prosecutors, which was circulated last week. I'm referring  
2 now to a courtesy copy of the Co-Prosecutors' consolidated  
3 response to document objections, in which the prosecution submits  
4 that they will be submitting a submission in due course,  
5 detailing "the indicia of reliability -- I'm quoting now -- for  
6 all of the documents on the Co-Prosecutor's document list, which  
7 will shortly be filed pursuant to Rule 92".

8 [10.22.41]

9 Your Honour, we certainly agree with that proposal, we think that  
10 that's a - that's a welcome proposal, and we would move the  
11 Chamber today to make a similar showing to any and all documents  
12 which the Chamber, on its own motion, seeks to put before itself,  
13 which we consider it has just done this morning. So that's my  
14 first point.

15 Second, and again I'm quoting now from -- this is the memorandum  
16 of the Senior Legal Officer, in this case dealing with the  
17 presentation of previous witness statements to the witnesses who  
18 are about to appear before us. This was a proposal made by the  
19 prosecution, I believe, on the 1st of November. We objected  
20 twice, on two separate occasions, to that proposal.

21 [10.23.40]

22 The Senior Legal Officer, in this previously mentioned  
23 memorandum, noted that "the Chamber -- I'm quoting now -- agrees  
24 that the efficiency of the proceedings may be enhanced if, prior  
25 to the testimony, witnesses are given the opportunity to refresh

31

1 their memories by reviewing their prior statements".  
2 We obviously take issue with that. We haven't received a reasoned  
3 decision from the Chamber -- or we consider that we haven't  
4 received a reasoned decision from the Chamber. In any event, we  
5 will be providing further briefing on that, very soon. We will be  
6 soliciting the support of our friends on this side of the stage,  
7 and we would ask the Chamber to temporary stay its decision to  
8 present the witnesses with their prior statements, pending  
9 resolution of that motion.

10 [10.24.32]

11 And finally, just as a matter of courtesy to our hosts, I would  
12 just like to take this opportunity to thank Mr. Chiv Songhak, the  
13 President of the Bar Association, for his public supports of our  
14 work and his private efforts to prevent the illegal practice of  
15 law by foreigners and foreign lawyers in Cambodia. We're grateful  
16 for that initiative. Thank you, Your Honours.

17 MR. PRESIDENT:

18 Thank you, Counsel.

19 Counsel for -- Ang Udom, you may now proceed.

20 MR. ANG UDOM:

21 My sincere respects to all monks in the public gallery, Mr.  
22 President and Your Honours, and everyone in this courtroom.  
23 I have a remark to make, along with a request for consideration,  
24 with regard to the testimony of witnesses and civil parties.

25 [10.25.46]

1 At National Court, our practice is that, when there are more than  
2 one witnesses -- or more than one civil party, witnesses or civil  
3 parties other than those who had to testify, the Court does not  
4 allow other civil parties or witnesses other than those witnesses  
5 to observe the proceedings in the courtroom.

6 I am of the opinion that -- or I have to submit that there are a  
7 lot of witnesses and civil parties before this Court. And we  
8 would like to know what kind of measure or the same -- whether  
9 this Chamber will apply the same rule and principle as guided by  
10 the practice at National Court.

11 [10.27.09]

12 By doing so, we believe that it is good that civil parties or  
13 witnesses who have not yet given testimony have not heard or  
14 observed the testimonies that are being made before this Chamber.  
15 Also, civil parties and witnesses who have given testimonies  
16 shall not be allowed to interact or contact the other civil  
17 parties or witnesses who have already made their testimonies or  
18 have not yet made such testimonies.

19 Our question is how the Court handles this. Thank you, Your  
20 Honour.

21 MR. PRESIDENT:

22 Thank you, Counsel, for your remark and observation regarding  
23 this. They are well taken, and the Chamber will make a decision  
24 on this.

25 And allow the Chamber to also inform the parties there that this

1 case is not much different to that of Case 001, where there were  
2 a lot of civil parties and witnesses involved.

3 [10.28.50]

4 Perhaps we cannot really do the same as what the National Court  
5 is doing, because our Court is dubbed "The Extraordinary Chambers  
6 in the Courts in Cambodia". The name itself tells the difference.  
7 And in National Court, information with regard to the Court  
8 proceeding is rarely publicized, and development has been made in  
9 that the hearings are in public. The Chamber is very cautious  
10 when it comes to conducting the public hearing and how to really  
11 manage civil parties and witnesses.

12 [10.29.39]

13 The civil party representative, you may now proceed.

14 MS. SIMONNEAU-FORT:

15 Thank you, Mr. President. I would simply like to point out that I  
16 believe that, in Cambodian law and in civil law, there is a  
17 distinction -- and you have already mentioned it -- the  
18 distinction between civil parties and witnesses. Civil parties,  
19 of course, attend all proceedings even though they may not  
20 testify during such proceedings. I think there is a distinction  
21 to be made between witnesses and civil parties.

22 [10.30.21]

23 And there shouldn't be any problem with the presence of civil  
24 parties. I would like to make this clear before you rule on the  
25 issue. Thank you.

1 MR. PRESIDENT:

2 Thank you, Counsel.

3 Since it is now an appropriate time to take the adjournment, the  
4 Court will adjourn for 20 minutes. We will resume at ten to  
5 eleven.

6 (Judges exit courtroom)

7 (Court recesses from 1031H to 1059H)

8 (Judges enter courtroom)

9 MR. PRESIDENT:

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

11 Security personnel are now instructed to bring Nuon Chea to the  
12 dock.

13 (The accused Nuon Chea is taken to the dock)

14 [11.01.30]

15 Counsel Son Arun, you may now proceed.

16 MR. SON ARUN:

17 Thank you, Mr. President. I have a question -- no, rather two or  
18 more.

19 When the greffier read out the facts concerning Nuon Chea from  
20 Chapter One, the factual findings and the history of Communist  
21 Party of Kampuchea, I think there are some missing in the  
22 reading, if I am not mistaken.

23 In paragraph 25, on line number 4, in the Khmer, there's "the  
24 National United Front of Kampuchea", but the greffier failed to  
25 read that.

1 And even "GRUNK, the Government of -- Royal Government of  
2 National Union of Kampuchea" was not read.

3 [11.02.51]

4 And also, in the same paragraph, when it reads -- it should have  
5 read "it was officially announced on the 5th of May 1970, Norodom  
6 Sihanouk was President of the FUNK", but was not; the name of the  
7 person, in this text, was not read out.

8 And here, in paragraph 27, the second line reads: "In 1971, on  
9 the April, he travelled to Beijing to stay with Sihanouk and to  
10 serve as the special emissary of the resistance movement."

11 Sihanouk's name was not read. I would like you to clarify to us  
12 why the greffier did not read that out.

13 MR. PRESIDENT:

14 I think we can actually inform to you now that the term "FUNK" or  
15 "GRUNK" in brackets could not be understood by Cambodia as in  
16 short forms. And the term in the brackets were not really meant  
17 to be pronounced "KrunT" or "KrunK" because the Khmer version of  
18 the full text was already read out. That's why we advised the  
19 greffier not to mislead the public by reading the short term of  
20 these words.

21 When it comes to your second observation, we ordered the greffier  
22 to read out the public version of the Closing Order, and the  
23 version was redacted by the Co-Investigating Judges. So if the --  
24 when the Co-Investigating Judges redacted that part, they shall  
25 not be read out. And we already consulted this seriously and we

1 already informed the parties that, when it comes to the names of  
2 the witnesses or any potential witnesses who may be summoned to  
3 give testimonies before the Chamber, their names shall be  
4 redacted. And, before this Court, we have to do our best to  
5 protect the identity and the security of any civil party witness  
6 or witnesses. The Chamber will maintain this practice of reading  
7 only the pseudo names of the witnesses or potential civil  
8 parties, and that Court officials are advised to read only their  
9 pseudo names rather than their full names.

10 [11.06.08]

11 And it was already made clear in the direction read out -- or  
12 informed to the public this morning. We hope counsel could have  
13 already been aware of this and that the Chamber is not reading  
14 out the confidential document, we are reading the version that  
15 has already been redacted. And we have to protect the rights of  
16 everyone because we are the signatory of the convention to  
17 protect witnesses in the Court proceedings.

18 [11.06.45]

19 MR. SON ARUN:

20 I have observed that both greffiers seemed to arbitrarily read  
21 out the names of witnesses -- at some point they didn't read and  
22 at other point they read out.

23 MR. PRESIDENT:

24 Indeed, in the Closing Order, in some parts, the version was not  
25 redacted, while the other section were redacted. So the greffier

37

1 only would read from the redacted version, and you are advised to  
2 refer it to the public version that is available.

