



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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

25 June 2013
Trial Day 199

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Mr. Dav Ansan, could you report the attendance of the parties and
6 individuals to today's proceeding?

7 THE GREFFIER:

8 Mr. President, for today's proceeding, all parties are present.

9 As for the accused, Nuon Chea, is present in the holding cell
10 downstairs pursuant to the decision of the Trial Chamber
11 concerning his health.

12 Thank you.

13 MR. PRESIDENT:

14 Thank you.

15 The Chamber would like to give the floor now to the Prosecution
16 to continue presenting their key documents. You may proceed.

17 [09.04.01]

18 MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President. Good morning to you and to all the
20 other Judges, as well as to the parties and to the public.

21 I will continue my presentation on the policies regarding
22 cooperatives and work camps.

23 The following documents I would like to present are E3/5. It is a
24 sample of the "Revolutionary Flag" of August 1975. It has several
25 articles, and the fourth is titled, "Another Important Victory of

2

1 Cooperatives and Our Revolutionary Movement", and the Khmer page
2 is 00063347 up to 348; and in French, 00538981; and in English,
3 00401507.

4 This is what is stated in that article -- and I quote:

5 "After the total liberation of the nation and the population, and
6 to apply the new task with success by great leaps forward, the
7 Party has decided to broaden cooperatives in order that they may
8 be bigger than before.

9 [09.05.25]

10 Before the liberation, we created cooperatives by dividing them
11 into groups. One group consisted of 15, 20 or 30 families,
12 depending on the concrete situation, to facilitate the leadership
13 of the process. To stimulate the production movement in order
14 that it may be more powerful, the Party has decided to organize
15 cooperatives into village cooperatives."

16 And I'm skipping a few sentences:

17 "When cooperatives were organized in 10, 20 or 30 families, the
18 role of cooperatives to strengthen revolutionary power in the
19 villages had a very specific focus. The class struggle, as part
20 of a small group fighting to eliminate pacifiers and spies, was
21 not broad based either. After the organization of cooperatives at
22 the level of the villages, they played a very dominant role in
23 rallying forces and strengthening the power of villagers in all
24 areas.

25 The collectivists, who were in the cooperatives, and in

3

1 particular, poor farmers as well as lower class cooperatives,
2 were -- farmers, who were members of cooperatives, consolidated
3 their position as true masters of villages and communes." End of
4 quote.

5 [09.07.04]

6 In the next document, E3/729, which is a sample of the
7 "Revolutionary Youth", October 1975 -- the French translation is
8 not perfect, and so I will read the extract in English. And this
9 extract is on page 00063400 up to 01. That is the Khmer ERN. The
10 ERN in English is 00357903; and in French, the ERN is 00364224.

11 And the title in English is as follows: "Forge and Refashion
12 Themselves in the Movement to Strengthen and Expand Production
13 Cooperatives" -- and I quote the passage:

14 "After the liberation of the entire country, 99.9 per cent of the
15 Kampuchean people have been obliged to live in the countryside so
16 as to be able to participate in the movement to increase
17 production to sustain themselves and contribute to defending and
18 building the country. During this initial period [...] the
19 cooperatives scattered all over our Kampuchean countryside and
20 are the guarantors sorting out these contemporary complications
21 and shortages. Our production cooperatives are also responsible
22 for harmoniously and orderly managing the education and building
23 of the more than two million people who have just been liberated
24 from the rule of the contemptible traitors.

25 [09.09.13]

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1 In the complex situation where more than two million New People
2 have just gone down to live in the countryside and enemy agents
3 and various other bad elements are still chaotically mixed in
4 among the ranks of the New People, our production cooperatives
5 also have the duty to help strengthen the state authorities in
6 the villages and sub-district, help maintain security for the New
7 People and maintain order at the grassroots in the villages and
8 sub-district." End of quote.

9 On the next page we find the following -- quote:

10 "In the cooperatives, class combat and class contradictions are
11 constantly being sorted out. Therefore, in the cooperatives there
12 are no pacifist phenomena, no frivolity phenomena, no desire-to-
13 be-fully-equipped phenomena, no wastefulness phenomena, no
14 chaotic liberal phenomena, because the movement is constantly
15 seething and must be constantly fighting and constantly sorting
16 out.

17 Aside from this, in the cooperatives there is correct and clear
18 organization, firm and conscientious organizational discipline,
19 lifestyle meetings, regularly held criticism/ self-criticism
20 meetings, constant political and cultural study meetings all the
21 time." End of quote.

22 [09.10.59]

23 In document E3/11, "Revolutionary Flag" of September 1977, it is
24 a speech by Pol Pot on the occasion of the 17th anniversary of
25 the Party. That is, the occasion is the 30th of September 1977.

1 Let me point out that there is another reference number for a
2 document, which is exactly the same speech, E3/144, and it was
3 published in 1978 by the Ministry of Foreign Affairs.

4 In this document, Pol Pot, inter alia, presents an idyllic
5 picture of the success of the policy of collectivization and
6 cooperative work. I'll read an extract, and the Khmer page is
7 00063174; in French it is 00492846; and in English it is
8 00486256. I am quoting Pol Pot:

9 "Nowadays, the cooperatives are transforming the countryside in
10 Kampuchea, which is dry and poor, into a more and more beautiful
11 countryside with water basins, canals everywhere, and green rice
12 fields, and each cooperative has become a small collectivist
13 society."

14 And further down, he says:

15 [09.12.49]

16 "The cooperatives have strengthened and developed a new
17 collectivist society that is completely clean, egalitarian,
18 harmonious, and endowed with a sufficient lifestyle in terms of
19 lifestyle, health, hygiene, culture, and education. Nowadays, our
20 cooperative units are being strengthened and developed in terms
21 of their dimensions as well.

22 In the countryside nationwide, on average 50 per cent of food
23 cooperatives consist of 700 to 1,000 families. One hundred of the
24 cooperatives are -- have there about 100 families in some
25 cooperatives and about 300 in others. The cooperatives are

1 already working well at the level of the communes. Only a small
2 number of cooperatives are at the level of villages." End of
3 quote.

4 So you can see that they moved from group cooperatives to village
5 cooperatives, and now they are talking of commune cooperatives.

6 In the same article, Pol Pot talks of the opportunities the
7 cooperatives have to carry out major construction works. The page
8 in Khmer is 00063181; in French it is 00492951; in English it is
9 00486260 up to 61. Pol Pot says the following -- and I quote:

10 [09.14.33]

11 "During the dry season in 1977, the inhabitants of our
12 cooperatives built great water reservoirs in each zone, water
13 basins of average size in the regions and small ones in the
14 districts. Furthermore, they built canals that stretch over
15 hundreds of kilometres."

16 Further down he says:

17 "The inhabitants of our cooperatives have built five dams along
18 the Preaek Tnaot river; two dams on the Chinit river; three dykes
19 on the Pursat river; and one dyke on Battambang river, and so on
20 and so forth. To accomplish all these tasks the inhabitants and
21 workers as well as the farmers have worked, relying on their own
22 strength, on their own behalf." End of quote.

23 Another document, which is of importance, is E3/748,

24 "Revolutionary Flag" of October-November 1975. It explains the
25 tasks of cooperatives, particularly in the area of security, and

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1 so by extrapolation, the search for enemies. And the relevant
2 passage is the fifth article titled -- and I quote:

3 [09.16.02]

4 "We must strengthen and improve the cooperatives for the
5 production process in the Party in order that they may be more
6 powerful and that they may be transformed into a major force to
7 achieve the objective of 1976; that is, three tonnes of rice per
8 cultivated hectare."

9 The hectares are, in Khmer, 00063268 up to 69; in French it is
10 00499710 up to 11; and in English it is 00495826. The title is
11 "True Nature and the Capacity -- Future Capacity of Production
12 Cooperatives": "A cooperative is an organization for production
13 which is a real class institution."

14 Further down: "Consequently, these cooperatives contribute to
15 national struggle and class struggle and we should strengthen the
16 size of cooperatives and do so permanently."

17 On the same page on that title, number two: "The Revolutionary
18 Tasks of Production Cooperatives of the Party in All Areas", we
19 have six essential tasks listed, and I will read out only four of
20 them.

21 [09.17.46]

22 Number one: "The cooperatives rally the peasant forces at the
23 grassroots in order to provide for general production." I'll skip
24 numbers two and three and I'll go to number four: "They resolve
25 issues regarding trade and exchange between cooperatives". Point

8

1 number five: "To carry out tasks in the military sector in
2 ensuring security and the defence of the country". Point number
3 six: "To organize themselves in order to indoctrinate members at
4 the political level and in terms of revolutionary ideology and to
5 implement the line of command of the Party as part of the
6 framework of cooperatives". End of quote.

7 The next document is E3/273.

8 MR. PRESIDENT:

9 Yes, you may proceed.

10 MS. GUISSÉ:

11 Thank you, Mr. President. Good morning to all the Judges and to
12 the parties.

13 [09.19.06]

14 I am obliged to intervene at this point, because in light of
15 yesterday's decision, we are not supposed to refer to documents
16 regarding the implementation of policies.

17 I have been listening to the Co Prosecutor since he started his
18 presentation this morning, and we are only talking about the
19 implementation of policies. So I am objecting at this stage in
20 our proceedings. The Co Prosecutor should not proceed in this
21 manner because it comes out of the framework of Case 002/1.

