



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 November 2018

Pronouncement of Judgment in Case 002/02



Before the Judges: NIL Nonn, Président  
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YOU Ottara  
Claudia FENZ  
Jean-Marc LAVERGNE  
THOU Mony  
Martin KAROPKIN

Seng Bunkheang  
SONG Chorvoin  
For Court Management Section:  
SOUR Sotheavy  
The Accused: NUON Chea  
KHIEU Samphan

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
The President (NIL Nonn)	Khmer
The GREFFIER	Khmer

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1 PROCEEDINGS

2 (Court opens at 0929H)

3 (Judges enter the courtroom)

4 Mr. President:

5 Please be seated.

6 (Short pause)

7 [09:30:21]

8 Mr. President:

9 Today, Friday 16 November 2018, the Extraordinary Chambers in the  
10 Court -- the Trial Chambers of the Extraordinary Chambers in the  
11 Courts of Cambodia continues its public proceedings to pronounce  
12 the Judgment in Case 002/02 which is the second trial of Case 002  
13 dated 19 September 2007, ECCC/TC with the Accused, Nuon Chea,  
14 born on 7 July 1926 and Khieu Samphan, born on 27 July 1931.  
15 Greffier, Ms. Se Kolvuthy, could you please report the attendance  
16 to the parties that are invited by the Chambers to the  
17 proceeding?

18 The Greffier:

19 Mr. President, for today's proceeding, all parties to this case  
20 are present. Thank you.

21 [09:31:36]

22 Mr. President:

23 Thank you, Ms. Se Kolvuthy.

24 Before the Chamber makes the pronouncement on the Judgment, the  
25 Chamber decided on the request by Nuon Chea. The Chamber receives

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1 a waiver from Nuon Chea dated 16 November 2018. It states that  
2 due to his health, that he's had the lower back pain and he  
3 cannot sit or concentrate for long, he wishes to vet his presence  
4 in the courtroom on the morning of 16 November 2018.

5 Having seen the medical report of Nuon Chea made by the doctor on  
6 duty for the Accused at the ECCC dated 16 November 2018, which  
7 notes the health condition of Nuon Chea today, that he has a  
8 lower back pain, he feel dizzy and cannot sit for long, and he  
9 has irregular heart beat and pain in the abdomen and confirmed  
10 that Nuon Chea can participate in the proceeding for a short  
11 period of time.

12 [09:32:59]

13 Based on the recommendations and pursuant to Rule 81(5) of the  
14 ECCC, the Chamber decides to allow Nuon Chea to participate -- to  
15 participate in the proceeding for a short period of time and  
16 subsequently, he can follow the proceedings on the pronouncement  
17 of the Judgment in Case 002/02 remotely, from a room downstairs  
18 via audiovisual means, for the period of the pronouncement of the  
19 Judgment this morning. And since Nuon Chea cannot sit for long in  
20 this courtroom, please inform the Chamber so the Chamber will  
21 allow you to follow the proceedings remotely from the room  
22 downstairs. So, please indicate that to the Chamber if you wish  
23 to do so. And security guard, please coordinate the movement of  
24 Nuon Chea in that case.

25 And the AV Unit personnel are instructed to link the proceedings

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1 to the room downstairs so that Nuon Chea can follow the  
2 proceedings during the pronouncement of the Judgment this  
3 morning.

4 [09:34:35]

5 And as for Mr. Khieu Samphan, the Chamber allows him to sit next  
6 to his counsel until such time he is instructed to -- to bring to  
7 the dock by the security guard.

8 The Chamber also allows the Accused to leave the courtroom and  
9 use the bathroom if there is a need to do so without seeking  
10 permission from the Chamber.

11 The Chamber would like to inform the parties and the general  
12 public that at this moment, the Chamber pronounces only a summary  
13 of the Trial Chamber's Judgment. The only authoritative account  
14 of the findings is contained in the full written Judgment which  
15 will be made available in Khmer, English, and French in due  
16 course. In this summary of the Judgment, the Trial Chamber uses  
17 the ECCC as the abbreviation for the Extraordinary Chambers in  
18 the Courts of Cambodia.

19 [09:36:02]

20 The Chamber now pronounces the summary of the Judgment in Case  
21 002/02 as follows:

22 Introduction and Brief Case History

23 As a preliminary matter, the Chamber notes that the part -- the  
24 Parties raised among others issues regarding notice of the  
25 charges and scope of the trial in Case 002/02. The Chamber

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1 addresses these submissions in detail in the full written version  
2 of the Judgment.

3 Case 002 concerns the responsibility of Nuon Chea and Khieu  
4 Samphan for crimes committed in Democratic Kampuchea between 17  
5 April 1975 and 6 January 1979.

6 Following the issuance of the Closing Order by the  
7 Co-Investigating Judges on 15 September 2010, concluding almost  
8 three years of judicial investigations, Nuon Chea and Khieu  
9 Samphan were brought to trial.

10 [09:37:29]

11 This case originally included two other Accused, Ieng Thirith and  
12 Ieng Sary.

13 In 2011, the proceedings against Ieng Thirith were stayed and the  
14 charges against her severed from the case after she was found  
15 unfit to stand trial due to a progressive dementing disease. She  
16 died in 2015. Her husband, Ieng Sary, died two years earlier in  
17 2013. Their death extinguished all criminal and civil actions  
18 against them before the ECCC.

19 The initial hearing in Case 002 was held from 27 to 30 June 2011.

20 In September 2011, the Chamber severed the proceedings in Case  
21 002 into a series of small trials because of the size and  
22 complexity of the Closing Order and the age and health of the  
23 Accused.

24 The Chamber limited the scope of the first trial in Case 002 --  
25 referred to since as "Case 002/01" --, to crimes against humanity

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1 alleged to have been committed first, during the evacuation of  
2 Phnom Penh on 17 April 1975 -- referred to as a -- as "movement  
3 of population, Phase 1"; second, during movements of population  
4 in other regions of Cambodia from September 1975 until December  
5 1977 -- referred to as "movement of population, Phase 2", and  
6 finally, regarding alleged executions of former Khmer Republic  
7 officials at Tuol Po Chrey.

8 [09:40:13]

9 The Chamber limited the scope of the second trial in Case 002--  
10 referred to since as "Case 002/02", to crimes against humanity,  
11 grave breaches of the Geneva Convention of 1949, and genocide  
12 alleged to have been committed at a number of cooperatives,  
13 worksites, security centres, and execution sites including S-21  
14 security centre and Choeung Ek, in relation to the targeting of  
15 specific groups namely, the Cham, the Vietnamese, Buddhists, and  
16 former Khmer Republic officials, the regulation of marriage, and  
17 within the context of the armed conflict with Vietnam. On 27  
18 February 2017, the Chamber terminated the proceedings concerning  
19 all facts set out in the Closing Order not included in Case  
20 002/01 or Case 002/02.

21 [09:41:33]

22 On 17 October 2014, the Chamber opened the substantive hearings  
23 in Case 002/02. Over the course of 24 month of evidentiary  
24 hearings, the Chamber heard the testimony of 185 individuals  
25 including 114 fact witnesses, 63 civil parties, and 8 experts.

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1 Close to 5,000 evidentiary documents were subjected to  
2 examination and admitted, totalling over 82,000 pages over the  
3 three official languages in Case 002/02 alone. In light of Cases  
4 002/01 and 002/02 sharing a case file, this brought the grand  
5 total of evidentiary documents to more than 10,000 totalling over  
6 304,000 pages. The hearing of evidence in Case 002/02 concluded  
7 on 11 January 2017 after 274 hearing days. Closing arguments took  
8 place in June 2017.

9 The Charges Against the Accused

10 During the period from 17 April 1975 to 6 January 1979, Nuon Chea  
11 is alleged to have served as deputy secretary of the Communist  
12 Party of Kampuchea, a full-rights member of the CPK Central and  
13 Standing Committee -- Committees, chairman of the People's  
14 Representative Assembly and, on occasion, acting Prime Minister  
15 of the Democratic Kampuchea Government.

16 [09:43:43]

17 Khieu Samphan allegedly held various positions in the CPK and  
18 Democratic Kampuchea including president of the State Presidium.  
19 He is also alleged to have been chairman of Political Office 870  
20 and a member of the CPK Standing Committee.

21 It is charged that both accused committed several crimes against  
22 humanity, grave breaches and genocide by participating in a joint  
23 criminal enterprise. The JCE's common purpose, which the Accused  
24 are said to have shared with other senior leaders such as CPK  
25 Secretary Pol Pot, the army's General Staff Chairman Son Sen, and



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1 zone Secretary Ros Nhim, was allegedly to implement rapid  
2 socialist revolution in Cambodia through a Great Leap Forward and  
3 to defend the Party against enemies by whatever means necessary.

4 [09:45:02]

5 It is further charged that, in order to achieve this common  
6 purpose, the Accused designed, together with the other JCE  
7 participants, five policies, the implementation of which resulted  
8 in and/or involved the crimes charged in Case 002/02 and which  
9 the Accused intended to be committed.

10 These policies were: 1) The repeated movement of the population  
11 from towns and cities to rural areas as well as from one rural  
12 area to another; 2) The establishment and operation of  
13 cooperatives and worksites; 3) The establishment and operation of  
14 security centres and execution sites 4); The targeting of  
15 specific groups including the Cham and Vietnamese, Buddhist, and  
16 former Khmer Republic officials, including both civil servants  
17 and military personnel and their families; and 5) The regulation  
18 of marriage.