3 MR. SON ARUN:

4 Thank you, Mr. President.

5 [11.07.43]

6 QUESTIONING BY MR. PRESIDENT:

7 Q. Good morning, Mr. Nuon Chea.

8 Is Nuon Chea your real name?

9 MR. NUON CHEA:

10 A. Mr. President, my birth name and revolutionary name, Lao Kim  
11 Lorn, and revolutionary name indeed Nuon Chea.

12 Q. So your real name at birth is Lao Kim Lorn; is that correct?

13 A. That is correct Mr. President, my name is Loa Kim Lorn at  
14 birth.

15 [11.08.27]

16 Q. When were you born, Mr. Nuon Chea?

17 A. I was born on July the 7th of 1926. My mother was not  
18 Chinese, but my father was half Chinese, half Cambodian. My  
19 mother was truly Cambodian.

20 Q. Where were you born?

21 A. I was born in Voat Kor village, commune of Voat Kor -- not  
22 Voat Khao -- Sangkae district, Battambang province.

23 Q. Thank you. Where did you live before you were arrested?

24 A. I lived in Psar Prum Market. Now it is part of Pailin  
25 province -- it was Pailin district, but it is now the province of



1 Pailin in that location.

2 Q. What is your mother's name?

3 A. Deng Peanh.

4 Q. Is Dos Peanh correct or incorrect?

5 A. Her name was actually Deng Peanh, although my father's family  
6 name was Dos, but I think her name was Deng Peanh.

7 Q. What is your father's name?

8 A. Lao Liv.

9 [11.10.17]

10 Q. Your wife's name, please?

11 A. Ly Kimseng.

12 Q. How many siblings do you have? How many brothers and sisters?

13 A. I have nine siblings, six of whom died. The survivor brothers  
14 -- I have two survivor sisters and one brother.

15 Q. Where did you come in your family?

16 A. I was the third child -- I am the third child, rather.

17 [11.11.12]

18 Q. Mr. Nuon Chea, could you tell the Court your brief  
19 educational background?

20 A. When I was seven years old, during the French colonial  
21 regime, I was in the "enfantin", in Khmer room 5, and then was in  
22 the room 4, and then "élémentaire", room 3 and then 2.  
23 Then I took the exam in Phnom Penh and I studied in "lycée" in  
24 Battambang, "première année". In 1941, Battambang was given to  
25 Thailand, and I continued to my education in Thailand.

1 Q. What subject was the major of your subject of study in  
2 Thailand? Did you study at a university?

3 A. I started at the - at grade 5 and 6, and then I started the  
4 preparatory class for Thammasat University. It is the university  
5 of moral and political science. The preparatory course lasted for  
6 two years. And then I became a full-time student for another full  
7 year.

8 During the course of my education, I also had a part -- I had a  
9 job. I worked as an official at the Thai military - rather, Thai  
10 Ministry in Finance. Then I worked at the Foreign Affairs  
11 Ministry for one month.

12 [11.14.06]

13 I observed the reports from the embassy, the Thai Embassy to  
14 Cambodia, concerning the shooting deaths of Cambodian people by  
15 the French, and I was heartbroken and of course suffered from the  
16 news, and I then started the resistance movement to help my  
17 people in 1950 and 1951. That's all.

18 MR. PRESIDENT:

19 Mr. Nuon Chea, as an accused person before the Chamber, you have  
20 for the duration of trial in Case 002, the following rights: to  
21 be defended by a lawyer of your choice at every stage of the  
22 proceedings -- the Chamber notes that you are presently  
23 represented by four Defence lawyers, one national and three  
24 international, and that you were also continuously represented  
25 during the investigative phase; you have the rights to remain

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1 silent at every stage of the proceedings; to be protected against  
2 self-incrimination; and to be informed of the charges brought  
3 against you.

4 Mr. Nuon Chea, have you been notified of the charges against you?

5 MR. NUON CHEA:

6 Mr. President, I have read some documents.

7 MR. PRESIDENT:

8 Are you aware of what charges you have -- have been brought  
9 against you?

10 MR. NUON CHEA:

11 With regard to the war crimes, genocide, and other wars, I don't  
12 recollect. I think there are crimes against humanity, perhaps.

13 MR. PRESIDENT:

14 We would like to really confirm the charges against you.

15 According to Document D427, you have been charged with crimes  
16 against humanity, and there are several crimes under these,  
17 including murder, extermination, enslavement, forced movement -  
18 forced transfer, imprisonment, torture, rape, persecution on  
19 political or racial grounds, other inhumane acts.

20 [11.17.56]

21 The second crime is the genocide, the genocide - the killing of  
22 Vietnamese and Chams and grave breaches of Geneva Convention of  
23 the 12 of August 1949. These crimes include other sub-crimes as  
24 follows: pre-meditated -- wilful killing, torture, inhumane  
25 treatment, wilfully causing great sufferings to serious injuries

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1 to body or health, wilfully depriving a prisoner of war or  
2 civilian the rights of fair and regular trial, unlawful  
3 deportation of a civilian and unlawful confinement of a civilian,  
4 through the passive and active actions committed through planning  
5 ordered aiding and abetting, and also responsible in the form of  
6 senior responsibility with regard to the crimes committed within  
7 the Kingdom of Cambodia and during the incursion in the  
8 Vietnamese territory in -- during the period of 17 of April 1975  
9 through the 6th of January 1979, crimes punishable under Articles  
10 5, 6 and 39 new and also the ECC Law.

11 [11.19.56]

12 According to the Order issued by the Pre-Trial Chamber with  
13 regard to the appeal against your -- the Closing Order, there are  
14 several other documents relevant to this. However, the documents  
15 issued by the Chamber have altered -- some portion of the  
16 documents. For example, regarding rape, in which the Pre-Trial  
17 Chamber already changed it to the other inhumane acts instead. So  
18 these are the charges against you.

19 And the Chamber would like to also inform you that you have  
20 already been informed of this through the Order by the  
21 Co-Investigating Judges and that you have had the opportunities  
22 to appeal against the Closing Order by the Co-Investigating  
23 Judges. The Order, which already ruled by the Pre-Trial Chamber  
24 on the - on the 13th of January 2011. You have already filed  
25 appeals against the preliminary objections matters, and, through

42

1 your counsel, you have been informed of the crimes -- the charges  
2 against you.

3 [11.21.47]

4 On the 21st of November 2011, charges against you have already  
5 been read out by the greffier, so the Chamber notes that you have  
6 already been informed of the charges against you.

7 Next, the Chamber would like to proceed to -- or hand over to  
8 Judge Silvia Cartwright to proceed with the questioning of the  
9 Accused.

10 MR. NUON CHEA:

11 With regard to the history of my resistance movement, I don't  
12 know whether such activity also included in the charges, and I  
13 want the Chamber to be informed. I really treat this Court as an  
14 institution which is well honoured.

15 [11.23.14]

16 The Co-Prosecutors and the Judges are the highly respected people  
17 who preserve justice -- who find proper justice beneficial to  
18 everyone. If the President allows me, I would like to describe to  
19 the Chamber the history of my resistance at the initial stage.

20 And I can then be  
21 questioned.

22 MR. PRESIDENT:

23 Indeed, you are allowed to proceed.

24 MR. NUON CHEA:

25 Thank you, Mr. President.

1 [11.24.07]

2 The summary of my struggle is listed as follows.

3 What made me have an idea to join the resistance movement?

4 When I was young, I lived under the French Colony. I witnessed,  
5 with my own eyes, the mistreatment of the French toward Cambodian  
6 people. People were beaten, arrested, and imprisoned. And I also  
7 witnessed the rich mistreated other people, treated them as  
8 slaves, beaten them, and so on and so forth. This made me, as a  
9 young man, although I was not a real nationalist, but I had this  
10 sympathy, I have the compassion for justice, the justice -- the  
11 love of justice that really embed well in my mind. That's why I  
12 did hate such oppression and mistreatment by the French Colony  
13 and by the rich people, the landowners, the powerful people who  
14 were purely Cambodian as we were -- as we are.

15 [11.26.15]

16 When I grew up, I went to school. I gradually was educated, and I  
17 graduated at Lycée of Battambang.

18 In 1941, the French really gave Battambang and Siem Reap  
19 provinces, including Sisophon, to Thailand.

20 I wanted to know what an independent country was like. That is  
21 why I went to study in Thailand, taking refuge in the pagoda  
22 because my family was poor, they were peasants. My father did not  
23 do well in business, and my mother sold cakes and cookies. And,  
24 at the same time, I had to help them out during weekends to sell  
25 their cookies. I thought that the country, Thailand, was also

1 independent.

