



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

ព្រះរាជាណាចក្រកម្ពុជា
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
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CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

28 April 2015
Trial Day 275

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

The Accused: NUON Chea
KHIEU Samphan

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Trial Chamber Greffiers/Legal Officers:
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For the Office of the Co-Prosecutors:
SENG Bunkheang
Dale LYSAK

For Court Management Section:
UCH Arun
SOUR Sotheavy

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN Presiding)	Khmer
MR. VERCKEN	French

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1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the key document presentation by the
6 defence teams in relation to Tram Kak Cooperative and Krang Ta
7 Chan Security Centre.

8 Ms. Chea Sivhoang, please report the attendance of the Parties
9 and individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all Parties to this case
12 are present, except Mr. Son Arun, National Co-Counsel for Mr.
13 Nuon Chea is absent for health reasons.

14 Mr. Nuon Chea is present in the holding cell downstairs. He has
15 waived his rights to be present in the courtroom. The waiver has
16 been delivered to the greffier. Thank you.

17 [09.03.01]

18 MR. PRESIDENT:

19 Thank you. The Chamber now decides on the request by Nuon Chea.
20 The Chamber has received a waiver from Nuon Chea, dated 28 April
21 2015, which states that due to his health -- that is, headache,
22 back pain and he cannot sit or concentrate for long and in order
23 to effectively participate in future hearings, he requests to
24 waive his right to participate in and be present at the 28 April
25 2015 hearing. He advises that his counsel advised him about the

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1 consequence of this waiver that in no way it can be construed as
2 a waiver of his right to be tried fairly or to challenge evidence
3 presented or admitted to this Court at any time during this
4 trial. Having seen the medical report of Nuon Chea by the duty
5 doctor for the Accused at ECCC, dated 28 April 2015, who notes
6 that Nuon Chea has a chronic back pain and feels dizziness when
7 he sits for long and recommends that the Chamber shall grant him
8 his request so that he can follow the proceedings remotely from
9 the holding cell downstairs.

10 [09.04.23]

11 Based on the above information and pursuant to Rule 81.5 of the
12 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
13 follow today's proceedings remotely from the holding cell
14 downstairs via an audio-visual means.

15 The AV Unit personnel are instructed to link the proceedings to
16 the room downstairs so that he can follow the proceedings. That
17 applies for the whole day.

18 And the Chamber would like to hand the floor to the defence team
19 for Nuon Chea for the key document presentation in relation to
20 Tram Kak Cooperative and Krang Ta Chan Security Centre.

21 Counsel, you have the floor.

22 MR. KOPPE:

23 Thank you, Mr. President. Good morning, Your Honours. Good
24 morning, counsel.

25 Mr. President, my presentation today is divided into three parts:

1 the first concerns documents relating to Krang Ta Chan, the
2 second deals with living and working conditions in Tram Kak,
3 while the third part relates to the treatment of targeted groups.
4 [09.05.51]

5 This morning I will present a total of 30 documents, which is a
6 little less than the list that we initially circulated as we have
7 removed some documents.

8 Let me first turn to the document that relates to Krang Ta Chan.

9 There are 138 documents on the case file listed in an OCP annex
10 called "The Tram Kak District Records". These documents are
11 allegedly contemporaneous documents relating to activities within
12 Tram Kak district during the DK period.

13 By now it is clear that these documents are by far the
14 Prosecution's core evidence for this trial segment. However, only
15 three of these 138 documents have a located original and even
16 these originals are not on our case file. The other documents are
17 simply copies and the whereabouts of the originals are unknown
18 and this makes it impossible, for example, to verify Pech Chim's
19 recent claim that all executions would have been annotated on
20 documents in red ink. Nor can we examine the nature of several
21 documents with a single E3 number, but which appear to have been
22 compilations of various separate documents, including
23 correspondence back and forth. In a court of law, this is highly
24 problematic, especially in the light of the possibility -- which
25 I will discuss later -- that certain documents may have been

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1 forgeries, intended to craft a very particular narrative of
2 alleged events at Krang Ta Chan.

3 [09.07.56]

4 It is with these concerns in mind that we will soon be filing an
5 official request for investigation into a selection of the
6 so-called Tram Kak district records.

7 Now, Mr. President, the first document I wish to present is a
8 document which provides information about the provenance of these
9 so-called Tram Kak district. This document is E3/188; it is a
10 written record of interview of Youk Chhang, Director of
11 Documentation Centre of Cambodia, and it is dated 2 April 2009.

12 The relevant ERN numbers: in English, 00342450 until 5; Khmer,
13 00334755 until 61; and French, 00485435 until 40. In this
14 document, Youk Chhang provides further information and identifies
15 important sources regarding the provenance of the Tram Kak
16 district records and their chain of custody.

17 [09.09.24]

18 He notes that the documents were found at different times and are
19 from different sources. He explains that the original documents
20 related to Krang Ta Chan were lost but that it is unclear how
21 they were lost, when and also where this loss occurred. However,
22 he does explain that Mr. Sou Phirin, the current Secretary of
23 State in the Council of Ministers, whom we have requested to call
24 as an additional witness in this trial segment, allegedly
25 received the documents from the district front and gave them to

1 none other than Ben Kiernan. According to Youk Chhang, Kiernan
2 said he returned the documents and that they are in Tuol Sleng,
3 which they, in fact, are not. Sou Phirin, on the other hand,
4 according to Youk Chhang says, Kiernan did not return the
5 originals.

6 [09.10.34]

7 Youk Chhang also provides information concerning the so-called
8 Tram Kak district record sources. For instances he states in his
9 statement that Prime Minister Hun Sen is a source for documents
10 numbered as D documents in the DC-Cam numbering system.
11 Youk Chhang also says that other sources are from Takeo province
12 and that some documents were taken from the office of the
13 district front but it is unclear where the district front
14 received the documents from. He also says that the district front
15 supposedly collected the documents from the village and commune
16 levels but it did not take the original documents from Krang Ta
17 Chan itself.

18 MR. PRESIDENT:

19 The International Deputy Co-Prosecutor, you have the floor.

20 [09.11.50]

21 MR. LYSAK:

22 Thank you, Mr. President. I'd request that counsel when he's
23 making these references, as I did, point to the specific ERNs. He
24 is characterising the evidence rather than pointing to it. One of
25 the things he just said is exactly the opposite of what is said

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1 in the interview that he is relying on. In order for there to be
2 any reliability in this process, he needs to be citing where he's
3 getting this from so that he's not characterising them or
4 mischaracterising the evidence.

5 MR. KOPPE:

6 I can do that, Mr. President. I just thought it would get rather
7 tedious if I number every reference, but if you require so, I
8 will do it. Would you like me to get back to all the references
9 or shall I just go on from now?

10 [09.12.46]

11 MR. PRESIDENT:

12 Counsel, please make sure that you refer to the proper documents
13 and the related ERN numbers so that concerned Parties can follow
14 your presentation. Thank you.

15 MR. KOPPE:

16 I will do so, Mr. President.

17 Let me start and if that is alright with you with the second part
18 of this document where Youk Chhang provides information
19 concerning the so-called Tram Kak district record sources.

20 [09.13.42]

21 First, I just said that already but I will repeat it. Prime
22 Minister Hun Sen, so he says, is a source for documents numbered
23 as D documents in the DC-Cam numbering system -- that is,
24 English, 00342452; Khmer, 003347457 (sic); and French, 00485437.
25 He also says that other sources are from Takeo province -- that

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1 is, English, 00342455; Khmer, 003347460 (sic); and French,
2 00485437. He also states that some documents were taken from the
3 office of the district front but it is unclear where the district
4 front received the documents from: English, 00342454; Khmer,
5 003347459 (sic); and French, 00485439. The district front
6 supposedly collected the documents from the village and commune
7 levels, so he says, but it did not take the original documents
8 from Krang Ta Chan itself.

9 And finally, a relevant excerpt from Youk Chhang statement: "In
10 addition, when searching through S-21 again, some documents were
11 found under a wooden cabinet." English, ERN 00342543; Khmer,
12 003347458 (sic); and French, 00485438; and a number of relevant
13 documents meanwhile were found later but given numbers in the
14 relevant DC-Cam sequence -- that is, English, 00342452; Khmer,
15 003347457 (sic); and French, 00485437.

16 That concludes the first document I'm presenting to you this
17 morning, Mr. President.

18 [09.16.09]

19 Now if we even set aside concerns about the heavy reliance on the
20 Tram Kak district records and consider them for their content,
21 not all of these documents paint the universally brutal picture
22 of the regime that the Prosecution would have you believe.

23 I will now present a number of documents some of which the
24 Prosecution has already presented. They present an alternative
25 view of at least of some of the events relating to Krang Ta Chan.

1 We have divided these documents into five categories. The first
2 category are documents illustrating that multiple attempts were
3 made to re-educate people. So these documents indicate that
4 multiple attempts were made to re-educate people into changing
5 their behaviour at the commune level before matters were
6 escalated, if that happened at all. I would like to present four
7 illustrative examples.

8 [09.17.26]

9 Mr. President, the first document shows that Lon Nol officials
10 and soldiers were among those who might be re-educated multiple
11 times. Document E3/4092, also presented yesterday by the
12 Prosecution yesterday, is a document entitled "Notebook of KTC
13 Interrogator" and contains confessions of 107 persons, including
14 women, men, youth and Lon Nol soldiers. The English ERNs are
15 00834826 until 28; Khmer, 00271162 till 4; and French, 00721306.
16 This document lists several incidents of people being re-educated
17 on multiple occasions at the commune level. It also illustrates
18 how sending people to re-education centre did not mean certain
19 death but implies that people could in fact return from the
20 education centres to the communes. Specifically this document --
21 E3/4092 --describes at least two people who were re-educated and
22 who were former Lon Nol soldiers:

23 1). That is English, 00834827; Khmer, 00271162 till 63; and
24 00721306, in French; relates to a warrant officer called Pok
25 Bunly. Pok Bunly was in Angk Ta Saom commune, committed thefts

1 very often -- I quote: "which is why", again, I quote: "the
2 cooperative representative arrested and sent him to the
3 re-education camp many times".

4 [09.19.51]

5 Kung Vet, a Lon Nol Corporal who was also living in Angk Ta Saom
6 commune was apparently "a major thief", who, "stole potatoes,
7 five times; coconut, three times; and corn, twice; and who the
8 co-operative representative educated on several occasions but who
9 resisted stubbornly". That is English, ERN 00834828; Khmer,
10 00271164; and French, 00721307 till 08.

11 The next document, Mr. President, shows that also New People
12 might be re-educated more than once -- E3/4101 -- that is a
13 report from Krang Ta Chan to the district office, dated 7 March
14 1977, and signed by An, on English, ERN 00322124; Khmer,
15 00271034; and French, 00854216. We can see that this report
16 describes Kim Vanny, a New Person, assigned to a youth assembly
17 unit in Srae Ronoung commune who apparently, "really stole very
18 often, such as coconuts, cassava roots and climbing up the palm
19 trees at night to steal the palm juice of the cooperative for
20 drinking it, et cetera", and it says the chief of the unit has
21 educated him several times but he still continued to commit the
22 thefts. Yet another document, Mr. President, shows how at least
23 five people, including Lon Nol officials and soldiers, New People
24 and frequent thieves faced multiple rounds of re-education to
25 correct their behaviour.

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1 [09.22.20]

2 I refer you to -- that's the next document, E3/2424, that is a
3 compilation of reports between sub districts office, district and
4 Krang Ta Chan, which appears to date from 1978. The English ERNs
5 are 00322217, ending in 20, 22 and 25; Khmer, ERN 00270755, and
6 ERNs ending in 59, 62, 63 and 75 (sic); and the French, ERN
7 00612215 and ERNs ending in 21 and 23 till 24. Now this document
8 is report E3/2424 describes the re-education history of several
9 people. And for instance, on 18 August 1978 report from Cheng of
10 Angk Ta Saom commune to, "To Respected Comrade Elder Brother
11 Police of District 105" describes Kong Viet, a former military
12 police of unknown rank who "was such a great stealer". He "had
13 been educated so far by the group, unit, and by the collective
14 meetings for the past three years period". And after this
15 apparently failed, he was, "individually educated by a hot
16 measure" -- that is, English, ERN 0032220 (sic); Khmer, 00270755;
17 and French, 00612219. In the same documents we can see an 8th
18 July letter from Bin and Yat, from an unknown location to the,
19 "Beloved Base Party" and concerned, Ny, a surgical doctor from
20 Phnom Penh, who, reportedly, "committed cheap deeds of thefts
21 several times so far" and who officials had, "educated several
22 times" but nevertheless, "still abuses the Party guidelines".
23 That is 0032222 (sic); Khmer, 00270759; and French, 00612219.