19 [09:46:23]

20 It is further charged that the Accused planned, ordered,  
21 instigated, aided and abetted the aforementioned crimes against  
22 humanity, grave breaches and genocide. In the alternative, the  
23 Accused are also charged on the basis of superior responsibility.  
24 The Chamber will now enumerate the charges grouped together by  
25 policy. However, as the movement of population has only been

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1 charged in Case 002/02 with respect to the treatment of the Cham,  
2 this policy will be discussed only insofar as it concerns the  
3 Cham.

4 The scope of the charges relevant to Case 002/02 include factual  
5 allegations concerning the Accused responsibility for the  
6 following crimes:

7 In relation to the establishment and operation of cooperatives  
8 and worksites, the Accused are charged with the following crimes  
9 against humanity; murder, extermination, enslavement,  
10 imprisonment, torture, persecution on political grounds and other  
11 inhumane acts through attacks against human dignity and other  
12 inhumane acts through conduct characterized as enforced  
13 disappearances.

14 [09:48:06]

15 In relation to the establishment and operation of security  
16 centres and execution sites, the Accused are charged with the  
17 following crimes against humanity; murder, extermination,  
18 enslavement, imprisonment, torture, persecution on political  
19 grounds, other inhumane acts through attacks against human  
20 dignity, and other inhumane acts through conduct categorized as  
21 enforced disappearances.

22 In relation to the targeting of specific groups, the Accused are  
23 charged with:

24 First) In relation to the Cham, the crimes against humanity of  
25 murder, extermination, imprisonment, torture, persecution on

1 political and religious grounds, other inhumane acts through  
2 attacks against human dignity, other inhumane acts through  
3 conduct categorized as forced transfer, and other inhumane acts  
4 through conduct categorized as enforced disappearances and  
5 genocide by killing.

6 [09:49:21]

7 Second) In relation to the Vietnamese, the crimes against  
8 humanity of murder, extermination, deportation, and persecution  
9 on racial grounds; the grave breaches of the Geneva Convention of  
10 1949, of wilful killing, torture, inhumane treatment, wilfully  
11 causing great suffering or serious injury to body or health,  
12 wilfully depriving a prisoner of war or a civilian the rights of  
13 fair and regular trial, unlawful deportation of a civilian, and  
14 unlawful confinement of a civilian, and genocide by killing.

15 Third) In relation to Buddhists, the crimes against humanity of  
16 murder and persecution on religious grounds.

17 Fourth) In relation to former Khmer Republic officials, including  
18 civil servants and military personnel and their families, the  
19 crimes against humanity of murder and persecution on political  
20 grounds.

21 [09:50:37]

22 In relation to the regulation of marriage, the Accused are  
23 charged with the following crimes against humanity, other  
24 inhumane acts through conduct categorized as forced marriage and  
25 rape in the context of forced marriage.

10

1 The Chamber's Main Findings

2 The Chamber will address its factual and legal findings regarding  
3 each crime base as they relate to the policies that were the  
4 subject of the charges at issue in Case 002/02. The Chamber will  
5 then address the joint criminal enterprise before turning to its  
6 findings regarding the responsibility of Nuon Chea and Khieu  
7 Samphan respectively.

8 Before turning to the crime basis, the Chamber will first address  
9 the chapeau requirements or crimes against humanity and grave  
10 breaches of the Geneva Convention of 1949.

11 [09.51:52]

12 The Chamber finds that, starting 17 April 1975 and continuing at  
13 least until 6 January 1979, the temporal period at issue in Case  
14 002/02, there was a widespread and systematic attack against the  
15 civilian population of Cambodia. The attack took many forms  
16 including but not limited to enslavement, forced transfer,  
17 murder, extermination, enforced disappearances, attacks against  
18 human dignity, and political persecution. This attack victimized  
19 millions of civilians throughout Cambodia and resulted in a large  
20 number of refugees fleeing to neighbouring countries. The attack  
21 was carried out in furtherance of and pursuant to Party policies  
22 and plans to build socialism and defend the country.

23 The Chamber is satisfied that the attack was widespread in both a  
24 geographic scope and number of victims.

25 [09:53:16]

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1 The Chamber also finds that the attack was systematic insofar as  
2 crimes of such scope and magnitude could not have been random and  
3 were carried out in furtherance of and pursuant to Party  
4 policies.

5 The Chamber finds that this attack was directed against the  
6 civilian population of Cambodia. The Chamber further finds that  
7 the attack was carried out on political, national, ethnical,  
8 racial, and religious grounds and that there is a nexus between  
9 this attack and the committed acts. The Chamber also finds that  
10 Nuon Chea and Khieu Samphan knew of the attack and that they both  
11 knew that the acts formed part of the attack.

12 The Chamber finds that an ongoing international armed conflict  
13 existed between Vietnam and Democratic Kampuchea from 1975  
14 through 6 January 1979.

15 [09:54:32]

16 In relation to the grave breaches of the Geneva Conventions  
17 charged at S-21 security centre, the Chamber finds that the  
18 victims of these crimes were Vietnamese civilians or prisoners of  
19 war and thus protected persons for the purposes of the Geneva  
20 Conventions. Conversely, in relation to the crimes charged at Au  
21 Kanseng security centre, the Chamber was unable to satisfied  
22 itself beyond reasonable doubt that the Jara? concerned were  
23 protected persons within the meaning of the Geneva Conventions.  
24 The Chamber finds that the crimes committed against protected  
25 persons at S-21 security centre were closely related to the armed

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1 conflict between Democratic Kampuchea and Vietnam.

2 The Chamber further finds that Nuon Chea and Khieu Samphan were  
3 aware of the existence of the armed conflict with Vietnam and  
4 that they both were aware of the protected status of victims at  
5 S-21 security centre.

6 [09:56:00]

7 Historical Background

8 The Chamber finds that in 1959, Tou Samouth, Pol Pot, and Nuon  
9 Chea began the process of creating a new Cambodian Communist  
10 Party free of the Vietnamese influence characterized by the early  
11 Indochina Communist Party. The founding principles of this party  
12 were Marxism-Leninism and democratic centralism.

13 The first Party congress was held from 30 September to 2 October  
14 1960 during which the Party statute was adopted and the  
15 leadership committee appointed. Tou Samouth was appointed  
16 secretary and Nuon Chea deputy secretary of the Party. Both were  
17 also appointed to the Standing Committee along with Pol Pot as  
18 full-rights members and Ieng Sary as a candidate member.

19 Son Sen, Sao Phim and Ta Mok also attended the congress with the  
20 former two having been appointed as candidate members of the  
21 Standing Committee. Vorn Vet was appointed to the Party Central  
22 Committee in addition to Tou Samouth, Nuon Chea, Pol Pot, Ieng  
23 Sary, and Son Sen.

24 [09:57:30]

25 At the second Party congress in February 1963, where Pol Pot was

1 appointed Party secretary in the wake of Tou Samouth's  
2 disappearance, while Nuon Chea remained the Party's deputy  
3 secretary, the use of political and revolutionary violence was  
4 reaffirmed. Ieng Sary and Sao Phim were elevated to full-rights  
5 members of the Standing Committee while Vorn Vet, Ros Nhim, Son  
6 Sen, and Ta Mok were appointed to the Central Committee.  
7 The third Party congress was held in September 1971 and  
8 reiterated the Party's strategic lines adopted at the first and  
9 second congresses. It was the first Party congress attended by  
10 Khieu Samphan, who was then appointed to the Central Committee as  
11 an alternate member along with Chou Chet, Ke Pauk, and Koy Thuon.

12 [09:58:42]

13 By 1969, the economy in Cambodia was flagging and there was  
14 uncertainty as to whether it would be dragged into the war in  
15 Vietnam, despite Norodom Sihanouk's official policy of  
16 neutrality. From 1969, devastating American bombings in Cambodia  
17 served to push North Vietnamese troops further into the country  
18 which heightened the crisis.

19 In 1970, Lon Nol, who was supported by the USA, overthrew Norodom  
20 Sihanouk. Norodom Sihanouk created the National United Front of  
21 Kampuchea - FUNK -- a political movement to fight against those  
22 who instigated his overthrow. In May of that year, Norodom  
23 Sihanouk, with the tacit support of the CPK, formed a new  
24 government in exile called the Royal Government of National Union  
25 of Kampuchea -- GRUNK. Khieu Samphan was deputy Prime Minister

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1 and the Minister of national defence of GRUNK in which roles he  
2 served as the link between Norodom Sihanouk and Pol Pot. The  
3 GRUNK administration lacked real power in Cambodia, although  
4 Norodom Sihanouk remained influential overseas.

5 [10:00:42]

6 The CPK was in fact responsible for the armed struggle in  
7 Cambodia. The CPK leaders had a strict policy of secrecy and did  
8 not disclose their identities publicly. Instead, they favoured  
9 the use of the term "Angkar," a deliberately vague and  
10 obfuscatory term purporting to refer to an entity which led the  
11 country and which ordinary people understood had the power to  
12 control the entire nation. They also used public figures such as  
13 Khieu Samphan and Norodom Sihanouk locally and internationally to  
14 present a respectable façade for their actions and policies.

15 On the morning of 17 April 1975, CPK forces entered Phnom Penh  
16 under the banner of the Cambodian People's National Liberation  
17 Armed Forces and began to direct the population to leave Phnom  
18 Penh immediately marking the start of the Democratic Kampuchea  
19 era.

20 [10:02:05]

21 Cooperatives and Worksites

22 The Chamber finds that, during the Democratic Kampuchea period,  
23 there existed a policy to establish and operate cooperatives and  
24 worksites viewed as the primary instrument for waging class  
25 struggle and intended to create a labour and production force of



15

1 strictly-controlled people.