2 However, being there, I noted that Thailand was not independent,  
3 because I observed that some powerful people were oppressing the  
4 weak, and there were mainly -- Thailand was mainly dominated by  
5 the Chinese, and the Thai people suffered greatly, as the  
6 Cambodian people did. So I had the idea that, wherever it was,  
7 injustice was everywhere.

8 [11.28.22]

9 So I started to read Thai newspaper we called the "Progressive  
10 Newspaper", or the public newspaper produced by Communist Party  
11 of Thailand. After reading the newspaper's articles, I have also  
12 observed that Communism or the Communist Regime could help  
13 resolve the countries under the oppression of the colonies to  
14 really liberate the country from such colonialism, and I really  
15 took that seriously. But I did not really fully understand what  
16 Communism was at that time.

17 There were some friends of mine, who were Thais, who attended the  
18 same school, the same university, Thammasat University. At  
19 Thammasat University, every professor was regarded as the  
20 progressive person, they were lecturing students, and I started  
21 to understand gradually the situation.

22 [11.30.03]

23 In Thailand, there was an organization called the Democratic  
24 Youth Organization of Thailand. I attended, or I joined this  
25 organization to conduct some activities and I attended meeting

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1 sessions, and they noted that I was Cambodian; I was allowed to  
2 talk about the oppression of the French Colony in Cambodia, and I  
3 really did talk in the sessions, I did, against the powerful  
4 people, in Thailand, who really oppressed their weak own people  
5 alongside with other progressive people.

6 Later, they noted that I was a very active person.

7 [11.31.08]

8 In 1950, I signed up in the Communist Party of Thailand. On the 7  
9 of July, I asked Communist Party of Thailand to join the  
10 resistance movement in Cambodia, because I noted that the French  
11 really severely oppressed the Cambodian people. Communist Party  
12 of Thailand allowed me, through their branches in the - in  
13 Thailand, to conduct activities in Cambodia for my cause. Then I  
14 came to Cambodia.

15 I worked in the propaganda section, publishing newspaper,  
16 educating people to realize how they were treated and to  
17 stimulate their sentiment against the oppression. At that time,  
18 Issarak movement was already in existence; it was there in 1946.  
19 There were Dap Chhuon as well who was really the fake Issarak.  
20 Actually, there were real or genuine Issarak, for example like  
21 Keo Moni, like Son Ngok Minh.

22 But who actually created them? They were created by the  
23 Vietnamese. Vietnam introduced communism into Cambodia and  
24 created a communist party in Kampuchea. But at that time  
25 Cambodian people hated the Vietnamese, they really hated them,



1 and they did not want to join the Communist Party. For that  
2 reason, no one really signed up for the Party.

3 [11.33.37]

4 In light of that, the Vietnamese brought some people from  
5 Cochinchine, a few of them. For example, Son Ngoc Minh; he was  
6 called Achar Mean previously. He was ordained as a monk in Phnom  
7 Penh and he was contacted by -- or convinced by Vietnam.

8 And Sieu Heng also was persuaded. Sieu Heng were also Kampuchea  
9 Krom, and then Lam Phai, another Khmer Krom, to work as a board  
10 -- a committee for the Communist Party.

11 So Communist Party of Khmer was not really established by the  
12 Cambodian people movement, or resistance movement of Cambodia, it  
13 was actually installed by the Vietnamese. It is really the truth.  
14 So this Party was already created when arms were already allowed,  
15 because the armed movement was in place. As I indicated, the  
16 Issarak movement was in place.

17 [11.35.11]

18 The Communist Party did not really have a secret resistance. It  
19 did not really evolve from small party to a bigger one; it is  
20 really the uniqueness of the Party, Communist Party of Kampuchea.  
21 Grandfather Tou Samouth, who was the secretary of the Party, once  
22 said that the Communist Party of Khmer was not born from a normal  
23 course of birth. It was born from the ribs, the side ribs, which  
24 means extraordinarily born.

25 This Party was not progressing well because it was under the

1 control of the Vietnamese. Son Ngoc Minh was the member of the  
2 committee but he was also under the Communist Party of  
3 Indochinese, the Party really chaired by Thanh Son, and Thanh Son  
4 was the person who was behind all the decision-making.

5 [11.36.50]

6 So the committee that I indicated so far for the Communist Party  
7 of Khmer was only Vietnamese puppet because decisions made by the  
8 Vietnamese although the Party was created for Cambodia.

9 I would like to proceed further by saying that Vietnam trusted me  
10 and appointed me to study in the North of Vietnam. And I also  
11 noted the Party's statute confirming the establishment of the  
12 Indochinese Federation, which said that, when Cambodia, Vietnam,  
13 and Laos were united and independent, then the Indochinese  
14 Federation would be installed under control of Vietnam.

15 [11.37.48]

16 I was so disappointed to hear that because I was fighting very  
17 hard against the French for independence; but what would be  
18 independence under the control of another country? I didn't  
19 understand that. Indeed, there were still people in Vietnam who  
20 really -- real communists, but then there was the Geneva  
21 Convention.

22 In 1954, I returned to Cambodia and I saw nothing because the  
23 Khmer people who were in the resistance movement were demobilized  
24 and dismissed to live in the regime under the governments of --  
25 the Royal Government of Kampuchea.

1 [11.38.56]

2 This means they were arrested, imprisoned, and so on and so  
3 forth. Brutality was inflicted onto them. No more peasants, no  
4 more paddy fields because peasants had to really pawn their  
5 fields and cattle for the secure release of their loved ones.  
6 There was more (sic) resistance movement. The seed for resistance  
7 was demolished.

8 Finally, there were only two branches of the Party: one in Tram  
9 Kok, in the Southwest, and another one in Peam commune. With very  
10 few branches of the Party, we were frustrating – we were  
11 frustrated indeed.

12 [11.39.50]

13 Vietnam did not follow the Geneva Convention. Vietnam hid their  
14 forces in Cambodia in order for them to continue their activities  
15 for their struggle in South Vietnam. It was Le Yun, Haysau, and  
16 other Vietnamese leaders who came to live in Cambodia. They could  
17 not live in Prey Nokor because they would be oppressed by the  
18 French. At the time, they avoid the presence of the Americans  
19 already, so they were not able to live there, so they sought the  
20 help of Cambodia for them to live. And when they were here, they  
21 came to lead a number of Issarak people, for example Ke Pauk,  
22 Puth Chhay and others, to join with the -- to join this struggle.  
23 These were bandits, these were brutal people who would fight for  
24 their own benefits. They disguised as Issarak people but they  
25 fought for their own benefits.

1 I was observing closely the situation when I was in Thailand. I  
2 came to understand that it was not progressing in Cambodia with  
3 the current -- with the then leaders, so I contacted Thai Party,  
4 in which I was a member, to come back and work in Cambodia, as I  
5 mentioned earlier.

6 [11.42.26]

7 And when I came here, I witnessed with my own eyes that  
8 everything was under the control of Vietnam. Even the cook -- the  
9 cooks were Vietnamese. Cambodians were not allowed to do  
10 anything, but they were allowed to be messengers, they were  
11 allowed to be soldiers. But indeed that there were also Khmer  
12 commanders, for example in the Northwest Zone in Cambodia, but  
13 the real commanders were not Khmer, they were only installed in  
14 order to persuade Khmer people to join with the army.

15 And then there was the Geneva agreement, as I referred to  
16 earlier. There were a number of Khmer people who came back to  
17 their country. Some thought that there were about 1,500 or 2,000  
18 Khmer people who were brought to be educated in Vietnam who were  
19 educated to be cadres so that they can come back -- they could  
20 come back and work in Cambodia.

21 [11.44.00]

22 So this is the story. So there was no Khmer Communist Party, this  
23 is what I want to inform everyone, there was only Indochinese  
24 Communist Party or a Cambodian Communist party under the control  
25 of the Indochinese party under -- and further under the control

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1 of Vietnam. Khmer people could not do anything, they were only  
2 passengers - messengers [interpreter corrects].  
3 So this is the full story. I am not attacking Vietnam, it is  
4 rather a fact, it is the truth that I witnessed with my own eyes.  
5 And later on, after they have the Geneva agreement, in 1960,  
6 there were intellectuals from France coming to Cambodia. These  
7 included Saloth Sar, Ieng Sary, among others. And some Cambodians  
8 which joined the Thai Party also came back to Cambodia, and there  
9 were also a number of other people who come from Vietnam, and  
10 these were referred to as "Khmer Viet Minh". So there were these  
11 three elements: coming from France, from Vietnam -- the Khmer  
12 Viet Minh -- and people from Thailand.

