



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): 29-Jan-2013, 16:21
CMS/CF0: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 January 2013

Trial Day 150

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

The Accused: IENG Sary

Lawyers for the Accused:

SON Arun
Victor KOPPE
ANG Udom
Michael G. KARNAVAS
KONG Sam Onn
Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:

DUCH Phary
Roger PHILLIPS
Faiza ZOUAKRI

Lawyers for the Civil Parties:

For the Office of the Co-Prosecutors:

VENG Huot
Keith RAYNOR

PICH Ang
Élisabeth SIMONNEAU-FORT
TY Srinna
LOR Chunthy
SIN Soworn

For Court Management Section:

UCH Arun
SOUR Sotheavy

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MS. GUISSÉ	French
MR. KARNAVAS	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. RAYNOR	English
MR. VENG HUOT	Khmer

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

2 (Court opens at 0906H)

3 MR. PRESIDENT:

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

5 As the Chamber informed the parties and the public, today we will
6 continue the document hearing regarding the submission of key
7 documents relevant to the facts mentioned in our memo -- that is,
8 E223/3, paragraph 4, and that it will be continued by the
9 Prosecution.

10 [09.07.40]

11 Before I hand the floor over, Mr. Duch Phary, could you report
12 the attendance of the parties and individuals to today's
13 proceeding?

14 THE GREFFIER:

15 Mr. President, for today's proceeding all parties to this case
16 are present, except the accused, Ieng Sary, who is present in the
17 holding cell downstairs due to his health; and the accused, Nuon
18 Chea and Khieu Samphan, are absent due to their health reasons.
19 Through document E258/2 and E223/4, submitted their waiver for
20 the document hearing today. Thank you.

21 MR. PRESIDENT:

22 Thank you.

23 The floor is now given to the Prosecution to continue their
24 presentation regarding the key documents related to the
25 population movement, phases 1 and 2, and the killing site of Tuol

1 Po Chrey. You may proceed.

2 [09.09.08]

3 MR. RAYNOR:

4 Good morning, Mr. President, Your Honours. Can I please start by
5 addressing the question raised yesterday by Her Honour Judge
6 Cartwright with respect to the Prosecution's position with regard
7 to document presentations on the role of the Accused and joint
8 criminal enterprise?

9 Your Honour, the position is this, that given the time that's
10 going to be required to select, prepare, and combine documents,
11 at times in three languages, the OCP would be in a position to
12 present these presentations at the earliest next Wednesday and
13 Thursday. I hope Your Honour will appreciate that the OCP and
14 indeed all the parties are having to twin track at present, and
15 what I mean by that is to prepare either for document hearings or
16 for testimony.

17 [09.10.08]

18 And Your Honour, we have these two potential scenarios next
19 Monday. One is that the Court may be completing the testimony of
20 TCW 100 whose testimony is part heard. The Court may be moving on
21 to start the testimony of TCW 110, and so we're mindful--

22 MR. PRESIDENT:

23 The Co Prosecutor, could you please slow down a little bit so
24 that the interpreter could make a full record of your statement,
25 in particular the code names for the witnesses? Thank you.

1 MR. RAYNOR:

2 Mr. President, forgive me.

3 The code names for the witnesses who potentially could be heard -
4 and we're, of course, in the Court's hands, but we anticipate
5 that the Court may decide to complete the testimony of witness
6 TCW 100 or may decide to commence the testimony of witness TCW
7 110. The OCP is in a position to proceed in either of those
8 eventualities.

9 Your Honour, plainly, if witnesses were to be heard next Monday
10 and Tuesday that would sensibly occupy Court time, and the OCP
11 could then present on the role of the Accused next Wednesday and
12 Thursday.

13 [09.12.07]

14 Your Honour, with regard to the presentation on joint criminal
15 enterprise, we would respectfully submit that that is a
16 presentation that should take place towards the end of the
17 evidence hearings. We say that because there are obviously other
18 documents to be presented to witnesses who have not yet been
19 called. We wish to avoid repetition and duplication and we hope
20 that that presentation will be most usefully digested by the
21 Judges towards the end of the evidence hearings.

22 So Your Honour, Judge Cartwright, I hope that addresses the
23 question that you raised yesterday. Can I say that I'd like now,
24 subject to any comments from the Judges, to hand over to my
25 learned friend, Mr. Veng Huot to introduce the document

1 presentation on forced movement. Thank you.

2 [09.13.23]

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 MR. VENG HUOT:

6 Good morning, Mr. President, Your Honours. Good morning everyone
7 in and around the courtroom.

8 The Prosecution will make a presentation to the Chamber regarding
9 evidence of forced movement, starting from Phase 1 -- that is,
10 when it commenced on the 17 April 1975, and the second phase of
11 the forced population movement, starting in late 1975.

12 In our presentation, we will show the Chamber the documents which
13 already exist in the case file as well as the related events. We
14 also have some videos and photographs to present to the Chamber
15 and the parties. And the topics of our presentation are the
16 following:

17 [09.14.59]

- 18 1) The period immediately before 17 April 1975 and the situation
19 in Phnom Penh;
- 20 2) The attack on Phnom Penh by the Khmer Rouge force;
- 21 3) The arrival of the Khmer Rouge force in Phnom Penh on 17 April
22 1975;
- 23 4) The evacuation of city dwellers;
- 24 5) The evacuation of people to various cooperatives in the
25 countryside;

1 6) The identification process, the separation, and the execution
2 of former civil servants and soldiers of the Khmer Republic
3 regime, and in particular, the events that took place at Tuol Po
4 Chrey site;

5 7) The forced population movement during the second phase and the
6 number of people to be evacuated and the process of the movement
7 as well as the consequences on the people.

8 [09.16.30]

9 Your Honours will be presented with the types of the documents as
10 follows:

11 1) The reports by the Secret Information Service of the United
12 States;

13 2) The document from the U.S. Archives;

14 3) A summary from various broadcasts by the Khmer Rouge
15 representatives;

16 4) Reports from international media;

17 5) Telegrams sent and received from French embassies in Phnom
18 Penh;

19 6) Various publications of the Communist Party of Kampuchea,
20 including records of visits of the non Standing Committee members
21 to the Northwest in September 1975 and the report from Northwest
22 dated 27 March 1977.

23 [09.18.01]

24 Under this topic, the Prosecution will not delve into details of
25 the evidence related to the ideology or the introduction and

1 development of the policy of forced movement, and two, the role
2 of the Accused in the joint criminal enterprise regarding the
3 forced population movement.

4 As instructed by Judge Cartwright yesterday, and affirmed by my
5 colleague, we already made a request and submission to the
6 Chamber regarding this matter, and I would like now to cede the
7 floor to my colleague to proceed with our presentation. Thank
8 you, Mr. President.

9 MR. PRESIDENT:

10 Thank you.

11 International Prosecutor, you may proceed.

12 MR. RAYNOR:

13 Mr. President, thank you.

14 Can I please indicate that the first batch of documents will be
15 covering the period from late February, early March 1975 through
16 to the 16th of April of 1975, and can I begin the presentation,
17 please, by reference to document number E3/334? Khmer ERN 0070867
18 through 8; English, 00413053; and French, 00751935; and the Khmer
19 version of that will come up on the screen.

20 [09.20.10]

21 This, Mr. President and Your Honours, is a document extracted
22 from the archives of the United States Department of State. They
23 produced, in effect, running reports on a monthly basis about the
24 situation in Cambodia, and this entry reads as follows:

25 "In country clandestine radio reports that on the 24th to 25th of

1 February, Khieu Samphan chaired the Second Cambodian National
2 Congress in 'liberated' territory. The GRUNK in country cabinet
3 attended, as did 273 representatives of front associations and
4 the army. They declared that 'it is absolutely necessary to kill'
5 the seven 'traitors' Lon Nol, Sirik Matak, Son Ngoc Thanh, Cheng
6 Heng, In Tam, Long Boret, and Sosthene Fernandez. Other
7 politicians and high personalities, however, may join FUNK if
8 they stop cooperating with the 'Seven' now.'" "

9 [09.22.12]

10 Next, please, can I move to document E3/3551 – the Khmer ERN
11 00725702; and the French, 00763934? We are still dealing with
12 U.S. Department of State documents, and this page records an
13 entry for the events of the 28th of February of 1975. Under a
14 heading, "Indochina", the following is stated: "Inaugural flights
15 of U.S. rice airlift went smoothly with three planes, making
16 total 10 Tan Son Nhut-Phnom Penh trips without mishap. Rebel
17 rockets hit near the airport as the rice lift begins."

18 The next entry within that document is on Khmer page 00725704;
19 French, 0076394; and English, 00413033; and it states: "While
20 most people in Phnom Penh have enough to eat, relief agencies
21 report thousands of refugees starving with beginning of food
22 airlift."

23 [09.24.34]

24 The next extract is from E3/3334; the Khmer ERN is 00740868; the
25 French, 00751931; English, 00413054; and the document records

1 this:

2 "Aid has now been authorized to begin a rice program. Up to
3 20,000 metric tons of rice, stored in Vietnam, has been
4 transferred for immediate use. This will enable the voluntary
5 agencies and the Red Cross to greatly increase their feeding
6 programs for refugees and other needy people. Up to 150 tons a
7 day of rice currently being airlifted.

8 "On March the 2nd of 1975, rice stocks in Phnom Penh totalled
9 8,693 metric tons or a 16 day supply at the official distribution
10 rate. While no rice arrived in Phnom Penh via the Mekong or from
11 local harvests, the airlift from Saigon began on the 27th of
12 February and delivered 1,694 metric tons in the initial four
13 days. The operation is proceeding satisfactorily with the number
14 of flights increasing from seven on February the 28th to 14 on
15 March the 3rd."

16 [09.27.03]

17 Still within that document, different page numbers; Khmer,
18 00740869; French, 00751932: "Rice and fish prices rose about 7
19 per cent during the past week to lead an overall price increase
20 of about 3 per cent. Black market prices of U.S. rice rose 5 per
21 cent and Battambang rice 9 per cent."

22 Same ERNs - English for this one, 00413056: "Average group prices
23 for meat, poultry and vegetables remain steady while fruits rose
24 almost 3 per cent and local products rose about 2.5 per cent."

25 Another entry on the same page:

1 "After several weeks of relative inactivity, the Khmer Rouge took
2 the initiative again on the east bank of the Mekong across from
3 Phnom Penh. They took key positions at Ta Chou and Preaek Luong
4 Preaek Luong."

5 [09.28.55]

6 Another entry on the same page, same theme:

7 "The fall of Preaek Luong has given the Khmer force gunners
8 better rocket coverage of downtown Phnom Penh and put them in
9 mortar and recoilless rifle range of the naval base on the
10 peninsular just east of the capital."<V>

11 Same document, different ERNs: Khmer, 00740871; French, 00751933;
12 and English, 00413057: "Between February the 25th and March the
13 3rd, 47 rockets exploded in Phnom Penh City--"

14 Sorry; can I quote again:

15 "Between February the 25th and March the 3rd, 47 rockets exploded
16 in Phnom Penh City proper, killing 19 people and wounding 29. One
17 hundred and nineteen additional rounds landed in the Pochentong
18 area, although few reached the airport. The rounds killed nine
19 and injured 61. Incoming rounds at both locations have more than
20 doubled since the last count."<V>

21 Can I move, next, to documents from the 9th of March? And just --
22 this is a document that I propose to read. It's from the 9th of
23 March. It's an entry from the United States Foreign Broadcast
24 Intelligence Service reports. The acronym, FBIS, referred to in
25 this Court, FBIS. This is a record from the 9th of March 1975.

1 The heading is "The French Press Agency Reports More Embassies
2 Evacuating Personnel", and the entry for the 9th of March reads:
3 "Fifteen people were killed and 23 others wounded today when
4 Khmer Rouge insurgents blasted Phnom Penh and its Pochentong
5 Airport with rocket fire."

6 [09.32.13]

7 The next document, E3/120; English ERN 00166 -- sorry, forgive
8 me. Can I start again? The document is E3/3336; the Khmer ERN
9 00635044 leading to 45; French, 0059974 through 55; and English,
10 00413126. Again, U.S. Department of State document, E3/3336. This
11 is for the 11th of March 1975: "On the economic front, planning
12 goes forward for implementation of the new rice program for
13 Cambodia."

14 And then, under the heading "Political" - at Khmer ERN 00635045,
15 same French ERN: "President Lon Nol's reported remark to a
16 congressional delegation that he would be willing to resign in
17 the cause of peace, predictably became a prime topic."

18 And further in the quote: "Prime Minister Lon Boret gave a press
19 conference in which he said that Lon Nol himself and members of
20 the government are all prepared to resign should that help bring
21 peace."

22 [09.34.34]

23 Within the same document - Khmer ERN 00635049; French, 00599762;
24 and English, 00413132 - this entry:

25 "Sihanouk also gave an interview to Le Monde. He referred to the

1 recently completed GRUNK/FUNK National Congress and its decision
2 to grant complete amnesty to all on the government side, except
3 the seven traitors who must be killed."

4 A few lines down: "Sihanouk denied there would be a bloodbath if
5 the Khmer Rouge forces took over."

6 A few lines below that, this entry:

7 "The theme that only the seven traitors must die is now being
8 stressed repeatedly in Khmer Rouge force broadcasts. This is
9 probably designed to serve the double purpose of appealing to
10 wavering elements inside Cambodia and to rebut growing
11 speculation abroad about possible massacres in the wake of a
12 Khmer Rouge victory."

13 [09.36.31]

14 The next extract has Khmer ERN 00635050; French, 00599763; and
15 still English, 00413132. And under the heading "Economic", there
16 is this entry:

17 "Under the newly authorized rice program for Cambodia, deliveries
18 began on the 5th of March with airlifted rice being moved to a
19 specially designated warehouse from which voluntary agencies will
20 make direct withdrawals upon approval of the Ministry of
21 Refugees. The first distribution was made in Phnom Penh on March
22 the 7th. It is estimated the refugee and other needy categories
23 will reach a total requirement of 3,600 tons per month. On March
24 the 11th, USAID and voluntary agency representatives met with the
25 government to develop further plans for the program."

1 On the next page in -- or moving partly from 50 to 51 in Khmer,
2 using the last numbers - English ERN 00413133; and, French,
3 00599763 - this brief entry: "Rice stocks in Phnom Penh on March
4 the 10th totalled 8,454 metric tons.."

5 And: "These stocks represent 15.5 days' supply at the current
6 daily distribution rate.."

7 [09.39.07]

8 Still within the same document - Khmer ERN 00635051; French,
9 00599765; English, 00413134 - "From February the 27th, when the
10 rice airlift from Saigon started, through 9th March, there have
11 been 124 sorties flown delivering 4,998 metric tons or a daily
12 average of 11 sorties at 454 metric tons."

13 And on the same page, another red boxed item: "Except for
14 charcoal, which went up 17 per cent, prices were relatively
15 unchanged in Phnom Penh markets during the past week."

16 The same page in Khmer - French ERN 00599765; English, 00413135:
17 "Market activity appears to be off slightly, due to sporadic
18 rocket attacks directed towards the centre of the city."

19 On the next page in Khmer and French, under the heading
20 "Military" - and this is still the 11th of March report: "The
21 city of Phnom Penh received incoming rocket fire during the week,
22 but by far, the greatest number of rounds were fired by the Khmer
23 Rouge troops at Pochentong airfield."

24 [09.41.20]

25 Another red box on the same page: "The government situation along

1 the Lower Mekong deteriorated even further when troops at the
2 last friendly position between Neak Loeung and the
3 South-Vietnamese border, were evacuated on the 7th of March."<V>
4 Within the same document - Khmer ERN 00635053; French, 00599767;
5 and English, 00413136 - this entry: "Outside of Phnom Penh, there
6 was little change. The south-western city of Kampot is getting
7 steady enemy pressure and mounting civilian casualties while
8 holding its reduced perimeter."
9 Next, can I please move to a new document, E3/120? There are no
10 translations in Khmer or French. The English ERN is 00166810.
11 This is an extract from the FBIS reports for the 13th of March.
12 It's recording a radio interview, and the heading is as follows:
13 "Paris Radio Interviews Sihanouk on the Cambodian Situation". And
14 this was being reported on the 12th of March 1975. The quote is
15 as follows:
16 "The situation is daily getting a little worse in Cambodia. The
17 American Air Bridge, which supplies Phnom Penh with food, fuel,
18 and ammunition, was suspended again yesterday because of the
19 intensity of shelling by the Khmer Rouge who surround the town.
20 Marshal Lon Nol himself said that the nation is in danger. In
21 Washington, President Gerald Ford is pressing Congress to grant
22 extremely urgent aid to Phnom Penh."
23 [09.44.17]
24 Within that same document - again, there are no translations, as
25 I have said, but if I can move, please, to English ERN page

1 00166821. And this was a record of an interview with a
2 representative from the United - the National United Front for
3 Cambodia and that person was a politburo member of the National
4 United Front of Cambodia, and his name was Chau Seng. And the
5 question from the interviewer was as follows:

6 "Question: [...] Mr. Ford..." And can I interject and explain that's
7 the U.S. President Gerald Ford.