22 MR. DE WILDE D'ESTMAEL:

23 Mr. President, if I may respond. I will say that all the
24 documents are from the Centre of the Party. These documents
25 showed the evolution regarding cooperatives. It is not a

1 straightjacket policy. In 1973, this policy was changing. We
2 moved from cooperatives of modest size to large scale
3 cooperatives at the level of communes. All these documents show
4 what was the policy of the Centre and the leadership of the Party
5 regarding cooperatives.

6 [09.20.25]

7 We are not simply trying to establish what happened on the
8 ground. In the "Revolutionary Flag", the issue is one of
9 establishing the policy of the Centre regarding these policies on
10 cooperatives. There's a practical aspect, but we're talking of
11 directives and concrete policies. Thank you.

12 (Judges deliberate)

13 [09.22.10]

14 MR. PRESIDENT:

15 I'd like to give the floor to Judge Jean-Marc Lavergne to clarify
16 and respond to the objection raised by the defence counsel for
17 Khieu Samphan to the presentation of key documents by the
18 Prosecution.

19 Judge Lavergne, please proceed.

20 JUDGE LAVERGNE:

21 Yes, thank you, Mr. President.

22 The Chamber is of the view that the documents that are currently
23 being presented by the Office of the Co Prosecutors have to do
24 with the directives that are to be implemented as part of
25 policies concerning cooperatives and directives established at

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1 the level of the Centre. So we are not dealing with
2 implementation on the ground. It is indeed implementation on the
3 ground - or in the field that should not be part of the
4 presentation of key documents as part of this trial.

5 So the objective made by defence for Khieu Samphan is overruled.

6 (Judges deliberate)

7 [09.23.43]

8 MR. PRESIDENT:

9 The Prosecution, please continue with your presentation.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President.

12 I was talking of document E3/273. It is a FBIS publication dated
13 the 5th of January 1976, and the extract that I will read out is
14 part of the vice prime minister's report, the vice prime minister
15 at the time, and that was Khieu Samphan, regarding the new draft
16 constitution, and that report was presented on the 14th of
17 December 1975 on the occasion of the Third National Congress held
18 in Phnom Penh.

19 Khieu Samphan starts by emphasizing the policy of
20 collectivization, so we are talking about policies indeed. And
21 the Khmer ERN is 00657443; in French it is 00725798; and in
22 English it is 00167813. And Khieu Samphan makes the following
23 comments -- and I quote:

24 [09.25.08]

25 "In accordance with Article 2, Chapter 2, all the main means of

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1 production belong to the collective. They are directly controlled
2 and administered by our comrades, workers and peasants
3 themselves. This collective ownership is the very basis of the
4 rights and freedoms of our people."

5 Further down he says:

6 "There are worksites of our people everywhere. They show the
7 immensity of their powers and they develop industries and
8 increase agricultural productivity and they make the countryside
9 more beautiful." End of quote.

10 Another passage is 00677446 in Khmer and up to 48; in French, it
11 is 00725800 up to 01; and in English, it is 00167814 up to 15.

12 And this is what Khieu Samphan says; Chapter 9, Article 12 -- and
13 I quote:

14 "Everyone is working on the worksites because our workers apply
15 the system of collective work and because they are collectively
16 owners of the factories, trains, and production sites. It is
17 another reality that you can see in Cambodia today. Each peasant
18 is the owner of the land he or she farms."

19 [09.27.01]

20 I skip a few sentences to get to Article 13. Khieu Samphan states
21 the follows -- the following, Article 13, Chapter 9:

22 "Underscores the fact that all Cambodian citizens must be fully
23 equal and this shows another reality of our society. We are all
24 equal. There are neither rich nor poor; everyone is working, be
25 it on the farms or in the factories." End of quote.

1 I now come to document E3/50. It is a publication of the
2 Communist Party of Kampuchea titled "The Third Anniversary of the
3 Organization of Peasant Cooperatives" dated the 20th of May 1976.
4 This document is fundamental and it underscores the crucial role
5 of cooperatives in the fight against enemies and the control of
6 the regime. They control the regime exercises on inhabitants of
7 cooperatives.

8 First page, Khmer ERN, 00442214; and in French it is 00623787;
9 and in English, 00636014. And the title is number 7 -- and I
10 quote:

11 [09.28.45]

12 "Thanks to cooperatives, the enemies have been reduced to the
13 level of bandits. The Party has succeeded in controlling peasants
14 building an army, fighting against enemies on the battlefield.
15 That is possible because in all areas there are cooperatives. The
16 strength of the alliance of workers and farmers placed under the
17 leadership of the Party." End of quote.

18 Then we have a document that establishes the link between
19 cooperatives and the evacuation of towns. It shows the importance
20 of cooperatives in the fight against the class system, the fight
21 against the enemies and private ownership.

22 Another extract and the page in Khmer is 00442217; in French, it
23 is 00623789; and in English, it is 00636015 to 16 -- and I quote:

24 "After the liberation, we deported all inhabitants from Phnom
25 Penh city and from the headquarters of regions we had just

1 liberated."

2 [09.30.21]

3 Further down:

4 "This should complete the National Democratic Revolution once and
5 for all and it will continue the socialist revolution. We have
6 been able to proceed in this manner because we have a socialist
7 liberation base in the liberated zone, particularly, we have
8 peasant cooperatives. If there hadn't been peasant cooperatives
9 in the rural areas we would not have been able to proceed in this
10 manner on any account." End of quote.

11 The next quote, the Khmer page is 00442220; in French, 00623791
12 up to 92; in English, 00636018 up to 19 -- and I quote the
13 passage:

14 "The Party must absolutely take over and lead the cooperatives in
15 all areas in all sectors through its own members per se. Members
16 of the Communist Kampuchea Youth League are present in
17 cooperatives."

18 And further down:

19 "Otherwise, peasants of average class or superior class, rich
20 peasants, and other classes no longer play the role of leaders in
21 cooperatives."

22 [09.32.10]

23 Document E3/10, it is also a sample of the "Revolutionary Flag"
24 of September–October 1976. There is an initial article titled,
25 "Extract of Speeches by the Comrade, President of the Party on

1 the Occasion of the 16th Anniversary of the Grandiose Victory of
2 the birth of the Communist Party of Kampuchea", and it appears
3 that this speech is by Pol Pot.

4 First passage -- and the Khmer page is 00063069; in French, it is
5 00491876; in English, 00450509 -- and I quote:

6 "Our society of the current Kampuchea no longer has any classes.
7 It has only the peasant and worker class. All comrades who are of
8 the small bourgeoisie, comrades who are intellectuals, comrades
9 who are technicians, if they lived in a particular milieu they
10 would be forced to integrate in the class that would have been
11 attributed for them.

12 [09.33.54]

13 For instance, if they lived and worked with workers they would
14 have to integrate themselves in the worker class. If they worked
15 in the rural areas in a cooperative they would have to adapt to
16 the life of peasants. It is out of the question that
17 intellectuals constitute a separate class." End of quote.

18 In the same "Revolutionary Flag", there is a second article,
19 which also appears to be part of a speech by Pol Pot and it's
20 titled, "The Heightened Class Ideology, Heighten the Ideology of
21 the Proletarian Class so that it should be more Perfect -- as
22 Perfect as Possible". They are talking about discipline and the
23 pace of work in cooperatives and factories, and it is relevant
24 insofar as the parties do not establish any distinction or relate
25 work -- the work pace to the capacity of individuals, but only

1 promote the growth of socialism.

2 [09.35.07]

3 The passage in Khmer is 00063086; in French it is 00491889; and
4 in English, 00450522 -- and I quote:

5 "Regarding the slow pace that exists in the way people work in
6 parties, in offices and in the factories and cooperatives, some
7 people are very dynamic, some are active only very modestly, and
8 others are indifferent, while others are quite simply lazy."

9 Further down:

10 "Regarding those who are indifferent, it is due to the fact that
11 their zeal for the Socialist Revolution is very weak." And he
12 gives an example later on: "If the productivity is only one and a
13 half tonnes and doesn't attain 3.5 tonnes, it would have an
14 impact on defence and the construction of the country." End of
15 quote.

16 Still in the same document, a link is established again between
17 the establishment and functioning of cooperatives and the
18 evacuation of the towns as well as the class struggle. This --
19 the Khmer page is 00063095; in French it is 00491897; and in
20 English it is 00450531 -- and I quote:

21 [09.37.11]

22 "As far as we are concerned, have we engaged in this class
23 struggle? Indeed, we have. We have deported the population of
24 cities and in so doing we have engaged in the class struggle. We
25 have consolidated and developed cooperatives. This policy is part

1 of the class struggle whose objective is to attack and disperse
2 the forces of capitalists and the forces of the feudalists." End
3 of quote.

4 Further down in the same document, E3/10, the Party in this
5 article confirms that inside cooperatives there are differences
6 in terms of status between peasants and workers on one hand and
7 the feudalists and the capitalists on the other hand, as well as
8 restrictions that have to be implemented and monitoring. The
9 Khmer page is 00063096; in French, 00491898; in English, 00450531
10 -- and I quote:

11 "We must grant freedom to people who are workers and farmers for
12 the feudalists and capitalists. They must be more closely
13 controlled. Freedom should be given to which category of persons
14 to -- it should be given to one category of persons and not to
15 the other. We should be very precise on this issue.

16 [09.39.02]

17 Be careful. You must not authorize feudalists and landowners to
18 move about everywhere. For instance, go and look for soil to go
19 find roots to make medicines or to go to tend cattle. If this
20 group moves about, they will contact one another. It is
21 imperative to educate our cooperatives to be vigilant towards
22 this group." End of quote.