24 [09.25.12]

25 In this E3/2424, there's another document, the date author and

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1 recipient unknown which details two pieces information about two
2 further people living in Angk Ta Saom. First, somebody called Pok
3 Bunly, a 27 year-old New Person of Vietnamese heritage, who "had
4 a lot of disputes, including stealing for which he was educated
5 very often until he was brought for education in the commune
6 militia office once already". However, the report complained,
7 "though he had been educated he still repeated the same
8 activities" -- English, 00322225; Khmer, 00270763; and French
9 00612223 and 00612224. Om Changtha was "serving in the enemy's
10 forces when living in the enemy's area" and "has stolen and
11 incited to fight the Revolution".

12 [09.26.36]

13 It's noted in this document, "Our Party has decided to bring into
14 the commune militia office for education once already, but", and
15 I quote: "during the education this youth fled from the office
16 twice, later the Party decided to bring him back to the youth
17 office." End of quote and a new quote: "though he has been
18 educated very often, every day he continues to steal" - English,
19 00322225; Khmer, 002702762 (sic); and French, 00612223.

20 And finally, Mr. President, in this document, E3/2424, the
21 document from Chhoeun at Tram Kak, dated 27 July 1978, addressed
22 to, "Lovely Comrade Elder Brother District Police", which
23 describes Suon Phy, a 25 year-old from District 109 in Takeo "who
24 was good at stealing things which belonged to the collective",
25 and who officials, "tried to educate in whatever manner" --

1 English, 003222217; Khmer, 00270775; and French, 00612215.
2 [09.28.13]
3 The next document, Mr. President, Your Honours is E3/2048, this
4 is a document also presented yesterday by the Prosecution. It is
5 a report to An by an unknown author, dated 4th March, year
6 unknown, and it mentions the sub-district militia bringing in
7 those who held officer ranks and who have been re-educated before
8 -- English, ERN 00276566 (sic); Khmer, 0079094 (sic); and French,
9 00061163 (sic). This report, E3/2048, mentions Keo Net and
10 Chroeng, who both held officer ranks. Keo Net "incited Chroeng to
11 run off, and he has stolen the belongings of the people
12 constantly, never fearful". And the report author then complained
13 that, "the base re-educated them to the utmost of its
14 capabilities". End of quote.
15 The fourth and final document, Mr. President, also is yet, we
16 believe, another example of multiple attempts to re-educate
17 people who mostly appeared to be frequently stealing from or
18 damaging communal supplies. It is document E3/2107; also
19 presented yesterday by the Prosecution. It's a Krang Ta Chan
20 notebook - English, ERN 00290205, 22, 45-46 and 56; Khmer
21 00068050, 60, 74, 80 and 81; and French, 00655726, 39, 60-61, 68
22 and 69. In this document, E3/2107, we can read that Chou Sovann,
23 a former monk living in various locations including Kus
24 sub-district stole, and I quote: "palm sugar water, coconuts and
25 yams frequently, to the point that Angkar has re-educated and

1 built him time after time" - English, 00290205; Khmer, 00680050
2 (sic); and French, 00655726.
3 [09.31.16]
4 We can also read about a man called Kang Soeun who, "killed
5 cooperative cows with a hatchet" and yet, "Angkar re-educated him
6 each time". The same person allegedly did not clean rice and
7 also, "two or three times killed chicken and ate them"-- English,
8 ERN 00290222; Khmer, 00068060; and French, 00655739. It also
9 relates to a man named Krauch Pa, a district militiaman who
10 allegedly raped a girl. He "fought with our army very frequently
11 at Tik Saom and committed a violation about eating" for which the
12 unit chairman "re-educated him often". After this he had yet
13 another unspecified conflict after which the chairman
14 "re-educated him until 9 before releasing him". That is English,
15 0029245 (sic) until 6 (phonetic); Khmer, 00068074; and French,
16 000655760 until 61.
17 Chea Sophal, who joined the military in 1973, was a member of the
18 Kus sub-district youth unit and was described as, "the thief of
19 thieves". The report detailed how, "the unit representative has
20 re-educated him over and over but it has not worked" -- 00290256
21 in English; Khmer, 00068080; and French, 00655768.
22 [09.33.24]
23 Finally, Mr. President, Ngauv Kea from Cheang Tong sub-district
24 was described as having stolen manioc -- I'm not sure what that
25 is -- sugar dumplings, rice and having conflict with the cook and

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1 throwing things at the cook's roof. It says, "while Angkar has
2 frequently re-educated him about his behaviour" the report
3 complained that, "he kept on stealing like this" - 00290256; in
4 Khmer, 00068081; and French, 00655769.

5 Mr. President, I'll now move on to another category of documents
6 offering some insight into Krang Ta Chan, these documents are
7 those which showed officials behaving cautiously with respect to
8 the treatment of troubling people by sending detailed reports of
9 behaviour and requesting instructions to be issued by those
10 senior to them.

11 [09.34.45]

12 I would like to start with the document also presented yesterday
13 by the Prosecution -- E3/2453. This document is a compilation of
14 reports within Tram Kak district, including four particularly
15 relevant reports: English, ERN 00388577, 80, 84 and 86; Khmer,
16 00270773, 77, 82 and 84; and French, 00611769, 71, 74 and 75.

17 The first report is dated 13 October 1977 and written by Khun
18 from Srae Ronoung to the Party. It details the "action of Han, a
19 widow in Srae Ronoung sub-district who is a "major thief". Khun
20 requests the Party's decision about the above report -- that is,
21 English, ERN 00388580; Khmer, 00270777; and French, 00611771.

22 Another report from Angk Ta Saom to the Tram Kak district details
23 information on two persons and requests to know, "whatever Angkar
24 decides" - English, 00388577; Khmer, 00270773; and French,
25 00611769.

15

1 [09.36.43]

2 A third report within this document -- E3/2453 -- is from Mie in
3 Nheang Nhang commune to the district party and this reports ends
4 with, "May the Party be informed, and request that whatever the
5 decision the Party makes be sent for information"-English,
6 00388584; Khmer, 00270782; and French, 00611774.

7 And finally, Mr. President, the fourth report also from Mien of
8 Nheang Nhang commune, that concerns four people named Luo, Suos,
9 Yun and Bang, who want to, "smash the Revolution". This report
10 also ends with, "May the Party be informed about the four of
11 them, and please provide us information on whatever the Party
12 decides" - English, ERN 00388586; Khmer, 00270784; and French,
13 00611775.

14 [09.38.11]

15 The next document -- we use that again -- that is the earlier
16 mentioned, E3/2048. Also this document appears to be a
17 compilation of documents, two of which, we believe, are
18 particularly relevant here: English, ERN 002765562 (sic) and ERN
19 ending in 64; Khmer, 00079087 ending in 91; and French, 00611658
20 ending in 61. In this document -- E3/2048 -- the first is a note
21 dated 3 April 1977, from Phan of Popel commune and it requests,
22 "Angkar pass judgement" regarding certain New People, including
23 "whether to have them send them in or what" -- that is, English,
24 00276562; Khmer, 00079087 till 88; and French 006116658 (sic).
25 Another document, Mr. President, in the same compilation is a

16

1 note from Ta Phem sub-district cooperative secretary Khit to
2 Angkar and it details six soldiers, all first or second
3 lieutenants, who "who have personally carried out activities
4 every single day" and it concludes this report, "whatever
5 Angkar's decision request opinion and instructions"-English, ERN
6 00276564; Khmer, 000790091 (sic); and French 00611661.

7 [09.40.14]

8 I would like to move on to the next document -- that is, E3/4105;
9 this report is apparently from Tram Kak commune militia and it is
10 addressed to Angkar of the district and dated 19 April 1977 -
11 English, ERN 0032135 (sic) ; Khmer, 00270993; and French,
12 00856212. This report requests further instructions from District
13 105, Angkar, after arrest of a member of the commune and says as
14 follows: "We beg to ask the Angkar of the district that where
15 should this person be sent to or how to solve it, please give
16 opinion on it."

17 I now move on to yet another category within these documents, Mr.
18 President, that's the use of so-called hot methods in
19 interrogation; also contrasting with Prosecution's picture of
20 events at Krang Ta Chan are a number of documents which
21 apparently indicate that hot methods of interrogation were not
22 always used and indeed sometimes appear to be used only very
23 rarely. The first is a document which has been mentioned at
24 length by the Prosecution yesterday -- E3/4095. It's an
25 interrogator's notebook with the - I will come back to that very

1 interesting heading called "5th confession and contemptible
2 traitors: Pol Pot and Ieng Sary" - English, ERN 00747287 ending
3 79; Khmer, 00271124; and French, 0072125 (sic) ending 61.
4 [09.42.34]

5 Mr. President, this notebook is a lengthy document containing
6 information regarding the interrogation of approximately of 105
7 different prisoners at Krang Ta Chan, including a large number of
8 Lon Nol soldiers as the Prosecution detailed yesterday. However,
9 throughout all these citations, hot methods are only mentioned as
10 being used on two of these people. Concerning the person Yang
11 Kay, the report indicates that, "this person was interrogated
12 with some of 'hot methods' to dig up his network because he
13 refused to confess" -- that is, English, ERN 00747287; Khmer,
14 00271124; and French, 00721252.

15 Concerning the person Thach Uk, the report says that he was
16 "beaten during the integration", presumably a typo intending to
17 say 'interrogation', "but he did not confess." I have the
18 English, ERN 00747279; Khmer, ERN 00271118; and French, 00721261.

19 The second document, Mr. President, we believe demonstrates the
20 same phenomenon. It is E3/4092. As mentioned earlier, this Krang
21 Ta Chan interrogator's notebook contains confessions of 107
22 persons, including women, men, youth and Lon Nol soldiers, the
23 English, ERN 00834795 ending 05, 16 and 22; Khmer, 002271135
24 (sic) ending 46, 55 and 59; and French, 00721276 ending 87, 96
25 and 302.

1 [09.45.22]

2 Mr. President, like with the document discussed before, of the
3 107 persons detailed in this document, there seems to be only
4 four occasions on which the persons were subjected to "intense
5 interrogation". I should note the French version interrogates -
6 "interrogation" in four different ways without using the word
7 "intense", so there seems to be a difference in translation
8 between the French and the English. But only on four occasions of
9 the 107 persons who were detained, apparently hot methods were
10 used.

11 [09.46.22]

12 Mr. President, we will revisit these documents most likely during
13 our objections later this week, but for now, let me just note
14 that, considering that both notebooks specifically seem to
15 indicate where hot methods were used, suggests that they were not
16 standard practice. Otherwise, why would they be indicated at all
17 is the question. Moreover, regarding the first notebook --
18 E3/4095 -- as the Prosecution mentioned yesterday, some of the
19 persons listed included the family of trial witness Meas Sokha,
20 and they include for instance Meas Sokha's mother, Hun Kimseng,
21 and his sister, Meas Sarat, both of whom we have recently
22 requested to appear as witnesses. Now, as we know, these people
23 are still alive today, so unless the Prosecution can produce
24 evidence to the contrary, it is very possible that several people
25 in -- many people in fact, in the notebook may have survived.

1 This goes to a broader issue, of course, which is how often
2 executions at Krang Ta Chan occurred at all.

3 MR. PRESIDENT:

4 The International Deputy Co-Prosecutor, you have the floor.

5 MR. LYSAK:

6 Thank you, Mr. President. I just want to make one objection here.

7 Obviously, counsel is allowed to address and present these
8 documents, and explain their importance. Crossing into the realm
9 of making a closing argument, where we start to argue about what
10 witnesses have testified, I think is something we avoided.

11 [09.48.23]

12 I could stand up and respond that we've had testimony from the
13 guards, who said that everyone, with a few exceptions, was
14 killed. So, I think this is not the time for counsel to start
15 making conclusions. He has no basis to say that any time, every
16 time, torture was used, it would be documented. That's an
17 argument from him. He has no basis to say there are other people
18 in this book who were released. So I think we need to confine
19 ourselves here to presenting the documents, and not make
20 arguments, because obviously, if he's going to make arguments
21 about witness testimony, I feel an obligation to respond, and I
22 don't think we're at that point yet.

23 (Judges deliberate)

24 [09.50.44]

25 MR. PRESIDENT:

1 I'd like to hand the floor to Judge Claudia Fenz to respond to
2 the objection. Thank you.

3 JUDGE FENZ:

4 Well, the Prosecutor has pointed to something which has obviously
5 always been a fine line in this kind of hearings. We have had the
6 same issue again and again. Obviously, drawing the line between
7 presenting a document and commenting on it in a context is, as I
8 said, fine.