8 "...Mr. Ford claims to fear a 'bloodbath' after the collapse of the
9 Phnom Penh regime. Your National Congress, on the other hand, has
10 named the seven traitors who must be eliminated. What will
11 happen?

12 "Answer: The bloodbath is happening now, since the 1970 coup. It
13 will cease when American intervention ceases. Apart from the
14 seven traitors who organized the coup that brought Cambodia into
15 the war, all other Cambodians, including officers and civil
16 servants, can join with the National United Front of Cambodia
17 when they cease collaborating with the Lon Nol regime.

18 "Our National Congress has just restated that we hold fast to the
19 policy of a broad based union of the whole nation and all the
20 people, irrespective of class, politics or religion and
21 regardless of anyone's past, except for the seven traitors."

22 [09.47.23]

23 Within the same document, at English ERN 00166830, still on
24 E3/120, there is a report that on the 15th of March 1975, a work
25 session was held at 0930 "at the Ministry of Refugees, under the

1 chairmanship of the Refugees Construction and Community
2 Development Minister, to devise ways and means to better utilize
3 the special U.S. aid of 20,000 tons of rice for free distribution
4 to refugees and needy people in the Khmer Republic".

5 And on the same theme, but on the next page - so that's 00166831,
6 on an English ERN: "Rice distribution to refugees and residents
7 of Phnom Penh and various provinces is to be increased from 150
8 grams to 300 grams per day per person."

9 [09.49.05]

10 Within the same document - and can this please go up on the
11 screen if possible? Khmer ERN 00700233. It's still within
12 document E3/120. The English ERN is 00166826. This, again, is an
13 extract from the FBIS reports for the 17th of March 1975. The
14 heading of the item is "Khieu Samphan Appeals for Intensified
15 Struggle, 15 March", and this was from a broadcast by "The Voice
16 of the National United Front of Cambodia of Phnom Penh
17 [Clandestine]". It was in Cambodian to Cambodia, and it was
18 broadcast at 0700H, Greenwich Mean Time, on the 15th of March
19 1975, and the text of the broadcast was - it was an "appeal to
20 monks, countrymen, and foreign residents in Phnom Penh and other
21 provincial capitals under temporary enemy control by the Deputy
22 Prime Minister, Khieu Samphan". And to extract just one line from
23 the broadcast, at page, English, 00166828 - I quote: "You are
24 asked to intensify your struggle against the traitors attacking
25 them from the inside."

1 [09.51.19]

2 Still within the same document - this is E3/120 - I'm now moving
3 to - no, in fact, forgive me, document number E3/3341 - English,
4 00413194; and French 00606713. These are U.S. Department of State
5 reports from the 18th of March 1975.

6 The first item I, in fact, want to read is one further digit in
7 both Khmer and French: "The rice airlift, expanded to provide
8 free food to refugees and the needy, has brought in over 700 tons
9 daily since March the 15th."

10 Within the same document - Khmer ERN 00631505; and French,
11 00606715 - and this is reporting the Sihanouk interview with
12 French T.V. and radio:

13 "The Prince, apparently acquiescing in the February 2nd National
14 Congress decision, noted that the seven principal and former
15 government leaders have been sentenced to death but that others
16 would be granted clemency if they were not too late in
17 cooperating with GRUNK."

18 [09.53.42]

19 Within the same document - Khmer ERN 00631509; French, 00606718;
20 this is still within E3/3341; and English, 00413198 - it's noted:
21 "Ieng Sary left Peking 'for home' 15th of March, with alternate
22 FUNK politburo member Keat Chhon and his wife, aboard his special
23 plane."<V>

24 And, red box on the same page: "On the 15th of March, Khieu
25 Samphan broadcast an appeal for intensified struggle, in which he

1 set forth his view of the government's agony. He noted serious
2 losses to the Republican Navy and asserted firm insurgent control
3 over the Mekong. He claimed the government lacks forces and is in
4 a situation of 'general collapse'."<V>

5 Within the same document - Khmer ERN 00631510; French, 00606719;
6 English, 00413199 - under the heading "Economic":

7 "The opening rice stocks on March the 17th amounted to 8,341
8 metric tons, representing a 13-day supply level, based on daily
9 distribution of 545 metric tons to the population. And the tempo
10 of the rice airlift substantially increased in the last three
11 days. The civilian pole airlift is meeting the target of 120
12 cubic meters a day plus 45 cubic meters every other day from
13 Saigon.

14 "On the 13th of March, USAID continued its dialogue with the U.S.
15 and international voluntary agencies, encouraging them to press
16 harder and further to feed the needy of the city under the newly
17 instituted rice program."

18 [09.56.37]

19 And on the next page in Khmer, which is ERN 00631511 - same
20 French and English ERNs: "The overall price level rose slightly
21 less than 2 per cent."

22 Still within the same document - so we're still on U.S.

23 Department of State documents, and this is on Khmer ERN 00631514;
24 French, 00606722; and English, 00413202. And there is an entry
25 that, "on the March the 15th, the Khmer Rouge drove off several

1 positions near Neak Loeung's southeast perimeter, penetrating to
2 within a few hundred meters of the city".

3 The next document is a FBIS report; no translations in Khmer or
4 French, so I propose to read the English, which is on ERN English
5 00166851. This is an extract from the FBIS reports and it's
6 covering events on the 20th of March of 1975. The heading to the
7 entry is "Rockets Hit Long Boret's Home [and] Just Miss [the]
8 U.S. Embassy". And the extract states this:

9 "Rockets today hit the homes of Prime Minister Long Boret and
10 Cambodian Naval Commander, General Vong Sarendy in this besieged
11 city, but neither was injured..

12 "A total of 20 insurgent rockets slammed into Phnom Penh, killing
13 four people and wounding 15 others."<V>

14 [09.59.13]

15 Moving now to a new document; it is E3/118 - no Khmer or French;
16 English ERN 00166901. It's a FBIS report. It's covering events on
17 the 1st of April 1975. The entry reads as follows: "On the 1st of
18 April 1975..." And this is a radio broadcast by the Voice of the
19 National United Front of Cambodia, again, "clandestine". It was
20 in "Cambodian to Cambodia" and it states as follows:

21 "On the 1st of April 1975, in the afternoon, our Cambodian
22 People's National Liberation Armed Forces completely liberated
23 Neak Loeung base. This victory has extremely great strategic
24 significance, for this base the enemy's main system of strategic
25 positions on the Mekong River.

1 "[...]This means that henceforth our CPNLAF and Cambodian people
2 are in complete control of the Mekong River from Phnom Penh to
3 the South Vietnamese border."<V>

4 [10.01.14]

5 There is an entry on the next page of this document, which is
6 English ERN 0016690, and it's covering, again, the 1st of April.

7 And this was a radio broadcast on the 3rd of April, but it was
8 covering events on the 1st of April. And it states as follows:

9 "As of the 1st of April 1975, after Marshal Lon Nol left
10 Cambodia, the duties of President of the Republic fell on me,
11 Saukam Khoy, Chairman of the Senate in conformity with the
12 Constitution of the Republic."

13 And he talked of finding a way "to save [our] nation", solving
14 the "conflict through peaceful negotiations". And he spoke of the
15 Government of the Khmer Republic wanting "to make contact with
16 the Brothers on the other side [...] to draw up a plan to end this
17 war".

18 [10.02.37]

19 At this point, can I please ask for the assistance from the ITU
20 unit?

21 Mr. President, Your Honours, I will be playing a series of video
22 extracts as part of this presentation. I would like the IT Unit
23 to play video number 1. That is a video which was entitled "Pol
24 Pot, The Killing Embrace". It lasts for 50 seconds. This was an
25 extract cut from the full version of this documentary. The

1 reference within the case file is D108/32.2R, and its item 988
2 within that combined exhibit. This is a 50-second excerpt. It has
3 an English commentary. The IT Unit will translate, in effect,
4 from English. And can I make it clear that this is the only
5 extract within the presentation that will have commentary?
6 So, please, can the IT (sic) Unit play video number 1, the
7 extract from "Pol Pot, The Killing Embrace"? Thank you.

8 [10.04.12]

9 MR. PRESIDENT:

10 The AV Unit, could you please play the video as requested by the
11 prosecutor?

12 (Presentation of video document, no audio)

13 MR. RAYNOR:

14 Sorry, Mr. President, can I ask this to be played with sound,
15 please? Can we ask that it be rewound and played from the start
16 with sound? Thank you.

17 MR. PRESIDENT:

18 AV Unit, could you please start from the beginning and the sound
19 should also be heard.

20 [10.05.08]

21 (Presentation of audio-visual document)

22 "[Narrator:] The Khmer Rouge are now fighting alone. Under peace
23 terms agreed in Paris, U.S. forces withdraw from Vietnam, and for
24 their part, the North Vietnamese Army leads Cambodia. Pol Pot
25 gives the order to fight on alone. Victory is now just a matter

1 of time.

2 "By the beginning of April 1975, the demoralized forces of Lon
3 Nol have fallen back to the perimeter of Phnom Penh. The city's
4 population has been quadrupled by refugees from the countryside
5 and they sustain heavy casualties from the Khmer Rouge
6 bombardment.

7 "Then Lon Nol flees to the United States with a million dollar
8 payoff, leaving the city to the..."

9 (End of presentation)

10 [10.06.24]

11 MR. RAYNOR:

12 Thank you.

13 Moving next; it's document E3/118. This is a FBIS report, only in
14 English. English ERN 00166919. It's reporting an event on the 4th
15 of April 1975, and the heading is "Private Weapons to Be
16 'Borrowed'". And the extract reads as follows:

17 "Under the current difficult circumstances and within the
18 framework of the cooperation system of the general mobilization
19 organization, the government has decided to borrow weapons [...] from our citizens, regardless of whether they have licenses for
20 these weapons."
21

22 Still on E3/118, this is a report for the 6th of April 1975 -
23 English ERN 00166921. FBIS report heading: "Long Boret Stops in
24 Bangkok En Route to Phnom Penh". It's talking about events on the
25 6th of April, and the quote is as follows: "Reuters reported that

1 the First Minister Long Boret arrived in Bangkok on Sunday
2 afternoon on his way from Jakarta back to Cambodia."

3 A couple of lines down:

4 "He said there will be no military victories, only negotiations,
5 and stressed that if the other side does not agree to negotiate,
6 it will be held responsible for any consequences which may arise.

7 "Long Boret [has] also called for democratic elections in the
8 country under international control so that people can freely
9 choose their leaders."

10 [10.08.51]

11 The next entry is covering the 9th of April 1975. The Khmer ERN
12 is 00700274 through 75; the English is 00166927. This is a
13 broadcast by the Voice of the National United Front of Kampuchea,
14 "in Cambodian to Cambodia". It's heading is "Khieu Samphan
15 Denial" and it reads as follows - second paragraph:

16 "According to some western sources, a few days ago, the
17 contemptible Long Boret said that there was a contact for
18 negotiations with the other side. These sources reported that the
19 puppet Thai Foreign Minister had said many times that there was
20 negotiation between the Cambodians of both sides in Bangkok. He
21 had also said that the contemptible Long Boret had met with a
22 representative of the other side for four hours in a good
23 atmosphere.

24 "On behalf of the entire Cambodian nation and people, the
25 Cambodia People's National Liberation Armed Forces, [the]

1 National United Front of Cambodia, and the Royal Government of
2 National Union of Cambodia would like to issue this statement to
3 firmly refute this deceitful manoeuvre. This is a very abject
4 manoeuvre which good, normal politicians abhor. At a time when
5 the desperate lackey clique is agony, it only dares to make such
6 a deceitful manoeuvre in order to deceive its masters.

7 [10.11.27]

8 "As they have previously done on several occasions, the NUFC, and
9 the RGNUC would like to make it clear again, to [the] national
10 and international opinion that they have absolutely never
11 negotiated with nor will ever accept negotiations with the
12 traitorous clique."

13 Moving on to the 10th of April, still on document E3/118, the
14 English ERN 00066937 (sic) - no translations in Khmer or French -
15 and this is, again, a FBIS report, a report that was broadcast on
16 the 10th of April:

17 "The Cambodian nation and people, the NUFC, and the RGNUC have
18 already brought in a verdict against the seven super traitors..."

19 And they are named. "The residents and youths will annihilate and
20 put an end to the existence of traitors Sirik Matak and Long
21 Boret, who are now in Phnom Penh.

22 "At present, the people and [the] CPNLAF are attacking Phnom Penh
23 from all sides. [...]The Cambodian people are pursuing their
24 offensive without compromise of negotiations, and the popular
25 armed forces and the people of Cambodia will annihilate the arch

1 antinational, arch rotten, arch fascist traitors", who are then
2 named, "as well as their regime."

3 "The CPNLF has already reached the doorsteps of Phnom Penh, Prey
4 Veng, and Kampong Speu cities and are advancing towards
5 liberating Cambodia 100 per cent."

6 [10.14.09]

7 I'll move now, please, to a document covering the events on the
8 12th of April 1975. This is a FBIS report, E3/118 - English ERN
9 00166939 through 40; no translations in Khmer or French. I
10 therefore have to read the English. The heading of the item is
11 "Long Boret Addresses the Nation After Saukam Khoy Flight". It
12 was broadcast on the 12th of April 1975. On the second line of
13 the main body, there is this stated:

14 "This morning, Lieutenant General Saukam Khoy, Acting President
15 of the Khmer Republic, left Phnom Penh without first informing
16 the nation. His departure has left our Republic without a supreme
17 chief executive. Therefore, I immediately called a meeting at
18 Chamkar Mon Palace, which included responsible state
19 personalities..."

20 And further down the page, in yellow:

21 "On that occasion, I and Lieutenant General Sak Sutsakhan, Chief
22 of the General Staff of the Cambodian National Armed Forces,
23 delivered a report..."

24 Then: "After several hours of deliberations, the meeting made the
25 following decision:

1 "1. Lieutenant General Saukam Khoy is no longer recognized as the
2 acting president."

3 [10.16.01]

4 And then, on the next page:

5 "It was unanimously resolved to ask parliament to transfer power
6 to the national armed forces for a period of three months. The
7 armed forces will establish a temporary body to be called the
8 'Supreme Commission of the Khmer Republic' to replace the acting
9 president during this special time."

10 Moving next to a document covering the 15th of April 1975, still
11 E3/118 - English ERN 00166958 - the heading for this is "[The]
12 French Press Agency Reports Deteriorating Military Situation [on
13 the] 15th and 16th of April": "Government troops today abandoned
14 the industrial suburbs of Takhmau, just six miles (or 10
15 kilometres) from central Phnom Penh, after a heavy Khmer Rouge
16 artillery barrage."

17 And then, in a further broadcast on the same day - and this is
18 attributed to information coming from Jean-Jacques Cazaux, a
19 French journalist of whom you will hear more later:

20 "The 15th of April. The military situation on the Phnom Penh
21 front has deteriorated considerably for its defenders in the past
22 few hours, with government forces abandoning, three of the city's
23 key defensive positions."

24 [10.17.58]

25 Same document, ERN English 00166950, again, the 15th of April,

1 and the heading is "The NUFC Radio Reports Pochentong Airport
2 'Completely Liberated'". And the broadcast stated as follows:
3 "On the morning of the 15th of April, at 1000 hours, we completed
4 liberated Pochentong Airport. Hundreds of officers, soldiers, and
5 pilots were routed or captured.