23 And the last passage that I'll quote in this document, E3/10, and
24 it is on page 00063101 in Khmer; in French, 00491902; in English,
25 00450535:

1 "If there were no cooperatives, the true nature of the revolution
2 would no longer exist, but the nature of imperialism would
3 return, revision would be back. If there were markets and cities
4 there would be chaos and we would become the valets of others."
5 End of quote.

6 The next document is E3/86. This is a document written by the
7 Document Centre of the National United Democratic Movement, and
8 it's entitled, "The Truth about the Dictatorial Regime of Pol Pot
9 -- 1975 to 1978", and it's dated 8 September 1996. And in it,
10 Ieng Sary talks about the question of the separation of people in
11 the rural areas.

12 [09.41.31]

13 In Khmer, it's 00224434; in French it's 00614098; and in English
14 it's 00081219 -- and I quote:

15 "Pol Pot ordered the Khmer population to be divided into two
16 groups. On the one hand, the Old People who had worked in the
17 resistance and who were living already in the cooperatives, and
18 on the other side, the New People or the people of the 17th of
19 April; in other words, those who had been evacuated from Phnom
20 Penh and other cities. The New People were sent to work on sites,
21 rice cultivation, and dam construction in the rural areas where
22 they endured physical and moral suffering." End of quote.

23 I won't say everything that is written down here about the
24 suffering engendered by these peoples' work. The government was
25 interested in the role of the cooperatives, in particular, in

1 connection with the New People and with movements of the
2 population.

3 Document E3/216 have already been read out yesterday by my
4 colleague in another context, and this is the report on the visit
5 of the Standing Committee to the Northwest Zone from the 20th to
6 the 24th of August 1976. I'd like to read two extracts from that.

7 [09.43.24]

8 The first, in Khmer is 00008488 to 89; and French is 00343376 to
9 77; and in English, 00850975 to 76. Under the section entitled
10 "The Recommendations of Angkar", the report of the Standing
11 Committee says that:

12 "In concrete terms we have to expand the cooperatives, we have to
13 turn them into a hard core, and this hard core has to be hard to
14 absorb the New People. The New People has to submit to the
15 cooperative, whether we are speaking politically or in economic
16 terms. This is our objective. The people only hardens if the
17 cooperatives are hard." End of quote.

18 And on the following page, under number 2, "The Role after
19 Complete Liberation:

20 "The cooperatives have absorbed all the New People evacuated from
21 the cities, especially Phnom Penh, and in the Northwest Zone it
22 was from Battambang. Hundreds of thousands of new inhabitants in
23 Battambang are composed of all sorts of bad elements but the
24 cooperatives have absorbed them all, have provided them with
25 food, and have given them work to do as well.

1 [09.45.20]

2 The capacity of the cooperatives is therefore very powerful. So
3 if the cooperatives are strong, and if the enemies cannot
4 infiltrate them, then they will not be able to move or carry out
5 any other kinds of activities. They will be noticed when they
6 move, and when they ask for food to eat.

7 In the Northwest Zone, temporarily we have solved a great many
8 problems but there are still a few more. Problems tend to rise.
9 With the Old People you have to pay attention to the bad elements
10 in the New People. They take advantage, because even if we give
11 them enough [two cans of rice] they will never stay." The
12 reference to two cans is two cans of rice per day.

13 There are other Standing Committee reports that are relevant to
14 the question of cooperatives and sites. For example, there's
15 E3/213, which is a report from the meeting of the Committee on
16 the subject of planning – four-year plans for building socialism
17 in all areas, dated 21st of July to 2nd of August 1976.

18 [09.46.55]

19 The extract I want to read is in Khmer page 0075818 to 819; and
20 in French, 0001196 to 97; and in English, 00104020:

21 "A. Facilities: First, social factors:

22 Our society is a fully collectivist one."

23 And lower down, "All the production forces are also
24 collectivized. We can manage the power of men, oxen and
25 instruments as we seek to do."

20

1 And further down it says: "As for us, we are different from the
2 others", and with a reference to China, Korea and Vietnam, "we're
3 faster than them. If you examine collectivism and socialism, we
4 are more in advance than they are by four to ten years." End of
5 quote.

6 [09.48.50]

7 There are other minutes of Standing Committee meetings, as I'll
8 refer to later, concerning forced labour and worksites. E3/760,
9 now; it's also under E3/761. It's an issue of the "Revolutionary
10 Flag" dated June 1976, which contains extracts of recommendations
11 by the comrade representatives of the Angkar Party at a zone
12 assembly held from the 3rd to the 7th of June of 1976.

13 The first extract is in -- is on Khmer page 00062850 to 51; in
14 French, 00487760 to 61; and in English, 00509615 to 16. The title
15 is, "The biggest problem consists in having mastery over the
16 popular masses and in particular, it is necessary to master the
17 cooperatives" -- and I quote:

18 "The Party has to have control over the cooperatives. In what way
19 must it master them in order to counter enemies? It's necessary
20 to have political mastery so that people understand the
21 fundamental political line of the Party. Indeed, it's necessary
22 for people to understand that dykes, canals, and 3 tonnes of
23 paddy per hectare are all contributing to the edification and
24 defence of the country."

25 [09.50.50]

1 Further down, it also says that:

2 "Moreover, it's necessary to master commands, to master the
3 elements, to master the biography of people step by step. You
4 have to use the popular forces within the cooperatives to oppose
5 the enemies."

6 In the same document, E3/760, the cooperatives have some
7 extremely ambitious objectives given to them by Angkar Party,
8 indeed, unrealistic ones. And in Khmer, 0062865; and in French,
9 00487774; English, 00509626, we read:

10 "On this particular point, I'd like to say that in our zone, and
11 as regards certain regions, in three, four or five years they
12 will move on to modern agriculture, and between now and 10 to 15
13 years, modern agriculture will cover the entire country. In this
14 way, in the course of 1980, we will easily obtain 10 to 11 tonnes
15 of rice per hectare. Consequently, for a short period, we will
16 have enough resources to buy machines, oil, and other tools." End
17 of quote.

18 [09.52.33]

19 The next document is E3/193. It's a "Revolutionary Flag" dated
20 August 1977. This is a speech by a Party representative on the
21 subject of a certain number of directives concerning the
22 construction, consolidation and development of the leading party
23 during the assembly of cadres from the West Zone, organized on
24 the 25th of July 1977. It's an important speech because it does
25 not only concern the West Zone but contains policies and

1 ideological positions of the Party that are supposed to be
2 applied throughout the country.

3 The document ends with the following words, on Khmer page
4 00062979; and in French, 00611852; and in English, 00399246 -- it
5 says:

6 [09.53.58]

7 "I propose leaders at every level in the Party to examine,
8 reflect upon, and study this speech very carefully so that they
9 can apply it in their own zone successfully." So, the speech
10 talks about purges that have already taken place in the West
11 Zone, and it then turns its attention to the purge of class
12 enemies within the cooperative leadership structure and the
13 necessary mastery of cooperatives that have -- must be led by
14 poor farmers or those from the lower/middle class, but not by the
15 enemies; in other words, other classes.

16 The first extract in Khmer is 00062949 - sorry, 963 to 964; in
17 French, 00611839 to 40; and in English, 00399234 to 35. And to
18 quote one of the passages:

19 "In a good many cooperatives, power is still not in the hands of
20 workers and farmers of the Party. It is in the hands of other
21 classes. If it is in the hands of other classes, are these
22 classes on the side of the revolution? No. They are against the
23 revolution."

24 And lower down it says that:

25 [09.55.50]

1 "We have to organize the poor farmers and the middle/lower class
2 farmers so that they take control of the cooperatives and they
3 smash the power of the other classes who have come to control our
4 cooperatives."

5 And lower down: "This precise problem does not concern
6 exclusively the West Zone, but all of the zones in the country."
7 The second extract from the same document in Khmer is 00062978;
8 in French it's 00611851; and in English, 00399246. And these are
9 -- or this is, rather, the conclusion of a representative of the
10 Party at the assembly in the West Zone -- and I quote:

11 "From here to the end of the year" -- the year being 1977 -- "we
12 have to organize so that poor and lower/middle class farmers can
13 grasp power in all areas in every cooperative to the tune of more
14 than 50 per cent of cooperatives in all of the zone and 100 per
15 cent in the middle of 1978 at the very latest."

16 [09.57.32]

17 Now, the final part of my statement concerns construction sites
18 and other sites. Now, the Party leaders were particularly
19 interested in the production of salt in Srae Ambel near Kampot
20 and increasing production at any price.

21 The first document is E3/230 -- E3/230. These are the minutes
22 from a meeting of the Standing Committee which met in the night
23 of the 22nd of February 1976 in which the Accused participated.
24 And in Khmer page 00000711; French, 00301330; and in English,
25 00182546; under the title, "The recommendations of Angkar", it

1 says: "1. The Problems of Salt Production: Further efforts need
2 to be made to have 50,000 to 60,000 tonnes."

3 In another document that was also about salt production, which is
4 E3/733. It's an issue of the "Revolutionary Youth" dated May
5 1976. In Khmer, the relevant passage is on page 00064011; and
6 French, 00524482; and in English, 00357874 -- I quote:

7 [10.00.03]

8 "As for our young men and young women who are working in the salt
9 fields, they have to fight to get ready to reinforce and develop
10 the salt beds so that they can be bigger and better and more
11 productive so as to increase salt output for this year, 1976, as
12 much as possible." End of quote.