9 Counsel, we just wish to remind you this is not closing speeches,
10 very obviously. So perhaps you could concentrate on what could
11 really be seen as a presentation of documents, as opposed of an
12 evaluation at this point in time.

13 MR. KOPPE:

14 I will do my very best, Judge Fenz, but sometimes I need to
15 explain in one sentence or two sentences why I'm doing this. But
16 I will try to avoid closing submissions-type arguments.

17 [09.51.49

18 Mr President, I would now like to move to documents which might
19 illustrate a different use of the word "smash". These documents,
20 included in the so-called Tram Kak district, which indicate the
21 word "smash" or "komtech" has a variable meaning, and cannot
22 simply -- or cannot always simply be equated to "execution". For
23 example, document E3/2053, this is an undated report to the
24 Party, written by Phoem of Trapeang Thom South cooperative, and
25 it sums up the confessions of two individuals: English, ERN

1 00276578; Khmer, 00079122; French, 00334996. The report relates
2 to people named Uk Phat and Sy, and identifies their network and
3 the plans they had. Specifically, it says that the two people
4 "had a five-year plan to ensure the smashing of the
5 cooperatives". Either in five years, seven years or otherwise,
6 and I quote again, "as necessary to wear down the cooperatives,
7 and to absolutely oppose communal eating." In addition, the
8 report says that Uk Phat and Sy had "plans to contact the 'Yuon'
9 and Thailand, and use the weapons to smash the Revolution".
10 [09.53.40]
11 E3/2453, this is -- the relevant report is dated 18 October from
12 Mien of Nheang Nhang to the district base area Party -- English,
13 ERN 00388586; Khmer, 00270784; and French, 00611775. The report
14 in question identifies a network of four persons: Luo Eng-Tri,
15 Suos Ti, Yun Yean and Bang Nan, with the author concluding that,
16 "My analysis is that they have plans to smash our Revolution".
17 Document E3/4092 presented yesterday also by the Prosecution, and
18 mentioned earlier. This is a Krang Ta Chan interrogators'
19 notebook, containing confessions of 107 persons - English, ERN
20 00834818; Khmer, 00271155 till 56; and French, 00721304. At this
21 point, I draw your attention to a note which details the actions
22 of Phan Boeun who "organized a meeting to create plots with his
23 clique of four people" in order "to smash and destroy the
24 cooperative." That is on English, ERN 00834817 till 8; 00271155
25 in Khmer; and French, 00721304.

1 [09.55.50]
2 Mr. President, the last category of documents I am presenting
3 this morning, which arguably provide insight into events at Krang
4 Ta Chan are two documents which relate to S-21 specifically, but
5 which we suggest to be relevant to other security centres in the
6 DK. The pair of documents in this category discussed the
7 apparently little known fact that some prisoners, or quite a
8 substantial number actually, were released from S-21, contrary to
9 the popular misconception that only seven people survived S-21. I
10 am referring to E3/7326. It is a fact sheet published by DC-Cam,
11 called "Pol Pot and his prisoners at secret prison S-21 -- An
12 overview on the release of prisoners of S21" -- English, ERN
13 01002075 to 85. There is no Khmer translation available yet, Mr.
14 President, and also no French translation available. Now, in this
15 document, DC-Cam provides details of several different categories
16 of prisoners who were actually released from S-21, such as
17 children and Khmer Rouge cadres. The fact sheet gives a long list
18 of prisoners who DC-Cam says were released from S-21 during the
19 DK period. And in addition, it indicates which persons are
20 reported to be alive, people whose status is uncertain, and
21 people who died after 1979. Relating to this document --
22 MR. PRESIDENT:
23 The Defence Counsel, please hold on. And the International Deputy
24 Co-Prosecutor, you have the floor.
25 [09.58.03]

1 MR. LYSAK:

2 Yes, Mr. President, I can't find any such document -- E3/7326 --
3 in the system. So, I don't know whether it has an original case
4 file number. That might be the issue. Even though we were
5 instructed to present documents relating to Tram Kak, I don't
6 want to object to that point at this stage, because I would like
7 to see what's in this document, because -- the reason I'd like to
8 see the document is the prisoners that were found weren't
9 released, they were transferred to Prey Sar. These people weren't
10 released from S-21. That's -- so I want to see the evidence that
11 he is citing.

12 [09.59.04]

13 MR. PRESIDENT:

14 Judge Jean-Marc Lavergne, you have the floor.

15 JUDGE LAVERGNE:

16 Counsel Koppe, could you please explain to us what the relevance
17 is of this document in view of the segment that we are involved
18 with today, that is to say, Tram Kak district, and possibly Krang
19 Ta Chan prison? I must confess that S-21 does not seem to be part
20 of this segment, unless I am mistaken.

21 MR. KOPPE:

22 Correct, but S-21 has been often referred to already in this
23 segment. But the relevance of this document is to show that, also
24 from S-21 a substantial number of prisoners were released,
25 undermining the views of the Prosecution, and the view laid down

1 in the Closing Order that nobody who entered Krang Ta Chan was
2 released. So, when we are making this comparison, I think that
3 it's also relevant for a view that we might have on the release
4 of prisoners in Kraing Ta Chan.

5 Mr. Prosecutor, the document is E307/5.2.10, and the document
6 that I'm presenting, Mr. President, Judge Lavergne, is also in
7 relation to E3/39992 (sic), which is an article from the Cambodia
8 Daily, from Thursday, 28 August 2008 - English, ERN 00548253
9 until 4; Khmer, 00814871 to 73; and French, 008366686 (sic) till
10 91. And consistent with the document that I -
11 [10.01.06]

12 JUDGE LAVERGNE:

13 <> If I understand correctly, even though we have not examined
14 facts regarding S-21, <nor have> we < addressed> the <issue of>
15 whether <> prisoners <could have been> released <from> S-21, <you
16 are> using an article in which reference is made to <possible
17 releases of> S-21 prisoners, <in an attempt to> establish <>that
18 prisoners could have <also> been released <from> Krang Ta Chan?
19 Is that the <logic behind it>? I <must admit that I> have a hard
20 time following you<>, Counsel.

21 MR. KOPPE:

22 Well, this article that I was quoting from the Cambodia Daily is
23 from August 2008. I believe it's an article before the judgement
24 of this Trial Chamber in the case of Duch, and it says basically
25 that 177 prisoners were released from S-21, which is something

1 that this Trial Chamber hasn't included in its judgement, and
2 relates to the fact that in general people were released from
3 security centres. Hence also from Krang Ta Chan, a substantial
4 number of people were released. That is our position. I think by
5 just introducing these two documents, we should be able to put
6 our presentation into context of -- the context being prisoners
7 were in fact released from security centres.

8 [10.02.39]

9 MR. LYSAK:

10 First, Mr. President, I still can't find the first document. I
11 don't know whether he's reading it too quickly, but I cannot find
12 the first document. The article I'm familiar with. I think it is
13 premature to get into this at this point. I can tell you that we
14 followed up. We put evidence that will -- we will obviously deal
15 with in the S-21 phase. We followed up on this. These prisoners
16 were not released. They were sent to Prey Sar. Many of them were
17 then later sent back to S-21 and killed. But the idea that this
18 many prisoners were released -- but we should be dealing with
19 this at the S-21 phase, not now.

20 MR. KOPPE:

21 I'd be happy to repeat the words of the Prosecution when he was
22 -- he was questioning, I think, Richard Dudman, confronting him
23 with prisoner list. That's what the Prosecution is doing all the
24 time. I think putting Krang Ta Chan in the context of S-21 is not
25 something that goes out of the segment of this trial.

1 [10.03.44]

2 JUDGE FENZ:

3 Counsel, you're obviously making a closing-style argument, but
4 having said that -- sorry, closing-speeches-style argument.

5 Having said that, you appear to say these were your two questions
6 in this context. Is that correct, or are you going to spend more
7 time on this?

8 MR. KOPPE:

9 No, that's it. Only those two -- two documents, indicating that
10 many prisoners, according to recent confirmation, by the way, in
11 the Guardian of -- by Youk Chhang are - were in fact released.

12 Having said that, Mr. President, I'm moving now to another topic,
13 and that is unreliable documents, or unreliable Krang Ta Chan
14 documents of particularly limited probative value.

15 [10.04.30]

16 Now, having highlighted several categories of documents which we
17 believe are relevant to establishing events at Krang Ta Chan, I
18 would like now to turn instead to highlight a number of documents
19 which, by contrast, are only of particularly limited probative
20 value because they are possibly at least partial forgeries.

21 First, forgeries possibly made after '79. I will first discuss a
22 pair of documents, documents relied on in the Closing Order at
23 paragraphs 514, 500 and 1385, as the basis for the Investigating
24 Judges' suggestion that at least -- at least 15,000 people were
25 executed at Krang Ta Chan. That document is E3/2107. It's a

1 notebook from Krang Ta Chan, containing 91 entries - English, ERN
2 00290205; Khmer, 00068049; and French, 00655725.

3 [10.05.57]

4 Now, at ERN 00290205, there's an annotation from the ECCC Khmer
5 to English translator, concerning a scribbled note on that page.

6 The translator says, "separate page, scribbled note, not in the
7 same handwriting as the rest of the document."

8 An examination of the Khmer original confirms that indeed this
9 handwriting appears to be quite different. The scribbled note
10 itself states that "up until now -- up until today, we have
11 smashed 15,000 enemies." End of quote. And it's the note that the

12 Investigating Judges rely upon, as I said, in the Closing Order.
13 Indeed, the scribbled text itself is written in two different

14 handwritings. The first four lines are written by one
15 handwriting, and the last two lines are written by a different
16 handwriting.

17 In addition, of all the 19 entries in the notebook, the scribbled
18 note is clearly out of context. The rest of the notebook records
19 individual confessions, unlike this high-level statistical
20 remark. This comment is the only one with an addressee, and the
21 sentence, "May the Party be informed of this," a clear indication
22 where it was written, and the signature, making it completely out
23 of place among the other entries in the notebook.

24 [10.07.37]

25 I note that the credibility of this scribbled note has been

28

1 discussed with several witnesses during the hearings. I will not
2 go into this argument that I have presented here, although it's
3 very brief. But I would like to conclude with the statement -
4 with our conclusion that we are absolutely convinced that this
5 document is a post-1979 forgery, designed to inflate the Krang Ta
6 Chan death toll as much as possible. Indeed, the document's cover
7 page indicates that it is entitled "Fifth Confession:
8 Contemptible Traitors, Pol Pot and Ieng Sary", which is blatantly
9 a notation added after the DK period.

10 MR. PRESIDENT:

11 The International Deputy Co-Prosecutor, you have the floor.

12 MR. LYSAK:

13 This is clearly argument, but that's not actually the reason I'm
14 standing up. He's talking about two different documents. The
15 notebook in which this 15,000 note appears -- and I certainly
16 agree with him. This is a different document than the notebook.
17 The fact it's in two handwritings, he's using that to say it's a
18 forgery. If he wants to make a request to the Court, fine. The
19 document that has the handwriting on the cover, "Fifth
20 Confession: Pol Pot and Ieng Sary", is a different notebook, so
21 he's misstating the documents he's presenting here. That I do
22 object to; if he wants to make some arguments to explain why he's
23 presenting these, that's fine.

24 [10.09.33]

25 MR. KOPPE:

1 I agree that these are two different documents, but I'm making
2 the point that this other document, which says the "Ieng Sary,
3 Pol Pot traitors", is clearly a post-'79 term. This meaning that
4 these notebooks have been in the hands of the authorities after
5 '79. So, I'm making the connection with this 15,000 scribbled
6 note to the other annotation clearly dating post-'79. So, I agree
7 with the Prosecution. These are in fact two documents.

8 Document E3/4145, Mr. President, this document appears to be a
9 compilation of different prisoner lists from Kraing Ta Chan -
10 English, ERN 00762844 and ERN ending in 37; Khmer, 00068736; and
11 French, 00761100 and ERN ending in 093. Another page with English
12 ERN 00762844 is a messy, handwritten page, with -- containing
13 corrections, that lists Yuk Sen as one of the prisoners detained
14 for years, pending the Party's decision, and that Say Sen
15 confirms was a reference to him. The same page also names Krang
16 Ta Chan as M105, and is the only document in the so-called Tram
17 Kak district records collection to do so. It also lists Hun
18 Kimseng and Meas Sarat as other prisoners, but records their
19 biography details completely incorrectly, in contrast with other
20 so-called district records.