6 And in Tuol Kork village: "On the morning of the 15th of April,
7 we assaulted Tuol Kork..."

8 And from kilometre marker number 6: "We are attacking and
9 advancing towards Ruessei Keo."

10 And then also events Southeast of Phnom Penh.

11 On that same page, an entry, again, for the 15th of April; this
12 is on 00166950. 15th of April - it reads: "Red Khmer forces today
13 launched an attack on the southern Phnom Penh suburb of Kbal
14 Thnal, about 4 kilometres from the centre of the capital. The Red
15 Khmer attackers forced four battalions of government forces to
16 pull back to establish a new defence line immediately north of
17 the United Nations Bridge which spans the River Bassac."

18 [10.19.48]

19 Still within the same document, English ERN 00166966, still on
20 the 15th of April, the heading is this: "Government Appeals for
21 Doctors to Treat Casualties". The broadcast was on the 15th of
22 April, and the text is as follows:

23 "Brigadier-General Tim Mam, Dean of the Medical School and
24 General Inspector of the Military Health Department, and Major
25 Ung Son Suong, Superintendent of the 400th Military Hospital,

1 appeals to all the fourth-year medical students and higher
2 grades, as well as military and civilian surgeons, to report to
3 the clearing centre at Borei Keila sports city to help administer
4 medical treatment to the wounded."

5 Same document, English ERN 00166968, still on the 15th of April.

6 This was a broadcast entitled - or the entry is entitled "Sirik
7 Matak Writes Ford, Dean on U.S. Abandonment of Phnom Penh". And
8 the entry reads as follows:

9 "Prince [...] Sirik Matak, former Prime Minister and the key figure
10 in the coup against Prince Norodom Sihanouk, today sent a
11 telegram to President Gerald Ford saying that 'all present and
12 future Cambodian deaths' would be on the conscience of the
13 American people."

14 [10.21.51]

15 On the next page in English, which is 00166969, it's reported
16 that "the Cambodian News Agency yesterday published General Sirik
17 Matak's reply to Mr. Dean" - I quote:

18 "I thank you very sincerely for your offer to take me to freedom.
19 I cannot, alas, leave in such a cowardly fashion. As far as you
20 are concerned, I would never have believed that you could have
21 abandoned us.

22 "You are leaving, and if I die here, it will only be because I
23 made a mistake - I believed in you."

24 Moving to a new document, but on the same theme, E3/3445 - the
25 Khmer document runs from ERN 00738432 through, ultimately, to

1 Khmer 00738436; the front page in English is 00443342; and in
2 French, 00777633. This is, in fact, a document which is entitled
3 "Memorandum"; it's on paper bearing the symbol for the White
4 House in Washington. It records a Cabinet meeting that took place
5 in Washington on Wednesday the 16th of April 1975, at 2.30 p.m.,
6 and the meeting took place in the Cabinet room of the White
7 House.

8 [10.23.55]

9 The extract that I'd like to refer to is on: Khmer, 00738435
10 through 436; French, 00777636; and English, 00443344: "Kissinger:
11 I want to read to you the letter we received from Sirik Matak,
12 one of the Cambodian leaders, to our Ambassador when our
13 Ambassador invited him to leave with the evacuation."
14 And then there's a quote: "Dear Excellency and Friend, I thank
15 you very sincerely for you letter and for your offer to transport
16 me towards freedom."

17 And then: "I cannot, alas, leave in such a cowardly fashion. As
18 for you, and in particular for your great country, I never
19 believed for a moment that you would have this sentiment of
20 abandoning a people which has chosen liberty. You have refused us
21 your protection, and we can do nothing about it.

22 "You leave, and my wish is that you and your country will find
23 happiness under this sky. But mark it well that if I shall die
24 here on the spot and in my country that I love, it is too bad,
25 because we are all born and must die one day. I have only

1 committed this mistake of believing in you, the Americans."

2 [10.25.52]

3 Next please, I'd like to return to E3/118, recording the events,

4 still, of the 16th of April 1975. English ERN 00166959. Again,

5 FBIS reports; this is for the 16th of April, and the entries read

6 as follows - the first one: "Red Khmer troops have occupied the

7 control tower at Pochentong Airport about 10 kilometres west of

8 the capital, the republican radio announced at 4 p.m. today."

9 A broadcast also the same day - again, referenced to the French

10 journalist Jean-Jacques Cazaux:

11 "Hopes for a last-minute ceasefire rose here today, when

12 desperate fighting lulled after a long, dark night of despair and

13 panic as the Red Khmer closed in for the kill.

14 "The lull came suddenly, late in the morning as the Red Khmer

15 began to punch through in the suburbs. As the battle's tempo

16 brusquely slowed, particularly well informed sources said that

17 the Phnom Penh leaders could, in the coming hours, make a serious

18 ceasefire proposal to Royal Cambodian Government of National

19 Union (the RGNUC) to halt 'the present fratricidal [suicide]'."

20 [10.27.43]

21 The next page in English - sorry, a few pages: 00166960 - then

22 reports this-

23 Mr. President, can I ask this please? I can see the time, but can

24 I just finish the 16th of April? And that, then, I hope, is a

25 logical pause.

1 "Early today, as the situation worsened in the south, Red Khmer
2 troops brought the university under mortar fire to the west of
3 the capital. They had moved down the road which leads out to
4 Pochentong Airport. This highway remained open but off limits.
5 The government threw up roadblocks to keep out refugees fleeing
6 in panic, following reports of the Red Khmer infiltration.
7 "At 4 p.m., the government radio said the airport control tower
8 (words indistinct). The noise of persistent weapons fire rolled
9 in to the capital from Pochentong early today. Government troops
10 were dug in on the railway about 700 metres to the north of the
11 airport, towards Highway 4. There were no aircraft flying on the
12 contested runways."
13 [10.29.15]
14 Two paragraphs down:
15 "The lull came today after a grim night. Premier Long Boret,
16 obviously close to despair and overwhelmed by the turn of events,
17 admitted that the military situation was 'catastrophic' and that
18 stocks of rice would only last a week.
19 "Mr. Long Boret seemed last night ready to accept any decision
20 that would end the fighting."
21 Then, within the same document - English ERN 00166970 - this is a
22 FBIS report. We're still on the 16th of April. And the heading of
23 the broadcast is "Phnom Penh Leaders Request Ceasefire, Transfer
24 of Power, 16th of April", and the entry reads:
25 "The text of today's offer by the Phnom Penh government of a

1 ceasefire and a transfer of power to Prince Norodom Sihanouk,
2 head of the Royal Government of National Union of Cambodia, was
3 released by the prince's cabinet here today."

4 And then, dealing with the response to the ceasefire, can I move
5 to English ERN 00166971? FBIS report, 16th of April; heading:

6 "Sihanouk Rejects Offer". And the entry reads:

7 "Prince Norodom Sihanouk of Cambodia today rejected as
8 'unacceptable' a proposal from Phnom Penh Supreme Council
9 President Sak Sutsakhan and Prime Minister Long Boret for a
10 ceasefire and transfer of power."

11 [10.31.14]

12 Next, English ERN 00166963, 16th of April; there is a heading to
13 a broadcast, "CPNLAF Issues Appeal to the People to Liberate
14 Phnom Penh", and this was a broadcast by the NUFC "in Cambodian
15 to Cambodia". And it was a broadcast at 0400 hours, Greenwich
16 Mean Time, on the 16th of April 1975, and the text reads:

17 "Our armed forces are in complete control of Pochentong and the
18 portion of Route 4 between Pochentong and Phnom Penh, and they
19 have reached Tuol Kork and kilometre marker number 6. [...]All
20 brother compatriots in Phnom Penh and the few provincial capitals
21 under enemy control are invited to take to the street and take up
22 arms against the enemy, thus contributing to the liberation of
23 Phnom Penh, Battambang City, and other towns under temporary army
24 control."

25 Mr. President, that concludes the 16th of April. Is it now

1 appropriate to take the mid-morning break?

2 MR. PRESIDENT:

3 Thank you.

4 The time is appropriate for a short break. We will take a
5 20-minute break and return at 10 to 11.00. The Court is now
6 adjourned.

7 (Court recesses from 1033H to 1054H)

8 MR. PRESIDENT:

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

10 I notice that Counsel Michael Karnavas is on his feet. You may
11 proceed.

12 [10.55.08]

13 MR. KARNAVAS:

14 Thank you, Mr. President. And good morning to Your Honours, and
15 good morning to everyone in and around the courtroom.

16 As you may have noticed, earlier this morning, I absented myself
17 from the courtroom because I had to go see the client, Mr. Ieng
18 Sary, who is down in the holding cell.

19 And in your decision E254/3, you indicated that the Defence
20 should seek medical attention if concerned about Mr. Ieng Sary's
21 health, having affirmed your decisions of the 7 and 12 December
22 2012, your orders prohibiting us from recording our observations
23 – audio recording our observations when speaking with the doctors
24 or even filing our observations with the Court.

25 I went down to see Mr. Ieng Sary and I spoke to the doctor. We

1 would presume from your decision that one has to consult at least
2 with the doctors in order to figure out whether medical attention
3 is necessary. So, having spoken with the doctor, it would appear
4 that, while Mr. Ieng Sary's vital signs are okay, everything else
5 is not okay, in a sense that he's not really able to follow the
6 proceedings.

7 [10.56.46]

8 When I pressed the doctor whether he could give an opinion, he
9 indicated that that's not his job, and it's not - he is not in a
10 position, in other words, to make the determination. But that's
11 what all the other doctors are putting down, that if the vital
12 signs are okay, then he can follow the proceedings, but - and
13 this was through translation - words to the effect: it's Ieng
14 Sary's problem if he can't follow the proceedings; he's there to
15 check the health.

16 I spoke with Mr. Ieng Sary and asked whether he wished to waive
17 the - his presence, because obviously it is our opinion that he
18 is incapable of following the proceedings. He indicated that he
19 does not mind being down there, but I interpret that to mean that
20 he is acquiescing to us going forward because he did not ask that
21 the proceedings be stopped until he feels better. So, in other
22 words, he has effectively given his waiver for these particular
23 proceedings.

24 But we are concerned - and I must register my objection to this
25 notion that somehow, if the vital signs are okay, it can be

1 interpreted that he is actually capable of following the
2 proceedings. And, if this doctor is not capable of making that
3 determination, then they should have other doctors who are
4 capable.

5 [10.58.40]

6 It is also our concern that, once we get the medical report in
7 the morning, these doctors seem to think, contrary to what
8 appears to be your instructions, that they are absolved from
9 providing any new information to the Trial Chamber.

10 Mr. Ieng Sary was on oxygen, he could barely breathe, he's -
11 definitely, he's extremely fatigued, and all he wants to do is
12 sleep, and it's not out of boredom - at least, that's my non
13 medical opinion.

14 So, I register this, and I would suggest that the Trial Chamber
15 make inquiries so that if we're going to have doctors down there,
16 then - and if the doctors are not capable of making a
17 determination as to Mr. Ieng Sary being capable of following the
18 proceedings, then their report that the vital signs are okay and
19 that they can follow the proceedings is a sham, and that should
20 not be the basis in determining whether he is capable of
21 following the proceedings on any particular day.

22 [10.59.55]

23 And with that, Your Honours, I apologize for taking the time from
24 the Prosecution's presentation, but effectively, Mr. Ieng Sary
25 has waived his presence, although he does not mind being down

1 there, and in fact, because of the medical attention - doctors
2 are there at the moment - we would suggest that he remain there,
3 since he's on oxygen and resting. Thank you.

4 MR. PRESIDENT:

5 The Prosecution, if you have any comments to make regarding the
6 remarks made by counsel for Ieng Sary on his client's health, you
7 may proceed.

8 MR. RAYNOR:

9 Mr. President, can I only reiterate the position of the OCP that
10 has always been taken and, indeed, referred to in Court on
11 previous occasions, which is: we obviously support the need for
12 sufficient information to be provided to the Trial Chamber in
13 this regard. I don't think I can say very much more. Thank you.

14 [11.01.06]

15 MR. PRESIDENT:

16 Thank you. If there's anything else to go, go ahead.

17 MR. RAYNOR:

18 Thank you.

19 Presentation is now moved to the 17th of April 1975.

20 And I'd like to start, please, by making reference to document
21 E3/118, English ERN 00166972. And what I'm reading at this stage
22 is the first - or one of the first broadcasts on the morning of
23 the 17th of April by the Voice of the National United Front of
24 Cambodia. So, first of all, this is a broadcast in the early
25 hours of the 17th of April. The text of the report - it's the

1 second red box on the English page - states as follows:

2 "Latest reports from the Phnom Penh front say that in the morning
3 of the 17th of April at 0600 hours, our forces on the frontline
4 of all fronts moved into Phnom Penh.

5 [11.02.25]

6 "From the north, we reach Wat Phnom. From the west, we reached
7 and occupied the Khmer-Soviet Technical University. From the
8 south, we reached Chamkar Mon (presidential palace). [And] from
9 the east, we liberated and entirely controlled Chrouy Changva.

10 "The enemy forces are falling in successive chunks. They cannot
11 withstand our attacks. [And] on the 17th of April, at 0700, we
12 are moving in on the Information Ministry, [the] Defence
13 Ministry, [and] the General Staff headquarters at Chamkar Mon."

14 Within the same document, E3/118 - English ERN 00166973 - there
15 are the texts of broadcasts, again in the early hours of the 17th
16 of April, and they're to do with patriarchs from religious orders
17 making appeals for peace. The first was broadcast to do with the
18 Mohanikay religious order and states as follows:

19 "I, [the] Supreme Patriarch of the Mohanikay religious order,
20 would like to appeal to fighters on both sides - Khmer Republic
21 and Khmer of the other side - to stop shootings as of now. [And]
22 I invite the commanders of the other side to attend a meeting
23 with the Supreme Committee of the Khmer Republic at the General
24 Staff on the 17th of April 1975, at 1100 hours, in order to find
25 peace for all Cambodian people from now on."

1 [11.04.29]

2 And then, two minutes after that broadcast, there was this
3 broadcast with this text: "I, the Supreme Patriarch of the
4 Thammayut religious order, would like to appeal to fighters on
5 both sides to stop the bloodshed between Cambodians as of now."
6 We're still within the FBIS reports, still on the morning of the
7 17th - English ERN 00166976; there is, though, a Khmer
8 translation for this entry, and the Khmer ERN is 00846158. This
9 is a broadcast by the Voice of the NUFC of Phnom Penh, and the
10 broadcast is in these terms:

11 "Special News: We have completely liberated Phnom Penh. In the
12 morning of the 17th of April 1975, at 0930, we completely
13 liberated Phnom Penh. After successive assaults on Phnom Penh
14 from all directions, our popular armed forces are controlling and
15 have occupied all important enemy positions in Phnom Penh."

16 [11.06.15]

17 Still within the same document - English ERN 00166974; no
18 translations in Khmer or French - FBIS report, again for the 17th
19 of April, states as follows - this broadcast:

20 "In view of the appeal by the patriarchs of the two religious
21 orders, in view of the absence of the Supreme Committee, and in
22 view of the absence of the Government of the Khmer Republic, in
23 order to stop the bloodshed between Cambodians, I, General Mey
24 Sichan, chairman and representative of the Cambodian National
25 Armed Forces General Staff, have decided to order the three armed

1 services, ground, air, and navy forces, to stop shooting and
2 fighting from now on, and invite the representative of the other
3 side to come to Phnom Penh and other provincial capitals, which
4 are open to you."

5 So that, then, was, in effect, the general from the Khmer
6 Republic Armed Forces making an invitation to representatives of
7 the Khmer Rouge to come to a meeting.

8 [11.07.55]

9 On the same page, there was an announcement within seven minutes
10 of that broadcast taking place, there was an announcement by an
11 unnamed Cambodian People's National Liberation Armed Forces
12 representative, and this was the text of that broadcast: "I
13 hereby inform the contemptible, traitorous Lon Nol clique and all
14 its commanders that we are not coming here for negotiations. We
15 are entering the capital through force of arms."

16 On the same page, there was another broadcast about one hour and
17 five minutes later, and this was a broadcast on the Phnom Penh
18 domestic service. And in this broadcast, an unidentified
19 announcer stated - in respect to the Khmer Republic Army, stated
20 this: "The army has agreed to lay down its weapons and surrender
21 to the CPNLA which has victoriously entered Phnom Penh."