13 And then there is a speech by Khieu Samphan on the occasion of
14 the third victory of the 17th of April in April 1978. The
15 document is E3/169, and the extract in Khmer is on page
16 S007004520. In French, it's on page S00004805, and in English,
17 00280394 -- I quote:

18 "Last year, the salt bed unit achieved -- salt production was
19 considerably higher than what was provided for on the plan. This
20 year, it's also completed the production target by the end of
21 March. During the month of April, the production of salt will
22 easily exceed what has been provided for in the plan. The Salt
23 bed Unit is therefore an avant-garde unit that is a model for the
24 entire country." End of quote.

25 [10.02.05]

1 As for the construction site of the new military airport of
2 Kampong Chhnang, there are several copies of minutes of the
3 committee that takes a close look at this construction site. For
4 example, E3/182, meeting of the Standing Committee of the 9th of
5 October 1975. I'll just read a very short extract on Khmer,
6 000019126; in French, it's on the very last page of the document,
7 which is 00292886; and in English, 00183407.

8 "As to the airports, our army is planning to build in other
9 places. A review can be done in the province of Kampong Chhnang.
10 You have to reinforce and expand."

11 Second Standing Committee minute dates back to 22nd of February
12 1976, at a night session where Nuon Chea and Khieu Samphan were
13 both present. And the meeting was about problems of the defence
14 of the country. The document is E3/229, on Khmer, 00000720; and
15 in French, 00334960; and in English, it's 001826627. I quote
16 number 2:

17 [10.04.25]

18 "The problem of Chinese assistance for the air transport sector:
19 Airports: Propose to examine new places a little bit more
20 closely, such as Tmat Pong or Kampong Chhnang."

21 And, finally, there is document E3/235, which is a copy of the
22 minutes of the Standing Committee from the 19th to the 21st of
23 April 1976, "Decision taken after 3 days of discussions". And
24 this is the final decision to construct the new military airport
25 at Kampong Chhnang. The page in Khmer is 0019145; in French, it

1 is 00322970; and in English, it is 00183419. And I quote:
2 "III. Regarding the national defence:
3 2. Military airports. We're organizing work at Kampong Chhnang.
4 We need to defend the country efficiently." End of quote.
5 Still regarding these specific documents regarding certain sites
6 or worksites, we have the 1st January Dam and Trapeang Thma. I
7 will only use two of these documents: document E3/200 or E3/201.
8 This is a BBC report. It is a speech by Khieu Samphan on the
9 occasion of the anniversary on the 17th of April, at a meeting
10 held in March 1975, in Phnom Penh -- '76, in Phnom Penh; Khmer,
11 00292806 up to 07; and in English, it is 00419513 up to 14; in
12 French, it is 00612167 up to 68; and I quote:
13 [10.07.25]
14 "The impetus for the construction for our country is stronger in
15 '78 than it was '76. We have already achieved some of the
16 objectives set in 1977, regarding for instance the production of
17 salt. Furthermore, dams are being built, reservoirs are being
18 dug, and many teams have already achieved their objectives on
19 1977. These progressive core are working -- are present in each
20 region, sector, and each district. Today, they have completed
21 about 60-70 per cent of the work objectives. Nationwide, the
22 objectives of 1977 will be achieved by late May. These projects
23 involve the construction of dams to irrigate fields all year
24 around, including the Chinit dam and other dams.
25 Furthermore, we have built major reservoirs, millions of cubic

1 metres, small and large scale reservoirs. Each canal construction
2 site consists of 10,000 to 30,000 workers. The work is
3 progressing fast. We are not achieving these objectives with
4 machines. We are achieving these objectives by relying mainly on
5 the strength of our people. We are working in perfect autonomy.
6 This shows the enormous heroism of our people, as well as their
7 strength. Even with their hands, our compatriots are capable of
8 achieving all the objectives."

9 [10.09.27]

10 Another passage in this document -- in Khmer, it is 00292811; in
11 French, it is 00612170; and in English, it is 00419516; and I
12 quote:

13 "Our objective is to simultaneously work to promote the impetus
14 for the construction of the nation, and to acquire technical
15 skills. It doesn't matter if the reservoirs and dams that we have
16 built only last 5-10 years. In the 5-10 years to come, we will be
17 more developed, richer, and more experienced than we are today,
18 and we will have more technical skills than we have today". End
19 of quote.

20 [10.10.33]

21 Document E3/1783, it is a report on the visit to Cambodia of Chen
22 Yonggui, MCNA, the 20th of December, 1977. This is found in a
23 FBIS document. This article, among many other articles, is
24 relevant because it shows the plan of the Central Committee to
25 build major dams and the pride and the interest of the leaders of

1 Democratic Kampuchea to show construction sites to foreign
2 visitors. For instance, Pol Pot had them visit the Trapeang Thma
3 dam and the 1st January dam to the vice-prime minister of the
4 Democratic Republic of China, Chen Yonggui. The relevant passage
5 is in 00659260, in Khmer; in French, 00606766; in English,
6 00498181, and I quote:

7 "Comrade Nyim Ros" -- N-y-i-m R-o-s -- "declared that the
8 Trapeang Thma reservoir was built under two months by workers
9 from the 5th region of the Northwest Zone, in response to the
10 call made by the Central Committee of the Party requesting the
11 construction of major water retention reservoirs."

12 [10.12.47]

13 And I skip a passage.

14 "He then declared" -- and I quote - "'The drought started when we
15 started building the reservoirs, and the 20,000 people working
16 there did not even have water to drink'. We cannot but admire the
17 Kampuchean people for their revolutionary zeal devoted to the
18 construction of the country."

19 And, lastly, further down:

20 "The vice-prime minister Chen Yonggui listed many other water
21 retention reservoirs, including the 1st January dam crossing the
22 Chinit river, which allowed for the irrigation of 10,000 hectares
23 of land." End of quote.

24 And this brings my presentation to an end regarding policies on
25 cooperatives and worksite. I'm completing my presentation a

1 little earlier than anticipated, Mr. President. One of my
2 colleagues is supposed to take over from where I've left off, and
3 I'm wondering whether we can take the break at this juncture.

4 [10.14.00]

5 MR. PRESIDENT:

6 Thank you.

7 The time is now appropriate for a break. We will take a 20-minute
8 break and return at 25 to 11.00.

9 The Court is now in recess.

10 (Court recesses from 1014H to 1040H)

11 MR. PRESIDENT:

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

13 Once again, the floor is given to the Prosecution for them to
14 continue presenting their key documents. You may proceed.

15 MR. LYSAK:

16 Thank you. Good morning, Mr. President, members of the Bench,
17 counsel.

18 Today, I will be presenting key documents that relate to the CPK
19 policy on enemies and the targeting of specific groups. I will
20 start with documents relating to the general policy of the Party,
21 the existence of a joint criminal enterprise to eliminate,
22 through the use of violence, all perceived enemies of the CPK.
23 These documents will demonstrate the origins of that policy, how
24 it was developed and how it was agreed to during the DK period by
25 the leaders of the Party, and by each key organization of the CPK

1 and Democratic Kampuchea regime, including the Central and
2 Standing Committees, the government ministries, the military
3 divisions, and the zones and independent sectors throughout the
4 country.

5 [10.41.58]

6 These documents will show the key Party lines relating to
7 enemies, the decision to use revolutionary violence against
8 enemies of the CPK, the identification of the enemies with whom
9 the Party believed it had antagonistic or life and death
10 contradictions, the constant call for revolutionary vigilance
11 against internal enemies burrowing from within, and the directive
12 to be on the offensive to smash, resolve, or sweep cleanly away
13 all enemies.

14 The second half of my presentation will focus on documents
15 showing the Party policy or plan to target officials and soldiers
16 of the Khmer Republic or Lon Nol regime. And because this issue
17 is of central importance to this case, I will endeavour to cover
18 that relatively thoroughly, and present documents on it
19 separately. However, in regards to the targeting of other groups,
20 such as the Cham, Vietnamese, and Buddhists, I will not do a
21 separate presentation, but instead will present a few key
22 documents relating to the targeting of each of those groups as
23 part of my first presentation on general enemy policy.

24 [10.43.36]

25 And I will start today with a few documents that show the origins

1 of the CPK policy relating to enemies; where the Party leaders
2 got these ideas from. E3/9 -- E3/9 -- is Philip Short's book,
3 "Pol Pot: History of a Nightmare". And, starting at English ERN
4 00396256; French, 00639526 -- and this book is not yet translated
5 into Khmer -- Philip Short discusses the communist literature
6 that was studied by Saloth Sar, Ieng Sary, and other members of
7 the Marxist circle in Paris. And he states -- quote:
8 "The cells met once a week, usually for a couple of hours in the
9 evening, to discuss the week's events and to study Marxist texts.
10 They started with Lenin's 'ABC of Communism', followed by 'The
11 Communist Manifesto', and Mao Zedong's "On New Democracy'. There
12 were also evenings of 'criticism and self-criticism', when cell
13 members analysed their shortcomings and those of their comrades".
14 End of quote.

15 [10.45.19]

16 And in the ensuing pages, Philip Short discusses the particular
17 influence of Stalin on Saloth Sar and the other Khmer students in
18 the circle, referring to Stalinism as - quote, "The official
19 ideology and constant rallying cry of the French Communist Party
20 at the time".