21 [10.11.27]

22 And by contrast, the page with English ERN 00762837 in the same
23 compilation document appears, at least from a visual and basic
24 content perspective to be a real document, being typewritten,
25 being written on an apparent template, and referring to prisoner

1 information, the accuracy of which has been confirmed by other
2 witnesses. So, we also hold that this is a forgery, a forged
3 document. We will obviously come back to that at another stage in
4 this segment.

5 [10.12.06]

6 Now, Mr. President, these documents, and I will conclude my
7 remarks maybe before the break, these documents, if forgeries,
8 seem likely to have been made after 1979, as a means of
9 constructing the narrative of what occurred at Krang Ta Chan.
10 There are also other documents, the authorship of which has been
11 attributed to people who have testified during this trial
12 segment, but which those people denied were written by them.
13 These are possible DK era forgeries, and looking at the clock, I
14 think I should pause here.

15 MR. PRESIDENT:

16 The Lead Co-Lawyer for civil parties, you have the floor.

17 MS. GUIRAUD:

18 Thank you, Mr. President. For the record, <although> my objection
19 is belated, <> it is clear that we are facing a situation in
20 which our learned friend <has been> making submissions <for 15
21 minutes already>. What he's doing is not a presentation of
22 documents, <far from it in fact.>. It is impossible for us to
23 read the ERNs <at the same time as> he <mentions them>. We have
24 gone well beyond the <scope of the task at hand>. <So,> I hope
25 that the Chamber will give us the same latitude <when we> present

1 our <observations on Thursday. Because> it is clear that <from
2 the very beginning,> our learned friend <has been> pleading.

3 [10.13.42]

4 MR. PRESIDENT:

5 That is true, since the Chamber scheduled the key document
6 presentation, and of course they have their own discretion to
7 present whatever documents, they seem, are key documents. And we
8 set aside a day for the observations by the other Parties, and
9 that will be held on Thursday, 30 April 2015. <Each party will
10 have one session to make their objection.> If you are to object
11 to the presentation by the other party, then there is no need to
12 have another day for the presentation of your views and
13 objections to those key document presentations. Therefore, please
14 be patient. Take note, and then you can request to be on your
15 feet when the time comes for your observations. That will be the
16 right time for you to express your objections to the documents
17 that you deemed are not appropriate.

18 The time is convenient for a short break. We'll take a break now
19 and return at 10.30.

20 The Court is now in recess.

21 (Court recesses from 1015H to 1031H)

22 MR. PRESIDENT:

23 Please be seated.

24 The Court is now back in session, and I now give the floor to the
25 defence counsel for Mr. Nuon Chea to resume the key document

1 presentation. You have the floor.

2 MR. KOPPE:

3 Thank you, Mr. President. I have four more Krang Ta Chan
4 documents to go. First one is what we believe is a possible DK
5 era forgery, E3/2785. It's a letter signed by San -- a person
6 named San, rather, addressed to Brother An, dated 7 March,
7 English, ERN 00322193; Khmer, 00079115; French, 00753636. The
8 letter mentions persons who were trying to escape to Vietnam;
9 however, during testimony before this tribunal, Ta San testified
10 that while he accepted that other documents were written by him,
11 "this document was not my handwriting".

12 [10.33.26]

13 The next document, Mr. President, is E3/2423. It's a note from
14 San -- person called San, to an unknown recipient of unknown
15 date, asking for further investigation or interrogation of
16 certain prisoners -- English, ERN 00322210; English -- Khmer,
17 0079128; and French, 00611732. The document mentions two
18 prisoners: Hul and Sean, and asks about their network. Also
19 during his testimony, San -- Ta San said, "This is not my
20 handwriting."

21 Lastly -- finally, document E3/2452. This document appears to be
22 a compilation, including a letter written by Nouv, dated 8
23 October 1977, from Srae Ronoung -- English, ERN 00843036; Khmer,
24 00270998; French, 00872836. The letter in question mentions a new
25 person named Sen Keo, who deserted his unit for two days.

1 Witness Nut Nouv, who appeared in this trial segment, agreed that
2 he had been a Srae Ronoung commune chief during the DK; however,
3 he said twice in his live testimony that the letter was, "not my
4 handwriting" and that he could not recognise the handwriting.

5 Nouv then clarified that there was no other person who may have
6 been called Nouv, and speculated that perhaps someone else, like
7 a clerk, wrote this letter.

8 [10.35.28]

9 The very last Krang Ta Chan document that I would like to present
10 this morning, Mr. President, is an execution list -- an alleged
11 execution list of Lon Nol soldiers. It is purported -- a
12 purported execution list of Lon Nol soldiers and officials in
13 Tram Kak district, and the document's details are as follows:
14 E3/4083. It's a document named "Number of Prisoners". English ERN
15 numbers are 00323943 until 78; Khmer, 00068024 until 37, and
16 French, 00778851 until 79.

17 As already discussed earlier, there are significant discrepancies
18 between the Khmer document and its English and French
19 translations. In the Khmer document, a notation appears in places
20 throughout the document which we understand is translated as the
21 initials "KT". However, the English version used an "X" instead,
22 while the French version used the word "éliminer". But we contend
23 that it has not been proven that the annotation "KT" appearing
24 throughout the list clearly means "komtech" -- or that "komtech"
25 unequivocally and only means executed.

1 [10.37.12]

2 I further note that at least one soldier's alleged execution date
3 is recorded as 8 January 1979 -- that is, as we all know, one day
4 after the Vietnamese invaded. That is English, ERN 00323945;
5 Khmer, 00068025; and French, 00778863.

6 Finally, Mr. President, I note that the Khmer original document
7 is not an original at all, but a very poor quality copy. Indeed,
8 the first Khmer to English translators believed they were unable
9 to translate the document, instead placing a document on the case
10 file indicating that the document was illegible, and there was no
11 translation.

12 This concludes, Mr. President, Your Honours, my first part of my
13 presentation. I move now to the second part -- that is, the
14 living and working conditions in Tram Kak -- in the Tram Kak
15 cooperatives. In this very short part, I will present a small
16 group of seven documents.

17 [10.38.28]

18 First, I would like to present a pair of documents that provide
19 some insight into DK policies in relation to health, E3/226.

20 These are minutes of a meeting of the Ministry of Health and
21 Social Affairs, dated 10th June 1976 - English, ERN 00183365
22 ending 67 and 69; Khmer, 00017150, ERNs ending 52 and 55; and
23 French, 00296159 and ERNs ending on 61 and 63.

24 Mr. President, during this meeting several reports were made
25 concerning the health situation in DK, including the following --

1 and I quote:

2 "We were able to distribute medicines to bases as set forth in
3 the Party's direction. Up to date, there was no medicine that was
4 decayed or destroyed by fire. The diet ration could be resolved
5 by ourselves and we made many -- and we made clothes for many
6 units. In May 1976, we did not go and get fishes from the
7 Ministry of Commerce. We were self-supported."

8 You can find that on English, ERN 00183365; Khmer, 00017150; and
9 French, 00296159.

10 [10.40.14]

11 The following quote is -- reads as follows: "We had produced
12 medicine for malaria and all kinds of medicines and serums.
13 However, we had postponed production of a number of medicines due
14 to a shortage of raw materials. The capability of producing
15 medicine was in line with what Angkar planned." English, ERN
16 00183367; Khmer, 0017152 (sic) ; and French, 00296161. Although I
17 also note that the word "Angkar" does not appear in the Khmer and
18 French version of this document. This report, Mr. President, goes
19 on to say that concerning medicine production -- and I quote,
20 "During the past one or two months, we had received much
21 progress, more experiences in production and quality-controlling
22 sections, and as well as for those who operated the machines" --
23 English, ERN 00183367; Khmer, 00017152; and French, 00296161. And
24 in some readers' document concludes -- and I quote, "The health
25 issue was too much alleviated if compared to last year, but still

1 there was significant shortfall of medicine, both for people and
2 domestic animals diseases. After the war, many poisonous
3 substances made life of people and domestic animals dangerous".
4 End of quote. English, ERN 00183369; Khmer, 0017155 (sic); and
5 French, 00296163.

6 [10.42.05]

7 The next document is E3/166. That's a "Revolutionary Flag",
8 Issues 2 and 3, February-March 1976, ERNs 00517833 to 4; Khmer,
9 00063214 until 17; and French, 00492779 till 80. The issue of
10 this "Revolutionary Flag" reported that -- and I quote:
11 "Since modern medicine is currently not plentiful, in their
12 position as leaders, our cadres must think about making large
13 sufficient quantities of traditional medicines of every type to
14 treat and maintain the health of our people, during the
15 offensives to put up new paddy dyke systems and dig new canals
16 during this dry season and also for storage for when our people
17 have their hands tied up in the rice-farming offensive during the
18 approaching rainy season." End of quote.

19 It was also noted that -- and I quote, "The Ministry of Social
20 Affairs and Public Health must think about the entire country."
21 We can therefore see, Mr. President, Your Honours, that access to
22 medicine and hospitals was a CPK priority, and moreover there is
23 no indication of a policy to systematically deny New People
24 access to medicine and hospitals.

25 [10.43.47]

1 The second part that I would like to discuss are CPK guidelines
2 about so-called unacceptable behaviour, goes to acceptable and
3 unacceptable behaviour of people and of cadres, specifically
4 during the Democratic Kampuchea regime. And I would like to
5 present four documents in this category. The first is a document
6 that sets out the CPK leadership's overall view of Base and New
7 People. Document E3/216, these are Standing Committee minutes of
8 24 August 1975, English, ERN 00850976; Khmer, 00008489; and
9 French, 00343377. And in this document, it is written that -- and
10 I quote, "We prefer to talk about the overwhelming majority of
11 Base and New People who are good."
12 CPK leadership was also very careful to give guidelines
13 throughout the DK period about bad behaviour and how this should
14 be corrected.
15 Next -- my next document is E3/10. It's a "Revolutionary Flag" of
16 September and October 1976, English, ERN 00450530; Khmer,
17 00063061; and French, 00491892. In this Issue, E3/10, the CPK
18 leadership stresses that -- and I quote, "Internal contradictions
19 must be sorted out as internal contradictions. They are our flesh
20 and blood. They are not counter-revolutionary. They do not
21 provoke and attack the Revolution. These are contradictions due
22 to misunderstanding. They must be sorted out by successive
23 education." End of quote.
24 [10.46.09]
25 As to how to do this, the "Flag" goes on to explain that -- and I

1 quote, "One way is to educate, to do political, ideological and
2 organizational work within the general framework in order to
3 lessen or postpone the contradiction and not let them be sharp
4 all the time." End of quote.

5 In E3/746, our next document, which is a "Revolutionary Flag" of
6 July 1978, we can read the following on English, ERN 00428305;
7 Khmer, 006450 -- that cannot be correct. I will give you a minute
8 later. Mr. President, if that's alright, the full number -
9 French, 000611886 (sic) . The Party leadership comments that --
10 and I quote: "They must be most vigilant about the stances and
11 attitudes of carrying out work in bureaucratic, Mandarin,
12 authoritarian, militaristic, liberal, single-minded (aekachet),
13 styles, the styles of taking no responsibility for anything
14 vis-à-vis the Party, the Revolution, and the people." End of
15 quote.

16 [10.47.46]

17 And then, "Revolutionary Flag" of July 1976, which is E3/4,
18 English, ERN 00268924; and I apologise, maybe the Khmer number is
19 just a smaller number. It's, I see here, Khmer, 0062918 (sic) --
20 and the Khmer ERN number of the previous document is 006450 --
21 and the French ERN of E3/4 is 00349978. And this issue, Mr.
22 President, explained that -- and I quote: "In order to build the
23 designated Party branches in the cooperatives, it is imperative
24 to totally eradicate the leftist and rightist viewpoints,
25 'leftist' meaning not believing in the masses, underestimating

1 the mass movement, seeing all the masses as being the enemy;
2 'rightist' meaning just continue to induct them carelessly, not
3 based on the foundation of the Party statutes". It is wrongly
4 said by me, and I apologise, Mr. President, the Khmer ERN number
5 of E3/746 is 00064500, and the Khmer ERN of E3/4, I will give you
6 in a short moment.