13 [11.46.15]

14 And the Marxist-Leninist ideology was being practiced, but people  
15 had different ideas, so it was not possible for the parties to  
16 unite, and as a result, the Party was dismantled. People took  
17 revenges against each other; there were accusations against each  
18 other.

19 So this is what I want to inform everyone, that the Communist  
20 Party of Kampuchea was not created by pure Cambodians, by pure  
21 Khmer, it was the Vietnamese who created this party.

22 [11.47.22]

23 So there was a coup, the Lon Nol's coup d'état against Sihanouk,  
24 the King, and after the dismissal, his dismissal, the King  
25 appealed to the people to enter the maquis jungle. There were

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1 both good people and bad people who joined the jungle. There were  
2 these people: Dap Chhuon, Houl Vong, and others, who were  
3 actually bandits, and they were joining with us. These people  
4 arrested and killed Cambodian people and they placed the blame on  
5 the Cambodian Communist Party.

6 Some people were wearing black shirts and were disguised as the  
7 resistance group in order to liberate the country, but actually  
8 they were arresting, they were killing people. It was very, very  
9 complicated at that time. So it was very hard for us to  
10 understand, everything is chaotic.

11 There were also people from – rather, there were also traitors  
12 within the Lon Nol group. There were also traitors within the  
13 Khmer Rouge group. So what we could do was -- what they could do  
14 was to seek the help from the Americans, that is to bombard from  
15 – it is the aeroplane, on the Cambodian soil. Yes, I remember it  
16 was from -- it started from 17th of May, it started from then.

17 [11.50.11]

18 So this is the history of a party known as the Khmer Communist  
19 Party.

20 So it was not originated from the Khmer resistance. I am very  
21 honest here, so I don't want everyone to misunderstand that it is  
22 Cambodian people who are responsible for the war crimes or other  
23 crimes that (inaudible) a while ago. Everything was under the  
24 control of Vietnam from the Hanoi headquarters or from the Ho Chi  
25 Minh headquarters.

1 [11.51.14]

2 So these crimes -- war crimes and crimes against humanity -- were  
3 not -- and genocide -- were not for Cambodian people. It was  
4 Vietnam who killed Cambodians.

5 So this is the summary of the history of this Party.

6 I don't want the next generations to misunderstand the history. I  
7 don't want to misunderstand that the Khmer Rouge are bad people,  
8 are criminals. Nothing is true about that.

9 Cambodians are Buddhist, are Buddhist followers, even though they  
10 joined Communist Party, they are still respecting Buddhism. When  
11 there were bombs, the B-52, they were recalling -- or appealing  
12 for the help from Buddha. So it was not the universal communism,  
13 it was the national communism. There were nationalists who wished  
14 to protect the country, to liberate the country from Vietnam.  
15 That is why there was - there was also a war or fighting on the  
16 17 of January 1990.

17 [11.53.21]

18 So we want to know how many Vietnamese people now in Cambodia,  
19 both legal and illegal Vietnamese. For the future of Cambodia, if  
20 you're not trying to protect the country, the country will be  
21 gone.

22 This is what I want to inform you, Mr. President, that, when  
23 Samdech Sihanouk visited Cambodia in 1973, in Kampong Thom  
24 province - rather, Kampong Krom [corrects the speaker], and also  
25 in Siem Reap province, I was ordered by Pol Pot to protect

1 Samdech. I heard children singing -- and I would like to sing --  
2 that our country is gone, our country is demolishing, so we have  
3 to try. My tears dropped when I heard this song.

4 [11.54.55]

5 So everything has been charged against us is wrong.

6 At the present time, we see enemies as friends. It is too bad  
7 that enemies have been mistaken as friends. As I indicated, the  
8 strategy of the Vietnamese is like the python suffocating a young  
9 deer. One day, the deer will sadly become prey of the python and  
10 it will be swallowed.

11 However, my position is still firm. I still maintain solidarity,  
12 unification, and I still want to the country to live peacefully  
13 with its neighbours -- Vietnamese, Thais, and others -- but we  
14 have to be very cautious. As I indicated, when the young buffalo  
15 tender who read -- who sang that "my dear Cambodia, the country  
16 is falling; we have to do our best to save it before it's too  
17 late".

18 And accusations or charges against me is not correct, it's not  
19 right, because I have devoted myself to serving the country. I  
20 have to put my family behind for the love of my country. People  
21 may laugh at me by saying this, but it is true. Monks can be my  
22 witnesses.

23 Thank you, Mr. President and Your Honours. That is all from me.  
24 And I thank you, the Bench, for allowing me to briefly tell my  
25 nation about this. I could have been longer than that if I had



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1 read from the book, but it is now all. Thank you.

2 [11.57.17]

3 MR. PRESIDENT:

4 Thank you, Mr. Nuon Chea, for your observations with regard to  
5 the history -- summary of history of the Communist Party of  
6 Kampuchea and your days, and childhood, and how you joined this  
7 movement.

8 Since it is already appropriate time for lunch adjournment, the  
9 Chamber will take the adjournment for 90 minutes. The session  
10 will be resumed by 1.30 p.m. Parties are advised to return to the  
11 courtroom by that time.

12 Security personnel are now instructed to take the three Accused  
13 to the holding cells and return them to the courtroom by that  
14 time.

15 (Judges exit courtroom)

16 (Court recesses from 1158H to 1332H)

17 (Judges enter courtroom)

18 THE GREFFIER:

19 All rise.

20 MR. PRESIDENT:

21 Please be seated.

22 [13.33.29]

23 THE GREFFIER:

24 Mr. President, we have noted that noted that Mr. Arthur is at the  
25 Defence counsel for Khieu Samphan. He has already been admitted

1 and taken oath before the Appeal Court. And the oath  
2 certification also attached, which he took on the 5th of the 12,  
3 2011.

4 MR. PRESIDENT:

5 Thank you, Mr. Phary.

6 We may proceed to the national counsel for Mr. Khieu Samphan, Mr.  
7 Kong Sam Onn, to request for the recognition of a foreign  
8 co-lawyer for Khieu Samphan.

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. Your Honours, I am Kong Sam Onn.

11 The national counsel for Khieu Samphan is now requesting for  
12 recognition of Mr. Arthur Vercken, the international co-lawyer  
13 for Mr. Khieu Samphan in case 002.

14 [13.34.58]

15 Mr. Vercken has experience representing clients in criminal cases  
16 at the international level.

17 MR. PRESIDENT:

18 Mr. Arthur Vercken, could you please -- on your feet?

19 Mr. Arthur Vercken, you are now recognized as the Defence counsel  
20 for Khieu Samphan and for the purpose of proceedings before this  
21 Chamber. According to this recognition, you shall enjoy the same  
22 rights and privileges as your national colleague. Please be  
23 seated.

24 [13.35.58]

25 Co-Prosecutor, you may now proceed.

1 MR. LYSAK:

2 Yes. Just one quick preliminary matter, Your Honours.

3 At the informal meeting of the parties on Friday, the issue was

4 raised by the Nuon Chea Defence of whether they could use --

5 whether their client could use notes during his testimony, and

6 they were informed by the Senior Legal Officer that, if they did,

7 that was fine, but the notes then would have to be made available

8 to the Court and to the parties.

9 I observed that Mr. Nuon Chea has a blue binder. During his

10 statement this morning, he made at least one reference to it, and

11 so the Co-Prosecutors would request that, at some point in the

12 proceedings, that a copy be made of Mr. Nuon Chea's binder, and

13 that it become part of the record of these proceedings.

14 [13.36.52]

15 We're not suggesting that it need be done now, but just at some

16 point, it should be part of the Court record.

17 MR. PRESIDENT:

18 Thank you.

19 Counsel for Nuon Chea, you may now proceed.

20 MR. PESTMAN:

21 Most of the documents in the blue folder, the blue binder, are

22 documents from the case file. However, my client has made some

23 notes -- handwritten notes -- especially with important dates,

24 which he finds difficult to remember.

25 [13.37.31]

1 We will provide parties with a copy of that handwritten document  
2 at the end of the day.

3 MR PRESIDENT:

4 Thank you.

5 Before we proceed further, the Chamber would like to respond and  
6 inform to the request – counsel Ang Udom has made the request on  
7 behalf of Ieng Sary -- concerning the severance, or the  
8 separation, rather, of the civil parties of witnesses, so that  
9 they shall not be meeting, or interacting with one another, or  
10 observing the proceedings concerning the testimonies that will be  
11 made by them.