2 The following crime sites are part of Case 002/02 in this regard:

3 The Tram Kak cooperatives, the Trapeang Thma Dam worksite, the  
4 1st January Dam worksite, and Kampong Chhnang airfield  
5 construction site.

6 In relation to the Tram Kak cooperatives located in Tram Kak  
7 district in Sector 13 of the Southwest Zone - current-day Takeo  
8 Province --, the Chamber finds that people were deliberately  
9 forced to work in a climate of controlled threats, fear, hunger,  
10 and discrimination.

11 [10:03:10]

12 There were periods of acute food shortage -- shortages in the  
13 district and people died as a result. Various people died from  
14 malnutrition, overwork, and sickness. New People -- meaning  
15 people from cities and towns as opposed to people from rural  
16 areas referred to as Base or Old People -- in particular, were  
17 affected. Further, people died in the district hospital, among  
18 other locations, because of inadequate medical treatment,  
19 malnutrition, and overwork.

20 The Chamber also finds that large numbers of people disappeared  
21 in Tram Kak district without there being any lawful process  
22 whereby persons could properly seek and obtain information about  
23 the fate of their relatives. This contributed to the continuous  
24 atmosphere of fear and uncertainty.

25 [10:04:24]

16

1 Furthermore, religious practices and cultural traditions were  
2 forcibly abolished in Tram Kak District.

3 The Chamber also finds that people were subjected to physical and  
4 psychological control because they were restricted in their  
5 movements, made to participate in criticism and self-criticism  
6 sessions, lost existing family structures and suffered threats of  
7 being sent for re-education, being arrested or disappeared. All  
8 of this amounted to a tightly controlled regiment of  
9 indoctrination, threats, restricted movement, forced labour,  
10 fear, and violence.

11 In relation to the Trapeang Thma Dam worksite located in Sector 5  
12 of the Northwest Zone - current-day Banteay Meanchey province --,  
13 the Chamber finds that workers were forced -- were forced to  
14 build a dam and two dykes, a combined structure that still exists  
15 today with the same main features.

16 [10:05:38]

17 Workers at the dam did not have a choice. They were required to  
18 work regardless of the weather conditions, had to perform hard  
19 work for long hours, were not allowed to have rest days, were  
20 constantly monitored by their unit chiefs to see how much work  
21 they produce, and were disciplined if they did not meet work  
22 quota.

23 Workers were threatened with being killed or disappeared or with  
24 having their food ration reduced if they engaged in behaviour  
25 considered to be against Angkar or if they did not carry out

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1 their assignments. Witnesses saw workers killed in front of them  
2 and were threatened with being killed too if they did not work  
3 hard enough.

4 The Chamber finds that the deaths at the worksite were not only  
5 caused by poor working and living conditions, but also included  
6 deliberate killings.

7 [10:07:01]

8 In relation to the 1st January Dam worksite located in Sectors 42  
9 and 43 in the Central (old North) Zone - current-day Kampong Thom  
10 province --, the Chamber finds that working and living conditions  
11 were equally harsh, food similarly scarce, and medical treatment  
12 likewise inadequate. Workers here also had no choice. They were  
13 compelled to work against their will and under extremely  
14 difficult conditions resulting in some instances in death.  
15 Further, some workers were deliberately killed.

16 The nearby Baray Choan Dek Pagoda were a -- where a large amount  
17 of human remains and clothing were found on site after the  
18 collapse of Democratic Kampuchea was a detention facility and a  
19 killing site. A number of workers were transferred from the 1st  
20 January Dam worksite to this facility and killed while others  
21 simply disappeared.

22 The Chamber further finds that the Cham and New People were  
23 particularly discriminated against at that worksite. Over the  
24 span of its construction, the number of workers at the 1st  
25 January Dam was in the tens of thousands ranging between 20,000

18

1 and 40,000 during peak construction periods.

2 [10:08:48]

3 In relation to Kampong Chhnang airfield construction Site located  
4 in Sector 31 of the West Zone - current-day Kampong Chhnang  
5 province --, the Chamber finds that the workers at this site were  
6 soldiers from various divisions of the Revolutionary Army of  
7 Kampuchea. The work they were carrying out was for military  
8 purposes. However, workers were held in slavery and could not  
9 refuse to work; otherwise, they would be threatened and in some  
10 cases, disappeared. They were told that those who disobeyed  
11 instruction would be removed or killed.

12 The Chamber further finds that workers were exposed to unsafe  
13 working conditions and were forced to work long hours without  
14 sufficient food which resulted in the death of many people.

15 [10:09:56]

16 Soldiers from the East Zone or from divisions whose leaders were  
17 considered traitors were subjected to particularly hard or  
18 dangerous work for re-education purposes, especially the breaking  
19 of rocks was highly risky and the workers involved had almost no  
20 means to protect themselves. Their lives were, at the very least,  
21 considered expendable.

22 Finally, many workers simply disappeared with no notice and were  
23 never seen again at the worksite while others were seen to be  
24 arrested after which they disappeared or were transferred to  
25 S-21.

19

1 The Chamber finds that the following crimes against humanity were  
2 committed in relation to the establishment and operation of  
3 cooperatives and worksites; murder, enslavement, persecution on  
4 political grounds, the other inhumane acts of attacks against  
5 human dignity and through conducts characterized as enforced  
6 disappearances.

7 [10:11:10]

8 Security Centres and Execution Sites

9 The Chamber finds that, during the Democratic Kampuchea period,  
10 there existed a policy to establish and operate security centres  
11 and execution sites to identify, arrest, isolate, and smash those  
12 considered the most serious types of enemies. The following crime  
13 sites are part of Case 002/02 in this regard; S-21 security  
14 centre, including the execution site Choeung Ek, Kraing Ta Chan  
15 security centre, Au Kanseng security centre, and Phnom Kraol  
16 Security Centre.

17 Regarding S-21 security centre, which was located at the Ponhea  
18 Yat High School in Phnom Penh for most of the Democratic  
19 Kampuchea period, the Chamber finds that it began operations in  
20 October 1975 at the latest. Its main function was to detain  
21 prisoners who were Party members and revolutionary combatants  
22 suspected of -- suspected of being enemies.

23 [10:12:30]

24 The Chamber finds that prisoners at S-21 were detained without  
25 any procedural safeguards and that detention -- the condition

1 were deplorable causing a number of prisoners to die. While some  
2 others were temporarily put to work, almost all were interrogated  
3 using different forms of mistreatment methods and then executed.  
4 The Chamber finds that prisoners were brought to interrogation  
5 rooms, handcuffed and blindfolded, their legs chained during  
6 questioning. Interrogation methods included beatings with sticks,  
7 rocks, electrical wire, whips, and other tools; electroshocks;  
8 suffocation through covering the head with a plastic bag,  
9 covering their mouth and nose with a towel and pouring cold water  
10 from a kettle, and the extraction of toenails and fingernails.  
11 Some prisoners died after they had their blood drawn which was  
12 taken for the treatment of wounded RAK soldiers.  
13 The Chamber further finds that the -- at the very least, 11,742  
14 prisoners were executed at or in the vicinity of S-21 and Choeung  
15 Ek. At Choeung Ek, prisoners were executed, for instance, by a  
16 blow to the neck with an iron bar after which their throats were  
17 slits with a knife and their bodies disembowelled and buried in  
18 mass graves.  
19 [10:14:17]  
20 The Chamber also finds that there were direct instructions  
21 received from the upper echelon, including Nuon Chea and Son Sen,  
22 to kill prisoners or groups of prisoners.  
23 Among S-21 detainees were prominent Party members such as Ros  
24 Nhim and Vorn Vet as well as former Khmer Republic officials and  
25 Vietnamese soldiers and civilians. S-21 prisoner lists also

21

1 indicate that many children were detained and executed at S-21  
2 and Choeung Ek throughout the Democratic Kampuchea period.

3 Kraing Ta Chan security centre located in Tram Kak District, west  
4 of Takeo Town, was established in 1973 and remained operational  
5 throughout the Democratic Kampuchea period.

6 [10:15:17]

7 The Chamber finds that prisoners at that security centre were  
8 detained without any procedural safeguards and under dire  
9 conditions, forced to sit shackled and chained together in rows  
10 on the floor of detention buildings. Some prisoners, the majority  
11 of which were New People, were executed immediately after their  
12 arrival at Kraing Ta Chan without facing interrogation. Large  
13 numbers of others who were interrogated within a few weeks of  
14 their arrival.

15 The Chamber finds that interrogations at Kraing Ta Chan regularly  
16 involved beatings, whippings, and suffocation to extreme degrees;  
17 treatment which caused death -- the death of some prisoners.  
18 Prisoners also disappeared.

19 The Chamber further finds that there existed a mandatory regime  
20 of work for a small number of prisoners.

21 [10:16:25]

22 MR. KOPPE:

23 Oh, yes, Mr. President, sorry to interrupt. Mr. Nuon Chea would  
24 like to go downstairs to the holding cell.

25 MR. PRESIDENT:

22

1 Please, your request is granted. And the security guards, please  
2 accompany Nuon Chea to the room downstairs so that he could  
3 follow the proceeding remotely as instructed earlier.

4 I may now continue.

5 (The Accused exits the courtroom)

6 [10.16:58]

7 MR. PRESIDENT:

8 The Chamber furthers finds that there existed a mandatory regime  
9 of work for a small number of prisoners permitting their  
10 exploitation for the benefit of the Party until, in the vast  
11 majority of cases, they too were executed.