21 And I would like to read a passage on that subject, which is from
22 English ERN 00396258 through 59, French ERN 00639529 through 31.
23 This passage discusses how a paper written by Stalin, titled "The
24 History of the Communist Party, Bolshevik of the USSR" -- how
25 this paper was particularly influential on Pol Pot and the other

1 members of the Marxist circle. Short writes as follows -- quote:
2 [10.46.45]
3 "This work, written by Stalin in 1938 in the aftermath of the
4 Great Terror, was used as a political primer by communist parties
5 all over the world. [...] Mao had it translated into Chinese. Ho
6 Chi Minh issued a Vietnamese version. It cannot, therefore, of
7 itself, be blamed for the singular barbarism of future Cambodian
8 communist practice. But it was a crucial formative influence.
9 The History of the Communist Party (Bolshevik) hammered home six
10 basic lessons. Some of them -- like the 'need to stay close to
11 the masses', and not to become 'dizzy with success' -- were
12 typically honoured in the breach. But Stalin's four other
13 precepts marked indelibly the thinking of the future Cambodian
14 revolutionaries. He stressed the importance of correct leadership
15 - 'without which the cause of the proletarian revolution will be
16 ruined' -- and of criticism and self-criticism; he taught that
17 Marxist-Leninism was not a dogma, [...] and, above all, he urged
18 eternal vigilance. 'One of the watchwords of the Bolshevik
19 Party', Stalin wrote, is that 'the Party grows stronger -- ever
20 stronger by cleansing itself of opportunist elements'."
21 [10.48.31]
22 And then there is a quote from Stalin's paper:
23 "Without waging an intransigent struggle against the opportunists
24 in its own ranks, the Party of the working class cannot carry out
25 its role. It might seem that the Bolsheviks have spent too much

1 time [on the struggle] and accorded it too much importance. That
2 is absolutely false. We can no more tolerate opportunism among us
3 than we can tolerate an ulcer in a healthy body. There is no way
4 we can allow doubters, opportunists, capitulationists and
5 traitors within the leading headquarters of the working class. A
6 fortress is taken most easily from within. To be victorious, we
7 must, before all else, purge the working class Party and its
8 forward citadel, its leading headquarters, of capitulationists,
9 deserters, criminals and traitors."

10 [10.49.48]

11 Short continues:

12 "The history offered other lessons, too: on the importance of
13 revolutionaries using both legal and illegal forms of struggle in
14 order to win power; and on the need for a 'monolithic and
15 combative' intrinsically elitist Party, for which candidates must
16 be vigorously screened [...] But the burden of Stalin's message was
17 that communists must constantly be on guard against 'political
18 crooks', 'tricksters' and 'agents' of foreign spy organizations.
19 Such people, he wrote, would go to any lengths to camouflage
20 their 'vile designs' and worm their way into the Party, using
21 membership as a mask for sabotage and betrayal. The only correct
22 response to these 'dregs of the human species' was 'pitiless
23 repression'."

24 Now, while the CPK leaders were heavily influenced by Stalin,
25 Philip Short also notes, later in his book, at English, 00396336;

1 French, 00639616 -- Short notes that the communist leaders in
2 Cambodia rejected a concept put forth in 1956 by Stalin's
3 successor, Khrushchev; the doctrine of peaceful transition to
4 socialism, also called the parliamentary road to socialism, which
5 Short describes as an idea that -- quote:

6 [10.51.52]

7 "[...] in the era of peaceful coexistence between the two world
8 blocs, communist parties could achieve power through elections,
9 rather than by class struggle and revolutionary violence."

10 The second document, Your Honours, that I would like to present

11 that relates to the origins of the Party policy on enemies is

12 E152.2 -- that's E152.2 -- and this is Thet Sambath's book,

13 "Behind the Killing Fields". The relevant passage is at English

14 ERN 00757506; French, 00849394 through 95; and Khmer, 00858278

15 through 79; and this part of the book discusses the influence of

16 Mao Zedong and others on Pol Pot and Nuon Chea's formulation of

17 party lines. And the excerpt reads as follows -- quote:

18 [10.53.26]

19 "The two" -- referring to Pol Pot and Nuon Chea -- "searched for
20 the principles that would be the basis of the Communist Party.

21 Pol Pot was in charge of researching national issues, such as

22 government leaders and the situation in Phnom Penh. Nuon Chea was

23 in charge of collecting news on the situation in the countryside,

24 including agriculture and local Party members. Pol Pot often went

25 to the national library to study French documents, books, and

1 other publications. Nuon Chea never went to the library, but
2 bought books about politics and political principles, including
3 books about Vietnam, the Soviet Union, China, and other communist
4 publications. Nuon Chea read 'The Resistance Will Win', by
5 Vietnamese communist leader Trung Chinh, who wrote the book in
6 1947 as a set of directives on guerrilla warfare. He read essays
7 on building a political party by Chinese president Liu Shaoqi,
8 who had later become one of the most prominent victims of the
9 Cultural Revolution. Nuon Chea also studied books by Vladimir
10 Lenin and Stalin, while Pol Pot read Lenin's 'Left-Wing
11 Communism: An Infantile Disorder'. But Nuon Chea's favourite
12 readings came from Mao Zedong."

13 And here I quote, as attributed to Nuon Chea -- quote:

14 [10.55.23]

15 "'I liked reading books about how to work in secret and
16 Vietnamese books that talked about the torture and arrest of
17 communist members', Nuon Chea said. 'Chinese books talked about
18 secret work and the people who pretended they were communists but
19 were really spies'". End of quote.

20 I will now present a number of documents that discuss the actual
21 party lines that were adopted by the Communist Party of Kampuchea
22 in relation to enemies and the use of revolutionary violence. And
23 a key document that discusses this subject is E3/11 -- E3/11 --
24 which is the September 1977 issue of the Party publication
25 "Revolutionary Flag". In this issue -- this issue published a

1 speech that was given by Pol Pot that month on the occasion of
2 the 17th anniversary of the founding of the Party.

3 [10.56.46]

4 As an introduction to the significant of this speech, it is
5 important to note a statement that appears right at the beginning
6 of the speech, which states:

7 "On the occasion -- on this occasion of the celebration of the
8 17th anniversary of the founding of our Communist Party of
9 Kampuchea, our Party has decided to publicly and officially
10 announce the Communist Party of Kampuchea to the country and the
11 world."

12 Because this speech was intended by the Party leadership to be a
13 public statement to the world describing what the Party stood
14 for, it was broadcast on the radio, and there are a number of
15 contemporaneous documents from the time period in which the
16 content of this speech is also recorded.

17 And, in addition to the "Revolutionary Flag" I will be
18 presenting, the same speech can also be found in the FBIS records
19 for that month, E3/143; at English, 00268771 through 76; Khmer,
20 00769652 through 64; French, 00793333 through 39; and the FBIS
21 published excerpts from Pol Pot's speech, and reported that it
22 was given on the 27th of September 1977, at a mass meeting
23 attended by all members of the Central Committee and more than
24 10,000 representatives of workers, cooperative peasants, the
25 Cambodian army, and various departments and cabinet ministries in

1 Phnom Penh. It also indicates that the entire five-hour speech
2 was later broadcast on the Phnom Penh domestic radio station on
3 the 29th of September 1977.

4 [10.59.08]

5 And another admitted document, E3/144 -- E3/144 -- includes a
6 French translation of this speech that was published by the DK
7 Ministry of Foreign Affairs in 1978. This speech is thus
8 particularly relevant, because it was the Party leaders' attempt
9 to explain their policies to the world.

10 And, turning to the content of that speech in E3/11, a lengthy
11 discussion of the strategic lines that were decided at the first
12 congress of the Party can be found beginning at Khmer, 00063136;
13 English, 00486227; French, 00492812. The first point discussed by
14 Pol Pot in this part of the speech was the conclusion of the
15 Party congress that Kampuchea, at the time, was a semi-colonial
16 country, and a satellite of the imperialists -- especially the
17 American imperialists. And, therefore, "The mission of national
18 revolution meant attacking and driving out imperialism to
19 liberate the country".

20 The second point in his speech can be found beginning at Khmer,
21 0063138; English, 00486228; and French, 00492814. And it reads as
22 follows -- quote:

23 [11.01.27]

24 "The Congress analysed and defined the contradictions directly
25 inside Kampuchean society. At the time that we were working out

1 the Party's line, Kampuchean society was divided into five
2 distinct classes: the working class, the peasant class, the petty
3 bourgeoisie class, the capitalist class, and the feudalist class.
4 In all, there were five classes. Were there contradictions
5 between the various classes? There were, and they were
6 complicated ones. There were contradictions between the workers
7 and the capitalists, between the petty bourgeoisie and the
8 capitalists, between the peasants and the landowners, between the
9 capitalists and the peasants. The contradictions were complex and
10 much-entangled. But which contradictions played the leading role
11 in society at that time?"

12 Continuing later, in the same paragraph -- quote:

13 [11.02.43]

14 "It was from the landowners that the peasant suffered the worst,
15 most varied, and most direct oppression. Thus, 85 per cent of the
16 population -- the peasants -- were in contradiction with the
17 exploiting class that exploited them directly; the landowners."

18 And, continuing on the following page, Pol Pot states -- quote:

19 "This contradiction was a life and death contradiction. This was
20 a profound contradiction in Kampuchean society; one which
21 impacted 85 per cent of the population. It was for this reason
22 that the First Party Congress defined this contradiction as an
23 antagonistic contradiction. This being the case, how could this
24 contradiction be resolved? The peasants had to be whipped up to
25 struggle and fight against the exploiting class, the feudalist

1 landowners". End of quote.

2 [11.04.05]

3 And, Mr. President, I may have forgot to mention; my colleague,
4 with your leave, can show excerpt from these documents on the
5 screen as I go along, and he will put them up on the screen so
6 that they can be viewed as the Court wishes.