12 [13.38.43]

13 According to the nature of this Court, as the Chamber already  
14 emphasized this morning to the counsel, that the Chamber is of an  
15 extraordinary nature, which is -- which has a unique feature, as  
16 opposed to that of the National Court, the provisions under  
17 domestic laws cannot be entirely applied before this Court. And,  
18 secondly, since it is also the Court's in -- the Chambers in the  
19 Courts of Cambodia, we would like to also refer you to Rule 88 of  
20 the Internal Rules, 88, subparagraph 2, which reads:

21 "The Accused shall not communicate with each other. Whenever  
22 possible, experts and witnesses shall stay in a separate room  
23 from which they cannot see or hear the proceedings. While in such  
24 room, the witnesses shall not communicate with each other."

25 [13.40.00]

1 With regard to this, the Chamber will do its best to follow the  
2 provision as set forth in subparagraph 2 of Rule 88 concerning  
3 the communication of witnesses and experts.

4 And we would like to also indicate to the witness and support --  
5 Witness and Expert Support Unit to make sure that this provision  
6 is well maintained.

7 The Chamber has envisaged some difficulties, and we will do our  
8 best to manage these proceedings, and we can actually take --  
9 learn from the lessons or experience from first case, Case 001.  
10 Civil parties are parties to the proceedings. For that, the  
11 provision here does not limit the rights of the civil parties  
12 from participating in this, because they are allowed to remain  
13 seated at the allocated seats for the civil parties. Other people  
14 who would like to observe the proceeding can be seated at the  
15 public -- in the public gallery. This also includes the witnesses  
16 and experts.

17 I would like now to hand over to Judge Silvia Cartwright to also  
18 shed more light on the request made by Nuon Chea this morning.

19 [13.42.07]

20 JUDGE CARTWRIGHT:

21 Yes. Thank you, President. This morning, counsel for Nuon Chea  
22 raised two issues, the first of which was the status of documents  
23 referred to in each paragraph as it is read out in the Closing  
24 Order and the footnotes to each of those paragraphs. In doing so,  
25 counsel referred to a memorandum dated the 17th of November,

1 E141, which stated -- in which the Chamber stated that "documents  
2 referred to in each paragraph as read out and its footnotes are  
3 deemed to be put before the Trial Chamber".

4 These documents, whether in the paragraph or in the footnotes,  
5 will be deemed to be put before the Trial Chamber unless there is  
6 a challenge to them. If there is objection to any of these  
7 documents, then time will be scheduled by the Trial Chamber to  
8 allow for that argument to occur.

9 [13.43.25]

10 The second point was the presentation of previous statements to  
11 witnesses who are to be called to give evidence in Court. The  
12 Chamber has already indicated that it will, using the Witness and  
13 Expert Support Unit, give to witnesses a copy of the statements  
14 that they made during the investigation phase.

15 The Chamber notes that there is already a -- there was a practise  
16 at the investigation stage whereby the witnesses were provided  
17 with copies of their statements, and this practice is put in  
18 place simply to ensure that witnesses are able to refresh their  
19 memories as to what was said now many months ago. Those  
20 statements will not be able to be used in Court. They will be  
21 taken from the witnesses by WESU as soon as they have finished  
22 reading them, and of course they will not be able to use any  
23 statements that they have in their own possession to refresh  
24 their memories in Court.

25 Those are the two rulings of the Trial Chamber in response to the

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1 matters raised this morning. Thank you, President.

2 [13.44.54]

3 MR. PRESIDENT:

4 Counsel for Khieu Samphan, you may proceed.

5 MR. VERCKEN:

6 Thank you. I was listening to the French interpretation of your  
7 response to the request to the Nuon Chea lawyers this morning,  
8 and I was not entirely certain if you were authorizing witnesses  
9 to attend the trial before they actually appear to testify.

10 Could you please clarify that for me? Thank you.

11 MR. PRESIDENT:

12 It's not that. Witnesses and experts who will be called to give  
13 testimony, the Chamber will contact the WESU to find the best  
14 means to make sure that provision to -- of Rule 88 as much as  
15 possible.

16 Only in case that the publicity of the hearing is too much that  
17 we cannot control, for example, the potential witnesses or expert  
18 may watch or observe the proceedings through television or other  
19 electronic means, that it is really out of the control of the  
20 Chamber to really limit the experts or witnesses from being  
21 engaged in such proceedings before their testimony. That's why we  
22 ask the WESU to only help us as much as possible.

23 And for further clarity, I hand over to Judge Lavergne to clarify  
24 on this if he wishes to do so.

25 [13.47.08]

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1 JUDGE LAVERGNE:

2 Thank you very much, Mr. President. I think your explanations  
3 have clarified the situation already.

4 Just to be absolutely sure that we are all clear, let me draw the  
5 attention of the lawyers to the fact that there are some 500  
6 people who can attend in the public gallery, but we can't check  
7 every single person's identity to make sure there is not a  
8 witness or an expert among them.

9 And so the Internal Regulations have been changed, and it simply  
10 says that that, insofar as possible, we will try and make sure  
11 that there are not any witnesses or experts present -- present  
12 among the public or attending the debate.

13 So there is no mandatory regulation, merely a general duty that  
14 has to be put into force by the Witness Support Unit.

15 [13.48.22]

16 MR. PRESIDENT:

17 Next, we would like to hand over to Judge Silvia Cartwright to  
18 put questions to the Accused. You may now proceed.

19 [13.48.38]

20 JUDGE CARTWRIGHT:

21 Thank you, President. Mr. Nuon Chea, almost two weeks ago you  
22 gave a very helpful and comprehensive statement to the Court and  
23 this morning you have added further detail to that.

24 In your statement during the responses to the opening statements,  
25 you promised to assist the Cambodian people, whom you say you



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1 love, to understand Cambodian history for so long as your health  
2 is good. I thank you for that promise and for the way in which  
3 you have added to the details during your extended statement this  
4 morning. It was a coherent and very helpful statement.

5 [13.49.35]

6 I want to take you back to one or two of the points.

7 You told the Court this morning that you joined the Communist  
8 movement first in Thailand and later then in Cambodia because you  
9 felt such compassion for the Cambodian people whom you said were  
10 being severely oppressed and mistreated by the French colonial  
11 powers at that time.

12 QUESTIONING BY JUDGE CARTWRIGHT:

13 Q. When you came to Cambodia in about 1951, did you in fact join  
14 the Indochinese Communist Party?

15 (Short pause)

16 Did you hear my question, Mr. Nuon Chea? Did you join the  
17 Indochinese Communist Party when you returned to Cambodia from  
18 Thailand in the early 1950s?

19 MR. NUON CHEA:

20 A. Mr. President, Your Honours. Allow me to respond to Your  
21 Honour's question.

22 [13.51.19]

23 When I arrived in Cambodia in 1951, there was a Vietnamese person  
24 who persuaded me to join the Indochinese Communist Party because  
25 it was a principle, he said, that wherever I was from or which

1 political party I was from, if I came to conduct activities in  
2 this country, it doesn't matter whether I was Vietnamese, Laos,  
3 or other nationality, I had to convert myself to join the  
4 Indochinese Communist Party.

5 I agreed with this principle, because it was the Party's  
6 principle -- the principle which stated that wherever we went, we  
7 had to conduct activities under the line of that Party, Your  
8 Honour.

9 Q. Thank you. And at that time, as you told us this morning, the  
10 Indochinese Communist Party was in fact organized and run by the  
11 Vietnamese; is that correct?

12 A. It is correct, Your Honour. The Indochinese Communist Party  
13 was established by the Vietnamese.

14 [13.53.32]

15 It was the Vietnamese who organized, ordered, and expanded and  
16 publicized the Party to Laos and Cambodia.

17 Q. Then, of course, there was declaration of independence in  
18 1953, just two years after you came back from Thailand, and the  
19 Geneva Conference in 1954, when Cambodia's independence was  
20 recognized. What that the point at which the Khmer Revolutionary  
21 People's Party was established?

22 A. So far as I recollect, the Indochinese Communist Party had  
23 been established long ago -- not at that moment -- because the  
24 Indochinese Communist Party had been established by the  
25 Vietnamese and was installed in 1930, so far as I recollect.

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1 Q. But a new party, a new Communist Party was established in  
2 1951, called the Khmer Revolutionary People's Party; is that  
3 correct?

4 A. Your Honour, Vietnam was of the opinion that, if they used the  
5 Indochinese Communist Party as it was, Cambodian people, in  
6 particular, could not accept -- and they would not like -- the  
7 Vietnamese.