22 [11.09.29]

23 Can I next, please, move to document E3/2864? This starts on
24 Khmer ERN 00712054; French, 00391422; and English, 00710311. Now,
25 this document was a communiqué sent through Bangkok, through the

1 French Press Agency, reporting the observations of a French
2 journalist called Jean-Jacques Cazaux – he's already been
3 mentioned by me in the context of previous FBIS reports. And he,
4 in effect, provides in this communiqué regular information as to
5 what was happening not only on the 17th of April, but also in the
6 days that followed. So, I'm reading his report:
7 "Thursday, the 17th of April, 0730 a.m. The white flag is hoisted
8 at the Chrouy Changva Navy Base located across from the downtown
9 area on the peninsular formed by the Mekong and Tonle Sap Rivers.
10 The first Khmer Rouge elements arrive from the north of the city,
11 in the vicinity of the French Embassy.
12 "08.30 a.m. On the south side of downtown, partisans, having
13 penetrated the area for several days, disarm the first Republican
14 troops, who surrender without offering any resistance.
15 [11.11.35]
16 "09.20 a.m. The son of the former Minister of the Interior, Hem
17 Keth Dara (age 29), summons the French journalists to the
18 Ministry of Information. Hem Keth Dara affirms that he 'took the
19 city with approximately 200 members of the [national] movement
20 (MoNatio). The 'movement' is totally unknown."
21 Now, Mr. President and Your Honours, can I indicate at this stage
22 that you're going to be seeing later today some video footage,
23 and it's video footage that has become reasonably well-known of a
24 man, on the streets of Phnom Penh, brandishing a pistol in his
25 hand and waving it around his head. You'll see that on some video

1 clip that's coming up. It had commonly been thought that he was a
2 member of the Khmer Rouge. It seems to transpire that he isn't
3 and that the man shown waving the pistol, if I can call him
4 "Pistol Man", is in fact this man, Hem Keth Dara, the son of a
5 Minister of the Interior in the Khmer Rouge – the Khmer Republic,
6 rather, Government, and that he, in effect, was falsely stating
7 to journalists that he had taken over the city with his men.

8 [11.13.12]

9 Can I move on with the text of the document: "10.00 a.m. Tanks
10 positioned in the front of Wat Phnom and along Monivong Boulevard
11 are adorned with a white flag and almond flowers. They are
12 swamped by Dara's partisans. [And] fraternizing begins."
13 Again, that is an incident that will be shown on some video
14 footage.

15 To carry on with the document: "The population gives free reign
16 to its joy and warmly welcomes the liberators. Marches start to
17 form throughout the city. The festive atmosphere continues until
18 shortly before noon."

19 Still on the same page in Khmer, same page in French, English ERN
20 00710312, we have now moved to 2 p.m., still on Jean-Jacques
21 Cazaux's report:

22 "2.00 p.m. The mood in the city has completely changed. The
23 'Khmer Rouge', who were eclipsed for a short while, have replaced
24 the 'MoNatio' partisans and have set about systematically taking
25 over the city street by street. Long columns of the Khmer

1 People's National Liberation Armed Forces soldiers are arriving
2 from the north along National Road 5 and are very heavily armed.
3 Others pour in from the east, ferried by vessels from their
4 national navy from the opposite bank of the river.

5 [11.15.00]

6 "3.00 p.m. Telex and telephone lines are down. The first
7 Republican government officials arrive at the Ministry of
8 Information in order to surrender. The morning's hero, Hem Keth
9 Dara, stays in the background.

10 "3.30 p.m. The entire northern part of the city is now
11 surrounded, and the people in the area have received orders to
12 leave Phnom Penh.

13 "4.30 p.m. The prime minister, Mr. Lon Boret," and you'll be
14 hearing more of him later, "also the last remaining official of
15 the Republican regime, surrenders to the authorities who were
16 waiting for him at the Ministry of Information."

17 There's then this sentence: "Prince Sirik Matak is offered asylum
18 at the French Embassy."

19 Again, Mr. President, Your Honours, you will be receiving
20 documents in relation to Sirik Matak. His stay at the French
21 Embassy was temporary, and you'll be reading documents about him
22 leaving the French Embassy.

23 [11.16.25]

24 Continuing with this document:

25 "5.00 p.m. KPNLAF soldiers order the evacuation of [...] 'Phnom'

1 hotel within half an hour."
2 "5.45 p.m. Foreigners, journalists, UN, and Red Cross
3 representatives hastily leave the 'Phnom' hotel and take refuge
4 at the embassy." That's a reference to the French Embassy.
5 And then pages where there are now no Khmer translations, but the
6 English is 00710313, and the French is 00391423. We're still
7 within Jean-Jacques Cazaux's report; it's just later in the day:
8 "6.00 p.m. The barriers at the embassy are about to be forced.
9 The gates are closed. Cambodians climb over the fence, jump onto
10 the barbed wire, and throw their suitcases and children over the
11 walls. There is utter chaos. The embassy gardens are overrun by
12 the crowd.
13 "Refugees leave Phnom Penh on foot and head north; they walk past
14 the embassy in single file. KPNLAF soldiers, with 'kramas' on
15 their heads and around the neck, armed with bazookas and AK 47s,
16 arrive from the north of the city. The evacuees walk on the right
17 hand side of the boulevards, while the 'Khmer Rouge' walk on the
18 opposite side. Nobody says a word. There is complete silence all
19 around the city."
20 [11.18.43]
21 And at 8 p.m.: "Twelve hundred people have taken refuge inside
22 the embassy; half of them are Khmers of Chinese or Vietnamese
23 origin."
24 At this juncture, can I please ask the AV Unit to play video
25 number 2? This was taken from a documentary, "Pol Pot, The

1 Killing Embrace". It is an extract of 2 minutes 26 seconds. The
2 source document is D108/32.2R, item 988.

3 Mr. President, can I indicate that I will be circulating to all
4 parties, later today, an index of all the videos of which I'm
5 playing footage today?

6 Can I also indicate that, whereas the first video extract had
7 sound commentary, I've listened to the sound commentaries for all
8 other pieces apart from Tuol Po Chrey, and I do not think it's
9 fair for me to present these videos with sound; the journalists
10 are interpreting events in their own way and they are, some would
11 say, putting a certain spin on events. I don't want to be accused
12 of having done that, and for those reasons, these portions will
13 all be played without any voice documentary.

14 So, please, AV Unit, video number 2, "Pol Pot, The Killing
15 Embrace". Thank you.

16 MR. PRESIDENT:

17 AV Unit, please play the video portion as requested by the
18 Co-Prosecutor.

19 (Presentation of video document)

20 [11.23.34]

21 MR. RAYNOR:

22 Thank you.

23 Can I move next, please, to document E3/2687 - Khmer ERN
24 00490992; French, 00391430. This is the first of a series of
25 telegrams to and from the French Embassy in Phnom Penh. This is a

1 telegram from the Ministry of Foreign Affairs in Paris to the
2 French Embassy in Phnom Penh and it's to do with Sirik Matak. And
3 as my previous entry, it said Sirik Matak had been asking for
4 political, effectively - or asylum. And so this is on, as the
5 subject says in a red box towards the middle of the page, "Right
6 of Asylum". And the text reads:

7 "As right of asylum is not recognized in international law and
8 due to the specific nature of your mission, we are unable to
9 grant the requests of [...] Sirik Matak and of Mr. Um Bun Hor or
10 any other person reporting at the embassy in the same
11 circumstances.

12 "Please inform the interested parties that we are unable to offer
13 them the protection they expect.

14 "It is now for them to consider whether it is in their interests
15 to seek refuge elsewhere and, in any event, to leave rapidly the
16 premises of [our] Embassy."

17 [11.25.45]

18 Next, please, can I move to document E3/51? This combined
19 document on the case file is a compilation of journalistic
20 articles published in the "Times" newspaper in London. This
21 extract from which I'm now going to read reports the observations
22 of a British journalist, Jon Swain, and the first entry I'd like
23 to read from is on Khmer ERN 00644702 through 703; French,
24 00597831 through 32; and English, 00003277. It's an extract
25 dealing with 11 a.m. on the morning of the 17th of April, and the

1 quote is as follows - quote:

2 "11 a.m.: It now seemed safe to wander around the central part of
3 the town. The Khmer Rouge, who were firmly in control, seemed to
4 be a friendly enough lot, and with some colleagues I headed for
5 the Ministry of Information where we had heard there was a
6 gathering of Khmer Rouge military leaders.

7 "A curious sight greeted us. Holding court on the grass outside
8 the long colonial-style building was a young man in black, with a
9 handsome, angular face. In impeccable French, he introduced
10 himself as Hem Keth Dara, son of a former minister. Dara
11 described himself as the commanding general of the nationalist
12 movement that [he] had liberated the city."

13 [11.28.10]

14 Moving on one paragraph:

15 "This arrogant playboy could hardly be a revolutionary, and it
16 was inconceivable that he fitted the tough mould of the Khmer
17 Rouge movement. He gave orders all the time, telling the young,
18 black-clad soldiers around the building to move back and stay
19 still. When they pushed forward again, he brandished a pistol, in
20 a Hollywood fashion that commanded only token respect."

21 And then there's a quote from Hem Keth Dara within the same red
22 box:

23 "'I took Phnom Penh with only 300 men. We suffered no
24 casualties,' he boasted. Then, dismissing us with a wave of his
25 pistol, he told us to listen to broadcast announcements.

1 "'The city must be reorganized before you can send dispatches,'
2 he said. Both he and his soldiers struck a false note. They were
3 too neat and too friendly by far to be genuine Khmer Rouge
4 straight from the hills."

5 [11.29.38]

6 And then, earlier - sorry, the next red box on this - the next
7 page in Khmer, so 00644703, there is this quote: "Mr. Dara and
8 his merry band were presumably opportunists that had misjudged
9 the true mettle of the Khmer Rouge."

10 At this stage, can I please ask the AV Unit to play video number
11 3? This is an extract from a documentary called "Cambodia Year
12 Zero", 13. It is 1 minute 27 seconds long. It was extracted from
13 D108/32.2R, item 1011. Thank you.

14 MR. PRESIDENT:

15 AV assistants are now instructed to play this video clip, as per
16 the request by the Prosecution.

17 (Presentation of video document)

18 [11.32.40]

19 MR. RAYNOR:

20 Can I-

21 MR. PRESIDENT:

22 Mr. Prosecutor, please hold on.

23 I note the defence counsel for Mr. Khieu Samphan is on her feet.

24 You may proceed, Counsel.

25 MS. GUISSÉ:

1 Thank you, Mr. President. Good morning to you, sir, and to the
2 Chamber and the parties. Just one point I would like - when the
3 Co-Prosecutor shows these videos, if he could also indicate the
4 minutes for these extracts, because then it would be much simpler
5 for us to go back to the passages at a subsequent stage.

6 Thank you, Mr. President.

7 [11.33.31]

8 MR. RAYNOR:

9 Mr. President, I'm perfectly happy to do that. There are records.
10 Can I please suggest that the timings are put on the document
11 that is going to be sent through to all parties later this
12 afternoon? So, it will identify what video this was extracted
13 from and the times of the cutting in the video, so that everybody
14 in court knows exactly which part of which video I'm playing. But
15 I don't have all the cutting times here, but I can certainly
16 provide them to all the parties later today.

17 Still staying, now, in E3/51 - so, this is the reporting from Jon
18 Swain in the "Times". Khmer ERN 00644704; French, 00597832; and
19 English, 00003277 - 12.30 p.m., so afternoon:

20 "It was now the hottest time of the day. Hundreds of people were
21 being subjected to a hideous death at the Preah Ket Melea
22 Hospital. The doctors had not reported for work for two days, and
23 there was no one to treat the 2,000 wounded."

24 [11.35.02]

25 Within the same document but moving to later in the afternoon -

1 Khmer ERN 00644709; French, 00597835; English, 00003278: "At 3.30
2 p.m., a man of some authority ordered us released, and most of
3 our belongings were returned. The insurgents kept [certain
4 items]."

5 And he says: "...we drove straight to the Ministry of Information -
6 where, we understood, there was to be a news conference."

7 "4 p.m. Here was a very different scene from the morning.

8 Colourful Mr. Dara was there, but he was no longer in charge. He
9 was unarmed and a 'semi-prisoner'. The cocky expression had
10 vanished from his face. He looked tired and uneasy.

11 "There were 50 prisoners lined up in front of the building. They
12 included Lon Non, Marshal Lon Nol's younger brother and one of
13 the most corrupt, hated members of the old regime. There were
14 several generals, and Hou Hang Sin, Director of the Cabinet of
15 Long Boret.

16 "But the prime minister was absent, although no one doubted he
17 was still in the city. He had sworn he would stay to the end,
18 although it meant certain death."

19 [11.37.05]

20 And in the next red box on the Khmer page:

21 "Now the leader talked to the prisoners. He told them there were
22 only seven 'arch traitors' and that they were not to consider
23 themselves captives, but as surrendered people. He pledged there
24 would be no reprisals."

25 Next, can I please move to document E3/2689 - Khmer ERN 00490995;

1 French, 00391434; and English, 00486884? It's a telegram. It's
2 from Jean Dyrac, French Ambassador at the French Embassy in Phnom
3 Penh, to the French Ministry of Foreign Affairs in Paris. It's
4 covering the 17th of April, and the text of the telegram reads as
5 follows:

6 "FUNK troops have tried on three occasions to enter the embassy
7 to conduct searches. Be grateful act immediately - repeat,
8 immediately - to ensure respect for neutrality.

9 "Numerous incidents of looting in the city. Tried to make contact
10 with new authorities, but in vain. Very fearful for security of
11 compatriots."

12 [11.38.58]

13 Next, the document is E3/2688; another telegram. This is a
14 telegram covering, again, the 17th of April, and the subject of
15 this telegram is the situation in Phnom Penh. The Khmer ERN is
16 00490993, and the text of the telegram reads as follows:

17 "...Phnom Penh, 2100 hours.

18 "By the end of the evening, soldiers of the National United Front
19 of Kampuchea (FUNK) have combed through the main streets of the
20 capital and through loudspeaker, ordered residents of all
21 nationalities to evacuate Phnom Penh immediately, at a distance
22 of 15 kilometres. They declared that the city risked being
23 flattened by bombing. Widespread panic ensued. Approximately
24 1,000 people sought refuge in the embassy compound by climbing
25 over the metal fence."

1 And then, in the next red box on the Khmer page - the same - page
2 is one page on, so Khmer 00490994 - it stated: "Soldiers have
3 also entered our facility, Calmette Hospital, in three separate
4 attempts to evacuate all staff and patients."

5 [11.41.02]

6 Next document is E3/2696. This is a telegram sent from the French
7 Embassy in Phnom Penh to the Ministry for Foreign Affairs in
8 Paris and it's including the text of a report that's being asked
9 to be forwarded to the "Le Monde" newspaper. And the first
10 extract is on Khmer 00491977:

11 "The people of Phnom Penh received an order to go outside the
12 city limits, a measure to enable taking control of the capital in
13 an attempt to solve the food problem, rice; lastly and mostly,
14 intent revolutionize city, which was heart of the republic.

15 "At the outset, very good conduct soldiers, very young peasants
16 with little knowledge of the big city where they felt lost and
17 ill at ease. Very few cadres but obvious organization and
18 planning. The atmosphere changed in the afternoon with the
19 decision of the evacuation. Recall that the population of Phnom
20 Penh more than quadrupled during the war with an influx of
21 refugees."

22 [11.42.39]

23 The next extract is on the next Khmer page, namely 00491278. The
24 French is 00391444:

25 "We're alone Thursday morning to go about 40 kilometres out of

1 the city, towards the northwest. Indescribable enthusiasm at the
2 presence of the French. Long columns of soldiers with many U.S.
3 weapons heading for Phnom Penh. Units of women in black passage
4 through the liberated zones. The landscapes changed."

5 And the next red box in Khmer on the same page: "Returning," in
6 other words, returning on the Thursday morning, "we're held up a
7 few hours before taken to the Ministry of Information, where
8 Republican officials convened by radio broadcast. The atmosphere
9 was relaxed."

10 And it's reported that Long Boret had "surrendered on his own"
11 and was "well received".

12 The final red box in the Khmer document records the end of the
13 telegram - or the end of the report: "Expecting imminent arrival
14 government leaders. Do not know when return Sihanouk. Khieu
15 Samphan allegedly already arrived. [...] Atmosphere tense on Friday
16 morning in the deserted city."