7 In this same paragraph from Pol Pot's speech is a key statement
8 that reflects the Party's policy and views towards Buddhism and
9 Buddhist leaders. Pol Pot states -- and this is at Khmer,
10 00063141; English, 00486230; and French, 00392816. And the speech
11 here reads as follows -- Quote:

12 "The contradictions generated hatred, but in the past, the
13 contradictions were buried. Why were these contradictions buried?
14 Because the landowner class, the mandarin holders of power, and
15 the spiritual leaders of the exploiting classes disseminated
16 information to bury these contradictions. The belief that bad and
17 good deeds from another life resulted in present conditions
18 served to deceive the peasants and prevent them from seeing the
19 contradictions."

20 A few pages later in the speech, at Khmer, 00063145; English,
21 00486233; French, 00492820, Pol Pot states -- quote:

22 [11.06.29]

23 "Once we made the analysis of the contradictions within
24 Kampuchean society, how did we determine who were the enemies of
25 the revolution, and who were the revolutionary forces? There were

1 two enemies who had to be fought. The first was imperialism --
2 particularly American imperialism. The second was the feudal
3 class, the landowners, the reactionary compradors." End of quote.
4 The speech continues with a discussion of how some persons in the
5 feudal aristocracy, some persons in the capitalist, and some
6 persons in the landowner classes who were willing to fight
7 against the enemy, could be used -- and were used -- as tactical
8 forces or allies. And then, on the next page, Pol Pot makes
9 reference to three categories of enemies established by the
10 Party's political lines -- quote:

11 "We divided our enemies into three groups: first, to win over
12 those enemies who could be won over in some circumstances;
13 second, to neutralize those who could be neutralized, so that
14 they could not carry out actions against us; third, to isolate
15 the most vicious in order to attack them." End of quote.

16 [11.08.23]

17 At Khmer, 00063148 through 49; English, 00486236 through 37; and
18 French, 00492824; Pol Pot describes the forms of revolutionary
19 struggle that the Party decided to use in order to attack and
20 defeat its enemies, stating as follows -- quote:

21 "The First Congress of our Party specified the following forms of
22 revolutionary struggle. The first form of struggle was to use
23 revolutionary political violence and revolutionary armed
24 violence. That is, to use revolutionary violence to engage in
25 both political and armed struggle. This violence was the force to

1 resist the enemy and to strike the enemy. The second form was
2 legal, semi-legal, and illegal struggle, taking illegal struggle
3 as the basic form."

4 And, continuing in the next paragraph -- quote:

5 "The third category was the over, semi-overt, and clandestine
6 forms of struggle, with the clandestine form as the basis."

7 [11.10.08]

8 Pol Pot also makes clear, in this speech, the view of the Party
9 that its enemies were primarily located in the urban areas of
10 Cambodia. Reading from Khmer, 0063150 through 51; English,
11 00486238; and French, 00492826 -- quote:

12 "Our operational line was that the countryside was the support
13 base. Why did we take the countryside as the base, and why did we
14 not take cities as the support base? The cities could not be used
15 as the support base. Though the population there was large, the
16 cities were small, the enemy was everywhere there. The assembly,
17 the courts, the prisons, the police, and the soldiers were all
18 there. The networks of the enemy's repressive apparatus were
19 concentrated there. And the class composition of the cities was
20 very complex. By contrast, the countryside was vast. The enemy
21 was spread thin there. In some villages, there were no enemies,
22 no soldiers. In some communes, there were only one or two
23 soldiers or police. This meant the enemy forces in the
24 countryside were weak. The peasants there were very numerous, the
25 class composition was good."

1 [11.12.12]

2 And at Khmer, 000063160 through 61; English, 00486245 through 46;
3 and French, 00492834 through 35; Pol Pot discusses the military
4 strategy used to attack the enemy in the years and months leading
5 up to April 1975, stating as follows -- quote:

6 "As for the line of attacking the enemy, the Party determined to
7 fight both military and politically to strengthen the people
8 against the enemy, economically by cutting off all the enemy's
9 food supplies, and especially by eradicating their various
10 espionage network."

11 Continuing later in this paragraph -- quote:

12 "Their food supply became more precarious daily, and in the end
13 dried up completely. Their bosses, the American imperialists,
14 were obliged to go to great lengths to transport their supplies.
15 They had to send an average of 40,000 tons of supplies each month
16 just to Phnom Penh. On the line of combat against the enemy, our
17 Party also concretely defined its line of combat in great detail
18 in order to be able to attack the enemy under any circumstances.
19 Our line of combat was to launch offences continuously, giving
20 constant play to creative spirit and initiative on every front.
21 We waged conventional warfare and guerrilla warfare at the same
22 time, using guerrilla warfare as the foundation in order to
23 harass the enemy everywhere without let-up and using conventional
24 warfare to wipe out enemy troops." End of quote.

25 [11.14.48]

1 And near the end of this part of the speech, at Khmer, 00063163
2 through 64; English, 00486248; and French, 00492837; Pol Pot
3 provided a summary of the key Party lines that were agreed upon
4 at the first congress -- quote:

5 "The line of our Party, defined in 1960 stated:

6 1. To make national revolution by eradicating the imperialists,
7 especially the American imperialists, from Kampuchea.

8 2. To make democratic revolution by abolishing the reactionary
9 regime of the feudalists and comprador capitalists from
10 Kampuchean society.

11 We completely realized these two tasks on 17 April 1975." End of
12 quote.

13 [11.16.00]

14 Your Honours, a few days after delivering this speech, Pol Pot
15 left for an official visit to China, where at the end of that
16 trip, on the 3rd of October, 1977, he held a press conference
17 with the Chinese state media, which was reported in document
18 E3/2072. E3/2072. This is a document, different parts of which
19 has been presented to Your Honours, so I will focus on just a
20 couple of quote from it. It is a report from the Xinhua News
21 Agency, referenced here by its literal translation, the "New
22 China News Agency" or NCNA, that was published in the BBC's
23 summary of world broadcasts, on the 3rd of October 1977. And the
24 report indicates that both Ieng Sary and Vorn Vet were also
25 present during this press conference. And on this occasion, Pol

1 Pot reiterated some of the key Party lines relating to enemies,
2 stating at Khmer, 00296201 through 02; English, S00080547;
3 French, S00648890. Pol Pot stated as follows -- quote:

4 [11.17.47]

5 "After putting forward the task of opposing imperialism,
6 particularly U.S. imperialism, we set forth the task of opposing
7 feudalism and the reactionary comprador bourgeoisie, thus
8 confirming the basic forces and targets of the revolution."

9 Continuing in the next paragraph -- quote:

10 "We waged both overt and covert struggles, with covert struggle
11 as the basis. We waged both legal and illegal struggles, with
12 illegal struggle as the basis. We attached special importance to
13 violent struggle, unfolding both violent political struggle and
14 armed struggle, with armed struggle as the main form."

15 And Pol Pot, during this press conference, also noted the Party's
16 rejection of the Khrushchev doctrine of peaceful transition to
17 socialism, stating, "For us, the parliamentary road will get
18 nowhere".

19 [11.19.00]

20 Document E3/147 -- E3/147 -- includes a report of speech given by
21 Nuon Chea on the 16th of January 1977, at a rally marking the 9th
22 anniversary of the RAK. Excerpts of that speech were broadcast on
23 the Phnom Penh domestic radio, and in the speech Nuon Chea
24 discusses the strategic and tactical lines of the Party. And I
25 will read just one short quote from that, at Khmer, 00679796;

1 English, 00168467; French, 00698446.

2 In the speech, Nuon Chea states -- quote:

3 "We held the well-defined stand that to crush and overthrow the
4 U.S. imperialists, their lackeys, and all the exploiting classes,
5 political action alone would not succeed. The enemy used arms and
6 totalitarian tools to repress and kill our people. For this
7 reason, after 1960, our revolutionary organization clearly
8 decided that political action and armed violence must be used to
9 overthrow and crush the enemy." End of quote.

10 [11.2.01]

11 The next group of documents that I will present, Your Honours,
12 are some further issues of the "Revolutionary Flag", which show
13 that the Party line to use revolutionary violence against
14 perceived enemies did not end when the CPK took power on 17 April
15 1975, but rather, that this policy continued over the course of
16 the DK regime.

17 First is E3/760 -- E3/760, and this is the June 1976 issue of
18 "Revolutionary Flag". The second section of that issue contains
19 opinions and guidance provided by a Party representative at a
20 zone conference that was held in early June 1976.

21 And at Khmer ERN 00062849; English, 00509614; and French,
22 00487759; the Party representative made the following remarks
23 regarding the enemy situation -- quote:

24 [11.22.42]

25 "What will the enemy do next? Are they strong or are they

1 weakening? We may respond by saying that the enemy will carry out
2 activities against us and against our revolution in various
3 forms. This is a continual struggle between revolution and
4 counter revolution. It will not stop. Arm yourselves with the
5 stance that the enemy exists -- will exist for 10, 20, 30 more
6 years. National peoples' struggle is like class struggle. In
7 short, the struggle between revolution and counter revolution
8 will continue. Are they strong or not? This issue does not depend
9 on them; it depends on us. If we take absolute and repeated
10 measures the enemy will weaken, they will scatter into bits." End
11 of quote.

12 Next document, E3/742, is the April 1977 issue of "Revolutionary
13 Flag", and it contains a speech given by a Party representative
14 on the second anniversary of the 17 April victory. And in the
15 first section of the speech, at Khmer, 0006298 -- excuse me,
16 00062985 through 86; English, 00478495 through 96; French,
17 00499753 through 54; the speech reads as follows -- quote:

18 [11.25.00]

19 "As for the enemy, they have received serious blows of defeat
20 during the past three months. The external enemies, the CIA, the
21 KGB, and the Yuon, have received extremely humiliating and
22 serious defeats."