7 Mr. President, the final document I would like to present--

8 MR. PRESIDENT:

9 Counsel Koppe, please repeat the ERN number again, thank you.

10 [10.50.05]

11 MR. KOPPE:

12 Yes, the E -- the Khmer ERN of E3/746 is 00064500, and the Khmer
13 ERN of E3/4 will follow shortly.

14 Mr. President, the final document I would like to present in this
15 second part of my presentation is an S-21 confession of Chou
16 Chet, the former secretary of the West Zone. As a preliminary
17 measure, I noted that during yesterday's document hearing, the
18 Prosecution's response to our appeal brief was--

19 MR. PRESIDENT:

20 Counsel Koppe, please hold on, and Judge Lavergne, you have the
21 floor.

22 JUDGE LAVERGNE:

23 Yes, Counsel Koppe, what is the objective of using this document?
24 Wouldn't it be better, <at least,> to wait for us to examine the
25 facts regarding S-21 before referring to this document?

1 [10.51.16]

2 MR. KOPPE:

3 Yes. However, the excerpt that I would like to cite relates
4 directly to very relevant people in Sector 13 and District 105.

5 JUDGE LAVERGNE:

6 Counsel Koppe, do you intend to read the content of the
7 confessions provided by Chou Chet at S-21? Are you aware of the
8 fact that the crimes of torture are part of the accusations
9 levelled against the Accused <and the acts of> torture
10 <perpetrated> at S-21?

11 MR. KOPPE:

12 I'm certainly aware, Judge Lavergne, but I think I'm tending to
13 do the same thing, the exact same thing as a matter of fact, that
14 the Prosecution was doing yesterday, reading a small part of a
15 confession of a detainee. In this specific case, it is a passage
16 relevant to Tram Kak district and Sector 13, so it is our
17 position that if the Prosecution is allowed to read excerpts from
18 alleged confessions at Krang Ta Chan, we would be able to do --
19 we should be able to do the same in relation to this specific
20 S-21 confession from Chou Chet when he speaks about Saom, the
21 Sector 13 secretary, Ta Keav, Saom's deputy; Phen; and like I
22 said, Ta Kiev, a member of the Tram Kak district.

23 [10.52.51]

24 So, I think in essence there is no difference whatsoever between
25 what the Prosecution did, reading excerpts of his confession to

1 make his point and reading -- me, by me parts of the confession
2 of Chou Chet, making our point.

3 MR. PRESIDENT:

4 The International Deputy Co-Prosecutor, you can proceed.

5 MR. LYSAK:

6 Thank you, Mr. President. There is a world of difference between
7 what we did and what Mr. Koppe wishes to start doing right now.
8 First of all, we read from an interrogator's notebook. As is
9 clear from the references I was reading, this is different than a
10 confession signed by a prisoner. The note -- the identification
11 of the prisoners' statements by the interrogators describing why
12 they were arrested -- that is admissible evidence. What Mr. Koppe
13 wants to do now, if I understand, is to read statements in the
14 body of the confession of Chou Chet, making assertions that
15 certain cadres from the Southwest Zone were part of traitorous
16 networks.

17 [10.54.23]

18 He wants to use, and let's be very clear about this, Nuon Chea,
19 in this courtroom, wants to justify killing people by the
20 confessions his people obtained by torture back in the '70s.
21 Nothing could be more barred by the Torture Convention than that.
22 That is exactly the purpose of the Torture Convention, is to
23 prevent people from relying on confessions obtained by torture to
24 prove the guilt of that person. So, to say that we're doing the
25 same thing, I could not disagree more.

1 MR. KOPPE:

2 Mr. President, we made a -- can I -- we made a special appeal
3 ground on this very issue. The Torture Convention absolutely
4 protects the use -- protects the Accused or any accused or
5 suspect against torture. The question whether certain elements
6 from a confession which might possibly be torture-tainted,
7 whether they can be used for other purposes is something now to
8 be debated by the Supreme Court Chamber. But again, I do not see
9 any difference in why it is that the Prosecution is allowed to
10 use parts of these confessions from Krang Ta Chan for their
11 purposes, and we are not allowed to use parts of these
12 confessions for our purposes.

13 (Judges deliberate)

14 [10.57.33]

15 MR. PRESIDENT:

16 Counsel Koppe, the Chamber would like to advise you that the
17 content of the records as a result of tortures will not be
18 allowed to be read. When the Chamber allows the Prosecution to
19 read that record, only the annotation part was allowed by the
20 Chamber. So, there is a difference between allowing the
21 annotation or the content of that record as a result of torture.
22 Thank you.

23 MR. KOPPE:

24 So I understand that I have to move on. I cannot use part of his
25 confession, which not necessarily is the result of torture. But

1 I'll move on. Just to make sure that I will actually be in time
2 -- yes, I think so.

3 [10.58.52]

4 Mr. President, I move on to document E3/294, and this is a --
5 this is a document relating to the treatment of targeted groups.
6 In this part, I will focus on three specific groups: the Khmer
7 Krom, the Buddhists, and former Lon Nol soldiers and officials.
8 Khmer Krom is coming up all the time in this part of the segment,
9 that's why we would like to say something about it as well. As we
10 said yesterday in our earlier submissions, we questioned whether
11 the Khmer Krom have a place as a targeted group within Case
12 002/02 trial. However, assuming that the Chamber's forthcoming
13 decision determines that they do, I want to mention two documents
14 which we consider to be <relevant>. First of all, E3/294 -- that
15 is a Foreign Broadcast Information Service compilation for
16 October '78, which includes a 30 September 1978 report by the
17 Phnom Penh Domestic Service in Cambodia on the visit of Japanese
18 Friendship Association delegation to the Southwest region.

19 [11.00.08]

20 English, ERN 00170173, and there are no Khmer or French
21 translations. E3/294 details how the delegation has travelled to
22 Takeo where they interviewed some Khmer Krom who were described
23 as "victims of Vietnamese persecution and suppression", and who,
24 "have taken refuge in Kiri Vong district". The report continues
25 that, "the friendly Japanese visitors were shocked by the tales

1 told by the Khmer Krom compatriots about the massacres and
2 atrocities perpetrated by the Vietnamese with the aim of
3 extermination the Khmer race in a most fascist and savage
4 manner".

5 E3/2435 presented by the Prosecution yesterday -- that is a
6 document from the Angk Ta Saom commune chief dated 26 April 1977,
7 and addressed to the Tram Kak district office requesting
8 instructions in relation to the treatment of Khmer-Vietnamese
9 families - English, ERN 00322141; Khmer, 00271001; and French,
10 00612225.

11 The request details the situation of Khmer-Vietnamese couples who
12 request authorisation to go to Vietnam. It notes that some
13 Cambodian husbands had married "Yuon" wives and some "Yuon" wives
14 had married Cambodian husbands. And the request said that if they
15 were all "Yuon", they would send them to Angkar, but requested to
16 know: "If it was like this, what would Angkar decide then? Please
17 inform us."

18 [11.02.03]

19 The second part is relating to the treatment of Buddhists. And
20 there are two documents - or, rather, one document and one video
21 clip concerning the Buddhists that I would like to show. And I
22 would like to start with the video, which is video E3/3201R. And
23 this video depicts a visit by a delegation of top Vietnamese
24 leaders to the DK in 1975. As the video shows, the delegation is
25 taken to visit and admire the Silver Pagoda at the Royal Palace

1 and the statues of Buddha it contains. The footage also clearly
2 shows that the CPK key leaderships are in attendance, including
3 Nuon Chea and Pol Pot and the other members of the Standing
4 Committee. I would like to note that it is the footage that we're
5 interested in, not the commentary provided. But I do highlight
6 that the commentary emphasises that most Cambodians are
7 Buddhists.

8 Mr. President, I would now like to request the Chamber and the AV
9 Unit to play this video on screen. The relevant time point is
10 from minute 6.30 till 8.55, that's two and half minutes. And AV
11 Unit staff, it is the file called Clip 1.

12 [11.03.59]

13 MR. PRESIDENT:

14 Yes, you may proceed. And the AV Unit, please show the video clip
15 as requested by the Nuon Chea's defence.

16 [11.04.15]

17 (Audio-visual presentation - video)

18 [Interpreter] "The majority of Kampuchean people are Buddhists,
19 and they hold firm belief in the National United Front. Under the
20 leadership of the Communist Party, Kampuchean people have engaged
21 bravely and vigorously in the resistant movement which, since
22 1970, resulted in the defeat of 100,000 American soldiers and
23 their henchmen. Not only did we survive the campaign of intensive
24 carpet aerial bombardment by B-52 bombers of the American
25 imperialist. After a period of more than 100 days of non-stop

1 storming attack, we finally fault the Khmerisation plan initiated
2 by the American imperialist. And tens of thousands of the puppet
3 soldiers had been smashed by our Kampuchean armed forces. We
4 completely liberated our country on 17 April 1975, and brought
5 peace and harmony to our motherland.
6 A friendly visit to Kampuchea by the delegation of Labour Party
7 of Vietnam denotes the greatest significance. The visit coincides
8 with the fundamental situational shift in Vietnam, Kampuchea, and
9 Laos. The struggle by the people in the three nations has
10 resulted in the greatest success. The revolutionary movement in
11 the three-country Indo-China has reached a new stage and brought
12 along never before seen historical symbol of hope. Under the
13 leadership of the Communist Party of Kampuchea led by Comrade
14 Secretary General Saloth Sar during the last three months--"
15 (End of audio-visual presentation)

16 [11.06.50]

17 MR. KOPPE:

18 The next document, Mr. President, I would like to present is
19 E3/2818; that is a book from Ian Harris called "Buddhism Under
20 Pol Pot". I would like to refer to English ERNs 00704011 ending
21 in 033 until 5, 318 till 21, 083 until 4, 892 and 996 until 7;
22 for Khmer and French, Mr. President, the book is only partially
23 translated, and not these specific -- some of these specific
24 passages are, so I would highlight that when I read these
25 passages to you.

1 Ian Harris suggests there are other causes for poor treatment of
2 the Buddhists, such as the US bombing of pagodas and the fact
3 that monks were used as spies during the republic. Harris noted
4 that during the civil war, one third of pagodas were destroyed by
5 American bombing -- that is, English, ERN 00704015 -- until 7;
6 Khmer, 00791318 till 21, which were specifically targeted for
7 strategic purposes, that is, English, ERN 00704083.

8 [11.08.39]

9 And Ian Harris also writes that during the DK, there were
10 locations where people were still allowed to perform Buddhist
11 worship during the DK - English, 00704011 -- or individuals given
12 such permission at English, ERN 00704033 until 5. Harris also
13 suggested -- and I quote: "Despite the very significant losses
14 sustained by the population of which disrobed monastic formed a
15 part, there was no policy for the systematic liquidation of monks
16 in Democratic Kampuchea." And you can find that at English, ERN
17 00704083. Moreover, Harris notes that it was a fact that the
18 Khmer Republic used monks as spies. The spies that were caught
19 were killed because of their being a spy, which is unrelated to
20 the fact that their status as monks as well. You can find that on
21 English, ERN 00703892 and 00703996 until 7. When monks were
22 executed, Harris said these words: "Not primarily because of
23 their commitment to the Buddhist religion, but was related to the
24 fact that they were considered to be enemies associated with
25 higher levels of the previous regime"-end of quote - English, ERN

1 00704084.

2 [11.10.13]

3 And finally, Mr. President, in Ian Harris' book, it says that two
4 years of research indicates that <abbots and their assistants>
5 were rarely executed simply by virtue of their seniority. And you
6 can find that at English, ERN 00704084.

7 I would like to end my presentation with another video, Mr.
8 President, Your Honours. It's a video which relates to former Lon
9 Nol soldiers and officials and their practices during the civil
10 war. It is E3/3116R. And what I would like to show you is an
11 excerpt of Australian journalist John Pilger's documentary,
12 "Cambodia: The Bloodiest Domino". And the relevant excerpt is two
13 minutes from 22.22 to 24.11. And the documentary is explaining
14 that eating the enemy's liver is an ancient tradition of warfare
15 in Cambodia, and the film shows this practice done by Lon Nol
16 soldiers. And if you allow me, Mr. President, then I would like
17 to tell the AV Unit that this is the file called Clip 2.

18 [11.11.50]

19 JUDGE FENZ:

20 Perhaps you could explain the relevance of this video for this
21 part of the trial.

22 MR. KOPPE:

23 I actually have my point here after the video.

24 JUDGE FENZ:

25 But the relevance should be explained before we decide whether

1 you can show it or not for us to be able to rule.