8 [13.56.13]

9 For that, the Vietnamese -- or Vietnam -- had the authority to  
10 divide Indochinese Communist Party into three parties. It was  
11 their tactic; it was not a principle of the Party. However,  
12 although Indochinese Communist Party was divided into three: one  
13 being in Laos, the People Revolutionary Party of Laos; and here  
14 in Cambodia, Kampuchea Revolutionary People's Party; and in  
15 Vietnam, the Labour Party or Lao Dong Party.

16 And as I already indicated: although it was divided into three  
17 parties, it doesn't matter whether it was the Laos Party or the  
18 Kampuchean's Party -- none was independent. We had no mastery --  
19 we could not initiate anything or make our own decision. The  
20 parties were merely under the control and -- of the Lao Dong or  
21 the Labour Party of Vietnam.

22 Q. Yes, thank you. So you have told us, then, that the Khmer  
23 Revolutionary People's Party was still dominated by the  
24 Vietnamese.

25 [13.58.16]

1 After the independence and the Geneva Conference, did the  
2 intellectuals who were members of the Communist movement,  
3 particularly in France -- did they begin to return to Cambodia?

4 A. I don't know much about this because I was not in charge of  
5 the intellectuals. I did not know people -- the Cambodian people  
6 -- who studied in France.

7 [13.59.12]

8 Whether they joined the French Party or other party, it was out  
9 of my knowledge.

10 Q. Well, later on, in 1960, was a new Communist party established  
11 -- this time called the Khmer Worker's Party -- and was this the  
12 first truly Cambodian Communist Party?

13 A. As I already emphasized, Cambodian people in 1960 would like  
14 to free ourselves from the control of -- by Vietnam. So, some  
15 members of the Party, including Grandfather Tou Samouth, Saloth  
16 Sar, and I myself, had discussed this and agreed that if we did  
17 not have our own party with our own political party, independent  
18 to others -- in particular the Communist Party of Vietnam -- our  
19 country, our Party would have to be still under the influence of  
20 the Vietnam and we would have to receive orders from Vietnam,  
21 that's why we had to organize a party to create strategies,  
22 parties line and statute different from those of the Vietnam  
23 Party. We wanted our Party to be different from that of Vietnam.

24 [14.01.43]

25 Q. Did the Vietnamese know about the establishment of the Khmer

1 Workers Party? And if they did, did they support its  
2 establishment?

3 A. To my knowledge the Vietnamese must have known the  
4 establishment of the Party. Not only did the Vietnamese not  
5 support this party but instead they had attempted to destroy this  
6 party by whatever means.

7 First, they tried to divide party members internally in our own  
8 party, at that time it was known as the Workers Party of  
9 Kampuchea. They appointed the undercover party members in order  
10 to eavesdrop the Party's line, especially Vietnam was not at all  
11 happy because the design and the establishment of the Party's  
12 line, strategy, as well as tactics. The Workers Party of  
13 Kampuchea did not consult with or ask for approval from the  
14 Communist Party of Vietnam at all.

15 [14.03.45]

16 Hence, they were not at all happy with us and as a result they  
17 designed a plan in order to destroy the Party, both in Cambodia  
18 and in foreign affairs or internationally. So overall they want  
19 to continue to take control of the Kampuchea Workers Party.

20 At that time Truong Chinh, the secretary of Lao Dong Vietnam --  
21 or Communist Party of Vietnam -- said that Vietnam, Kampuchea and  
22 Laos are like a house with three rooms but the three country are  
23 under one roof. It means that we have three separate rooms but it  
24 is under one roof. It simply means that even if there are now  
25 three separate parties but these separate parties must be

1 subordinate to the Vietnamese Communist Party because the three  
2 party live under one roof. So this is what Truong Chinh has  
3 repeated time and time again.

4 [14.05.19]

5 Apart from that, certain Vietnamese cadre, especially those in  
6 the leadership apparatus, often said that even those Vietnam  
7 could liberate the South Vietnam so long as they could not take  
8 control of Cambodia it would be useless because it would be a  
9 waste of resources of Vietnam. If we fail to take control of  
10 Cambodia it would be a loss for our Party.

11 So this is my response to your question as to whether or not they  
12 were happy or not but this is what they have reacted and we have.

13 And to my recollection Pham Van Dong said as follow. Pham Van  
14 Dong said, once Cambodia is liberated, he did not mention  
15 anything about, you know, placing or appreciating Cambodian  
16 people, but he instead said it was a miracle once Cambodia is  
17 liberated. It seems like God has come down to earth in order to  
18 save Cambodian people, it was not liberated by the Cambodian  
19 people or by the Party in Kampuchea but it was liberated by  
20 something else.

21 And Mr. Nguyen Giap said -- I have already mentioned that Mr.  
22 Nguyen Giap asked Pol Pot as to what the area, the total area of  
23 arable land in Cambodia and Pol Pot at that time said -- some 30  
24 years ago -- Pol Pot said we had around 18 million hectares, but  
25 the arable land which can be put into good agricultural use

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1 amount to about 30 million hectares and Mr. Nguyen Giap said in  
2 Vietnamese which means "it is very delicious".

3 [14.08.20]

4 So I thought to myself at that time what he meant by being  
5 delicious and then later on I realized that, well, it was what he  
6 meant by delicious and it was really delicious for them.

7 For example, we have, you know, made a land concession of 90  
8 years to the Vietnamese -- 99 years [interpreter corrects]  
9 concessionary lease to the Vietnamese company.

10 I have to speak frankly because I believe that this Court want to  
11 find justice, the justice that is beneficial, that is useful for  
12 the younger generation and I want the younger generation to  
13 remember and to know who are our real enemy and who are our real  
14 friends.

15 [14.09.24]

16 In the past many Vietnamese leader did not want us to liberate  
17 Phnom Penh because they consistently told us that you, comrades,  
18 did not have to try to liberate Phnom Penh. Once Prey Nokor was  
19 released then we would be able to liberate Phnom Penh within 24  
20 hours, so you, our comrade, did not have to do anything; you  
21 simply act as the usher who find the pass for us to get into your  
22 country.

23 So this is the common words that they have publicized, not only  
24 within the military rank in Cambodia but also among Cambodian  
25 people at the grass-root level as well, and Pol Pot had said that

1 those who control it and did it, they reap the benefit. So it  
2 means that if they liberated Phnom Penh then they would take over  
3 Phnom Penh, there is no question about that.

4 [14.10.32]

5 So this clearly reveal the ambition, the greed of the Vietnamese  
6 in order to eliminate Cambodian people and to annex Cambodia or  
7 swallow the Cambodian territory by the Vietnamese leader. This is  
8 the truth, Your Honours.

9 Q. Later there was another party established, called the  
10 Communist Party of Kampuchea and that was simply a new name for  
11 the Khmer Workers Party that you have just told us was hated and  
12 opposed by the Vietnamese; is that correct?

13 A. The reason to -- the reason of the change from the Workers  
14 Party to the Communist Party of Kampuchea is as follow: First, if  
15 we used the word "Workers Party" it overlaps with parties  
16 established in Vietnam and China, so it was not appropriate.  
17 Therefore, the leaders of the Cambodian Workers Party decided to  
18 change the name of this party to the Communist Party of  
19 Kampuchea.

20 But I would like to be precise on this particular point; it was  
21 not the idea to bring in the Communism and to impose it in  
22 Cambodia and we did not attempt to achieve the Communist ideology  
23 immediately after we established this Party, because at that time  
24 Cambodian society as a whole was not a socialist society and how  
25 could we swiftly change into communism, but we merely put the



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1 name Communist Party of Kampuchea because we did not want to have  
2 an overlap name -- overlapping names -- of the Party established  
3 in Vietnam.

4 [14.13.12]

5 We want a different name. Why -- why did we want to have  
6 different names? Because in Vietnam they had Workers Party in  
7 Vietnam; and in Cambodia, we had Workers Party in Cambodia as  
8 well, so we do not want to have the same party names, so other  
9 people might perceive these party as more or less the same party.  
10 Because of this reason we at the leadership level of the Party  
11 decided to change the name of the Party. But actually only the  
12 name of the Party was changed but the line -- political line of  
13 the Party, as well as the technical line and strategic line of  
14 the Party was maintained; which is the revolutionary line of  
15 Kampuchea. So we did not change our political line but we simply  
16 changed the name of the Party, it was a mere change of the  
17 outside pictures of the Party.

18 [14.14.24]

19 Q. And because the Communist Party of Kampuchea and its leaders  
20 were determined to show the world that it was an independent  
21 movement -- that is, a movement independent of the Vietnamese --  
22 did the Communist Party of Kampuchea for some time say that the  
23 Communist movement had only started in 1960 when the Khmer  
24 Workers Party was established?

25 A. I'm sorry, Your Honour, I don't think I understand your

1 question.