17 [11.44.18]

18 Next, please, can I return to E3/2684? There is no Khmer
19 translation; the French ERN is 00391423. And I'm returning now
20 back to Jean-Jacques Cazaux's continuing chronology for these
21 days, and it's for the 18th of April. So, we're moving now to
22 Friday, the 18th of April 1975, and he, Jean-Jacques Cazaux,
23 reports this:

24 "The evacuees continue their silent march towards the north,
25 carrying packages, bundles, and suitcases. Heavy and light arms

1 fire is heard all around the city.

2 "9.00 a.m. The first accounts recorded concern systematic
3 plundering of houses by the [Khmer Rouge] soldiers from the
4 countryside. The houses are all opened and cleaned out. The
5 people are told to leave Phnom Penh. According to the same
6 accounts, many houses are then set ablaze with incendiary
7 grenades.

8 "10.00 a.m. [There's] the first contact between the French
9 Consul, Jean Dyrac, and a 'City Committee'. The Consul wants the
10 military authorities controlling the capital to realize that the
11 'embassy premises are inviolable'.

12 [11.46.05]

13 "1.00 p.m. [The] French doctors at [the] Calmette Hospital are
14 ordered to vacate the surgery unit."

15 And: "1:30 p.m. After more than three hours of talks, the French
16 embassy is now considered an 'international secure zone'.

17 However, the Consul has undertaken to provide a list of all the
18 people who have taken refuge at the embassy. He has also agreed
19 that in the process, all Khmer nationals currently at the embassy
20 are to leave its premises."

21 The next document dealing with the 18th of April - I'm moving to
22 document E3/2692. The first Khmer reference is 00490997. This is
23 a telegram from the French Consul at the French Embassy in Phnom
24 Penh to the Ministry of Foreign Affairs in Paris, and it's
25 recording the situation in Phnom Penh at 10.30 a.m. on Friday,

1 the 18th of April 1975. The text of the telegram is as follows:

2 "The FUNK group again appeared at the entrance to the Embassy.

3 They asked to enter our courtyard to start searching our

4 vehicles. Only just avoided an incident."

5 [11.47.34]

6 Next, document number is E3/2693. The Khmer ERN is 00490998. This

7 is a telegram, still on the 18th of April, again, from the French

8 Embassy in Phnom Penh to the Ministry of Foreign Affairs in

9 Paris, and the subject of the telegram is the situation in Phnom

10 Penh of 1400 hours on the 18th of April. The telegram states:

11 "...I received at 12 [noon], in the presence of my colleagues of

12 the UNDP and UNICEF representatives and of the various consuls

13 present, an anonymous three-person delegation from the City

14 Committee. The delegation stated that:

15 "1) The general evacuation of the city deemed to be necessary

16 does not apply to embassies, and especially not to the French

17 Nationals.

18 "2) They expressed their profound satisfaction with the French

19 Government recognition of GRUNK, FUNK, and the National

20 Liberation Army.

21 "3) For security reasons, they explained the requirement to

22 gather people together within the embassy compound, where they

23 promised they would protect: all French nationals, including

24 teachers, medical staff, and sick people of French nationality;

25 and international mission staff.

1 [11.49.06]

2 "4) They clearly stated that they did not, in the near future,
3 need the services either of our medical corps or of the teacher
4 whose services we offered.

5 "5) They expressed concern about whether the wounded in the
6 Calmette Hospital included soldiers from the former regime.
7 Following this pressing request, a general patients list will be
8 provided to them.

9 "6) They immediately went on to express their desire to visit
10 Calmette and then our embassy. To this we answered with the
11 promise to provide them, within three days, with the list of all
12 people present in both places."

13 [11.50.14]

14 Next document is E3/2694, another telegram from the French
15 Embassy in Phnom Penh to the Ministry of Foreign Affairs in
16 Paris. The first Khmer red box is on: Khmer, 00491363 through
17 164. This is a telegram of the 18th of April, and the subject of
18 the telegram is "Political Asylum", and the text of the telegram
19 reads as follows:

20 "Following an ultimatum from the City Committee, I am compelled,
21 in order to ensure the security of our compatriots, to include in
22 a list of persons present at the embassy:

23 "1) Prince Sirik Matak and two of his officers."

24 And then, still within that box: "Barring express and immediate
25 order from the department requesting me to grant political

1 asylum, I will be compelled to turn these names in within 24
2 hours."

3 The next document, E3/2697; we're still dealing with the 18th of
4 April. In fact, I'm deciding, for brevity's purposes, not to
5 include that document.

6 [11.51.50]

7 Can I please move on to document number E3/2691 (sic)? This is a
8 telegram from the French Embassy in Phnom Penh to the Ministry of
9 Foreign Affairs in Paris. It is dated the 18th of April - E3/269,
10 and the text of this telegram reads, at Khmer 00490996:

11 "Situation in Phnom Penh on the 18th of April at 0800 hours.

12 "Exodus. A million people are fleeing. Patients leaving Calmette
13 in their beds.

14 "I fear the worst for the Embassy."

15 The next document, I'm returning to E3/51. This is the
16 compilation of extracts from the "Times" newspaper - the Khmer
17 ERN 00644713; French, 00597837; English, 00003279. This is a
18 journalistic article where the heading to the extract is "A Great
19 Caravan of Human Misery". It's covering the events of Friday, the
20 18th of April, still, and the entry reads: "0700--" so:

21 "7 a.m. The Khmer Rouge army is emptying the city and its
22 hospitals - tipping out patients like garbage into the streets.
23 Bandaged men and women hobble by the embassy. Wives push wounded
24 soldier husbands on hospital beds on wheels, some with serum
25 drips still attached.

1 "In five years of war, this is the greatest caravan of human
2 misery I have seen. The Khmer Rouge must know that few of the
3 20,000 wounded will survive. One can only conclude that they have
4 no humanitarian instincts. The entire city is being emptied of
5 its people: the old, the sick, the infirm, the hungry, the
6 orphans, without exception."

7 [11.55.43]

8 Can I ask the AV Unit, please, to play an extract from video 10?

9 This is an extract from "Cambodia Year Zero", 15. It is 23
10 seconds long. It was extracted from D108/32.2R, and it was item
11 number 0102 (sic). I will provide the exact clip timings in due
12 course. So, video, please, number 10.

13 MR. PRESIDENT:

14 Mr. Prosecutor, can you please repeat the document number and the
15 ERN number? Because it was not properly translated.

16 MR. RAYNOR:

17 Certainly, Mr. President; this is a video that was entitled
18 "Cambodia Year Zero", 15. The "D" number is D108/32.2R, and
19 within that file, it is item 1012.

20 But for the AV purposes, again, video number 10, please.

21 MR. PRESIDENT:

22 AV assistants are now instructed to play the portion of the clip,
23 as per the request by the Prosecution.

24 (Presentation of video document)

25 [11.57.59]

1 MR. RAYNOR:

2 And I say the purpose of showing that clip was that the two
3 people shown in beds, according to the makers of the documentary,
4 are in hospital.

5 Next, please, document E3/118 - English ERN 00166983; no Khmer or
6 French translations. It's a FBIS report I read in English. It's a
7 - as I say, a FBIS report, and it's this quote - it's reporting
8 journalism that's come via Bangkok through Hong Kong: "The source
9 said that the Red Khmer soldiers entered the French-run Calmette
10 Hospital and called on all the patients and doctors to leave
11 within the hour."

12 Still within that same document - English ERN 00166984:

13 "The Calmette Hospital, where a team of French doctors and
14 surgeons had remained on duty, the soldiers reportedly undertook
15 the evacuation of everyone - medical staff, patients, and the
16 several dozen foreigners (mostly French) who had taken refuge
17 there."

18 [11.59.46]

19 Next document: Khmer ERN 0664009; French, 00664007; English,
20 00445203. This is a journalist article, "Los Angeles Times". The
21 date of the article was 8th of May 1975. It's covering events at
22 this period. And the extract, Khmer 00664010: "A French doctor
23 said the Khmer Rouge ordered all the city's hospitals vacated,
24 even of the very sick and dying."

25 And, Mr. President, can I just ask for this short clip to be

1 played at this stage? It is, for AV purposes - no sorry; forgive
2 me, Mr. President, I've played that.

3 Mr. President, is this a convenient time to adjourn for lunch?

4 MR. PRESIDENT:

5 Thank you.

6 (Judges deliberate)

7 [12.02.25]

8 I hand over to Judge Cartwright. You may proceed.

9 JUDGE CARTWRIGHT:

10 Thank you, President.

11 The President has asked me to note for the record the waiver
12 given on behalf of Ieng Sary, of his right to participate in the
13 hearings, and to note that he has for the moment remained in the
14 holding cells.

15 The President has also asked me to direct the treating doctors to
16 provide an updated medical report by 1.15 today.

17 I think that's all, President. Thank you.

18 MR. PRESIDENT:

19 Thank you, Judge.

20 The time is now convenient for the lunch adjournment. The Chamber
21 will adjourn now and resume at 1.30.

22 The Court is adjourned.

23 (Court recesses from 1203H to 1331H)

24 MR. PRESIDENT:

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

1 And the Chamber would like to once again give the floor to the
2 Prosecution. You may proceed.

3 [13.32.24]

4 MR. RAYNOR:

5 Mr. President, Your Honours, thank you.

6 Before lunch, we had concluded documentation in respect of
7 Friday, the 18th of April 1975. I now move on to Saturday, the
8 19th of April 1975.

9 And the first document on this day is E3/3367. The English ERN is
10 00444890; no translations in French or Khmer. It is an extract of
11 an article which appeared in the "Chicago Tribune", 19th of April
12 1975. The heading of the article is "Beheadings Reported", and
13 the text that is relevant is as follows:

14 "The Khmer Rouge captors of Phnom Penh were reported to be
15 evacuating the civilian population from the Cambodian capital
16 [...].

17 "A Khmer Rouge radio broadcast monitored in Bangkok announced
18 Saturday that most of the top leaders of the former Phnom Penh
19 government have been beheaded."

20 [13.34.12]

21 Next document for this day: E3/118, English ERN 00166988. It's a
22 FBIS broadcast. It's broadcasting - or, rather, reporting the
23 broadcasting from the Voice of the NUFC, and the text of the
24 broadcast was as follows:

25 "This great victory - the complete liberation of Phnom Penh - is

1 due to the fact that we have a righteous revolutionary line and
2 have managed to mobilize vast and strong forces. The NUFC
3 certainly represents the great unity of the entire nation and
4 people whose only goal is to rally the forces to fight and drive
5 out the U.S. imperialists, annihilate the seven traitors" - who
6 are named - "and build a new Cambodia that is genuinely
7 independent, peaceful, neutral, sovereign, democratic, and
8 prosperous with territorial integrity."

9 [13.35.46]

10 Staying within that same exhibit E3/118 - English ERN 00166989 -
11 this is a further broadcast, again by the Voice of the NUFC; it's
12 four minutes after the previous broadcast that I have just read.
13 The text is as follows:

14 "After our forces and people liberated Phnom Penh at 0930 hours
15 in the morning on the 17th of April 1975, officers and men in
16 various provincial capitals laid down their arms and surrendered
17 to our CPNLA one after another. Therefore, we liberated Kampong
18 Cham City on the 17th of April, Battambang City on the 17th of
19 April, Kampong Speu City on the 17th of April, Svay Rieng City on
20 the 17th of April, Kampot City on the 17th of April,
21 Sihanoukville on the 18th of April, Takeo City on the 18th of
22 April, Kampong Thom City on the 18th of April, and Kampong
23 Chhnang City on the 18th of April."

24 [13.37.20]

25 Next, still on Saturday, the 19th of April, the next document I

1 wish to refer to is an extract from E3/51, the compilation of
2 reports from the "Times". The Khmer ERN pages 00644720; French,
3 00597841; and English, 00003280. And this is a piece published in
4 the "Times" with this heading: "Champagne-But Only Rice to Eat".
5 It's recording the events of Saturday the 19th of April:

6 "7 a.m. At the Khmer Rouge request, the Consul has begun to list
7 all the people in the embassy. The Americans are worried. So too
8 are the Cambodians who fear the Khmer Rouge will come in and get
9 them.

10 "10 a.m. Drama within a drama: Mike Daly" - who was a doctor -
11 "decides he must operate on a Cambodian soldier with an infected
12 neck wound who is in the compound. The Khmer Rouge authorities
13 have refused him permission to use Calmette, the French hospital
14 next door, and the only one in the city still functioning."

15 [13.39.19]

16 On the same page in English, but with Khmer ERN 00644722, and
17 French, 00597842, there is this entry relating to 6.40 p.m. on
18 Saturday, the 19th of April:

19 "The French staff of Calmette Hospital arrive with more accounts
20 of cruelty and madness. For two days, they say, they operated
21 ceaselessly on Communist wounded, while looking down the barrels
22 of guns. 'The Khmer Rouge threatened to kill me if I didn't save
23 the life of one man,' said surgeon Bernard Piquart. Other
24 [stories] corroborate this story. 'A gun was placed to my head
25 and a grenade dangled before my nose. Finally, the Khmer Rouge

1 threw us all out after smashing in the medicine cupboards with
2 their rifle butts."

3 Still on the 19th of April, E3/118 – English ERN 00166992; no
4 Khmer or French – it's a FBIS report headed "Long Boret in Phnom
5 Penh." The text is as follows:

6 "Former Cambodian Prime Minister Long Boret was left behind by an
7 evacuation helicopter in Phnom Penh and was caught by the Khmer
8 Rouge in a dramatic swoop on Thursday, according to a Thai
9 military intelligence report.

10 "[...]Long Boret's decision to leave Cambodia was a last-minute
11 decision when he found that several ranking military men had been
12 killed by the Khmer Rouge in front of the Defence Ministry."

13 [13.42.01]

14 Still on the 19th of April, the next document is E3/2698. The
15 extract is at Khmer ERN 00810736. It is a telegram from the
16 French Foreign Embassy in Phnom Penh to the minister in Paris.
17 The subject is "Situation at our Embassy", and the text:

18 "Since last evening, the embassy has been surrounded by FUNK
19 soldiers. At this time, no one can enter or leave the embassy
20 premises without their authorization.

21 "There is no movement in the streets – now deserted – except FUNK
22 patrols and 'uncontrolled elements'.

23 "We are beginning to run out of supplies."

24 And the telegraph ends with the words from Jean Dyrac: "Let me
25 emphasize that our situation is critical."

1 [13.43.29]

2 Next, returning to a document we've already made reference to,
3 E3/2684 - and this is the running chronology from Jean-Jacques
4 Cazaux. It's covering the 19th of April, still. No French or
5 Khmer; English ERN 00710314:

6 "10.00 a.m.: First contact between the French Consul, Jean Dyrac,
7 and 'City Committee'. The Consul wants the military authorities
8 controlling the capital to realize that the 'embassy premises are
9 inviolable'."

10 At 1 p.m.: "French doctors at Calmette Hospital ordered to vacate
11 the surgery unit."

12 At 1.30 p.m.-

13 Sorry; forgive me. Mr. President, Your Honours, can I start again
14 this entry for the 19th of April? In fact, the entries I've been
15 reading are from a different day. So can I rewind?

16 [13.44.44]

17 This is Saturday the 19th of April. It's the report of
18 Jean-Jacques Cazaux - Saturday the 19th of April, at 9 a.m.:

19 "The mood of the embassy takes a turn for the worse with rumours
20 about looting, rape, arson, violence, and summary executions.

21 "The morning is spent conducting a head count. The refugees speak
22 in soft voices. Many are in tears. Many have already decided to
23 leave. They assemble.

24 "4.00 p.m. The city's water supply is cut off. The embassy is
25 without water. People organize themselves to do the cooking and

1 to dig wells."

2 [13.45.35]

3 Moving now to the next day, which is Sunday, the 20th of April,
4 the first document is E3/2701 - Khmer, 00492868. It's a telegram,
5 again, from the French embassy in Phnom Penh to the Minister of
6 Foreign Affairs in Paris, and the heading is "Request for
7 Immediate General Evacuation", and the text states as follows:
8 "The capital is now entirely empty of its inhabitants and
9 completely dead. We are isolated and guarded by the military,
10 without supplies, without medicine, and in now critical
11 conditions of hygiene. Panic in the crowd of people in the
12 embassy cannot be ruled out. Our few contacts have not gone
13 beyond conversation with anonymous figures of authority and
14 apparently second-tier leaders. No administrative and political
15 authority appears to be present or imminent. Any intervention
16 from Peking appears ineffective. No hope for normalization in the
17 near future, and I am certain that our presence serves no further
18 purpose. We have become embarrassing witnesses.