12 [10:17:15]

13 Au Kanseng security centre located in Sector 102 of the Northeast  
14 Zone, currently Ratanakiri Province, was established between late  
15 1976 and early 1977 and remained operational with -- throughout  
16 the Democratic Kampuchea period.

17 The Chamber finds that Au Kanseng served as an auxiliary to S-21  
18 detaining and reforming less serious offenders around the  
19 Northeast Zone while high-ranking CPK and Division 801 cadres  
20 from the zone were sent to, detained, and frequently executed at  
21 S-21.

22 From mid 1977, civilians who did not hold senior positions  
23 including workers from cooperatives and rubber plantation unions  
24 across the Northeast Zone were also detained at Au Kanseng.

25 The Chamber finds that detention regime varied between serious



23

1 offenders, light offenders, and women and children. People who  
2 were considered dangerous were continuously chained or shackled  
3 in a separate detention building. Less serious offenders as well  
4 as women and children were not shackled, chained or otherwise  
5 restrained.

6 [10:18:51]

7 The Chamber also finds that prisoners were interrogated through  
8 beatings, whippings, and electrocutions through telephone cables  
9 or similar means. The Chamber was not satisfied beyond reasonable  
10 doubt that all detainees considered unreformed were killed  
11 without exception, but execution did take place. In addition,  
12 some died as a result of detention conditions.

13 The Chamber further finds that at least 100 ethnic Jara?  
14 comprising men, small children, and approximately five women were  
15 detained at Au Kanseng in mid-1977. About one week after their  
16 internment at the security centre, the Jara? were marched out of  
17 the detention compound under pretense and executed.

18 [10:20:00]

19 The Chamber is satisfied that an order to execute the Jara? was  
20 channelled through Son Sen and army Division 801 commander Sao  
21 Saroeun with the involvement of the CPK Standing Committee to  
22 personnel at security centre for implementation. However, the  
23 Chamber was unable to satisfy itself beyond reasonable doubt that  
24 Jara?, likely combatants of the former South Vietnamese regime  
25 and (sic) perceived as such, were protected persons within the

1 meaning of the Geneva Conventions.

2 Phnom Kraol security centre located in Sector 105 - current-day  
3 Mondulkiri province -- consisted of offices K-17 and K-11; Phnom  
4 Kraol Prison and the burial site Trapeang Pring. The Chamber  
5 finds that judicial or residual safeguards were absent at the  
6 time of prisoners' arrest and throughout their subsequent  
7 detention at Phnom Kraol during which they were forced to work.

8 [10:21:21]

9 The Chamber further finds that one prisoner died as a result of  
10 detention conditions and that one prisoner was deliberately  
11 killed. However, the Chamber was unable to establish whether the  
12 Trapeang Pring burial site served to bury these detainees.  
13 Further, while the Chamber is satisfied that Trapeang Pring did  
14 in fact serve as a burial site during the Democratic Kampuchea  
15 period, the Chamber is unable to conclude that Trapeang Pring  
16 served as an execution site.

17 The Chamber finds that the following crimes against humanity were  
18 committed in relation to the establishment and operation of  
19 security centres and execution sites: murder, extermination,  
20 enslavement, imprisonment, torture, persecution on political  
21 grounds, and the other inhumane acts through attacks against  
22 human dignity and conduct characterized as enforced  
23 disappearances.

24 [10:22:41]

25 The Chamber will address its finding regarding grave breaches of

1 the Geneva Conventions committed at S-21 security centre where it  
2 addresses the treatment of the Vietnamese.

3 Targeting of Specific Groups

4 The Chamber finds that, during the Democratic Kampuchea period,  
5 there existed a policy to target the following groups, in order  
6 to establish an atheistic and homogenous society without class  
7 divisions by abolishing all ethnic, national, religious, racial,  
8 class, and cultural differences: Cham, Vietnamese, Buddhist, and  
9 former Khmer Republic officials -- including civil servants and  
10 military personnel -- and their families.

11 Cham

12 Regarding Cham, the Chamber finds that, after the September 1975  
13 Koh Phal and October 1975 Svay Khleang rebellions, the East Zone  
14 Cham population, mainly the one living along the Mekong River,  
15 was dispersed into the Central (old North) Zone. Cham were  
16 removed by the CPK armed forces without their consent and under  
17 threat of being considered enemies if they did not comply.

18 [10:24:31]

19 Even though this disperse -- dispersion was part of a broader  
20 movement of people from the East Zone to the Central (old North)  
21 Zone aimed at distributing the population throughout Cambodia,  
22 the Chamber finds that the Cham in the East Zone were  
23 specifically targeted because of the rebellions that occurred as  
24 a reaction to earlier restrictions imposed on Cham religious and  
25 cultural traditions.

1 The Chamber further finds that the Cham were not only moved from  
2 their original locations to new ones in order to satisfy needs of  
3 the local labour force, but they were dispersed and scattered  
4 among Khmer villages for their communities to be broken up and  
5 fully assimilated into the Cambodian population. The Cham were  
6 thus targeted not as individuals, but based on their membership  
7 of the group.

8 [10:25:41]

9 In addition, the Chamber finds that Cham people suffered  
10 discrimination as they, for instance, at the 1st January Dam  
11 worksite were forced to eat pork and were prevented from  
12 worshipping and speaking their native tongue.

13 The Chamber also finds that the CPK imposed restriction on Cham  
14 religious and cultural practices in Kroch Chhmar district and in  
15 various locations within the Central (old North) Zone and in a --  
16 and in other various location in Cambodia throughout the  
17 Democratic Kampuchea period. Such restrictions including --  
18 included prohibition on daily -- on daily prayers, forcing Cham  
19 to eat pork and wear the same dress and haircuts of the Khmer  
20 people, forcing them to only speak the Khmer language as well as  
21 burning Korans and dismantling mosques or using them for purposes  
22 other than prayer. Those who resisted were arrested and/or  
23 killed.

24 Furthermore, the Cham (sic) finds that a large number of people  
25 including the majority of Cham from Kang Meas district -

1 current-day Kampong Cham province --, in Sector 41 of the Central  
2 (old North) Zone were arrested and brought to Wat Au Trakuon in  
3 1977 where they were executed.

4 [10:07:25]

5 It further finds that in 1976 -- '78, a great number of Cham  
6 people from Kroch Chhmar district -- also current-day Kampong  
7 Cham province -- were arrested and taken to Trea Village security  
8 centre located in the same district where their membership of the  
9 Cham group was verified. Those who were deemed to be Cham were  
10 executed while non-Cham were spared.

11 The Chamber also finds that orders targeting the Cham in the  
12 Central (old North) Zone and specifically in Sector 20 -- 41 came  
13 from the upper echelon. It some -- It similarly finds that orders  
14 targeting the Cham in the East Zone and specifically in Kroch  
15 Chhmar district came from the upper echelon.

16 [10:28:26]

17 While the Chamber was unable to establish a definite number of  
18 victims, it is satisfied that a great number of Cham civilians  
19 were taken to both Wat Au Trakuon security centre and Trea  
20 Village security centre and were thus killed on a massive scale.

21 The Chamber is satisfied that perpetrators at Wat Au Trakuon and  
22 Trea village security centres demonstrated a genocidal mental  
23 state toward the Cham found to have been killed in those  
24 locations.

25 The Cham (sic) further finds that, in 1978, Cham people from

28

1 Kroch Chhmar district were arrested and taken to Trea Village  
2 security centre where they were arbitrarily detained, were denied  
3 due process rights and where some were interrogated and beaten.  
4 The Chamber thus finds that the crime of genocide and the crimes  
5 against humanity of murder, extermination, imprisonment, torture,  
6 persecution on political and religious grounds, and other  
7 inhumane acts through conduct characterized as forced transfer  
8 were committed with respect -- with respect to the Cham.

9 [10:29:55]

10 Vietnamese

11 Regarding the Vietnamese, the Chamber finds that, from 1975 until  
12 the end of 1976, there was a national-wide policy to expel people  
13 of Vietnamese ethnicity living in Cambodia. This policy was  
14 implemented following agreements with the Vietnamese authorities.  
15 Khmer Rouge cadres organized and monitored the transportation of  
16 Vietnamese people to the border with Vietnam including by boats  
17 and by trucks. Khmer spouses of mixed families had to stay in  
18 Cambodia.

19 The Chamber also finds that the CPK upper echelon ordered the  
20 identification of Vietnamese as a result of which from April  
21 1975, lists and biographies was prepared by the lower echelons  
22 and then communicated back to the upper echelon for further  
23 action.

24 [10:31:02]

25 From 1975, the CPK considered the Vietnamese ethnicity to be

1 matrilineal -- lineal and as a result, targeted in mixed families  
2 of Vietnamese mothers and their children while sparing Khmer  
3 fathers as well as targeted Vietnamese fathers while sparing  
4 Khmer mothers and children.

5 The Chamber finds that Vietnamese leaving Prey Veng, Svay Rieng  
6 and Tram Kok districts in 1975 and 1976 were forced to do so by a  
7 coercive environment.

8 The Chamber further finds that specific instances of killings of  
9 Vietnamese civilians were established, for instance, in Svay  
10 Rieng in 1978; on Democratic Kampuchea waters after April or May  
11 1977 and on 19 March 1978; in Kampong Chhnang province in 1977;  
12 at worksite Siem Reap province in late 1978; and in Kratie in  
13 September 1978.