2 MR. KOPPE:

3 That's fine. Well, former Lon Nol soldiers and officials are
4 usually portrayed as helpless victims of a brutal Khmer Rouge.
5 This video suggests otherwise. It shows that some practices often
6 willed out this example -- examples of the Khmer Rouge as
7 uniquely depraved in humanity, and recently highlighted, by the
8 way, by Ambassador David Scheffer in his speech at an American
9 university -- had in fact long been practised by the Lon Nol army
10 and had been documented and screened in the public domain. And
11 this video, in our view, perfectly illustrates the point we have
12 sought to make today and throughout this trial so far, and that
13 we need to set aside the popular narrative of what happened in
14 the DK -- what we think we know, and come to this trial with a
15 critical and open mind. So I think it is relevant -- this video
16 is very relevant especially also in the light of Say Sen's
17 testimony and how it is reported. I think we tried to show this
18 video earlier, and then I remember you said this is something
19 that we should not put before a witness but rather present it
20 during a document hearing. The eating -- the practice of eating
21 livers of dead corpses is apparently something that was done
22 frequently by Lon Nol soldiers and officials and I think it could
23 necessarily put this practice in context in relation to Say Sen's
24 testimony. So I think although it is footage that shows events
25 prior to 1975, I think it's very relevant. And it is on the case

50

1 file. It's been there for a long time on the case file. I think
2 we should be allowed to show these two minutes to the Chamber.

3 (Judges deliberate)

4 [11.15.51]

5 MR. PRESIDENT:

6 I'd like to hand the floor to Judge Claudia Fenz to respond to
7 the request by the defence counsel for Nuon Chea. Judge Fenz, you
8 have the floor.

9 JUDGE FENZ:

10 The Chamber hopes that the idea is not to support an argument
11 that whatever somebody has done before he is potentially being
12 killed justifies this killing. So, for the very limited purpose
13 to put the practice of eating livers and various forms of
14 cannibalism which have been broadly discussed in this Tribunal
15 and in the press into context, we are allowing to view this video
16 or the part you want to show us.

17 [11.16.49]

18 MR. KOPPE:

19 Thank you, Judge Fenz. It is video Clip 2 for the AV Unit, Mr.
20 President.

21 MR. PRESIDENT:

22 The AV staff, please play the second video clip as identified by
23 Counsel Koppe for Nuon Chea.

24 [11.17.16]

25 (Audio-visual presentation - video)

1 [Interpretation from audio-visual document] "While Sihanouk was
2 rallying the countryside, in the cities Lon Nol was rallying
3 popular support for the expulsion of the Vietnamese from their
4 sanctuaries. In the ensuing confusion, atrocities were committed
5 against the Vietnamese who had lived in Cambodia for generations.
6 While thousands of innocent Vietnamese were killed, ancient
7 traditions of warfare would dictate a more gruesome fate for
8 enemy soldiers.

9 Culturally, there were great gaps between the western perceptions
10 of what was acceptable and Cambodian ideas of what was
11 acceptable. When we had filmed all of Cambodians cutting open
12 bodies and ripping out the liver and eating them, western opinion
13 was pretty shocked by the Lon Nol forces doing that. But this is
14 what Cambodians are doing -- were doing by tradition. It is said
15 that it's getting the spirit, the strength of your enemy. It's a
16 ritual. Quite frequently in the early years of the war, as a mark
17 of friendship, they would ask you to come and join them in eating
18 the liver of the dead. On one occasion, I was having lunch with
19 the governor of one of the provinces, and out on the lawn in
20 front of the governor's residence, there were all these so-called
21 Viet Cong bodies, corpses laid out, all of them slashed open and
22 the liver taken out. And the truck arrived, and they started
23 tossing these dead bodies onto the truck. It was not very
24 appetising."

25 (End of audio-visual presentation)

1 [11.19.09]

2 MR. KOPPE:

3 And with this video clip, Mr. President, I conclude my document
4 presentation.

5 MR. PRESIDENT:

6 Thank you. And the time is also convenient for us to have a lunch
7 break. We take a break now and return at 1.30 this afternoon.

8 Security personnel, you are instructed to take Khieu Samphan to
9 the waiting room downstairs and have him returned to the
10 courtroom this afternoon before 1.30.

11 The Court is now in recess.

12 (Court recesses from 1120H to 1331H)

13 MR. PRESIDENT:

14 Please be seated.

15 The Court is now back in session and the Chamber hands the floor
16 to the defence team for Khieu Samphan for their key document
17 presentation in relation to Tram Kak Cooperative and Krang Ta
18 Chan Security Centre.

19 Counsel, you have the floor.

20 [13.32.29]

21 MR. VERCKEN:

22 Thank you, Mr. President. Good afternoon to all of you. I'm going
23 to break up my presentation in several parts. First, I will begin
24 by reading out the 12 moral commandments that the Khmer Rouge had
25 created for themselves way before 1975, and then I will deal with

1 the <issue of> cooperatives by referring to <> documents <on>
2 their <source of power for the Khmer Rouge as well as the story
3 behind their inception>. And I will speak, in <the> third part,
4 about documents relative to the estimation of the death toll in
5 <the>Takeo <>and <>Tram Kak <regions>, and then I will finish --
6 if I have the time, and I hope I will -- by <>bringing up
7 problems linked to the local cadres.

8 [13.33.44]

9 Now, with regard to the 12 moral commandments, which we believe
10 demonstrate <the extent of the Khmer Rouge's focus on the people>
11 -- how they were placed in the centre of all of their thoughts,
12 we are very far here from anarchy -- from destruction, and
13 <rather,> we are now clearly <within a> context where human
14 beings are respected, <in which this is being strived for,> and I
15 would like to refer to the list drawn up by Mr. François Ponchaud
16 in his book, "Cambodia: Year Zero", which is <under reference
17 number> E243.1, ERNs <are>: French, 00862135; Khmer, 00862433 and
18 34; and English, 00862085 to 86.

19 I'm going to quote for us first a little comment that was made by
20 the author, François Ponchaud, who states -- or who writes the
21 following:

22 "This <unanimous decision> is based on the respect for Angkar's
23 commandments. The radio mentions the 12 revolutionary
24 commandments and refugees who have fled from the liberated zones
25 in 1973, already knew these commandments. The Khmer Rouge

1 soldiers who were guarding the French embassy <> the day
2 following the fall of Phnom Penh would recite these commandments
3 every <morning>.

4 Commandment 1: <You will cherish,> serve <and> honour the
5 <working and peasant> people.

6 <Commandment 2:> You will serve the people no matter where you
7 are, <wholeheartedly> and with your entire <being>."

8 [13.35.54]

9 "Commandment 3: You will respect the people without <violating>
10 <their> interests, without <laying a finger on their> <property
11 or fields>; and you will not <steal> -- not even one chilli --
12 and you will not pronounce any offensive words against them.

13 Commandment 4: You will ask forgiveness from the people if you
14 have faulted against them, if you have <betrayed> the people's
15 interests <> you will <restore> to the people what belongs to
16 them.

17 Commandment 5: You will follow the rules of the people, whether
18 <you are speaking, sleeping, walking,> standing or sitting, <even
19 while you're enjoying entertainment or laughing>.

20 Commandment 6: You will do nothing <inappropriate> towards women.

21 Commandment 7: You will not consume food or drink that is not
22 produced <the> revolutionary way."

23 [13.36.57]

24 "Commandment 8: You will <not> gamble.

25 Commandment 9: You will not touch the people's money and you will

1 not lay your hands on the <common property of the nation or the
2 ministry> and you will <never use your hand to steal> -- not even
3 a can of rice <nor a medicinal tablet>.

4 Commandment 10: <You will be humble> towards the <working>
5 people and the peasants, towards the entire population<>.

6 However, in the face of the <enemy, the American> imperialists
7 and their <lackeys>, you will nourish your hatred with strength
8 and vigilance.

9 Commandment 11: You will join the people <incessant production
10 efforts, and you will treasure your work>.

11 Commandment 12: You will fight against all enemies and all
12 obstacles with determination and courage, ready for any
13 sacrifice, even if you have to lose your life, <you will do so>
14 for the sake of the <people, the> workers, the peasants, for the
15 Revolution, for the Angkar, without any hesitation and
16 relentlessly <so>." End of quote.

17 [13.38.18]

18 Now I'm going to speak about the questions relative to
19 cooperatives and in continuation of what I have just read out --
20 these 12 moral commandments -- I'm going to focus a little bit on
21 the Khmer Rouge government's idea of the <power of> cooperatives
22 and on the objectives <in regards to power, within this very
23 framework> and throughout the entire duration of the regime,
24 because I'm going to <cite> from three "Revolutionary Flag"
25 issues -- one from 1975, one from 1976, and one from 1977. The

1 first is a "Revolutionary Flag" <issue> from October/November
2 1975, indexed E3/748. I'm going to quote first of all the French,
3 ERN 00499693; English, 00495810; Khmer, 00063248; and I will
4 quote -- this is a paragraph falling under the heading "A few
5 issues relative to <developing the> agricultural, economic <and
6 industrial sectors of the Party>". In paragraph 5, <it reads:>
7 "medicine <and> the health of the population".
8 "For the people to be in good health, for the people to be in
9 good shape, it is necessary that medicine is available to them to
10 cure their illnesses. The health institutions have to focus on
11 three issues that are ongoing. The first -- we have to
12 <completely> suppress malaria <within> three years in a radical
13 way as of 1976 to 1978. Second, it is <of utmost importance> to
14 <suppress>, <through use of medication, the> malaria that exists
15 now <>. And <thirdly>, we have to cure the different illnesses as
16 they appear, such as cholera, chicken pox, <smallpox>, et
17 cetera."

18 [13.40.45]

19 Now I would like to move on to another page in the same
20 "Revolutionary Flag" issue, French, ERN 00499701; Khmer, 0063258
21 (sic); English, 00495818. Under <> the title that <reads:
22 "Strengthen the stance for launching an attack to promote the
23 people's living standard," -- it is written: "Today, tomorrow and
24 in the days to come, each member of the Party must have in mind
25 clearly and on a constant basis the necessity of fulfilling the

1 population's needs -- <> food needs, <naturally>, clothing needs
2 and <> housing, <> medicine, also needs for education and
3 leisure. This ideology and this duty represent a prestigious form
4 of morality for all communists."

5 [13.42.02]

6 On the following page, French, ERN 00499702; English, 004995819
7 (sic); Khmer, 00063259; under the heading "<The promotion of
8 people's living standard is relevant to all party's political
9 lines," it reads:> "The promotion of the people's living standard
10 is not a separate duty but it is strictly related with all <the>
11 Party's political lines. <More specifically>, it is one of the
12 most important keys to national defence and construction, within
13 the Party's <principle of> collectivism." Now, <in a> political
14 sense: "If the people's living standards are <assured>, the
15 people's <strength and> health will gradually be improved. The
16 people will be happy to support the revolutionary power and the
17 Party. It simply means that <if> the people receive decent food
18 <and> clothing <they would then live happily and> <they would
19 increasingly support> the revolutionary power <> and the enemies
20 would not <> be able to destroy it. It is therefore necessary to
21 manage the people, to <take into consideration> politics,
22 <>ideology and <> the organisation, and to <ensure that> all
23 aspects of <the population's> living standards <are intact>."

24 [13.43.49]

25 Now I'm going to skip a paragraph to move on to heading 2:

1 "Economic sense: Politics cannot be separated from economics <>.
2 If the people have sufficient food and clothing, their <physical
3 strength> will be increased and the rice production and the
4 factory activities will also prosper, <at the same pace as the
5 aforementioned. At that moment, little will it matter whether we
6 produce rice or sew skirts>." <There you have it, that was all I
7 had to say regarding> the first issue of "Revolutionary Flag" of
8 1975.

9 MR. PRESIDENT:

10 Defence Counsel, please hold and the International Lead Co-Lawyer
11 for civil parties, you have the floor.

12 [13.44.53]

13 MS. GUIRAUD:

14 Thank you, Mr. President. This is not an objection but if I do
15 not say what I want to say now, I will never be able to say it.
16 It was our intention to present a certain number of documents
17 regarding the policies in the cooperatives. We were informed by
18 your Senior Legal Officer that it was not recommended to present
19 documents on the general policy with regard to cooperatives. At
20 the last minute, we completely reorganised our presentation. This
21 is why we presented a <> limited amount of documents yesterday.
22 So I'm not raising an objection because I have no objection with
23 regard to the Defence presenting documents concerning politics,
24 but we have to be clear for the record, that we based ourselves
25 on the principle that it was not desirable to present documents

1 on the policies <during this hearing> and <that> of course, our
2 presentation would have been very different if we would have
3 taken the same latitude that the Defence is taking today.

4 (Judges deliberate)

5 [13.47.07]

6 MR. PRESIDENT:

7 Judge Lavergne, you have the floor.

8 JUDGE LAVERGNE:

9 Yes, the Chamber would like the Khieu Samphan defence to focus on
10 issues that are directly related to Tram Kak district. Now with
11 regard to the policies, in particular policies that were
12 implemented at the national level, there will be opportunities to
13 speak about this later, in particular when we work on further
14 segments of this trial. This is why we would like these kinds of
15 documents not to be presented now.