19 "For the survival of the French people and foreigners having
20 sought refuge within our embassy compound, and in spite of the
21 terms of your telegram [...], after consulting my service heads and
22 securing their unanimous opinion, I request that all be prepared
23 for an immediate general evacuation."

24 [13.47.42]

25 The next document, still on the same day, the 20th of April, is

1 E32702 - Khmer ERN 00492870. A further telegram, again, Phnom
2 Penh to Paris, 20th of April; subject: "Departure of Refugees".
3 Text:
4 "Prince Sirik Matak and the people named in my referenced
5 telegram reported this afternoon in a very dignified manner to an
6 unidentified committee (FUNK or National Liberation Army) which
7 came to collect them in a Jeep before the embassy gates.
8 "A hundred or so other Cambodian nationals intend to give
9 themselves up as prisoners tomorrow morning."
10 At this stage, can I please ask the AV Unit to play video number
11 11? This video is entitled "Cambodia: A History of Genocide".
12 It's an extract of 1 minute and 12 seconds showing events at the
13 French embassy.
14 [13.49.28]
15 Mr. President, Your Honours, can I explain that over lunch I
16 looked at my notes, and an email will be coming through to all
17 parties this afternoon, setting out the exact edits that were
18 made to these primary-source videos?
19 Can I also explain this, that at one point in the video you are
20 about to see, you will see a Cambodian man holding his jacket
21 with his back towards a wall. That, as far as we can understand
22 matters from the filmmakers, is Prince Sirik Matak.
23 So, video number 11, please, from the AV Unit. Thank you.
24 MR. PRESIDENT:
25 AV Unit, please proceed with the video display as requested by

1 the Prosecution.

2 (Presentation of video document)

3 [13.50.37]

4 MR. RAYNOR:

5 Can I interject, please? Can that video be stopped?

6 And, if it helps the AV Unit, the title on their index file for
7 this clip is "Cambodia: A History of Genocide". It may be that
8 there's a numbering difficulty, but they need to be looking for
9 "Cambodia: A History of Genocide". To help them further, the clip
10 they have just played is an extract from "One Day at Tuol Po
11 Chrey"; that will come later. So, "Cambodia: A History of
12 Genocide."

13 (Short pause)

14 Mr. President, Your Honours, the AV Unit cannot find this clip.

15 Can I please continue on but ask your leave to play this clip at
16 a later stage?

17 I'm still on the 20th of April. The next document is E3/2684,

18 again, the notes from Jean-Jacques Cazaux - the French ERN

19 00391426; the English, 00710319. And he reports-

20 And, if the French page is being looked at, this will properly

21 record the 20th of April. The English ERN was misquoting this

22 date as the 28th. So, to make it clear, this is Sunday the 20th

23 of April.

24 [13.53.00]

25 He says as follows:

1 "The 'City Committee' assigns special guards charged with keeping
2 watch over the area around the embassy, which is now inviolable.
3 "8.00 a.m. Consul Jean Dyrac tells the Cambodians still on the
4 embassy premises that now is the best time for them to leave so
5 as to avoid checks at the gates. The Cambodians are overcome with
6 fear, single French nationals, both men and women, receive
7 marriage proposals.

8 "9.00 a.m. Sirik Matak identifies himself to the KPNLAF
9 authorities in front of the embassy's main and leaves in a Jeep.
10 The President of the National Assembly does likewise. It is now
11 understood that the representatives of the 'City Committee' will
12 deny us food and water unless the Cambodian refugees in the
13 embassy leave. The first ones decide to do so.

14 "Heart-breaking farewells, lamentations and tears throughout the
15 morning of the 20th. Further accounts of 'atrocities on the
16 road'. Nervous breakdowns. A Calmette doctor breaks into tears as
17 he leans against a pillar. A journalist gets married."

18 [13.54.32]

19 That page of that document moves partially into the 21st of
20 April, and the entry from Jean-Jacques Cazaux states:

21 "Monday the 21st of April, 7 a.m. Large batches of Cambodian
22 refugees set off, dejected. Some have nervous breakdowns. Some
23 beg the Calmette head doctor to euthanize them and their
24 children."

25 Still on the 21st of April, the next document: E3/118. There is a

1 Khmer translation. Khmer ERN 00846160 through 61; English ERN
2 00166994. This is a broadcast by Khieu Samphan on the 21st of
3 April headed "A Victory Message". It was broadcast on the Phnom
4 Penh Domestic Service. It's headed "Congratulatory Statement by
5 RGNUC Deputy Prime Minister of National Defence, Prime.." Sorry;
6 I'll read that again: "...RGNUC Deputy Prime Minister, Minister of
7 National Defence and CPNLAF Commander-in-Chief Khieu Samphan to
8 CPNLAF Units and Cambodian People". And it states as follows -
9 and I'll start with the second paragraph within the red box:
10 "This is our nation's and people's greatest historic victory. Our
11 entire nation, people and CPNLAF, as well as people throughout
12 the world and in all friendly countries far and near, warmly
13 welcome this great victory. It has opened the most brilliant and
14 righteous path which led the Cambodian people and the CPNLAF in
15 waging the powerful people's war to fight the enemy on every
16 field - military, political, economic and in its efforts to drain
17 the population from controlled areas..."

18 [13.57.32]

19 Can the AV Unit please play video number 7 on their list - so,
20 video number 7 - and after number 7, video number 8?

21 MR. PRESIDENT:

22 AV Unit, could you proceed with the video playing, as requested
23 by the Prosecution?

24 (Presentation of video document)

25 [13.59.24]

1 MR. RAYNOR:

2 In terms of the chronology, I'm still dealing with the 21st of
3 April.

4 The next document is E3/2707 - Khmer ERN 00492871 - a telegram
5 from the Foreign Embassy in Phnom Penh - the French Foreign
6 Embassy to the Minister of Foreign Affairs in Paris, and the text
7 is as follows:

8 "More than 1,000 Cambodians appear to be in the grounds.

9 "Already, the first volunteers, knowing that there is no other
10 solution but to leave, have gathered in the courtyard, prepared
11 to accept their new life, which will begin with a long march. The
12 pain is unbearable for all... some are parting ways after 15 or 20
13 years of living together.

14 "Here, even the men cry.

15 "But the situation will be even more heart-wrenching for the
16 French women who married Cambodians. The separation will be
17 unbearable. But this is the inexorable conclusion, and this
18 situation appears to be impossible."

19 And at the end of the telegram: "Yesterday, a little boy was born
20 at the embassy. His mother must leave today. The little boy
21 became my son today. We adopted him."

22 [14.01.10]

23 And that telegram was in fact from a lady called Lorine, the
24 embassy cryptographer.

25 I move now, Mr. President, Your Honours, to the 22nd of April,

1 and the first document for this day is document E3/2714, a
2 further telegram, Phnom Penh to Paris, the 22nd of April - Khmer,
3 00555739; E3/2714. Text:
4 "Phnom Penh remains empty of residents. Many buildings have been
5 set on fire. Beyond just plundering, the Khmer Rouge have
6 effectively proceeded to destroy systematically all vestiges of a
7 consumer society: all private homes and shops have been
8 ransacked. The streets are strewn with hi-fi home stereos,
9 television sets, and disassembled refrigerators. The Khmer Rouge,
10 however, are retrieving motorbikes, bicycles, tools, watches,
11 rice, [...]. They are also destroying abandoned vehicles all over
12 the city."
13 And the telegram, towards the - towards the bottom, records that
14 "Khmer Rouge officers of unspecified rank arrived in Kampong Cham
15 on the 21st of April on a DC-3 aircraft".
16 [14.03.04]
17 Moving to the 23rd of April, document E32715 - Khmer ERN 00813074
18 - again, a telegram from Phnom Penh to Paris - E3/2715. It's
19 entitled, in the subject, "Foreign Refugees at the Embassy of
20 France" and it states: "The French Embassy is currently
21 sheltering foreign nationals from a number of countries."
22 And then, in a red box:
23 "The Khmer Rouge are separating foreign wives from their Khmer
24 husbands and are not allowing Cambodians into the French embassy.
25 The Khmer Rouge have also taken away the embassy's domestic staff

1 (sentries and drivers)."

2 I move next chronologically to the 26th of April - the 26th of
3 April - E3/118, a FBIS document. No French or Khmer; English ERN
4 00167019. This is a report coming through the French Press
5 Agency. The heading is "Refugees Say Khmer Rouge Executions Have
6 Begun". The piece is by a French journalist, Joël Henri. Text:
7 "The Red Khmer have [been] hunting done alleged rich men and
8 religious fanatics, according to refugees, and a wave of
9 executions has started.

10 "This 'rich-hunt' is part of the implacable installation of a
11 revolutionary regime which is being set up methodically but
12 swiftly."

13 [14.05.35]

14 On the next page - English ERN 00167020 - a continuation of this
15 report:

16 "The refugees said that after being evacuated from a village, the
17 inhabitants were screened by the local Red Khmer political
18 commissioners. Supporters of the defeated Lon Nol regime, rich
19 merchants, and Buddhist monks, considered too influential over
20 the villagers, were arrested. There have been more than 100
21 executions in the province of Battambang alone, the refugees
22 said. Four monks were shot down on the pagoda steps in Poipet for
23 refusing to leave the pagoda.

24 "The Muslim minority of Chams in Kampong Cham were among the
25 first victims of the anti-religious purge, reported survivors of

1 a column of refugees that crossed the border on Thursday. Forty
2 members of the column were mowed down by machineguns before the
3 eyes of Thais across the border."

4 [14.07.45]

5 The next document, E3/2684: "Report from Jean-Jacques Cazaux".
6 French ERN 00391424; English, 00710315; no Khmer translation:
7 "Saturday the 26th of April. For the first time since the
8 beginning of the isolation, the French Consul makes high-level
9 contacts: the 'vice president of the city's military command',
10 meets him at 8.00 in the morning. Decides that 'as of the 30th of
11 April, all foreigners must be evacuated by truck and driven in a
12 convoy to Poipet, a village on the Thai border'. The convoys are
13 to be organized in the coming days. Foreigners are due to leave
14 the country by nationality groups and by 'organization'."

15 I'm moving now to the 28th of April 1975. The document is
16 E190.1.302 - Khmer, 00858667; French, 00777553; English,
17 00002603. This is a journalistic article published in the "Time"
18 magazine on the 28th of April 1975. The first red box in Khmer
19 has this text:

20 "Admitting the futility of further resistance, the remaining
21 leaders of the Khmer Republic drove to a pre-arranged meeting
22 place - Kilometre 6, on Route 5 - and there surrendered to
23 officers of the Communist-dominated Khmer Rouge insurgents."

24 (Short pause)

25 [14.10.39]

1 Can I move to, within the same document, Khmer ERN - they'll be
2 on the final page of the Khmer document. And this is the
3 journalist speaking about the future:

4 "A soft spoken Marxist, Samphan is expected to try to transform
5 his nation into a one-party Communist-dominated state. In fact,
6 in those areas that have been controlled by the insurgents for
7 some time, there have been zealous efforts to sweep away the
8 traditional easy-going habits of old Cambodia. A highly
9 politicized, regimented life has been stressed, peasants have
10 been herded into communes, and the state has acquired a dominant
11 authority over private activities."

12 And the concluding paragraph of the article:

13 "One advantage enjoyed by the Khmer Rouge is its apparent
14 popularity among the general public, possibly because of relief
15 and gratitude that the war is finally over. That reservoir of
16 good will could quickly dry up, however, if the new rulers launch
17 widespread reprisals or move quickly to create a harsh,
18 regimented state. Addressing himself to these potential pitfalls,
19 Khmer Rouge Politburo Member Chau Seng assured a Paris press
20 conference last week that while 'there will be some trials in
21 Phnom Penh, we will judge in a humane way'. The new regime will
22 in turn be judged - by its own citizens and by the rest of the
23 world - on the basis of just how humanely it does behave."

24 [14.13.30]

25 Moving to the 30th of April 1975, document E3/2684, back to

1 Jean-Jacques Cazaux – French ERN 00391425; English, 00710317; no
2 Khmer translation. It's covering the 30th of April:
3 "Wednesday, the 30th of April. People assemble at 2.30 p.m. by
4 the exit in front of the embassy gate. Twenty-five Chinese trucks
5 are already parked in the compound. It is not until around 5
6 o'clock that the 'evacuees' board their assigned vehicles."
7 Simply to explain that, this is the embassy now being evacuated
8 by truck, from the French embassy towards the Thai border.
9 I want to move, please, Mr. President, if I may, to the 1st of
10 May 1975. It's document E3/51 – the Khmer ERN 00644734; French,
11 00597850; and the English, 00644734 (sic). It's a "Times"
12 article, Thursday the 1st of May, and the heading is "We are Lost
13 and Confused". Khmer, 00644734. And this is relating to the
14 journey now by journalists and others from the French embassy off
15 towards the border. And I quote: "It took two bone-jarring days
16 to travel the first 80 miles because of the appalling conditions
17 of the roads and the bad organization of our guides."
18 [14.16.10]
19 The next page, in Khmer, is 00644735.
20 "We have come to an ever more startling realization: that outside
21 Phnom Penh, virtually every other city, town, village, and hamlet
22 that resisted the Communists has also been emptied out into the
23 countryside. The greater part of this nation of 7 million, which
24 has endured one of the most savage, futile wars of modern times,
25 has been uprooted, its people hungry and bewildered.

1 "Tonight, we reached the province capital of Kampong Chhnang and
2 found it emptied of its 500,000 people. In the nearby
3 countryside, we had the opportunity to say a few fleeting words
4 to a male nurse, Tong San, from Kampong Chhnang hospital (he was
5 recognized by the Scottish medical team who had trained him). He
6 said that on the 20th of April, Khmer Rouge carried away all the
7 hospital patients in lorries and dumped them 18 miles in the
8 forest without food or water."

9 [14.18.03]

10 The next document: E3/3366. The first quote in Khmer will be
11 Khmer ERN 00631524; French, 00606727; English, 00445201. This is
12 an article written Jean-Jacques Cazaux. It's for - or was
13 published in the "Los Angeles Times" on the 8th of May 1975. He's
14 describing the same trip from the French embassy to the border:
15 "Throughout [the] recently liberated Cambodia, there were the
16 same empty roads, burned villages, and deserted countryside,
17 where a few ownerless buffaloes grazed. Everywhere there were
18 ransacked huts, scattered papers, torn mattresses, broken
19 furniture, and bony, frightened dogs. Pigs rooted for food in the
20 gardens.

21 "Passing through the cities, there was the same silence. Water
22 and electricity had been cut off. The streets were empty - except
23 sometimes for drifts of bank notes. It was the same in Kampong
24 Chhnang, Pursat, and Battambang."

25 Can I ask the AV Unit, please, with your permission, Mr.

1 President, to play video number 9?

2 [14.20.17]

3 MR. PRESIDENT:

4 You may proceed.

5 AV assistants are instructed to play the video clip number 9 as
6 per the request by the Prosecution.

7 (Presentation of video document)

8 [14.20.49]

9 MR. RAYNOR:

10 And, Mr. President, can I also ask the video number 6 to be
11 played? Thank you.

12 MR. PRESIDENT:

13 AV Assistant, please play clip number 6, as requested by the
14 prosecutor.

15 (Presentation of video document)

16 [14.22.35]

17 MR. RAYNOR:

18 Thank you.

19 I now move on, in terms of the chronology, to an event that
20 happened on the 27th of May of 1975. The document is E3/2666. The
21 first Khmer reference will be ERN 00499661; and the French,
22 003868561; English ERN 00517763 - so, E3/2666. This is a telegram
23 from a different source. We now have a telegram from the French
24 Foreign Embassy in Thailand to the Ministry of Foreign Affairs in
25 Paris. It was sent on the 23rd of June 1975, but I've included

1 this in a chronology – it'll become apparent – for the 27th of
2 May 1975. And the heading of the telegram is as follows: "The
3 Testimony of Brigadier-General Sor Buon, Former General in the
4 Khmer National Armed Forces".