14 [10:32:22]

15 These deliberate killings occurred on a massive scale were  
16 systematically organized and directed against the Vietnamese. In  
17 each case, Vietnamese were targeted not as individuals, but based  
18 on their membership of the group and their perceived ethnicity.

19 This happened under the umbrella of the CPK's policy to  
20 specifically target the Vietnamese, including civilians as a  
21 group. Until late 1976, the Vietnamese were targeted for  
22 expulsion, from April 1977, for destruction as such.

23 Regarding the treatment of Vietnamese detained at S-21 security  
24 centre, the Chambers find that hundreds of Vietnamese civilians  
25 and soldiers were killed after having been interrogated using

1 coercive methods and having been subjected to the dire conditions  
2 at S-21. Those killed were either Vietnamese civilians or  
3 prisoners of war, and thus protected persons for the purposes of  
4 the Geneva Conventions.

5 [10.33.51]

6 Confessions extracted from Vietnamese prisoners were published in  
7 various Democratic Kampuchea publications aimed at showing the  
8 Vietnamese "aggression" against Democratic Kampuchea.

9 The Chamber further finds that the Vietnamese prisoners who  
10 entered S-21 were not provided any procedural safeguards or  
11 rights that would have allowed them to defend themselves  
12 following their arrest, were deprived of any semblance of a fair  
13 trial and were forced to confess that they were spies before  
14 being killed. All Vietnamese soldiers and civilians who entered  
15 S-21 were labelled as spies and considered enemies. The fate of  
16 these prisoners "were" a foregone conclusion, as they were all  
17 ultimately subject to execution.

18 [10.35.01]

19 The Chamber thus finds that the crime of genocide and the crimes  
20 against humanity of murder, extermination, deportation and  
21 persecution on racial grounds were committed regarding the  
22 Vietnamese. In addition, recalling the existence of the ongoing  
23 international armed conflict between Vietnam and Democratic  
24 Kampuchea from May 1975 and the protected status of the victims,  
25 the Chamber finds that several grave breaches of the Geneva



1 Conventions were also perpetrated against this group at S-21  
2 security centre, including wilful killing, torture, inhumane  
3 treatment, wilfully causing great suffering or serious injury to  
4 body or health, wilful deprivation of the rights of a fair and  
5 regular trial, and unlawful confinement.

6 Buddhists

7 Regarding the treatment of Buddhists which charges were limited  
8 to the Tram Kak cooperatives, the Chamber finds that Buddhism was  
9 banned. Buddhist symbols were destroyed and pagodas were no  
10 longer allowed to be used for religious purposes.

11 [10.36.33]

12 The Chamber further finds that over 100 monks were deliberately  
13 gathered at Angk Roka pagoda and forced to defrock. Monks were  
14 also forcibly disrobed at other pagodas, and this reflects the  
15 general pattern across Tram Kak district.

16 While the evidence does not allow the Chamber to make a precise  
17 finding as to the total number of monks defrocked in Tram Kak  
18 district, the Chamber finds that there is reliable evidence which  
19 demonstrates that hundreds of monks were disrobed across various  
20 communes. The discriminatory intention behind the process is  
21 confirmed by references to monks as "worms" or "leeches" and  
22 announcements dismissing Buddhism as a mere superstition and to  
23 the Buddha as only concrete.

24 The Chamber thus finds that the crime against humanity of  
25 persecution on religious grounds was committed with respect to

1   Buddhists.

2   [10.37.57]

3   Former Khmer Republic officials

4   Regarding former Khmer Republic officials which charges were  
5   limited to the Tram Kak cooperatives, 1st January Dam worksite,  
6   S-21 security centre and Kraing Ta Chan security centre, the  
7   Chamber finds that, at all four crime sites, this group was  
8   persecuted.

9   For example, the Chamber finds that, in Tram Kak district, in the  
10   period immediately after 17 April 1975, members of the former  
11   Khmer Republic military and police were screened at Champa pagoda  
12   and, having identified themselves, many were taken away and  
13   disappeared. The same process took place at other locations in  
14   Tram Kak district.

15   Whereas there was a clear plan to purge and kill former Khmer  
16   Republic soldiers and officials in Tram Kak district in the  
17   aftermath of 17 April 1975, on at least one occasion thereafter,  
18   instructions were disseminated not to harm former officials  
19   between the ranks of second lieutenant and colonel. The Chamber  
20   finds that, in later periods, however, former Khmer Republic  
21   soldiers and officials were again targeted for arrest and killed.

22   [10.39.32]

23   A large number of former military families were smashed in Popel  
24   commune in May 1977, and an organized killing operation was under  
25   way in Tram Kak district from April 1977, with large numbers of

1 persons taken to Kraing Ta Chan security centre.

2 The Chamber is satisfied these persons were targeted on the basis  
3 of their real or perceived former roles in the previous regime.

4 The Chamber finds that the crime against humanity of persecution  
5 on political grounds was committed at the Tram Kak cooperatives  
6 between 20 April 1975 and late May 1975, and from early 1977  
7 through 6 January 1979 at 1st January Dam, S-21 security centre  
8 and Kraing Ta Chan security centre.

9 Further, the Chamber finds that the crime against humanity of  
10 murder was committed with respect to former Khmer Republic  
11 officials at S-21 security centre and Kraing Ta Chan security  
12 centre.

13 [10.40.58]

14 Regulation of marriage

15 The Chamber finds that there existed a nation-wide policy to  
16 regulate family building and marriage which was implemented by  
17 Party cadres at all administrative and military levels. The CPK  
18 designed this policy replacing the role of parents in the  
19 selection of a suitable spouse, forcing couples to marry and  
20 forcing the production of children for the purpose of increasing  
21 the country's population within 10 to 15 years.

22 The Chamber finds that arranged marriage in Cambodian culture is  
23 different from forced marriage during the Democratic Kampuchea  
24 period as charged in the Closing Order.

25 Arranged marriage in Cambodian culture pre-Democratic Kampuchea

1 was based on the mutual trust between children and parents who  
2 chose their children's spouses, an element absent wherein the  
3 Party derogated the role of the parents in arranging marriages.  
4 The evidence put before the Chamber clearly demonstrates a  
5 practice during the Democratic Kampuchea regime that was far from  
6 reflective of traditional Khmer wedding tradition.

7 [10.42.44]

8 Families of future spouses were not involved at all in the  
9 negotiation, communities were not included, tradition was absent  
10 from wedding ceremonies, and individuals agreed to get married  
11 for fear of being punished by the Party.

12 The Chamber finds that Democratic Kampuchea authorities arranged  
13 marriages throughout Democratic Kampuchea period and in numerous  
14 geographical locations throughout Cambodia. Individuals were  
15 married in a widespread climate of fear and a consent purportedly  
16 given either before or during wedding ceremonies did not amount,  
17 in most cases, to genuine consent.

18 The Chamber finds that, after wedding ceremonies, arrangements  
19 were usually made by the local authorities for newly-wedded  
20 couples to sleep in an assigned location monitored by militia men  
21 specifically to have a -- to have sexual intercourse.

22 [10.44.01]

23 Both men and women felt forced to have sexual intercourse with  
24 their new spouse, and thus did so against their will. Couples who  
25 were found to have not had sexual intercourse were re-educated or

1 threatened with being punished or killed.

2 The Chamber finds that the crime against humanity of other  
3 inhumane acts through conduct characterized as forced marriage  
4 and rape in the context of forced marriage was committed.

5 Joint criminal enterprise

6 The Chamber finds that, by 17 April 1975 and continuing until at  
7 least 6 January 1979, several senior CPK leaders shared the  
8 common purpose of rapidly implementing socialist revolution in  
9 Cambodia through a "great leap forward" designed to build the  
10 country, defend it from enemies and radically transform the  
11 population into an atheistic and homogenous Khmer society of  
12 worker-peasants. The common purpose was implemented across  
13 Democratic Kampuchea by the Party's entire administrative network  
14 of zone, sector, district and local level secretaries and CPK  
15 cadres through the execution of at least five policies.

16 [10.45.49]

17 These policies designed and implemented to achieve the common  
18 purpose were:

19 (1) The repeated movement of the population from towns and cities  
20 to rural areas as well as from one rural area to another;

21 (2) The establishment and operation of cooperatives and  
22 worksites;

23 (3) The establishment and operation of security centres and  
24 execution sites to identify, arrest, isolate and smash those  
25 considered belonging to the most serious enemy categories and to

1 re-educate bad elements;

2 (4) The targeting of specific groups, including the Cham and  
3 Vietnamese, Buddhists and former Khmer Republic officials,  
4 including both civil servants and military personnel and their  
5 families, and

6 (5) The regulation of marriage.

7 [10.47.03]

8 The Chamber finds that these policies were intrinsically linked  
9 to the common purpose and involved the commission of crimes. The  
10 Chamber therefore finds that the common purpose was itself  
11 criminal in character.

12 The Chamber further finds that the common purpose was shared by a  
13 plurality of persons, including senior leadership consisting of  
14 Pol Pot, Nuon Chea, Khieu Samphan, Ieng Sary, Ieng Thirith, Son  
15 Sen, and Vorn Vet until his arrest in late 1978, as well as zone  
16 secretaries, including Ta Mok, Ke Pauk, Koy Thuon until his house  
17 arrest in mid-1976, Chou Chet until his arrest in March 1978,  
18 Ruos Nhim until his arrest in May or June 1978, and Sao Phim  
19 until his suicide in June 1978.

20 Senior CPK leaders personally oversaw the implementation of the  
21 various policies and used direct perpetrators to commit the  
22 crimes involved in the furtherance of the common purpose.