16 [13.47.54]

17 MR. VERCKEN:

18 I would like to challenge <the Chamber's decision>. I am simply
19 defending my client. In this case, Mr. Khieu Samphan was not at
20 Krang Ta Chan prison, he was not in Takeo province, so bringing
21 up cooperatives without speaking about policies <> following my
22 objective of defending Khieu Samphan, I don't see how I can do
23 otherwise than to present to you documents that concern the idea
24 that the Khmer Rouge government had of <their people -- of> how
25 to respect their people and of how they <thought> it was

1 necessary to meet their needs and then to bring up the questions
2 relative to the creation of these cooperatives and the issues
3 linked to this. And of course, you heard this with <my> earlier
4 presentation. There are points that are specifically relative to
5 <quantifying> the death toll in <> this region, <but here> I
6 believe that I'm really <within the parameters of> my objectives
7 -- that is to say, <my mission of> defending Khieu Samphan and
8 I'm not doing anything else. So if you forbid me today, during
9 <these hearings -- or rather during> this hearing, which the
10 Defence is participating <in>, <by> walking backwards; <because>
11 you know that we had a lot of trouble <during the first trial>
12 with these hearings that were <originally presented as> destined
13 for the press and for the people. <Today> we decided today to
14 participate in this hearing because <they -- it was meant to be>
15 adversarial <> <with this day dedicated to retorts,> and this is
16 why we decided to participate in the presentation of these
17 documents <whilst> making an effort to not plead <as the civil
18 parties and the Prosecution have.> But if you forbid me now to
19 <speak --> to quote from "Revolutionary Flag" issues relative to
20 the policy and to the ideas that <guided> the Khmer Rouge
21 government's <> creation of their cooperatives, I think I <have
22 nothing else to do but to> just sit down, <cross my arms,> and <>
23 let the day go by because <frankly> I think at this point I might
24 as well just <> stop <altogether>.
25 [13.50.25]

1 MR. PRESIDENT:

2 Judge Lavergne, you have the floor.

3 JUDGE LAVERGNE:

4 Counsel Vercken, the Chamber does not intend to challenge your
5 right to defend Mr. Khieu Samphan. The Chamber simply wishes to
6 draw your attention to the fact that this trial contains several
7 segments. That one of the segments will concern indeed the role
8 of the Accused persons as well as the policies that were
9 implemented in what we allege is a form of joint criminal
10 enterprise> <And when addressing these policies> this will indeed
11 involve the <policies having to do with> cooperatives. Well,
12 simply, what we want to tell you is that it was maybe <> today
13 <was> not necessarily the best moment to present documents that
14 refer, it appears, to a segment that will come along later in the
15 trial.

16 MR. VERCKEN:

17 I understand, but cooperatives does not seem to be part of a
18 later phase of the trial,<so-->

19 JUDGE LAVERGNE:

20 <But, listen,> Counsel Vercken, <we told you that today> we're
21 speaking about Tram Kak today and Krang Ta Chan. We're not
22 speaking about cooperatives at the national level.

23 MR. VERCKEN:

24 Well, <in that case,> good afternoon to all of you and we will
25 stop right now.

1 [13.51.50]

2 MR. PRESIDENT:

3 What about the National Co-Counsel for the defence? Do you have
4 any presentation to make?

5 MR. KONG SAM ONN:

6 No, Mr. President, I don't. However, I'd like to provide my
7 observation regarding the objection and the issue which has been
8 discussed thus far. Although we focus on Tram Kak Cooperative and
9 Krang Ta Chan Security Centre, they are related in general to
10 other cooperatives or security centres throughout the country.
11 For instance, Tram Kak cooperative is in principle related to
12 other cooperatives established throughout the country. Therefore,
13 it is possible just to focus on the principles applicable at the
14 Tram Kak Cooperative and other principles apply to other
15 <cooperatives> throughout the country? And even the Prosecution
16 did not differentiate between the principles or the practices at
17 Tram Kak Cooperative and other cooperatives throughout the
18 country. Therefore, if we focus only on the distinction between
19 this particular cooperative and other cooperatives, it will be
20 impossible for us to make the key presentation and if that is the
21 main focus, then the Co-Prosecutors should have done so far --
22 should have done that so far.

23 (Judges deliberate)

24 [13.54.34]

25 MR. VERCKEN:

1 Mr. President, Mr. Khieu Samphan would like to say something.

2 MR. PRESIDENT:

3 Please hold on as the Bench is deliberating on the issue.

4 Khieu Samphan, you are now given the floor.

5 MR. KHIEU SAMPHAN:

6 Thank you, Mr. President, and good afternoon Mr. President, Your
7 Honours and everyone. I'd like to confirm that I did not know any
8 particular instances of what happens at Krang Ta Chan or at Tram
9 Kak, and I would like to appeal to the Chamber to allow my
10 counsels to make key document presentation based on the document
11 that I have in my hand and that my counsels have -- that is, on
12 the policies of the DK, and on the contrary I have been accused
13 of part of a joint criminal enterprise although I did not know
14 anything about what happened at Krang Ta Chan or at Tram Kak
15 Cooperative.

16 [13.56.02]

17 MR. PRESIDENT:

18 The International Deputy Co-Prosecutor, you have the floor.

19 MR. LYSAK:

20 A couple of points: First, the suggestion by counsel that we were
21 presenting on general policy relating to cooperatives, I'd like
22 to know what he is referring to. I just looked through my list of
23 documents; they were all specifically related to Tram Kak. As you
24 heard, the civil parties were precluded from doing exactly what
25 the Defence wishes to do now. And second, with regard to Mr.

1 Khieu Samphan's assertions, I'd like to know whether he is
2 waiving his right to remain silent and will subject himself to
3 questioning on whether he knows anything about Tram Kak and
4 whether he knows anything about these policies. And third, I
5 would remind the Defence, they have repeatedly objected to us, to
6 questioning even on subjects within Tram Kak. They object to Angk
7 Roka as irrelevant, they object to discussion of Khmer Krom
8 within Tram Kak as irrelevant, they are constantly seeking to
9 confine the scope of this trial except when they get on their
10 feet. Now they want to talk about cooperatives nationwide.

11 [13.57.27]

12 MR. PRESIDENT:

13 Judge Claudia Fenz, you have the floor.

14 JUDGE FENZ:

15 Let me make an attempt to de-escalate that. First of all to
16 clarify for, certainly the public, but perhaps also for counsel
17 and specifically for Mr. Khieu Samphan: Is it understood that the
18 issue here is not whether you are allowed to present documents,
19 but when they should be done? Is this understood? If so, because
20 then the issue is back where it belongs, and that's organisation.
21 The question is: When do we hear those documents? And when it
22 comes to this, did counsel have the opportunity to read the email
23 we sent to the Co-Lead Lawyers which basically dealt with a
24 related issue? And where the Chamber clarified that we would
25 appreciate if at this point in time, counsel would concentrate on

1 documents related to Krang Ta Chan as opposed to policies, which
2 will be discussed later, with an opportunity to present those
3 documents. My question is: Is this understood or do we still have
4 to clarify further misunderstandings?

5 [13.59.05]

6 MR. VERCKEN:

7 The first thing is that <for some time now> <you have been>
8 continuously <harping on to us about the fact that> <during the
9 status conference hearings that we don't even know if the> second
10 trial is going to reach its conclusion, <alright?> So <still,>
11 this is something that has been said very often. And we were
12 pressured and we divided this major <trial, this initial Closing
13 Order,> into several <>cases, <sure enough> because there <was
14 the> risk that the defendants would not survive the trial.
15 <That's for starters. And then,> to answer the prosecutor, I
16 would say that Angk Roka and the Khmer Krom are not part of the
17 <Closing Order>, so I don't therefore understand how we can even
18 talk about this in the second case. So I <> believe here that <it
19 is rather> the Prosecution <that> is stepping out of the scope of
20 the trial more so than the Defence.

21 [14.00.01]

22 And now with regard to what Judge Fenz has just told us, <that's
23 the problem- earlier> you <reminded us of this when it came to
24 introducing something or other, in any case, this morning, Judge
25 Fenz> you reminded us of the difficulty of these <key> document

1 hearings <saying that, I believe, the intention was to answer an
2 objection raised on the fact-oh, I'm sorry, I forgot that I was
3 being interpreted. Yes, that's correct. So, yet again this
4 morning, you reminded the Chamber of the difficulty of these key
5 document hearings.> For us, these hearings were completely
6 unacceptable, <> in their first version that you set up in the
7 first case and today these hearings are possible because they are
8 adversarial. And here, I'm quoting from documents that are
9 relevant -- I mean "Revolutionary Flag" -- I'm not quoting from
10 documents that are new to anyone. I'm bringing up problems that
11 concern the Khieu Samphan defence, that concern his
12 responsibility, that concern his adherence to certain principles
13 and certain values, and <the reasons for which he--> well, maybe,
14 okay, you don't want me to bring up these points now, well I
15 won't do so. <My entire> presentation this morning was linked to
16 this, <all of it,> and since this is the situation, I believe
17 that I should stop now and possibly, if God gives a long life to
18 Khieu Samphan <and> to his defence team - well, me or <someone
19 else>, someday, will bring up these issues before you.

20 (Judges deliberate)

21 [14.06.00]

22 MR. PRESIDENT:

23 You have the floor Judge Lavergne.

24 JUDGE LAVERGNE:

25 Thank you, Mr. President. The Chamber would like to emphasise the

1 following. The Chamber has to ensure all the Parties <are treated
2 equally>, particularly regarding the preparation <for these
3 hearings> on this point of key documents. The Chamber notes that
4 as part of such preparations, it has been seized of an
5 application by the Lead Co-Lawyers for the civil parties,
6 <indeed> aimed at clarifying the types of documents they could
7 present. The Chamber responded to Counsel Guiraud and that
8 response was circulated to all Parties, including Counsel Guissé,
9 Counsel Vercken and the legal assistants working in their defence
10 team. So, today, I am surprised by the fact that Khieu Samphan's
11 defence is surprised at the attitude of the Chamber, because the
12 <> purpose of the presentation of these documents was known
13 before today's <hearing>. <There you have it,> so <unless> the
14 Khieu Samphan team wishes to present documents specifically
15 regarding Tram Kak <district> and <Krang Ta Chan, then we will be
16 forced to put an end to the defence team's> presentation.

17 [14.07.54]

18 MR. VERCKEN:

19 I would <just> like to point out that as we understand it, the
20 documents <>we just started presenting -- because <my colleague
21 from> the civil party made an objection which was not <in fact an
22 objection> -- <well,> these documents are key documents for Mr.
23 Khieu Samphan's <defence.> As far as we're concerned, these
24 documents are key documents as regards the <> assessment of the
25 criminal responsibility of our client, if at all there is any

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1 such criminal <liability, in view of the> subject that we are
2 concerned with today, <falling within the scope of this hearing
3 on> key documents. So, if indeed the Chamber is of the view that
4 <this is not the case>, then we consider that we cannot <continue
5 to participate> to that effect <because, in any case, we have
6 been forbidden to do so>.

7 [14.08.59]

8 JUDGE LAVERGNE:

9 Mr. Vercken, <I believe> you are again distorting the words of
10 the Chamber. We have never said that those documents were not key
11 documents <for Khieu Samphan's defence>. It is a matter of
12 preparation and it's a matter of time. <I would like to know
13 whether> you <have> received the message the Chamber sent to
14 Counsel Guiraud concerning the preparation of this key documents
15 hearing, if you did read it, <in fact,> why did you not react to
16 it? If you thought that the assessment was inappropriate --

17 [14.09.32]

18 MR. VERCKEN:

19 <>Let me re-read the <exact wording> of <your> message, <the
20 Chamber's message, out to you> in English -- forgive me for my
21 accent: "[...] <the parties have considerable latitude> as to how
22 they wish to utilise the time allocated to them for presentations
23 on key documents. At this stage, however, the Trial Chamber would
24 be most assisted by presentations on key documents relating to
25 events in Tram Kak district; presentation of evidence relating to

1 events which occurred elsewhere may generally not be directly
2 relevant or at least not timely."