2 Q. I'm sorry; it was a little bit long.

3 Later on, the Communist Party of Kampuchea said that the  
4 Communist movement in Cambodia started in 1960. Was that in fact  
5 to show that that was the first independent Communist movement in  
6 Kampuchea? You didn't want to be associated with the Vietnamese  
7 Communist movement that had started with the Indochinese  
8 Communist Party much earlier?

9 [14.15.57]

10 A. That's correct, Your Honour.

11 Q. Going back to your involvement in the Communist movement, when  
12 you came back from Thailand, you were trained then by the  
13 Vietnamese in Vietnam for a period; is that correct?

14 A. In my opinion, I was not alone at that time, who was lured by  
15 the Vietnamese in order to build up their internal force. I think  
16 they tried to persuade all Cambodian who have not understood the  
17 characteristic of the Vietnamese who has always attempted to  
18 swallow Cambodian territory. So they tried to lure those people  
19 into building their internal forces so that they could continue  
20 to control Cambodia.

21 This is the truth, and I think that is what it is.

22 Q. But by the time the Khmer Revolutionary Peoples' Party was  
23 established in 1960, you were one of those in Cambodia who had  
24 studied Communist theory and ideology and you were in a good  
25 position to be one of the leaders of that Party; is that correct?

1 [14.18.20]

2 A. Your Honours, the principle of the -- the principle underlying  
3 the Communist Party of Kampuchea is not the individual ownership  
4 of the Party, so the Party is the representation of a collective  
5 responsibility, so we work collectively in this Party.

6 And I would like to add a bit to this point: certain Khmer people  
7 who Vietnam lure into studying in North Vietnam following the  
8 Geneva Conference in 1954, they grasped the Vietnamese culture  
9 which they used the term "Big Brother" or "Small Brother" also in  
10 the Party. And in our Party back in Cambodia, none was considered  
11 "Big Brother" or "Small Brother"; we work equally, we are equal.

12 We work along the line of our responsibility and designation.

13 And at that time, Pol Pot was proposed to be called the Secretary  
14 General of the Party, at that time Pol Pot said he refused this  
15 title; he did not want to be called the Secretary General, he  
16 simply want "Secretary of the Party" because our Party was small  
17 and with smaller population and we did not yet have experience in  
18 resistance, so we should not try to promote ourselves but we will  
19 have to be moderate; we have -- this was the motivation of the  
20 Party at that time so there was no such a thing as "Big Brother"  
21 or "Small Brother" in the Party.

22 Q. You were elected Deputy Secretary of the Khmer Revolutionary  
23 People's Party in 1960 and shortly after its name -- after that  
24 -- its name was changed to the Kampuchea Workers Party and you  
25 remained the Deputy Secretary for that Party too; is that the

1 case?

2 [14.21.29]

3 A. I was not the Deputy Chairman, I was the Deputy Secretary;  
4 Deputy Chairman means different thing. Deputy Chairman refers to  
5 the administrative things but deputy secretary responsible for  
6 the Party. So I think we should use these two terms separately  
7 and I don't want to have confusion here because we distinguish  
8 between party, and means we separate between different branches  
9 of the state: we have the legislative, the executive and the  
10 judiciary.

11 Q. Just to clarify that point, I did in fact use the correct  
12 term, "Deputy Secretary", and I just want you to confirm that you  
13 were Deputy Secretary of the Khmer Revolutionary People's Party  
14 in 1960 and after the change of the name to the Kampuchea Workers  
15 Party, you remained the Deputy Secretary of that Party; is that  
16 correct?

17 [14.22.49]

18 A. The story was as follows -- I have to go into a much more  
19 detailed story. I was the Deputy Secretary of the Communist Party  
20 of Kampuchea, the predecessor of the Workers Party of Kampuchea,  
21 but there was an internal problem in the Party.

22 In around 1954 to '55 or '56, following the Geneva Conference in  
23 1994, Sieu Heng, who was my uncle-in-law, resigned from the Party  
24 and he served the army after the Lon Nol administration.

25 This more or less affected me because at that time there were two

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1 parties; you have the undercover party or secretive parties and  
2 open party -- we did not use the word "party" actually, we used  
3 the word "group" -- and these two groups of people have  
4 responsibility to work openly, for example they run the news  
5 media outlet in order to propagandize in the country, but there  
6 was a secretive group of people or party at that time as well.

7 [14.25.24]

8 Q. And while you were deputy secretary of the Kampuchea Workers  
9 Party, was the secretary Tou Samouth?

10 A. Your Honour, may I ask for clarification; what year are you  
11 referring to?

12 Q. This is of course before he disappeared, but he was the first  
13 secretary of the Kampuchea Workers Party, which had previously  
14 been the Khmer Revolutionary People's Party; is that correct?

15 A. He disappeared in 1962, but before that Sieu Heng who was  
16 appointed by Vietnam to be the secretary, and at that time Tou  
17 Samouth came to Phnom Penh and he worked as a member of the  
18 Party. Actually, Sieu Heng was the secretary of the Party.  
19 Myself and Saloth Sar were assistant or arms to Tou Samouth  
20 because Tou Samouth was all alone at that time, and let on when  
21 Sieu Heng resigned, then we convened a party congress for the  
22 first time in 1960, and then Tou Samouth was appointed the  
23 Secretary of the Party and I remained the Deputy Secretary of the  
24 Party then.

25 [14.27.35]

1 Aside from that they set up the Standing Committee, which include  
2 Pol Pot, Ieng Sary, and other members.

3 Q. At that time you held a more responsible office in the Workers  
4 Party than Saloth Sar, whose revolutionary name was Pol Pot, or  
5 Ieng Sary; is that correct?

6 A. Your Honours, I admit that I was the Deputy Secretary in  
7 charge of education. I was not been designated -- I had not been  
8 designated -- to be the chairman of the Line Office or department  
9 also.

10 Q. When did Saloth Sar become the Secretary of the Kampuchea  
11 Workers Party?

12 A. You're referring to the Workers Party or Communist Party of  
13 Kampuchea, Your Honour?

14 Q. The Kampuchea Workers Party. In paragraph 22 of the Closing  
15 Order, after Tou Samouth disappeared, it was stated that Saloth  
16 Sar became the new Secretary and you remained the Deputy  
17 Secretary; is that correct?

18 [14.29.42]

19 A. Following the disappearance of Tou Samouth in 1962, we  
20 convened the Party's Congress in 1963 -- in 1963 to my  
21 recollection -- and the Congress at that time selected Pol Pot to  
22 be the Secretary of the Party and I remained the Deputy Secretary  
23 of that Party.

24 I actually tendered my resignation, but the Congress at that time  
25 refused my application for resignation, so I decided to stay on.

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1 Actually, I did not want to be associated with Sieu Heng who  
2 actually left the Party, so I want to be -- I want to clear any  
3 doubt of my relations with Sieu Heng.

4 [14.31.16]

5 Q. And the reason you wanted to clear any doubts about the  
6 relationship with Sieu Heng, who was your uncle by marriage, was  
7 because he had defected from the Communist movement and joined  
8 Sihanouk's government; is that the situation?

9 A. So far as I remember, there were a few issues. First, the  
10 reason that he abandoned the Communist Party at that time was  
11 because his family living condition was poor, his children had to  
12 go to school and he didn't have money to support their education  
13 and the Party could not support him either.

14 Secondly, he leaked confidential information with relation to his  
15 family, his wife's relatives, and to free himself from this  
16 situation Sieu Heng did not confess before the King, Norodom  
17 Sihanouk, but he actually surrendered before Lon Nol and he was  
18 protected by Lon Nol.

19 [14.33.24]

20 Q. Now, when Tou Samouth was still the Secretary of the Workers  
21 Party, he disappeared. You, however, in your statement on the  
22 22nd of November, said that he had died. What do you know of his  
23 disappearance or death?

24 A. I personally have no knowledge of this but I have heard of it  
25 because when grandfather Tou Samouth disappeared, I did not know

1 of that situation, but in one afternoon I went to his home to  
2 present him with some documents and I met his wife. He had a  
3 child about three years old or more than two years old. I asked  
4 his wife where Mr. Tou Samouth was and she said that he had been  
5 to the -- he had gone to the market and I asked which market had  
6 he gone to, she said Tuol Tumpung market, the market adjacent to  
7 her house.

8 And I was thinking at that time, if he didn't return, perhaps he  
9 could have had an accident, traffic accident or end up being  
10 arrested, and at that time I quickly reported to Saloth Sar that  
11 Tou Samouth had disappeared, and I told Tou Samouth on the  
12 account that I had when I met Tou Samouth's wife.