23 The Chamber finds that these crimes are properly imputed to the  
24 members of the joint criminal enterprise.

25 [10.48.40]

1 The Accused's Individual Criminal Responsibility

2 The Chamber now turns to its findings regarding the  
3 responsibility of Nuon Chea and Khieu Samphan, respectively.

4 Nuon Chea's responsibility

5 The Chamber finds that, as one of those who played a leading role  
6 in laying the foundations for Democratic Kampuchea, Nuon Chea  
7 participated in Party congresses and Central and Standing  
8 Committee meetings from the dawn of the revolution.

9 Nuon Chea was appointed Deputy Secretary of the Party in  
10 September 1960 and retained this position throughout the  
11 Democratic Kampuchea period. He was also a full rights member of  
12 both the CPK Central and Standing Committees as well as Chairman  
13 of the Standing Committee of the People's Representative  
14 Assembly.

15 [10.49.54]

16 Nuon Chea participated in all key meetings and was involved in  
17 all major decisions of the Party during the Democratic Kampuchea  
18 period. Throughout the Democratic Kampuchea era, Nuon Chea  
19 remained a key figure within the CPK as Pol Pot's loyal  
20 right-hand man.

21 Moreover, Nuon Chea was appointed to replace Pol Pot as interim  
22 Prime Minister when Pol Pot officially took a leave of absence  
23 from September 1976 until September 1977.

24 Due to his seniority within the leadership of the CPK, Nuon Chea  
25 enjoyed oversight of all Party activities exceeding beyond the

1 roles and responsibilities formally entrusted to him during the  
2 Democratic Kampuchea period.

3 The Chamber finds that, within the Standing Committee, Nuon Chea  
4 with Pol Pot exercised the utmost decision-making power of the  
5 Party. As Deputy Secretary of the Party, his control extended not  
6 only to political decisions, but also to the government and the  
7 administrative of Democratic Kampuchea as well as to military  
8 matters.

9 [10.51.26]

10 The Chamber is therefore satisfied that Nuon Chea not only shared  
11 support for the common purpose, but played a key role in  
12 formulating and controlling its content.

13 Nuon Chea's support for the common purpose that he had devised  
14 did not waiver during the Democratic Kampuchea era. He continued  
15 to implement and disseminate the common purpose, maintaining a  
16 tight grip on the CPK's carefully-crafted narrative through  
17 propaganda and training activities.

18 Nuon Chea had primary responsibility for propaganda-related  
19 matters as well as for the education of peasants, cadres and  
20 other Party members, focusing in particular on the main  
21 principles and economic policies of the Party. In this capacity,  
22 Nuon Chea held speeches and chaired study sessions for cadres  
23 from different regions both in Phnom Penh and in other parts of  
24 the country, including at cooperatives and worksites.

25 [10.52.56]



1 Nuon Chea was one of the principal authors of the educational  
2 magazine, *The Revolutionary Flag*, the Party's propaganda vessel  
3 that regularly rehashed speeches given by Pol Pot, Nuon Chea, and  
4 Khieu Samphan.

5 Nuon Chea participated in Standing Committee meetings during  
6 which tactics of what to disclose and what to keep secret,  
7 secrecy being the counterpart of effective propaganda were  
8 discussed.

9 Nuon Chea's formal responsibility for propaganda and  
10 education-related matters also extended to the discipline of  
11 cadres and other internal security matters as well as the enemy  
12 situation more generally, where he advocated that enemies be  
13 uncovered and eliminated.

14 The Chamber is thus satisfied that, through his role in the  
15 propaganda campaign and the tactics as well as the training of  
16 cadres both before and after April 1975, Nuon Chea played a key  
17 role in implementing and disseminating the common purpose.

18 Further, the Chamber finds that Nuon Chea's contributions to the  
19 commission of crimes exceeded policy development, implementation  
20 and dissemination of the common purpose through propaganda and  
21 education.

22 [10.55.05]

23 Nuon Chea executed the common purpose by directly and actively  
24 engaging in the purges of CPK cadres. He not only helped  
25 orchestrate and execute the Northwest Zone, Central or North Zone

1 and its zone purges, he was personally involved in the oversight  
2 of S-21 security centre and purges of prominent Party members  
3 such as Northwest Zone secretary Ros Nhim.

4 Regarding S-21 security centre, contemporaneous documents,  
5 notably detainees' confessions, show that, since the early stage  
6 of S-21's operations, Nuon Chea knew and was involved in the  
7 arrest, detention, torture and killings of cadres targeted for  
8 purges.

9 The Chamber further finds that Nuon Chea acted as Duch's direct  
10 supervisor from 15 August 1977 following the departure of Son Sen  
11 to the East Zone battlefield until the fall of the Democratic  
12 Kampuchea regime in early January 1979.

13 [10.56.28]

14 In this capacity, Nuon Chea regularly met with Duch and gave him  
15 instructions, including directions regarding particular prominent  
16 prisoners. Nuon Chea received and read S-21 confessions and, as  
17 he saw fit, ordered changes thereto.

18 Further, the Chamber finds that Nuon Chea was among those who  
19 decided who was arrested and sent to S-21.

20 Nuon Chea ordered executions both in large groups such as those  
21 arriving at S-21 as a result of the 1978 wave of East Zone purges  
22 and those detained at S-21 directly prior to its amendment, and  
23 of specific individuals.

24 Given the rapid entry of Vietnamese forces into Phnom Penh and  
25 the hasty abandonment of S-21 in January 1979, nothing was done

41

1 with respect to the internal S-21 documents detailing the  
2 security centre's operations which remained on the premises. Nuon  
3 Chea subsequently scolded Duch for not having destroyed these  
4 documents.

5 [10.58.06]

6 In sum, the Chamber finds that Nuon Chea participated in the  
7 common purpose of the joint criminal enterprise. Nuon Chea helped  
8 design, implement and disseminate the common purpose by publicly  
9 explaining, endorsing and advocating for the CPK's criminal  
10 policies. He did so through his leadership role as Pol Pot's  
11 right hand, as Deputy Secretary of the CPK, as full rights member  
12 of the Central and Standing Committees and through his active  
13 involvement in propaganda and education.

14 In addition, through his direct, extensive involvement in the  
15 purges and the operation of S-21 security centre, Nuon Chea  
16 executed the common purpose using intermediaries such as Duch,  
17 and direct perpetrators such as S-21 staff as the JCE's tools.  
18 Accordingly, the Chamber finds that Nuon Chea made a significant  
19 contribution to the commission of crimes within the scope of Case  
20 002/02.

21 [10.59.37]

22 The Chamber will have a short break for the changes of the  
23 recording disk. Please, let the Chamber know once the disk has  
24 been replaced.

25 (Short pause)

1 THE PRESIDENT:

2 We will now resume.

3 Further, the Chamber finds that Nuon Chea, for the reasons  
4 detailed in the Judgment, shared the intent, including where  
5 requested the discriminatory and specific intent of the other JCE  
6 members to commit the crimes encompassed by the common purpose,  
7 bar one exception. The Chamber was unable to identify or infer  
8 genocidal intent on the part of Nuon Chea regarding the Cham, nor  
9 was the Chamber able to find beyond reasonable doubt that Nuon  
10 Chea knew that genocide was committed against the Cham. However,  
11 the Chamber is satisfied that Nuon Chea, at the very least, had  
12 reason to know that genocide had been or was about to be  
13 committed against the Cham.

14 [11.01.32]

15 The Chamber does find that Nuon Chea committed, through a joint  
16 criminal enterprise:

17 (a) the crimes against humanity of murder, extermination,  
18 deportation, enslavement, imprisonment, torture, persecution on  
19 political, religious and racial grounds, and other inhumane acts  
20 through attacks against human dignity, conduct characterized as  
21 enforced disappearances, forced transfer, forced marriage and  
22 rape in the context of forced marriage;

23 (b) the crimes of genocide by killing members of the Vietnamese  
24 ethnic, national, and racial group, and

25 (c) grave breaches -- (c) grave breaches of the Geneva

1 Conventions of wilful killing, torture, inhumane treatment,  
2 wilfully causing great suffering or serious injury to body or  
3 health, the wilful deprivation of the rights of a fair and  
4 regular trial, and an unlawful confinement against persons  
5 protected under the Geneva Conventions at S-21 security centre.

6 [11.03.12]

7 Accordingly, the Chamber enters a conviction for the commission  
8 of crimes through a joint criminal enterprise insofar Nuon Chea  
9 shared the direct, discriminatory and specific intent of other  
10 JCE members.

11 Additionally, with respect to the deaths at cooperatives,  
12 worksites and security centres as a result of dolus eventualis  
13 which is not encompassed by the common purpose, the Chamber finds  
14 that Nuon Chea aided and abetted the crime against humanity of  
15 murder committed with dolus eventualis at the Tram Kak  
16 cooperatives, the 1st January Dam worksite, Trapeang Thma Dam  
17 worksite, Kampong Chhnang airfield construction site, S-21  
18 security centre, Kraing Ta Chan security centre, and Phnom Kraol  
19 security centre.

20 In the present circumstances, the Chamber finds that Nuon Chea's  
21 conduct is most appropriately characterized under the mode of  
22 aiding and abetting. He provided encouragement and moral support,  
23 urging CPK cadres to implement the Party Centre's policies  
24 seriously through his instrumental role in propaganda as well as  
25 his numerous appearances at meetings and speeches, at study

1 sessions throughout the country.

2 [11.05.02]

3 The Chamber finds that this conduct had a substantial effect on  
4 the commission of crimes and that Nuon Chea was aware of that.