5 [14.24.17]

6 "The Embassy Counsellor has just received the testimony of
7 Brigadier-General Sor Buon, who, until the fall of Phnom Penh,
8 was the head of the Cambodian Army Corps of Signals.

9 "General Sor Buon has just gone through an exceptional
10 experience, having managed to elude the Khmer Rouge and find
11 refuge in Thailand, where he arrived on the 27th of May after
12 walking for 39 days and covering close to 600 kilometres from
13 Phnom Penh to Cambodia's northern border."

14 "The testimony of this general in the former Republican Army is
15 all the more significant as he was able to cross the entire
16 northern half of Cambodia..."

17 Moving to the next paragraph, but within the same red box:

18 "...General Sor Buon was lucky enough to have the local Khmer Rouge
19 authorities issue him a laissez-passer under the false identity
20 he had given them..."

21 And next, on Khmer page ERN 00499662: "His testimony can be
22 divided into three parts: one, deportation of the population;
23 two, executions; three, political organization and aims of the
24 Cambodian revolution."

25 [14.26.14]

1 Moving on to the next Khmer page 00499663, under a heading,
2 "Large-Scale Deportation of the Population", the text is as
3 follows:

4 "Brigadier-General Sor Buon confirmed the large-scale,
5 indiscriminate deportation of the urban population - regardless
6 of the size of the urban area - and the village population. Phnom
7 Penh's population, which, including the refugees, numbered 2
8 million last April, was evacuated as of the 18th of April."

9 Staying on that Khmer page to the next red box:

10 "General Sor Buon stressed that those who challenged evacuation
11 orders and even those who resisted them passively were gunned
12 down after two warnings. He witnessed the execution of a
13 Cambodian from Phnom Penh who was shot with a pistol in front of
14 his family because he refused to leave his home three times in a
15 row. The same fate awaited those along the way who were no longer
16 willing or able to follow the others. So General Sor Buon saw
17 many bodies strewn along the 20 kilometres of road between Phnom
18 Penh and Preaek Kdam."

19 [14.28.02]

20 The next box is on the next Khmer page, 00499664; in French,
21 00386859:

22 "Between Preaek Kdam and Siem Reap, all population centres along
23 the 400-kilometre stretch of National Road 6 were also evacuated,
24 including numerous villages. General Sor Buon emphasizes that
25 monks, who are numerous in Cambodia and who are the foundation of

1 all religious and spiritual life, are not receiving any kind of
2 preferential treatment. They have been deported along with the
3 rest of the population. According to the general, the pagodas,
4 now practically secularized, are often turned into government
5 warehouses for various supplies."

6 Can I ask the AV Unit please, with your permission Mr. President,
7 to play video number 5?

8 MR. PRESIDENT:

9 AV Unit, could you play that portion of the video, as requested
10 by the Prosecution?

11 (Presentation of video document)

12 [14.32.35]

13 MR. RAYNOR:

14 I'd like to continue, please, with the testimony of Brigadier Sor
15 Buon on Khmer page 00499664:

16 "Brigadier-General Sor Buon pointed out that this large-scale
17 deportation proves that the purpose is less to send everybody to
18 the fields, since even the rural population has been deported,
19 than to stage what he called an 'expiatory deportation'. It seems
20 to him that one of the aims of this upheaval is more to punish
21 those urban and rural dwellers that were late in embracing the
22 revolution than to push them to yield and produce.

23 "Indeed, he added that little or nothing has been prepared to
24 facilitate the deportees' adjustment to farm work: no sheds, no
25 tilling tools, no seeds, and no draught cattle, which have

1 largely been abandoned here and there throughout the countryside.
2 "Once the deportees used up their personal victuals that had
3 allowed them to keep body and soul together for a few days, this
4 unorganized deportation led to living conditions Sor Buon
5 described as 'dreadful'. At the collection points, the 'evacuees'
6 only receive rice once or twice a week and must, in order to
7 survive, feed themselves with grass broth, a gruel of grated
8 banana stems, and roots.

9 [14.35.00]

10 "In other words, aside from the Khmer Rouge soldiers and the very
11 small minority of people who had already joined the revolution,
12 Cambodians are subjected to a near-famine which an unstoppable
13 cholera outbreak, due to a lack of medical care and of any
14 medication whatsoever, is only worsening."

15 Still staying within the same document - Khmer ERN 00499665
16 through 66; French, 3386861; and English, 00517767 - the
17 testimony continues with the heading "Executions":

18 "Brigadier-General Sor Buon classified the executions into three
19 categories: one, spur-of-the-moment executions; two, systematic
20 executions; and, three, executions by slow death.

21 "According to the general, as soon as Phnom Penh was captured,
22 spur-of-the-moment executions were numerous. It has been
23 mentioned earlier that all those who refused to leave their homes
24 after being ordered to do so on several occasions were gunned
25 down, as were those who were unwilling or unable to keep up with

1 the columns of people. A great many officers were also executed
2 just after Phnom Penh fell.

3 [14.37.10]

4 "Soldiers who were fleeing with their families were often easily
5 identified at the numerous checkpoints set up by the Khmer Rouge.
6 They were then forced to take off their shoes and jackets and
7 shot on the spot. Between Phnom Penh and Preaek Kdam, General Sor
8 Buon witnessed the execution of several of these officers who,
9 after being asked to step about 20 metres ahead, were shot in the
10 back by [...] communist girls aged 15 to 20 years, armed with
11 automatic rifles."

12 Second type of execution, under this heading, "Systematic
13 Executions":

14 "All officers from the rank of lieutenant up who were not shot on
15 the spot were gathered into camps. Brigadier-General Sor Buon
16 learned of the existence of two of these camps, one near Kampong
17 Thom, the other in Siem Reap.

18 "At the Tang Krasang Camp, 15 kilometres east of Kampong Thom
19 along National Road 6, executions occur almost every day; groups
20 of three to five officers are taken out and shot close to the
21 camp. There, as elsewhere, the bodies are simply left where they
22 fall and not buried."

23 [14.40.02]

24 Then, turning to the third category, this text:

25 "These executions go hand in hand with what General Sor Buon

1 calls executions by slow death. All officers are sentenced to
2 forced agricultural labour, although this forced agricultural
3 labour is not clearly defined. In fact, it involves less
4 agricultural work than force labour pure and simple. This labour
5 is performed under the worst conditions and under the unwavering
6 guard of very young, armed people. With his own eyes, the general
7 saw, in a camp close to Siem Reap for non-commissioned officers
8 only, men hitched to carts, six to eight per cart, under the
9 guard of armed Khmer Rouge aged 10 to 15 years, who were more
10 children than adults. These officers are either fed very little
11 or not at all, with 300 grams of rice for 10 people, according to
12 the general. The death rate is very high. Brigadier-General Sor
13 Buon believes that at this rate, within a few months, the entire
14 officer corps of the now-defunct FUNK will have been eliminated."

15 [14.42.34]

16 The final words of the testimony come from the representative of
17 the French Embassy in Thailand, who says: "Finally, I note that
18 the testimonies of the few refugees who were recently able to
19 cross into Thailand are consistent in all respects with the
20 testimony of Brigadier-General Sor Buon."

21 And, summing up the French diplomat's assessment of General Sor
22 Buon - I turn to the English page in this document, 0051774,
23 which is on: Khmer, 00499662; and French, 00386857 - the diplomat
24 states as follows, referring to this Brigadier-General: "He is of
25 pure Khmer ethnicity and is a level-headed man who takes care to

1 talk about only what he has seen, avoiding inferences and
2 generalizations."

3 Mr. President, can you forgive me? One moment.

4 (Short pause)

5 [14.44.58]

6 Mr. President, I was just checking. I'd forgotten the time of the
7 afternoon break.

8 I have now finished the presentation on forced movement 1, but I
9 still need to deal with Tuol Po Chrey and forced movement 2, so I
10 wonder if this is a convenient moment to take a break.

11 MR. PRESIDENT:

12 Thank you.

13 The time is now appropriate for a short break. We will take
14 20-minute break and return at five past 3.00.

15 The Court is now adjourned.

16 (Court recesses from 1445H to 1508H)

17 MR. PRESIDENT:

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

19 The prosecutor may now resume the presentation of the lines of
20 documents.

21 MR. RAYNOR:

22 Mr. President, thank you.

23 Can I say that I've been with the AV Unit over the break, and we
24 are now able to present two videos that were not available
25 earlier, as the Court may recall. Can I say that I'm - I'm pretty

1 sure that the fault for them not being available earlier is down
2 to me, and not down to the AV Unit?

3 [15.09.55]

4 But can they play, please, first of all, video number 10? This
5 was an extract from a film, "Cambodia Year Zero", 15. It's 23
6 seconds. It shows a brief glimpse of the evacuation of Phnom Penh
7 and then some footage of incidents on roads in the countryside.
8 So, number 10, please, with Your - with Mr. President's leave.

9 MR. PRESIDENT:

10 AV technicians are instructed to play the video clip number 10 as
11 requested by the Prosecutor.

12 (Presentation of video document)

13 [15.11.14]

14 MR. RAYNOR:

15 Thank you.

16 And the next video is video number 11. This was an extract taken
17 from a documentary, "Cambodia, A History of Genocide". This is 1
18 minute and 12 seconds. It will show events at the French embassy.

19 And I mentioned earlier that the gentleman holding a jacket at
20 one stage is Sirik Matak. And there are some more - also some
21 brief clips of the route that the French diplomats, journalists,
22 and others took on their trip towards the boarder.

23 So, again, with your leave, please, Mr. President, video number
24 11.

25 MR. PRESIDENT:

1 AV Technician, please play the relevant clip, number 11, as per
2 the request by the prosecutor.

3 (Presentation of video document)

4 [15.13.47]

5 MR. RAYNOR:

6 Thank you, Mr. President.

7 I now move to another section of this document presentation, the
8 section dealing with Tuol Po Chrey.

9 Can I explain the formats of this part of the presentation? I
10 will be reading extracts from a very brief number of documents
11 and then playing a film to you. I'll go through the documents
12 first, if I may, and then explain the film.

13 First document on this theme: E3/51 - again, the compilation from
14 the "Times" newspaper. Khmer reference, 00644730; French,
15 00597847; and English, 00003282. This is a newspaper article
16 that's headed "Thursday the 24th of April", and this is the
17 relevant extract:

18 "Jean Remy, head of the French Planters Association and
19 Cambodia's most influential Frenchman, is here after a week on
20 the roads. He says he hears the Khmer Rouge are executing army
21 officers at the rubber nurseries in the suburbs."

22 [15.15.30]

23 The next document: E3/3372 - Khmer ERN 00831549; English,
24 00445435. This is an extract I'm reading from an article that
25 appeared in the "Washington Post" on the 4th of June 1975: "There

1 have also been reports, including some intercepted messages, that
2 the Communists are executing the entire families of former
3 military officers and high civilian officials."

4 Next, E3/3316 – first reference, in Khmer, will be on page
5 00591055; French, 00607928 through 29; English, 00419920. This is
6 an extract from an Amnesty International news release. It is
7 dated the 30th of March 1978. The heading of the news release is
8 "Amnesty International Urges Cambodia to Respond to Allegations
9 of Summary Executions", and the text on this extract is as
10 follows:

11 "AI" – Amnesty International – "referred to refugee accounts that
12 the situation in Democratic Kampuchea since the change of
13 government in April 1975 has been characterized by large scale
14 killings. In 1975 and early 1976, refugees reported that many
15 officers and soldiers of the defeated Republican Army had been
16 executed in the months following the Khmer Rouge accession to
17 power. Many refugees spoke of the summary execution of former
18 Republican Army soldiers. Some had heard about the killings from
19 acquaintances or were told by Khmer Rouge soldiers; others
20 reported that they had seen mass graves or corpses with army
21 clothing.

22 "Khmer Rouge soldiers and local officials have sought to identify
23 those people who had held positions in the former
24 administration."

25 [15.19.42]

1 So that, Mr. President, deals with the document elements of the
2 Tuol Po Chrey presentation.

3 Next, with your leave, Mr. President, can I please show you the
4 Court an extract from a document on the case file described as
5 "One Day at Po Chrey".

6 Can I explain to the Defence: this whole film was initially 26
7 minutes long; it's been edited down to 19 minutes and 53 seconds,
8 and the exact cut time is shown on the email which has now been
9 sent to all parties.

10 This is video number 12, "One Day at Po Chrey". Mr. President,
11 with your leave, can that be played to the Court?

12 MR. PRESIDENT:

13 AV Assistants, please play the video clip as per the request by
14 the Prosecution.

15 [15.21.03]

16 MR. RAYNOR:

17 Mr. President, can I add, which I should of done, this is a film
18 or a clip that is made by Thet Sambath. He has other material on
19 the case file, but this is a particular film or clip dedicated to
20 this subject. Thank you.

21 (Presentation of video document)

22 Sorry; forgive me, Mr. President. This clip is in Khmer, with
23 English subtitles, and so it perhaps can be played with sound so
24 that those members of the public and, indeed, everyone else can
25 hear it in Khmer with the English subtitles and a French

1 commentary.

2 So, please, the sound, please, on this clip.

3 MR. PRESIDENT:

4 AV Technician, please follow this request.

5 [15.22.55]

6 (Presentation of audio-visual document, interpreted from Khmer)

7 "Why do you want to go there? Let just me speak with her for a
8 moment. Did you see them taken along this road?"

9 "Yes, along this road, during Pol Pot regime. They go past Paoy
10 Pring, then you will reach there."

11 "Were there many people taken there to be killed?"

12 "Yes, there were. They killed them; they actually took them for
13 education, but actually that meant death to those people. My
14 father was also sent to Po Chrey."

15 "Was he your biological father?"

16 "Yes, he was."

17 "Was he a soldier?"

18 "Yes, he was a soldier; he was a colonel at that time. Well, they
19 say that soldier with rank of colonel would be sent for study
20 session, so everyone were trying to climb the truck, at that
21 time, for education. He told me at that time that he was to go
22 for education."

23 (Short pause)

24 [15.24.36]

25 "Where is Uncle Chheam's house?"

1 "Further north. I followed my buffalo there; they had run away,
2 so I followed them. I did not know that many people had been
3 killed there over there. When I got there, I saw bodies
4 everywhere. They were tied together."

5 "What condition were they in?"

6 "They weren't yet decomposed, all swollen, because I got there
7 the morning after but I couldn't hear - I could hear the sound of
8 decomposing bodies; they were - they weren't swollen yet."

9 "What did you hear?"

10 "Well the sound - the sound like - of the decomposing body. They
11 were all dead, actually, and the bodies - after we die, the air
12 inside our body moves and makes a noise. If you had seen it, you
13 would have ran away, because my hair stood on end at that time,
14 and I ran home immediately."

15 [15.25.59]

16 "May I borrow a small piece of rope? Give it to your grandpa so
17 he can show us. What did you see? Please, demonstrate it."

18 "They tied it around twice, and then you would be connected in
19 the same way all together. They were tied tightly with strong
20 knots like this, and the remaining rope was pulled through. The
21 hands were bound very close together."

22 "How many of them were there bound together?"

23 "There were maybe 20 bodies tied to each piece of rope. So, they
24 pulled the one end of the rope through like this, from one end to
25 another."

1 (Short pause)

2 [15.27.52]

3 "I bath in it when I come to the farm, but I never drink the
4 water. I know this is where bodies were buried and left, so I
5 didn't dare drink it."

6 (Short pause)

7 [15.28.43]

8 "At the meeting, they told us we were to be up at around 4.00 the
9 next morning to get the truck in order to attack Tuol Po Chrey.
10 And we woke up at 4 a.m. Everyone was there together, and we got
11 on the truck. We travelled out from Pursat and got to Tuol Po
12 Chrey; it was at dawn.

13 "Our commander by the name of Klem (phonetic) was the guard post
14 - was on the guard post, announcing the plan on a loudspeaker.
15 Soldiers were from the zone, and our units from around - from
16 different units, around 1,000 of them, and our group were called
17 the Preventive Unit. And they told us very clearly that if any
18 targets managed to escape, then our Preventive Unit must take all
19 necessary measures, or else the plan would fail."