23 Continuing in the next paragraph -- quote:

24 "These enemies of all types strive to build espionage forces. All
25 three of their major networks that have embedded and bored holes

1 from within the Party, the Revolution and our army during the
2 past 27 years were discovered by us and were fundamentally
3 smashed during the first trimester of 1977."

4 Continuing on the next page -- quote:

5 [11.25.58]

6 "As for the enemies that are CIA, KGB, and Yuon agents, the cheap
7 running dogs of the enemy sneakily embedded inside our Revolution
8 and our Revolutionary ranks, they are in a state of extreme loss
9 of mastery because their major and intermediate apparatuses have
10 fundamentally been smashed and the forces that remain have been
11 fundamentally scattered, like rats being hit and falling from
12 their nests into the water and being chased and struck by the
13 people and annihilated. We must continue to strike them and
14 trample them from our position of absolute advantage, and must
15 constantly be on the offensive against them during 1977, to smash
16 them even more so they cannot raise their heads." End of quote.

17 [11.27.04]

18 Later in the same speech, at Khmer, 00062990 through 91; English,
19 00478500 through 01; and French, 00499757 through 58; the Party
20 cadres were instructed as follows -- quote:

21 "Past experience leads us to better understand and more clearly
22 see that even though the internal and external enemies have been
23 extremely seriously defeated in the past, they have not forsaken
24 their strategies of opposing our correct Kampuchea Revolution.
25 They, the CIA part, the KGB part, and the Yuon part, still strive

1 to struggle free to continue their criminal activities. This is a
2 view that we must be constantly clear on in order to have a high
3 level spirit of Revolutionary vigilance to resist and eradicate
4 the enemy in advance with constant mastery."

5 Continuing one paragraph below -- quote:

6 [11.28.38]

7 "At this time, we recall a number of our plans as follows: A. It
8 is imperative to have the view that our position is absolutely
9 stronger than the enemy's and is strong in terms of high level
10 mastery and constant offensive against the enemy; B. Continue to
11 constantly raise high our spirit of vigilance towards the enemies
12 inside the Party, inside the army, and among the people; C. Have
13 a clear view toward both the internal and external enemies and
14 see their true nature, see that they are in life and death
15 contradiction; and D. It is imperative to indoctrinate and whip
16 up the masses into a force to seek out the enemy, assess the
17 enemy, analyse the enemy, track the enemy, pressure the enemy,
18 capture the enemy, to smash the enemy, and to make the enemy be
19 like a rat surrounded by a crowd of people beating and smashing
20 it." End of quote.

21 In the -- a few months later, in the June 1977 issue of
22 "Revolutionary Flag", document E3/135 -- E3/135, at the following
23 ERN, Khmer, 0062802 through 03; English, 00446857; French,
24 00487719; the Party publication provides the following assessment
25 of efforts against internal enemies -- quote:

1 [11.31.13]

2 "We internally purged the Party well at every echelon and every
3 section from top to bottom. Many base areas were fundamentally
4 sorted out. Some other base areas were mostly sorted out. All of
5 them are fighting to further sort this out."

6 Continuing two paragraphs below -- quote:

7 "But in tandem with this, the embedded enemies are not yet all
8 gone by any means. The veteran forces that the enemies bored
9 holes into are not totally gone. Not many remain, but some do
10 still remain and are scattered in the base areas in various
11 units, ministries and offices.

12 How must we sort this out in the future?

13 1. It is imperative to have the clear view and stance that the
14 fight against the imbedded enemies is not yet finished. Old
15 remnants of the embedded enemies still remain, and they are even
16 strengthening and expanding.

17 2. It is imperative to take absolute measures, making no
18 compromise, making no allowances, without hesitation or holding
19 back at all."

20 [11.33.00]

21 And at Khmer, 0062830; English, 00446879; French, 00487744; the
22 Party leaders provided the following instruction -- quote:

23 "The objective during the second half of 1977 is to concentrate
24 sweeping the enemy clean and fundamentally eliminating the enemy
25 in the various base areas, especially the cooperatives." End of

1 quote.

2 In this same issue of "Revolutionary Flag", E3/135, the Party
3 leadership also identified former monks as belonging to the petty
4 bourgeoisie class and indicated that it was this class that was
5 most likely to contain the enemies of the Party.

6 I will read from Khmer, 00062805 through 06; English, 00446859
7 through 60; and French, 00487722 through 23. In section 4, the
8 document reads as follows -- quote:

9 "Based upon our past experience in attacking embedded enemies,
10 the problem of class rises up as another major factor. In the
11 past, embedded enemies mostly were petty bourgeoisie class
12 elements."

13 Continuing in the last paragraph of section 4 of this document --
14 quote:

15 [11.34.54]

16 "This is a source the enemy can easily attract in any
17 circumstances. This has been the experience, whether with city
18 petty bourgeoisie, the rural petty bourgeoisie, petty bourgeoisie
19 who have left the monkhood, or the middle peasants or some
20 merchant peasants. Based upon this experience, we must take a
21 firm stance on the class line of the Party. Previously, we
22 implemented the Party line on class but we were hollow, relaxed.
23 From now on, we must carry out the Party line on class well and
24 in great leaps." End of quote.

25 And from 1978, Your Honours, document E3/727 is the May to June

1 1978 issue of "Revolutionary Flag" in which we see that the Party
2 enemy policy remains in force.

3 At Khmer, 00064556; English, 00185323 through 24; and French,
4 00524450 through 51; the Party publication under "Experience",
5 number one states as follows -- quote:

6 "The experience of our perpetual past combat, particularly from
7 liberation to the present, has been one of unremittingly tense
8 annual combat between us and the enemies. We have, up through the
9 present, attacked and smashed increasingly numerous chunks of
10 them."

11 [11.37.13]

12 Continuing a few paragraphs later -- quote:

13 "The measures which we are putting forward are no different from
14 previous measures, but we must sharpen our stance and attack and
15 eliminate internal enemies ever more acutely."

16 And in the instructions provided on essential duties, which can
17 be found at Khmer, 00064578 through 79; English, 00185342 through
18 43; French, 00524469 through 70, the publication states -- quote:

19 "Our duty is therefore to attack absolutely, powerfully, and
20 successively the CIA, Yuon, KGB agents, to attack them and attack
21 them again so that they are liquidated and successively
22 liquidated again and again. Only if they are attacked in this
23 manner will their veteran forces be completely smashed, along
24 with their remnant forces and their new forces.

25 We find ourselves in a situation where we are on the offensive,

1 have mastery, and are advancing to trample the enemy and seize
2 successive victories, whereas the enemy is being smashed to
3 smithereens, scattered to the winds, and liquidated." End of
4 quote.

5 [11.39.10]

6 This issue of "Revolutionary Flag", Your Honours, places
7 particular emphasis on the Vietnamese as a targeted enemy. At
8 Khmer, 00064567; English, 00185333; and French, 00524460; in a
9 section titled, "What are the Forces Opposing our Revolution",
10 the Party cadres were instructed as follows - quote:

11 "To sum things up, on the other side in the contradiction with us
12 are the CIA, the Yuon and the KGB, and among these the Yuon are
13 the most noxious and acute.

14 Proceeding from such an analysis of this acute life-and-death
15 contradiction, what are our attack measures?

16 1. Our sharpest attack is on the aggressive territory-swallowing
17 Yuon.

18 2. At the same time, we attack the CIA and KGB.

19 We attack simultaneously, but we pay most attention to attacking
20 the Yuon because they are the most noxious and acute."

21 [11.40.55]

22 In the next issue of "Revolutionary Flag" for the month of July
23 1978, document E3/746 -- E3/746, the inflammatory language used
24 by the Party to target the Vietnamese continues. In the opening
25 article of this issue, which is titled "The National Duties of

1 all of us", at Khmer, 0064486 through 87; English, 00428289;
2 French, 00611871; the publication states as follows -- quote:
3 "The Yuon enemy has committed aggression against us and swallowed
4 our territory and committed genocide against our Kampuchean race
5 from one generation to the next. They have been our national
6 enemy from the beginning up through the present and will be our
7 enemy in the protracted future as well."

8 Continuing three paragraphs later -- quote:

9 [11.42.32]

10 "The national duty of all of us is to struggle to fight to
11 eliminate our aggressive, expansionist, territory-swallowing, and
12 genocidal Yuon enemy."

13 Later in this issue, at Khmer, 00064502; English, 00428303
14 through 04; and French, 00611884; the Party leaders commend --
15 quote:

16 "The quick burning flames of national and class hatred that have
17 been broadly transformed into a great mass movement to eliminate
18 the aggressive, expansionist, territory-swallowing Yuon enemy and
19 to sweep cleanly away the concealed enemies burrowing from
20 within."

21 Your Honours, a document that is relevant to show that the Party
22 lines relating to enemies and the use of revolutionary violence
23 represented a collective understanding or agreement amongst the
24 Party leaders that was to -- that were to be implemented
25 throughout the country is E3/130 -- E3/130, the CPK statute. This

1 document has been covered in Court, so I will not spend any
2 significant time on it, other than to note that article 6.1 of
3 the Party statute provides -- quote:

4 [11.44.33]

5 "All Party leadership organizations must implement collective
6 leadership".

7 And article 6.2, which provides -- quote: "All of the various
8 decisions of the Party must be made collectively." End of quote.

9 Your Honour, the next group -- groups of documents that I will
10 present are -- were selected in order to show how each of the key
11 organizations of Democratic Kampuchea and the CPK, the Central
12 and Standing Committee, the ministries, the military and the
13 zones, how each of these organizations agreed to and participated
14 in this common shared plan to smash the identified enemies of the
15 Party. And I will start with the Central Committee and Standing
16 Committee. Many of these documents are familiar documents, so I
17 will just briefly touch upon them at this time.