5 Accordingly, the Chamber enters a conviction for aiding and  
6 abetting the crime against humanity of murder with *dolus*  
7 *eventualis* at the above sites.

8 Finally, the Chamber finds that Nuon Chea exercised ultimate  
9 decision-making power together with Pol Pot and possessed the  
10 authority to discipline insubordinate members of the Party and  
11 military.

12 The Chamber, therefore, finds that Nuon Chea is responsible as a  
13 superior for all the crimes committed pursuant to the CPK's  
14 criminal policies which fall within the scope of Case 002/02.  
15 This includes the crime of genocide by killing members of the  
16 Cham ethnic and religious group. However, having found that,  
17 first, Nuon Chea was directly responsible for these crimes  
18 through his participation in the JCE, except for the crime of  
19 genocide and -- of the Cham and the crime against humanity of  
20 murder committed with *dolus eventualis* as particularised above,  
21 and second, that Nuon Chea is responsible for aiding and abetting  
22 the aforementioned crimes against humanity of murder committed  
23 with *dolus eventualis*, the Chamber enters a conviction under the  
24 doctrine of superior responsibility for the crime of genocide by  
25 killing members of the Cham ethnic and religious group.

1 [11.07.00]

2 For the remainder, the Chamber considered Nuon Chea's superior  
3 position in sentencing.

4 Khieu Samphan's responsibility

5 Khieu Samphan became a candidate member of the CPK Central  
6 Committee in 1971 and a full-rights member in 1976. In 1970,  
7 Khieu Samphan was named Deputy Chairman of FUNK and  
8 commander-in-chief of the Cambodian People's National Liberation  
9 Armed Forces.

10 In reality, Khieu Samphan held no direct military authority, and  
11 it was Pol Pot who was in charge of the CPNLAF forces.

12 Khieu Samphan also assumed the posts of Deputy Prime Minister and  
13 Minister of National Defence in GRUNK.

14 [11.08.02]

15 After the fall of Phnom Penh in April 1975, Khieu Samphan  
16 retained his roles as Deputy Prime Minister, Minister of National  
17 Defence and CPNLAF commander-in-chief and, as such, continued to  
18 exercise certain diplomatic functions such as meeting, visiting,  
19 delegations from foreign countries and leading Cambodian  
20 delegation on trips abroad.

21 In October 1975, the CPK Standing Committee assigned Khieu  
22 Samphan responsibility for the front and the Royal Government  
23 incumbents for accounting and pricing. Around October 1975, Khieu  
24 Samphan became one of the two members of Office 870 which oversaw  
25 the implementation of Standing Committee decision. However, the

1 Chamber is not satisfied that, as has been alleged, Khieu Samphan  
2 ever served as the chairman of Office 870.

3 [11.09.17]

4 In April 1976, Khieu Samphan was appointed President of the State  
5 Presidium, a role which was largely symbolic, and in which he had  
6 no executed -- no executive power. As President of the State  
7 Presidium, he continued to perform diplomatic and ceremonial  
8 functions.

9 Khieu Samphan was never formally a member of the CPK Standing  
10 Committee, but he regularly attended and participated in Standing  
11 Committee meetings at which matters central to the common purpose  
12 were discussed.

13 In his capacity as a member of the Central Committee, Khieu  
14 Samphan attended the third, fourth, and fifth Party congresses  
15 which adopted policies from the Standing Committee concerning the  
16 overall political line in accordance with the principle of  
17 democratic centralism.

18 Khieu Samphan was a fully-fledged member at the time the Central  
19 Committee approved the delegation of the right to smash down to  
20 the ranks of the CPK. As a full-rights voting member of the  
21 Central Committee, Khieu Samphan contributed to the adoption of  
22 the mid-1978 Central Committee memorandum calling for compassion  
23 to be accorded to misled persons who had, among other things,  
24 served as Yuon agents, a policy which the Chamber found had no  
25 tangible impact.



1 [11.11.14]

2 The Chamber is satisfied that Khieu Samphan not only shared  
3 support for the common purpose, but that he publicly supported it  
4 throughout the Democratic Kampuchea period.

5 Further, the Chamber finds, that in a pattern that continued  
6 throughout the Democratic Kampuchea era, Khieu Samphan publicly  
7 promoted, confirmed and endorsed the common purpose. He was the  
8 chairman of a special national congress which was apparently held  
9 in the aftermath of 17 April 1975, and participated in meetings  
10 in May 1975 at the silver pagoda in Phnom Penh.

11 Further, Khieu Samphan personally perpetuated the Party line by  
12 leading indoctrination sessions at mass rallies and re-education  
13 seminars for, among others, returnees from abroad and Ministry of  
14 Commerce cadres which were aimed at strengthening socialist  
15 consensus, forging worker-peasant identity and engendering  
16 support for CPK policies.

17 [11.12.40]

18 At 17 April anniversaries and other events, Khieu Samphan  
19 publicly lauded the CPK's successes and encouraged popular  
20 support of Angkar's program for building and defending Democratic  
21 Kampuchea.

22 The Chamber is therefore satisfied that Khieu Samphan does not  
23 only share support for the common purpose but, as a senior  
24 leader, he actively vocally and publicly promoted, confirmed and  
25 endorsed it domestically and on the international stage.

1 Moreover, through his many public speeches and statements during  
2 the Democratic Kampuchea period, Khieu Samphan encouraged and  
3 incited the execution of the CPK's various policies.

4 In sum, the Chamber finds that Khieu Samphan participated in the  
5 common purpose. As the face of Democratic Kampuchea, Khieu  
6 Samphan supported and promoted the common purpose and encouraged,  
7 incited and legitimized its instrumentation through criminal  
8 policies. He further instructed cadres on their implementation  
9 while enabling and controlling the same.

10 [11.14.22]

11 Accordingly, the Chamber finds that Khieu Samphan made a  
12 significant contribution to the commission of crimes perpetrated  
13 by CPK cadres within the scope of Case 002/02.

14 Further, the Chamber finds that Khieu Samphan, for the reasons  
15 detailed in the Judgment, shared the intent, including where  
16 requisite the discriminatory and specific intent of the other JCE  
17 members to commit the crimes encompassed by the common purpose  
18 bar one exception. The Chamber was unable to identify or infer  
19 genocidal intent on the part of Khieu Samphan regarding the Cham.

20 The Chamber does find that Khieu Samphan committed, through a  
21 joint criminal enterprise:

22 (a) the crimes against humanity of murder, extermination,  
23 deportation, enslavement, imprisonment, torture, persecution on  
24 political, religious and racial grounds, and other inhumane acts  
25 through the attacks against human indignity characterized as

1 enforced disappearances, forced transfer, forced marriage and  
2 rape in the context of forced marriage;

3 [11.16.07]

4 (b) the crime of genocide by killing members of the Vietnamese  
5 ethnic, national and racial group, and

6 (c) grave breaches of the Geneva Convention of willing -- wilful  
7 killing, torture, inhuman treatment, wilfully causing great  
8 suffering and/or serious injury to body or health, the wilful  
9 deprivation of the rights of a fair and regular trial and  
10 unlawful confinement against persons protected under the Geneva  
11 Conventions at S-21 security centre.

12 Accordingly, the Chamber enters a conviction for the commission  
13 of crimes through a joint criminal enterprise for which Khieu  
14 Samphan shared the direct discriminatory and specific intent of  
15 other JCE members.

16 Additionally, with respect to the deaths of workers and peasants  
17 at cooperatives, worksites, and security centres as a result of  
18 *dolus eventualis* which were not encompassed by the common  
19 purpose, the Chamber finds that Khieu Samphan aided and abetted  
20 the crime against humanity of murder at the Tram Kak cooperative,  
21 the 1st January Dam worksite, Trapeang Thma dam worksite, Kampong  
22 Chhnang airfield construction site, S-21 security centre, Kraing  
23 Ta Chan security centre and Phnom Kraol security centre.

24 [11.17.55]

25 In the present circumstances, the Chamber finds that Khieu

1 Samphan's conduct is most appropriately characterized under the  
2 mode of aiding and abetting. He provided encouragement and moral  
3 support by his attendance at meetings and his appearances at  
4 speeches, at study sessions throughout the country, openly and  
5 actively encouraging and providing moral support to CPK cadres in  
6 the implementation of the Party Centre's policies.

7 The Chamber finds that this conduct had a substantial effect on  
8 the commission of crimes and that Khieu Samphan was aware of  
9 that. Accordingly, the Chamber enters a conviction for aiding and  
10 abetting the crime against humanity of murder, murder with dolus  
11 eventualis at the above sites.

12 [11.19.01]

13 Finally, the evidence did not rise to the level of proving that  
14 Khieu Samphan actively assisted or facilitated the execution of  
15 the genocidal policy against the Cham. The Chamber is also not  
16 satisfied that Khieu Samphan was a superior in the sense of  
17 having had the ability to prevent or punish the commission of  
18 crimes.

19 The Chamber therefore finds that Khieu Samphan is not responsible  
20 for the crime of genocide by killing members of the Cham ethnic  
21 and religious group neither as aider or abettor, nor as superior.

22 Civil party Reparations

23 A total of 3,865 civil parties were admitted in the present case  
24 and comprise the consolidated group of civil parties at trial  
25 represented by two civil party Lead Co-Lawyers. The Chamber notes

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1 that both Accused in Case 002 have been found to be indigent  
2 under the ECCC Internal Rules. The civil party Lead Co-Lawyers  
3 may request the Chamber to recognize specific reparations  
4 measures. Such measures have been designed or identified in  
5 coordination with the Victim Support Section in order to  
6 appropriately acknowledge the harm suffered by civil parties as a  
7 result of the commission of the crimes at issue in Case 002/02,  
8 and to provide benefits to the civil parties that address this  
9 harm.