20 [15.29.55]

21 "And about 7 a.m., we heard the sounds of the trucks approaching.
22 The trucks came first, and then they announced: 'Special units,
23 be ready.' It was the third day that people had to be taken to Po
24 Chrey. We knew already about the plans, that they were taken and
25 killed. They were important people. They knew that they were just

1 going away from their wives for a few nights, and after they met
2 with Samdech Euv, then they would be back to their old jobs. They
3 said that. For that reason, they had no worries at all. And they
4 were teasing each other. For example: 'What your wife packed for
5 you?'

6 "However, they were in civilian clothes, and the provincial
7 governor wore white with a straw hat. They looked ordinary
8 because the Khmer Rouge wore black uniforms and they wore scarf
9 on their neck. And they tried to look like farmers; they were
10 simple ordinary clothes with straw hats.

11 "They made small chats in the vehicles. It was a relaxed
12 atmosphere, and that - nothing seemed to happen in the future.
13 Nobody knew about what happened.

14 "And, when they climbed down from the trucks, there was an
15 announcement on the loudspeaker that: 'All Comrades, do not be
16 afraid that you will meet Angkar and you will be meeting with the
17 Prince.'

18 [15.31.47]

19 "Then they were - their arms were tied - it was one truck after
20 another - and then they were laid away. So, they killed one
21 another - one after another, and the brains scattered everywhere
22 - the brain and the blood mixed together.

23 "They did not just shoot them in the open so that - they wanted
24 the trucks could not see - they could not see the killing. And
25 only up at the site of the pond they could see the dead bodies in

1 the pits, and then they felt weak and cried - they felt weak to
2 the knees and they cried. Some of them shouted out curses, that,
3 'You're godless devils, you're animals', because when they saw
4 the dead bodies, they cursed. But some could not walk; they
5 became weak and they were kicked before they arrived at the
6 place.

7 [15.33.06]

8 "There was a small car, and he came out and I said that Toeun
9 (phonetic) looked like my - the uncle. And Toeun (phonetic) said,
10 'Who?' I said, 'The tall man, that's my uncle, Nouth (phonetic).'

11 So I walked over to that distance, near the band, and I saw my
12 cousin, Srey Samnan (phonetic) - that is, his daughter. Then I
13 realized that it was really my uncle. Then I retreated. I did not
14 want him to see because I'm afraid that he would shout, asking
15 for my help, and then I would have been implicated. Instead, I
16 hid away from his sight. Then they tied him up together with his
17 daughter and killed them.

18 "And when I came here I feel as if the killing is just happening.
19 First, they killed the people in the pond and they couldn't - and
20 when it was full, then the bodies were in the field. Before they
21 shot it in that direction, they asked people to kneel in that
22 direction, they shot them in the head. And, of course, the stench
23 of the blood was too strong, so I moved away upwind."

24 "Did you walk along this road?"

25 [15.35.09]

1 "You mean in the morning? Only along the pond and to the west of
2 the pond; and from 4 p.m., I walked along this area, and bodies
3 were everywhere, in all directions, so I walked by the fence to
4 the military lines near where the trucks are parked. And we could
5 not walk along these roads because they were filled with bodies,
6 so then I walked the other way to join my unit. I asked a member
7 of the Special Unit how many soldiers were killed; he said that
8 there were about 10,000."

9 "How many bodies did you see, based on what you saw at the time?"

10 "There were many; it fills the field. I could not say exactly how
11 many, but when I spoke to the one who killed those people, who
12 were in the Special Unit - and his name was Bol (phonetic) - and
13 he said there could be between 10,000 - or 9,000 to 10,000."

14 "Please speak a bit louder. Whom did you ask after the shooting?"

15 [15.36.57]

16 "I did not ask him at the time, but it was after we came back.

17 And at that time the truck actually arrived at the provincial
18 town. I asked Bol (phonetic) how many people were killed because
19 it was everywhere, and he said it could be the least 8,000 or it
20 could be up to 10,000.

21 "So, at that time, the soldiers wanted to see the Prince because
22 they wanted to get a promotion. And even the file and rank
23 soldiers also went along. And for that reason there were many
24 soldiers who died.

25 "And some even were not real soldiers; they bought the rank from

1 the market - that is, the one on the corner toward the market.
2 They sold the rank there, the insignia. And on the third day,
3 when money was no longer used, then the market closed.

4 [15.38.28]

5 "When I was small, I came here, but people had already been
6 killed. The soldiers had been killed, and it was like a rubber
7 plantation because the stomach bubbled."

8 "What were you told?"

9 "They told me to dismantle the houses belonging to the commandos.
10 So we dismantled the houses. And the bodies were there, and later
11 on they were buried by bulldozers."

12 "Tell me exactly what you saw when you came."

13 "I saw dead bodies and I saw them. They cut off the heads from
14 the bodies."

15 "So, what actually happened? And where did you stand? Can you
16 tell us in details?"

17 "They put one head over there, and on the other side, and over
18 the gate entrance, there - so, one to the south, and one to the
19 north."

20 "And can you tell us what was the names?"

21 "They were Phal and Roeun (phonetic). Only these two got their
22 heads cut off. Roeun's (phonetic) head was put to the north, and
23 the other one was to the south, but we were not allowed to
24 enter."

25 [15.40.10]

1 "How were the heads mounted?"

2 "They were mounted on a pole. It was through the throat."

3 "What about Mr. Roeun's (phonetic) head? Where did you stand?"

4 "I actually touched the fence - touched the poles attached to the
5 head."

6 "Can you show me?"

7 "Because at that time the head was sticking on top of the pole. I
8 noticed the kind of tattoo on his chest, but the head was on the
9 other side."

10 "How old were you at the time?"

11 "I was pretty young, as young as those girls over there, but I
12 was - I had a bigger build.

13 "How old were you?"

14 "I were around 11 or 12."

15 "Did you see any dead female bodies?"

16 "There were only three dead female bodies. They were there and
17 they were buried over there. There were only three of them. They
18 were naked; maybe they were raped here, under the shade."

19 (End of presentation)

20 [15.41.58]

21 MR. RAYNOR:

22 Thank you, Mr. President. That concludes the segment of this
23 presentation dealing with Tuol Po Chrey.

24 I'd like to move - to make a start, please, on documents relating
25 to forced movement 2.

1 The first document is E3/216 - Khmer ERN 00008485; and English,
2 00850973. This is a record of the Standing Committee's visit to
3 the Northwest Zone from the 20th to the 24th of August 1975. The
4 heading is "Report on the General Situation in the Base - People
5 Situation". There's an extract as follows: "The new people are
6 experiencing shortages, shortages of food supplies as well as
7 shortages of medications."

8 [15.43.26]

9 On the same document - Khmer ERN 00008487; French, 00343375;
10 English, 00850974 - under the heading "Situation of Economy and
11 Crops Diversification - Agriculture: Rice Planting":

12 "This has been pushed everywhere. Rice is planted on the old land
13 and is also planted on some other land. Planting rice (sowing and
14 transplanting) has been finished in most places in Battambang.
15 Many paddy fields have canals and raised embankments. Water
16 problem has been brought, to an extent, under mastery."

17 Same document - Khmer ERN 00008488 through 89; French, 00343376;
18 English, 00850975 - there's a heading on the page, "National
19 Defence Affairs", and then the heading is "Key Problem -
20 Resolving the Political Situation of the People", and the extract
21 has this text: "Concretely, it is imperative to strengthen and
22 expand the cooperatives, employing the strength of the
23 cooperatives as the core, making them the hard core for the
24 absorption of the new people."

25 The next red box is on Khmer page 00008489, and the document,

1 says just before the extract, "the cooperatives have already
2 formed (sic) functions". Number 2:
3 "The function of cooperatives since the total liberation is to
4 absorb all the new people coming out of all the cities and towns,
5 especially Phnom Penh City and, in the Northwest, Battambang.
6 Every type of horrible element exists among the hundreds of
7 thousands of new people in Battambang, but the cooperatives have
8 absorbed them completely, supplying them with food and, moreover,
9 deploying their strength to work."

10 [15.47.10]

11 And in the next paragraph but within the same red box:

12 "Therefore, the cooperatives must be further strengthened and
13 expanded."

14 Next extract: Khmer, 0008490; French, 00343377 through 78;
15 English, 00850976. It's referring to the Northwest Zone:

16 "How must we sort things out?"

17 "Right now [we] are bogged down a bit, but such obstacles are
18 merely transitional.

19 "The people have hope. In the Northwest [Zone], the
20 characteristics of the terrain are extremely favourable, which
21 they can clearly see. The Base People are extremely happy, while
22 the New People are happy. It is not like in [404]. In that
23 location, they have little hope (little land, little water,
24 no-good paddy), whereas in the Northwest, there's lots of hope.
25 They see the potential they enjoy and they are gratified about

1 this.

2 "[...] One or two years from now, the standard of living will rise
3 (the cooperatives will astound as the paddy fields and water
4 situation are transformed, and good supply will be abundant and
5 everyone comfortable), and then it will rise even higher."

6 [15.49.25]

7 Still within the same document - Khmer ERN 0008491 through 92;
8 French, 00343378 through 79; English, 00850977 - under the
9 heading "Economy and Crop Diversification":

10 "The Party's direction is to diversify crops and build up the
11 country. Workforce must be allocated to those who have free land
12 to plant and diversify crops while in the meantime defending the
13 country. Besides, workforce must be provided to any place with
14 more work ability[...].

15 "Therefore, the Northern Zone and the Northwest Zone, and
16 especially the Northwest, have the most good qualities in terms
17 of the geography of paddy land (which is good and of which there
18 is a lot of surplus), and they must receive more people. Second,
19 possess capital in the form of rice with which they can sustain
20 new people. [And] third, they have capital in terms of various
21 kinds of implements.

22 "We are carrying out shock assaults to diversify crops in the
23 Northwest Zone in order to: [firstly], improve people's living
24 conditions (throughout the country); [and, secondly], to find new
25 capital for purchasing materials to be used in building the

1 country and diversifying agricultural and industrial production.
2 "If we send workforce to other places with less work ability, we
3 will lose both flute and drum, time and effort. In so doing, our
4 fighting guideline is not right. So, we must fight at the right
5 place, where it is effective, because we carry out the policy of
6 self-reliance. We must find capital on our own."

7 [15.52.44]

8 Then, under a heading, "Workforce Arrangement": "The Northwest
9 Zone has favourable and unfavourable conditions as follows."

10 Under "Favourable conditions": "In general, the land is fertile
11 and also good though without using fertilizers."

12 Secondly: "The area is a huge plain with no mountains, easy for
13 us to organize the workforce, to do ploughing, and to use water."

14 Next: "There is also workforce existing. It is better if adding
15 up more force to the zone. The existing force also has experience
16 in diversifying crops."

17 And, lastly: "There are some machinery and tools."

18 The shortfall points to be considered are on the next Khmer page
19 - or on Khmer page 0008492; French, 00343379; English, 00850978 -
20 so the "shortfall or points to be considered":

21 Firstly: "Not yet in mastery of the water problem."

22 Second: "Its human being strength is insufficient. The labour
23 force must be increased. Three or four hundred thousand more
24 would not be enough. The current strength of one million persons
25 can only work 50 per cent. It's imperative to add 400,000 or

1 500,000 more."
2 [15.54.56]
3 The next document on forced movement 2 is E3/781.
4 The first extract will be: Khmer ERN 00072367; French, 00543745;
5 and English, 00523569. This is a document – it's a Communist
6 Party of Kampuchea document dated in September 1975. It's
7 document number 3, and the heading on the document is
8 "Examination of Control and Implementation of the Policy Line on
9 Restoring the Economy and Preparations to Build the Country in
10 Every Sector". Under a heading, "Control and Implementation of
11 the Party's Policy Line to Build Agriculture", the objective is
12 stated in these terms: "To examine the control of, the absorption
13 of, and the implementation of the Party's agricultural line to
14 push agriculture to expand in a great leap to the maximum,
15 according to the instructions of the Party."
16 Next red box: "We must quickly prepare to transform from backward
17 agriculture to modern within 10 to 15 years. This is the
18 objective. If we look at this timewise, we see that as being very
19 fast." [15.57.25]
20 Next page: Khmer reference, 00072368; French, 00543745; English,
21 00523570:
22 "These objectives are set at a very high level. We must really
23 work urgently to achieve these objectives.
24 "This matter demands the preparation of forces in every sector to
25 [be really] orchestrated: machinery, fertilizer, water, etc."

1 And further on that same page, this text: "Furthermore, we have
2 cooperatives which are the property of the collective. It is easy
3 to arrange everything. Today, we have only people's cooperative
4 ownership and state ownership."

5 Next reference: Khmer ERN 00072369 – and the corresponding pages
6 have moved on one page in English and French:

7 "As for the Chinese experience, they set up cooperatives at a
8 high level during 1956 through [to] 1958. They continue to set up
9 the collective. China has been liberated for" – and a figure is
10 given in years – "and has still not yet organized to solve the
11 rice field dykes. But as for us, we already have cooperatives."

12 [15.59.18]

13 On Khmer page ERN 00072370; French, 00543747; and English,
14 00523571; there are these entries. Under the heading "The Mass
15 Movement in Implementing the Agricultural Line of the Party
16 During the Past 4-5 Months" leading up to May 1975 or from May
17 1975:

18 "How have we absorbed? How must the Party push further? After the
19 Party disseminated the line, two movements appeared.

20 "This movement is stronger than before the coup. Our Party and
21 our people strive to implement this line. In a situation of
22 shortages in all aspects of life, including shortages of supplies
23 to produce food: cattle, water buffalos, and hoes, etc. The
24 movement is strong, and this leads us to believe that next year
25 we can solve the livelihood of the people. This year we have done

1 a lot of other good work too."

2 [16.00.50]

3 An example is given:

4 "There are some places where the forces of the people have been
5 assembled and where they have actively produced food day and
6 night. [...]Therefore, all the [new] people, new and old, work
7 vigorously without hesitation."

8 Another example is given:

9 "Other places have begun the opening stages of preparation for
10 agriculture in a new way, making modern paddy dykes to maintain
11 water, to husband water.

12 "[...]We must push to make many additional paddy dykes in low-lying
13 land."

14 Mr. President, I see the time. If I am to finish this document,
15 it will take, I think, more time than the Court will find
16 acceptable. Can I explain that I have about another eight pages
17 of material to cover and then a very brief video to play?

18 Given the time, is this an appropriate stage, Mr. President, to
19 complete today's hearing?

20 [16.02.30]

21 MR. PRESIDENT:

22 Thank you.

23 The time is appropriate for adjournment today. We will adjourn
24 now and resume tomorrow morning.

25 And tomorrow the Chamber will again give the floor to the

1 Prosecution to make their presentation regarding documents
2 related the second phase population movement. And after that, the
3 Lead Co-Lawyers will have the opportunity to make additional
4 documents supplementary to what has been presented by the
5 Prosecution regarding the main four topics. And after, the
6 defence teams will be given opportunities to comment or to
7 express their objections to the documents presented by the
8 Prosecution and the Lead Co-Lawyers.

9 I notice the Lead Co-Lawyer is on his feet.

10 [16.03.59]

11 MR. PICH ANG:

12 Mr. President, in fact, tomorrow, we will have documents for our
13 presentation.

14 However, I'd like to seek clarification from the Chamber
15 regarding the availability or affordability of time for us to
16 make presentation later on.

17 In fact, document hearing was scheduled for February but it was
18 rescheduled to the current proceedings. For that reason, we have
19 not yet prepared all the documents and made them ready and
20 available for this week's presentation.

21 I'd like to seek advice from Chamber. Maybe we have another
22 opportunity in the near future for document presentation. Thank
23 you.

24 (Judges deliberate)

25 [16.07.40]

1 MR. PRESIDENT:

2 The Chamber will now respond to the queries by the National Lead
3 Co-Lawyers for civil parties on the changes of a scheduling for
4 the document hearing.

5 As and we have noticed, various parties, particularly the
6 Prosecution, tried their best to make their presentation. And
7 tomorrow, we would advise the Lead Co-Lawyers to try their best
8 for the document presentation. And in case of necessity, the
9 Chamber will consider at a later stage.

10 Security guards, you are instructed to take Mr. Ieng Sary back to
11 the detention facility and have him returned to the holding cell
12 downstairs, with the facility of audio-visual link, so that he
13 can follow the proceeding, and it should happen prior to 9 a.m.
14 The Court is now adjourned.

15 (Court adjourns at 1608H)

16

17

18

19

20

21

22

23

24

25