3 So yes, indeed I read that message, Honourable Judge, but I
4 didn't consider that that message debarred me from referring
5 generally to the documents relating to Mr. Khieu Samphan, <that
6 were-from the point of view of his> criminal responsibility, <the
7 reasons which led him to become> involved in <a regime that gave
8 rise -- in the regions being discussed today -- to the> creation
9 of -- <and because I was discussing that very topic> -- such
10 cooperatives. <So, you> consider that this email is particularly
11 clear as regards any prohibition of the Defence to use documents
12 regarding policy, especially as far as Mr. Khieu Samphan in
13 particular is concerned. We consider that it is crucial for us to
14 use these documents regarding the <defence of our client in
15 regards to the very> purpose of this trial and this particular
16 phase of the trial regarding cooperatives <and execution
17 centres>. So we do not agree -- <I do not agree> with the
18 Chamber's analysis regarding the consequences of that email. So
19 we believe it is improper to prevent the Khieu Samphan team to
20 present key documents it intended to present today in keeping
21 with all the rules imposed on the Parties.

22 [14.12.06]

23 JUDGE FENZ:

24 It would appear that everybody but the Khieu Samphan defence has
25 understood the email the way it was meant. I give it to you the

1 language is polite, it doesn't order. It is a polite language.
2 Nevertheless, it has been understood by everybody, with the
3 exception of the Khieu Samphan defence. And before I ask the last
4 question, in order to avoid any confusion, again this is not of
5 an issue of if you are allowed to present documents, or certain
6 documents, but when. So this is not an issue of rights of your
7 clients being neglected. This is an issue of the Chamber
8 organising the trial in a manner which treats all the Parties
9 equally. Having said all that, the last question is, and now,
10 confronted with the understanding that pretty much everybody had
11 about this email, do you have documents relevant to Krang Ta Chan
12 to present today or not?

13 (Short pause)

14 [14.14.54]

15 JUDGE FENZ:

16 Would Counsel need a break to sort through his documents? How
17 long?

18 MR. VERCKEN:

19 Five minutes, I just need to discuss the documents with my
20 client.

21 MR. PRESIDENT:

22 The Chamber now declares a short break until now - from now until
23 2.30, to leave time for the defence counsel for Mr. Khieu Samphan
24 to discuss with their client.

25 (Court recesses from 1415H to 1430H)

1 MR. PRESIDENT:

2 Please be seated.

3 The Court is now back in session and the Chamber gives the floor
4 to the defence team for Khieu Samphan for the key document
5 presentation in relation to Tram Kak Cooperative and Krang Ta
6 Chan Security Centre.

7 Counsel, you have the floor.

8 [14.31.18]

9 MR. VERCKEN:

10 Thank you, Mr. President. Well, in order to answer <>the <last>
11 question that was put to us before the break, Mr. Khieu Samphan
12 and his counsel consider that the three "Revolutionary Flag"
13 issues I was going to quote from briefly, and the few documents
14 that I also planned on presenting to you -- because I believe
15 that this is the aim of this hearing, <> to present these
16 documents to the <other parties, to the> public and to the press
17 -- where these documents are directly related to his position
18 <within the scope of this trial, in regards to the>Tram Kak
19 <cooperatives> and the Krang Ta Chan Security Centre.
20 And therefore, <at this point in time,> Mr. Khieu Samphan
21 believes that if <he>-- his Defence is not allowed to quote from
22 documents that pertain to <this scope, which is that of> Defence,
23 <then> he does not wish <for> our presentation to continue.
24 <There you have it, Mr. President.> This is <the Khieu Samphan
25 defence team's> position with regard to the issue at hand.

1 [14.32.49]

2 MR. PRESIDENT:

3 The International Lead Co-Lawyer <for civil parties>, you have
4 the floor.

5 MS. GUIRAUD:

6 Yes, thank you, Mr. President. Let me be clear about <our>
7 position, and my colleague understood, we were not objecting. I
8 stood up because I wanted this to be on the record, <as we often
9 do during a hearing,> so that we could use this record later. So
10 my point here is not to object. I simply wanted to draw the
11 Chamber's attention to the fact that we considered that this
12 email prevented us from presenting certain documents, <hence>
13 this is the only purpose of the comments I made before the break.
14 (Judges deliberate)

15 [14.35.19]

16 JUDGE FENZ:

17 Counsel, from the channel to be specific: Are you saying that
18 these documents are pertaining to Krang Ta Chan or to the scope
19 as provide -- as foreseen in the email? Yes or no? If yes, ask
20 your questions or present, sorry, present these documents, not
21 ask questions. If no, tell us and it can be done at a later
22 stage. So the first assessment is obviously for you.

23 MR. VERCKEN:

24 This is a <key> document hearing regarding Tram Kak cooperatives
25 and the Krang Ta Chan Security Centre. We are the Khieu Samphan

1 defence team. We are here to defend Khieu Samphan. We are not
2 here for any other reason. We are here only to defend Khieu
3 Samphan, and you're asking us to present <> key documents, not
4 key documents just for the sake of history, but key documents for
5 Khieu Samphan's defence.

6 [14.36.31]

7 In the context of the cooperatives and Krang Ta Chan and the way
8 we understand Khieu Samphan's stance <within this trial> with
9 regard to the cooperatives and with regard to one of the
10 <country's> security centres <> between '75 and '79, so we're
11 selecting key documents that seem to us to pertain to Khieu
12 Samphan's position back then, or in any case to the level -- to
13 his seniority back then, all the way down to the detail. And then
14 of course, this is the issue of all trials in which <the> accused
15 are very far removed from the facts that are committed on the
16 field. There were <acts> committed <here> at Krang Ta Chan and
17 <at -- in this district;> on the other hand, we have Khieu
18 Samphan who, for most of his time, was in Phnom Penh. So we have
19 to know what you want.

20 If you want us to participate in very <general> hearings on key
21 documents -- we have refused to do so until now, but today we
22 accepted because we have the possibility of replying, which did
23 not exist beforehand. And now we're being told that the Defence's
24 position and the key documents that the Defence selected, do not
25 correspond to the objective of the hearing in terms of the topic

1 that is being dealt with.

2 [14.38.04]

3 Of course we take note of this, but of course I believe that this
4 email, which <I remind you> was only sent to us in English, which
5 of course does not necessarily make things easy for our team,
6 which is practically 100 per cent French-speaking, maybe it was
7 very clear. <Very clear> in the fact that it gives the
8 possibility, <as you said Judge Fenz, for> everyone to find
9 <their> own explanation, <their> own interpretation of this
10 email, but that's another issue. <There you have it.>

11 So yes, we considered that the documents that we were about to
12 present fall within the scope of this hearing. But this does not
13 appear to be the Chamber's position because <> in response to a
14 non-objection, you said that you did not want me to bring up
15 issues that relate to <issues at the level of> Khieu Samphan's
16 position. <So,> Khieu Samphan therefore ordered me to not
17 continue with this presentation if the Chamber deems that the
18 documents we intend to present for his Defence and to explain his
19 position, do not suit the purposes of today's hearing.

20 (Judges deliberate)

21 [14.39.56]

22 JUDGE FENZ:

23 So this is primarily about the role of the Accused, Counsel?
24 Counsel, do you have your attention? If I understood you
25 correctly, we'll try to analyse the relevant part of what you

1 said. His evidence is primarily about the role of the Accused for
2 which we have a specific section. Yes or no?

3 MR. VERCKEN:

4 The relevant parts of what I said <had to be> very limited,
5 because <really,> what I was trying to make clear to you was that
6 what we want to do is put in perspective -- in a <theoretical>,
7 as well as, <potentially, in a practical> sense, issues
8 concerning the cooperatives and the Krang Ta Chan Security Centre
9 <which is the subject of this hearing>. I said basically putting
10 things in perspective more than Khieu Samphan's role because here
11 the point was to read out excerpts from "Revolutionary Flag",
12 which everybody <here> agrees, represents the <corpus of
13 internal> doctrine of the Khmer Rouge regime.

14 So it's interesting to know <> what was the internal doctrine of
15 the Khmer Rouge's power in relation to cooperatives and in
16 relation to the population <and in relation to many other
17 aspects.> And then maybe we could go more into detail, so we have
18 been speaking, however, about this non-objection for the past
19 hour and 15 minutes <Judge Fenz>.

20 (Judges deliberate)

21 [14.43.04]

22 MR. PRESIDENT:

23 The Chamber does not have a concrete view as to the understanding
24 of what has been described by the counsel for Khieu Samphan.

25 However, the Chamber will grant you the floor to continue with

1 your key document presentation this afternoon, and you may
2 proceed, Counsel.

3 JUDGE FENZ:

4 To add -- and we will decide on a case to case basis if there is
5 a problem with this document. Despite our best efforts, it was
6 impossible for us to figure out if you think that these documents
7 pertained to today's segment or not. So please, present and we'll
8 proceed on a case to case basis.

9 MR. VERCKEN:

10 I apologize, but under these conditions, I cannot work. I cannot
11 work on a case-by-case basis. I have sent my document list a week
12 ago. No one made any comments about this and nobody told me that
13 I was on the wrong path. So I'm going to present documents. It's
14 been <> an hour and 15 minutes that we're focusing on <a single>
15 non-objection. So yes, frankly speaking, I must confess that yes,
16 I -- I apologise, but, you know, the idea of speaking again <to
17 be> interrupted again <and cut short> because apparently this
18 does not meet the Chamber's needs -- I think <there's a point
19 where it becomes a bit too much.> So, either you let me speak,
20 but if you are going to -- if this is going to lead to endless
21 debate each time on the validity <or lack thereof> of the
22 documents I'm presenting, I think that this is a bit <rich now>.

23 [14.45.09]

24 JUDGE LAVERGNE:

25 Counsel Vercken, we <gave> you the floor. Do you want to speak or

1 not? Do you want to present these documents or not? You have now
2 the possibility of doing so. That's what the Chamber is <telling
3 you>. Do you want to do so? Yes or no?

4 MR. VERCKEN:

5 I will try. And the same for -- what about the hour and 15
6 minutes that we wasted <discussing this issue>?

7 JUDGE LAVERGNE:

8 Counsel Vercken, you had <a large amount of>time to prepare
9 yourself, so <I think that> maybe you <there was a lack of
10 preparation on your part> so I think that you're going to have to
11 <> face the consequences of <this> lack of preparation<>.

12 <MR. VERCKEN:

13 What are talking about?>

14 MR. PRESIDENT:

15 Counsel Vercken, you have been given the floor by the Chamber,
16 and the Chamber will consider if you have more presentation to
17 make. However, you are still having more time until 4 o'clock and
18 I believe the time may be sufficient for your presentation. You
19 should proceed.

20 MR. VERCKEN:

21 No, Mr. President, that will not be enough time. I am hearing now
22 that I haven't prepared myself. I sent my document list a week
23 ago to all of the Parties. An hour and 15 minutes <has been>
24 taken away from my presentation, so now <I think that--> and on
25 top of that I'm being accused of not being well prepared. Now I

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1 absolutely disagree with the way the Chamber is behaving
2 <towards> the Defence, and I think it's better maybe just to
3 <adjourn>.

4 [14.47.03]

5 MR. PRESIDENT:

6 The Chamber is of the view that the counsel is not performing his
7 duty as a professional counsel, and you have been granted the
8 floor and we also say, if you are -- if you need more time, the
9 Chamber will consider that. However, you refused to make your key
10 document presentation in relation to Krang Ta Chan Security
11 Centre and Tram Kak Cooperative. For that reason, the Chamber
12 decides to adjourn today's proceeding.

13 Mr. Khieu Samphan, it seems that you are now changing your
14 position in relation to your rights to remain silent. Please
15 specify that.

16 [14.48.07]

17 MR. KHIEU SAMPHAN:

18 As I have stated, I'd like to maintain my right to remain silent.
19 However, when I need to provide my clarification to the Chamber
20 and I'd like the Chamber to grant me the floor, and that is the
21 rights that I am seeking from the Chamber. And please don't
22 mention that my counsel does not have the ability to prepare the
23 documents. We have been interrupted on so many occasions.

24 [14.48.43]

25 MR. PRESIDENT:

1 Your counsel has been given the floor and Mr. Khieu Samphan, you
2 are instructed to sit. Please sit down. And you have the right to
3 ask your counsel to make the document presentation and of course
4 the Chamber has the discretion to manage the document, and now
5 the Chamber decides to adjourn the proceedings and we resume on
6 Thursday, 30 April 2015, commencing from 9 o'clock. This
7 information is for the Parties and the general public.
8 Security personnel, you are instructed to take Khieu Samphan and
9 Nuon Chea back to the detention facility, and have them returned
10 to participate in the proceedings on the morning of Thursday, 30
11 April 2015 before 9 o'clock.
12 The Court is now adjourned.

13 (Court adjourns at 1449H)

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