13 Saloth Sar had his people who worked at the hospital and at the  
14 military section -- Saloth Sar conducted a search through his  
15 men. When he asked his men at the hospital he could not get any  
16 information because there was no one wounded -- admitted to the  
17 hospital --bearing the name Tou Samouth.

18 [14.36.11]

19 The military line, Nuth Panara (phonetic), the man who already  
20 died, who had some friends in the military, who told him that Lon  
21 Nol soldiers told that a big Issarak person was arrested and  
22 detained at Lon Nol's house, tortured severely. He did not  
23 confess, although he was subjected to torture and the secret  
24 police of Lon Nol took Tou Samouth to be killed at the Prum Mean  
25 Chey pagoda, known as Stung Mean Chey pagoda. That is the story



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1 relevant to Tou Samouth's disappearance or death.

2 [14.37.14]

3 MR. PRESIDENT:

4 Thank you, Mr. Nuon Chea.

5 Since it is now appropriate time to take the adjournment, we will  
6 take 20 minutes break and resume afterwards.

7 Security personnel are now instructed to take Nuon Chea to the  
8 seat behind his counsel and bring him to the dock before the  
9 Court started new session in the afternoon.

10 (Judges exit courtroom)

11 (Court recesses from 1438H to 1500H)

12 (Judges enter courtroom)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is now back in session.

16 Nuon Chea, you may now proceed.

17 [15.00.28]

18 MR. NUON CHEA:

19 Mr. President, may I correct two words?

20 The "18 million" hectares should have been said "8 million"  
21 instead.

22 Number two: Vietnam entered Cambodia on "the 17th of January  
23 1990" should have been restated as "the 7 of January 1979".

24 My heart condition is not very good; may I request that the  
25 session be deferred to tomorrow?

1 MR. PRESIDENT:

2 Indeed, it has been a 20-minute break already, you may take it  
3 easy. We understand that -- we understand your age and your  
4 strength, so if you can proceed slowly we can still proceed.

5 [15.01.52]

6 MR. NUON CHEA:

7 I think I perhaps need to have a break now.

8 (Judges deliberate)

9 MR. PRESIDENT:

10 The Chamber still proceed with the questioning to you. We will  
11 take 30 minutes after -- from now -- and we will consider how we  
12 can deal with your request tomorrow, in particular when it comes  
13 to your request for a break.

14 I would like to hand over to Judge Silvia Cartwright to proceed  
15 with further questions to Nuon Chea.

16 BYJUDGE CARTWRIGHT:

17 Thank you, President.

18 [15.03.13]

19 Q. Mr. Nuon Chea, I just want to return briefly to finish the  
20 discussion about Tou Samouth's disappearance. You have told us  
21 that you went round to his house and immediately suspected that  
22 he had been arrested.

23 Did you after that arrange for his family to be evacuated from  
24 Phnom Penh into the area where the Workers Party underground was  
25 living at the time, so that they would be safe? Was that the

1 situation?

2 MR. NUON CHEA:

3 A. At that time, I could not judge that he had been arrested or  
4 had a traffic accident; I did not make any decision or had any  
5 comment to make to his family. I rushed to return home and  
6 reported to Saloth Sar that Tou Samouth had disappeared.

7 [15.04.57]

8 I told Saloth Sar that I asked his wife where he could have been  
9 or had gone, then she said he had gone to the market and not yet  
10 returned.

11 I had some discussion with Saloth Sar how to deal with the  
12 situation, because according to the principle if he were to be  
13 arrested, the location where he resided at had to be changed. But  
14 at that time Saloth Sar did not make any decision and he asked me  
15 to wait and search because he had people who worked at the  
16 military and hospital who could search for the information  
17 concerning Tou Samouth. He then asked people at the military and  
18 the hospital to locate Tou Samouth, but to no avail.

19 A few days later, some friends at the military were asked to look  
20 for him. We were told that from the military, a Khmer Rouge  
21 leader -- important Khmer Rouge leader -- was arrested and kept  
22 at Lon Nol's house and tortured and we suspected that it could  
23 have been him -- it could have been Mr. Tou Samouth who had been  
24 arrested. And later on, we were reported that he had been  
25 tortured because he refused to confess.

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1 Consequently, he was taken to be killed at Stung Mean Chey  
2 pagoda, as I already indicated.

3 [15.07.36]

4 Q. Thank you. And was his family then evacuated from Phnom Penh  
5 so that they would be safe?

6 A. So far as I recollect, at that time, the family was not yet  
7 evacuated. But there was no problem at that time as yet.

8 Only at a later date that the family was evacuated, but I do not  
9 remember the exact date because I had no further contact with the  
10 family ever since.

11 Q. Thank you. Now, you said before that you went to -- in answer  
12 to my question -- that you went to Vietnam, along with some other  
13 people, was that for political training and for military  
14 training?

15 [15.08.45]

16 A. So far as I remember, I was sent to attend political sessions  
17 by the Party, not attending the military sessions.

18 Q. And were you in Vietnam for two years, between 1951 and 1953,  
19 along with other people?

20 A. It was correct but the date was not correct. Because I went to  
21 Vietnam -- I went to Vietnam in 1951 and by only year 1953 that I  
22 attended the training session.

23 Q. So how long did you live in Vietnam for your political  
24 training?

25 A. It was more than a year, but I did not attend regular

1 sessions. At that time in Vietnam there was a movement at the  
2 paddy fields and during the study session I had to really observe  
3 the demonstration at the paddy fields to see what it was going,  
4 that's why I did not really attend the session more regularly.

5 Q. You did receive some military training at some stage, however,  
6 because you became a senior member in the Communist Party of  
7 Kampuchea, in charge of certain military responsibilities; when  
8 did you receive military training?

9 [15.11.29]

10 A. I think that observation is not correct - I never attended a  
11 military session. I heard in the statement by the prosecutors  
12 that I started in the military sessions but I never done that  
13 course before -- attended that session before.

14 Q. After the Geneva Conference and Accords you've described the  
15 country as being "in a state of chaos". Was it during that period  
16 that the local Communist movement became much stronger because  
17 there was much dislike of the Vietnamese for not allowing the  
18 Cambodians to participate in the Geneva Conference?

19 A. After the Geneva Accord the movement was not very strong, it  
20 was weakened. The whole movement was almost ground to a halt, as  
21 I already indicated.

22 [15.13.30]

23 The Geneva Agreement or Accord on Cambodia issues was to  
24 demobilize the militaries and asked that all resistant groups be  
25 dismissed or dispersed to be civilians and to live in their

1 society as normal to help the government. But they were  
2 persecuted because they were accused of being the Khmer Viet  
3 Minh, they were arrested, oppressed, executed, in particular  
4 during the general election in the Sangkum Reastr Niyum.  
5 Some were arrested and people had to sell their land to secure  
6 the release of their loved ones. Many had to escape; many went to  
7 the jungle, the jungle in the Southwest, the Northwest and other  
8 locations.

9 People was on the run and there were only two branches but the  
10 only -- the remaining branches were more symbolic, the one in  
11 Tram Kok and the one elsewhere as I already indicated.

12 Q. And did the Workers Party see the need to establish a secret  
13 defence unit to protect its cadres and its political activities,  
14 as well as to attack the enemy?

15 [15.16.10]

16 A. So far as I remember, at the beginning there was no such unit;  
17 people were on the run but because they -- they were mistreated,  
18 there was a riot or rebellion movement in Samlaut. I don't recall  
19 the date the rebellion took place in Samlaut.

20 The situation was intense because when people were seen reading  
21 newspaper that would be enough for them to be arrested. They were  
22 accused and Lon Nol spy were everywhere to hand them down.

23 So the movement got more intense because of this oppression that  
24 led to the uprising in Samlaut and this was the course of the  
25 situation.

1 And I'm rather exhausted, Your Honour.

2 (Judges deliberate)

3 [15.19.51]

4 MR. PRESIDENT:

5 Since the Accused has indicated that he has been helping the  
6 Chamber, responding to questions for the whole day already and  
7 that he is tired, he would like to take a break, the Chamber  
8 notes that the request is plausible and that we would like him to  
9 have some rest and have enough energy to return to the courtroom  
10 for further questions.

11 For that reason, the Chamber will adjourn and the next session  
12 will be resumed tomorrow at 9 o'clock.

13 Parties and the public are advised to come to this courtroom, at  
14 public gallery by 9 o'clock.

15 The security personnel are now instructed to take all the Accused  
16 back to the detention facility and bring them to the courtroom at  
17 the indicated time.

18 The Court is now adjourned.

19 (Court adjourns at 1521H)

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