10 [11.21.11]

11 In Case 002/02, the civil party Lead Co-Lawyers sought the  
12 judicial recognition of 14 projects out of 18 projects initially  
13 proposed as appropriate reparations. The Chamber finds that, as a  
14 consequence of the crimes of which the Accused have been  
15 convicted, the civil parties and a very large number of  
16 additional victims have suffered immeasurable harm, including  
17 physical suffering, economic loss, loss of dignity, psychological  
18 trauma, and grief arising from the loss of family members or  
19 close relations.

20 The Chamber finds that the following projects comply with the  
21 requirements of Internal Rule 23quinquies and therefore endorses  
22 them.

23 [11.22.22]

24 Projects 1, 2 and 3 concern forms of education on Khmer Rouge  
25 history and civil parties' experiences aimed at guaranteeing

1 non-repetition.

2 Projects 4, 5, 6 and 12 provide documentation of the experiences  
3 of specific groups of civil parties, including persons affected  
4 by the treatment of the Cham, the treatment of the Vietnamese and  
5 the regulation of marriage with a view to prevent the recurrence  
6 of crimes, targeting these groups.

7 Projects 7, 8, 9 and 10 commemorate the suffering of civil  
8 parties and make their accounts accessible to the society at  
9 large, thus providing measures of satisfaction.

10 Project 11 and the health care component of project 13 provide  
11 mental and physical care to civil parties focusing on  
12 rehabilitation.

13 The Chamber finds that the specific component of project 13  
14 related to livelihood support seeks to provide benefits to the  
15 civil parties in the form of individual monetary payments. As  
16 these initiatives fall outside the scope of Internal Rule  
17 23quinquies (1), which provides that the Chamber may only award  
18 collective and moral reparations and excludes monetary payments  
19 to the civil parties, the Chamber is unable to endorse them as  
20 reparation measures.

21 [11.24.30]

22 Further, the Chamber is unable to endorse project 15 which seeks  
23 to acknowledge the suffering experienced by indigenous minorities  
24 in Ratanakiri and Mondulhiri provinces because of their  
25 denigration, discrimination, and persecution. The Chamber recalls

1 that Case 002/02 does not include charges specifically related to  
2 the targeting, discrimination or persecution of indigenous  
3 minority living in Ratanakiri and Mondulakiri provinces.

4 While recognizing the virtue of these projects as such, the  
5 Chamber finds that it does not meet the requirements of Internal  
6 Rule 23quinquies (1).

7 Reparation measures must acknowledge the harm suffered as a  
8 result of the commission of the crimes of which the Accused are  
9 convicted. The Chamber therefore declines to endorse this  
10 project.

11 [11.25.43]

12 This completes the summary of the Chamber's findings. I will now  
13 read out the disposition.

14 And before I read the disposition and sentence part, security  
15 guard, you are instructed to take Khieu Samphan -- to bring Khieu  
16 Samphan to the dock.

17 (Short pause)

18 (Accused Khieu Samphan enters the courtroom)

19 THE PRESIDENT:

20 Mr. Khieu Samphan, can you stand for a brief period of time?

21 The Chamber now pronounces the disposition and sentence.

22 The Trial Chamber rejects the request made by the Khieu Samphan  
23 Defence to limit the scope of the trial in Case 002/02.

24 The Trial Chamber recharacterizes the crimes -- the crime against  
25 humanity of extermination to the crime against humanity of

1 murder, including, with dolus eventualis, regarding death that  
2 occurred due to the conditions and circumstances imposed to the  
3 victims at the following crime sites: Tram Kak cooperatives, 1st  
4 January Dam worksite, Trapeang Thma Dam worksite, Kampong Chhnang  
5 airport (sic) construction site, S-21 security centre, Kraing Ta  
6 Chan security centre and Phnom Kraol security centre.

7 [11.29.49]

8 The Trial Chamber finds the Accused Nuon Chea to be guilty of  
9 having committed, within the territory of Cambodia, between 17  
10 April 1975 and 6 January 1979, through his acts and omissions, as  
11 summarized above and detailed in the full written version of the  
12 Judgment the following crimes.

13 Pursuant to Articles 5, 29 (new) and 39 (new) of the ECCC law,  
14 the crimes against humanity of murder, extermination,  
15 deportation, enslavement, imprisonment, torture, persecution on  
16 political, religious and racial grounds, any other inhuman acts  
17 through attacks against human dignity and conduct categorized as  
18 enforced disappearances, forced transfer, forced marriage, and  
19 rape in the context of forced marriage.

20 [11.31.15]

21 Pursuant to Articles 6, 29 (new) and 39 (new) of the ECCC law,  
22 grave breaches of the Geneva Conventions, namely wilful killing,  
23 torture, inhuman treatment, wilfully causing great suffering or  
24 serious injury to body or health, wilfully depriving a prisoner  
25 of war or civilian the rights of fair and regular trial and



1 unlawful confinement of a civilian.

2 Pursuant to Articles 4, 29 (new) and 39 (new) of the ECCC law,  
3 genocide by killing members of the Vietnamese and Cham groups.

4 The Trial Chamber finds the Accused Khieu Samphan to be guilty of  
5 having committed, within the territory of Cambodia, between 17  
6 April 1975 and 6 January 1979, through his acts and omissions, as  
7 summarized above and detailed in the full written version of the  
8 judgment, the following crimes.

9 Pursuant to Articles 5, 29 (new) and 39 (new) of the ECCC law,  
10 the crimes against humanity of murder, extermination,  
11 deportation, enslavement, imprisonment, torture, persecution on  
12 political, religious and racial grounds, and the other inhumane  
13 acts through attacks against human dignity and conduct  
14 categorized as enforced disappearances, forced transfer, forced  
15 marriage and rape in the context of forced marriage.

16 [11.33.34]

17 Pursuant to Articles 6, 29 (new) and 39 (new) of the ECCC law,  
18 grave breaches of the Geneva Conventions, namely wilful killing,  
19 torture, inhuman treatment, wilfully causing great suffering or  
20 serious injury to body or health, wilfully depriving a prisoner  
21 of war or civilian the rights of fair and regular trials and  
22 unlawful confinement of a civilian.

23 Pursuant to Articles 4, 29 (new) and 39 (new) of the ECCC law,  
24 genocide by killing members of the Vietnamese group.

25 The Trial Chambers find the Accused Nuon Chea and Khieu Samphan

1 to be not guilty of the remaining crimes within the scope of Case  
2 002/02. Therefore, the Chamber acquits both the Accused of these  
3 crimes.

4 [11.34.48]

5 The Chamber has considered the gravity of the crimes, including  
6 their scale and brutality, as well as the number and  
7 vulnerability of victims for which the Accused have been  
8 convicted as well as relevant aggravating and mitigating  
9 circumstances.

10 The Chamber sentences the Accused Nuon Chea to life imprisonment.  
11 Taking into consideration the life sentence imposed on Nuon Chea  
12 in Case 002/01, the Chamber merges the two sentences into a  
13 single term of life imprisonment.

14 The Chamber sentences the Accused Khieu Samphan to life  
15 imprisonment. Taking into consideration the life sentence imposed  
16 on Khieu Samphan in Case 002/01, the Chamber merges the two  
17 sentences into a single term of life imprisonment.

18 Declaring the consolidated group of civil parties, individually  
19 listed in annex 2 to have suffered harm as a result of the  
20 commission of the crimes --

21 Mr. Khieu Samphan, you may be seated.

22 (Short pause)

23 [11.36.30]

24 MR. PRESIDENT:

25 To have suffered harm as a result of the commission of the crimes

1 for which Nuon Chea and Khieu Samphan have been convicted and  
2 pursuant to Internal Rule 23quinquies (3) (b), the Chamber grants  
3 in part the civil party Lead Co-Lawyers' request for moral and  
4 collective reparations.

5 As set out in detail in Section 21 of this Judgment, the Chamber  
6 endorses as projects giving appropriate effect to the award  
7 sought and which may be implemented 14 (sic) projects concerning  
8 remembrance of the victims and memorialization of the suffering  
9 endured, therapy and psychological assistance to the victims and  
10 documentation, and education.

11 The Chamber denies request concerning two projects, one whole and  
12 one in part, which fail to satisfy the requirements of Internal  
13 Rule 23quinquies (3) (b), Section 21.

14 [11.37.57]

15 This Judgment is publicly pronounced in the ECCC main courtroom  
16 on 16 November, 2018, and subject to appeal according to the  
17 Internal Rules.

18 The Chamber clarifies that, in accordance with Internal Rule 107  
19 (4) and Article 8.5 of the Practice Direction on the Filing of  
20 Documents before the ECCC, the time limit for filing a notice of  
21 appeal, if any, will commence on the first calendar day following  
22 the day of service of the notification of the fully reasoned,  
23 written Judgment in Khmer and one of the other official languages  
24 of the ECCC as selected by each Party pursuant to Article 2.2 of  
25 the Practice Direction.

1 Judge You Ottara appends a separate opinion on genocide to the  
2 Judgment.

3 This hearing in Case 002/02 is now concluded.

4 And security guard, you are instructed to take the convicted  
5 persons, Khieu Samphan and Nuon Chea, back to the ECCC detention  
6 facility.

7 The Court is now adjourned.

8 (Court adjourns at 1140H)

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