18 [11.45.44]

19 Document E3/1173 is a 27 February 1976 circular from Committee
20 870 titled "Instructions from 870, Number 02/76". And this is the
21 circular that discusses a bombing or explosion in Siem Reap that
22 occurred on or around the 25th of February 1976 which the
23 Standing Committee in this document states was caused by American
24 aircraft. The last page of this document contains the following
25 instruction -- quote:

1 "The Standing Committee proposes using this event to re educate
2 the Party internally, the core organizations, the army, and the
3 masses aimed at stirring up hatred of the enemy to be hot and
4 sharp at all times, aimed at building a stance of constant
5 revolutionary vigilance." End of quote.

6 A little more than one week after the date of this document, on
7 the 8th of March 1976, the Standing Committee held a meeting on
8 base work. The minutes of that meeting are contained in document
9 E3/232 -- E3/232. The minutes record the persons who attended the
10 meeting, including Party Secretary, Pol Pot; Deputy Secretary,
11 Nuon Chea; Khieu Samphan, alias Hem; the Deputy Secretary of Zone
12 303, the old North or Central Zone, Comrade Sreng; and the
13 secretaries of Sectors 106, which was Siem Reap, and Sector 103,
14 Preah Vihear, who reported to the Party leaders on the situations
15 in their regions.

16 [11.48.06]

17 And in Section 2.1 of the minutes, the Central Zone Deputy
18 Secretary Sreng reported to the Party leaders on activities
19 relating to two groups in his zone -- quote:

20 "A-Loeun's group and their associates, 34 persons, whom the Zone
21 military have already arrested.

22 And the group of A-Uk Moeun alias Uk Hong, which attempted to
23 flee to Southern Vietnam and four or five of their associates."

24 In regards to these groups, Comrade Sreng asked for instructions
25 from Angkar.

1 In section 2.2 of these minutes, on the following page, Comrade
2 Sot, the secretary of Siem Reap or Sector 106, reported on the
3 enemy situation in his sector. And in regards to the bomb or
4 explosion in Siem Reap, that was the subject of the previous
5 document I presented, Sot reported -- quote:

6 "No clear roots of the events in Siem Reap on 24 February have
7 been discovered." End of quote.

8 [11.49.36]

9 And in the next part of the minute, section 2.3, secretary -- 103
10 Secretary, Hang, reported on the enemy situation in his sector
11 stating that:

12 "Along the Thai border, especially at Prasat Preah Vihear, there
13 are no activities, but they send in spies, Thai nationals, whom
14 we have captured."

15 At the end of his remarks, Hang reported, "Since January, almost
16 100 have been arrested."

17 After these reports from the regional representatives, in section
18 3.1 of the minutes, the Standing Committee provided the following
19 instructions regarding the problems in Zone 303, the old North
20 Zone -- quote:

21 "As a measure, must call in those named to question them to see
22 what their responses are. We will not yet remove them from their
23 positions.

24 Next, call them in for further questioning in front of their
25 accusers, and watch to see their reactions. Therefore, there are

1 two stages. Question and keep them at one site, and report to
2 upper echelon along with a case file." End of quote.

3 [11.51.05]

4 The next document -- another familiar document -- is E3/12, which
5 is the 30 March 1976 Central Committee decision, the first
6 section of which is titled, "The right to smash, inside and
7 outside the ranks". And I will reiterate here that in regards to
8 the right to smash, the Central Committee decision states as
9 follows -- quote:

10 "If in the base framework, to be decided by the Zone Standing
11 Committee;

12 Surrounding the centre office, to be decided by the Central
13 Office Committee;

14 Independent sectors, to be decided by the Standing Committee;
15 The Centre military, to be decided by the General Staff."

16 This document is put before the Trial Chamber as particularly
17 relevant to the existence of a JCE or common plan among the
18 Central Committee and the leaders of the various organizations
19 that comprised Democratic Kampuchea to smash enemies, both inside
20 and outside the ranks of the Party.

21 [11.52.30]

22 Document E3/763 is a document that was issued by the Central
23 Committee on the 20th of June 1978. We have covered the substance
24 of this document before. At this time, I will simply read the
25 title of this document, which is rather descriptive - quote:

1 "Guidance of the Central Committee of the Communist Party of
2 Kampuchea on the Party's Policy Towards Mislead Persons Who Have
3 Joined the CIA, Served as Yuon Agents, or Joined the KGB and
4 Opposed the Party Revolution, People, and Democratic Kampuchea".
5 Another document from the Standing or Central Committee that I
6 would like to present now is relevant to the Party policy on
7 Buddhism, and it is document E3/99, which is a Party circular
8 number 6, dated the 22nd of September 1975, entitled, "Follow Up
9 of Implementation of the Political Line In Mobilizing the
10 National Democratic Front Forces of the Party".

11 [11.54.09]

12 And at Khmer, 00072402; English, 00244275; and French, 00611567;
13 this circular discusses how --

14 MR. PRESIDENT:

15 Mr. Co Prosecutor, could you please hold on? And counsel for Mr.
16 Khieu Samphan, since you are on your feet, you may now proceed.

17 MS. GUISSÉ:

18 Thank you, Mr. President.

19 I'd just like to recall a decision of the Chamber taken this
20 morning, and I am bearing in mind the title of the document which
21 refers to the putting into application of such and such a thing
22 and I don't think that is allowed. Thank you.

23 MR. LYSAK:

24 If I may respond, I believe counsel might be taking too technical
25 view of the rule. The fact that the word "implementation" appears

1 here does not mean that the document does not contain discussion
2 that is relevant to determining the policy of the Party. So I do
3 not think any time the word "implementation" appears the document
4 is off limits. This is a document that is -- reflects the Party
5 policy and that is why it is put forward by the prosecutors.

6 (Judges deliberate)

7 [11.56.36]

8 MR. PRESIDENT:

9 The presentation of these documents are relevant to the decision
10 of the Chamber this morning. They fall within the scope. To that
11 effect, the objection is not sustained.

12 Mr. Co Prosecutor, you may continue presenting these documents.

13 MR. LYSAK:

14 Thank you, Mr. President.

15 I'll read the short quote from this document that I was going to
16 present, and then I was -- at that point my presentation would
17 turn to a different group of documents.

18 The quote from this Party circular reads as follows:

19 "Pagodas, which are the core foundations for the existence of the
20 monkhood, were abandoned. People no longer go to pagodas. They no
21 longer offer alms to the monks. On the contrary, they are keen to
22 build dams and dig canals.

23 [11.57.46]

24 Religious practice has disappeared. The political, economic,
25 cultural bases were dug up and destroyed. Based on this trend, we

60

1 assume that 90 to 95 per cent of the monks and Buddhist practices
2 will no longer exist, so", and this is the key language, "so this
3 special layer of the society will no longer cause any worry." End
4 of quote.

5 At this time, Mr. President, I'm going to turn to a different
6 group of documents. So if it is appropriate time for the lunch
7 break this would be a convenient time to break for me.

8 MR. PRESIDENT:

9 Thank you, Mr. Co Prosecutor.

10 Indeed, it is now appropriate moment already for the lunch
11 adjournment. The Chamber will adjourn until 1.30 p.m.

12 Security personnel are now directed to bring Mr. Khieu Samphan to
13 his holding cell and have him returned to the courtroom before
14 the next session resumes.

15 The Court is adjourned.

16 (Court recesses from 1158H to 1339H)

17 MR. PRESIDENT:

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

19 Once again, we give the floor to the Prosecution to continue
20 presenting their key documents. You may proceed.

21 MR. LYSAK:

22 Thank you, Mr. President.

23 I'm going to turn now to documents that show the policy against
24 enemies within the ministries of the Government of Democratic
25 Kampuchea.

61

1 The first document that I would like to refer to is E3/818.
2 Excuse me, E3/818. This is a presentation by the Party Secretary,
3 Pol Pot, during the first meeting of the Council of Ministers
4 held on the 22nd of April 1976 at Khmer, 00072756; English,
5 00143463; French, 00548896. Pol Pot advised the government
6 ministers as follows - quote:

7 [13.33.27]

8 "No matter how well we do things, if the imperialists are alive,
9 if their CIA is alive, if their reactionary groups are not yet
10 eliminated from the face of the world; they will continue
11 opposing the revolution, opposing us, opposing anything
12 progressive, both overtly and clandestinely."

13 And on Khmer, 00072760 through 61; English, 00143467; French,
14 00548899 through 900, Pol Pot provided instructions regarding the
15 common tasks of the Government of Democratic Kampuchea, the
16 second of which reads as follows - quote:

17 "Defend the revolutionary state authority, the fruits of the
18 revolution. Defend the Party, the people, the army, independence,
19 sovereignty against every form of enemy activity both overt and
20 covert. We must always be in high revolutionary diligence, always
21 be in mastery." End of quote.

22 [13.35.05]

23 The next two documents show the Party's enemy policy at the
24 ministry of foreign affairs. E3/522 is the diary or notes of a
25 cadre from the ministry of foreign affairs. It's a long document

1 and I will just read from one short passage which are notes from
2 a ministry cell congress that was held on the 18th of January
3 1977 and this passage can be found at Khmer, 00427940 through 41;
4 English, 00003330 through 31; and French, 00657902. And this is a
5 portion of the Ministry Congress that discussed the situation of
6 the enemy in Cambodia and it reads as follows - quote:

7 "1976 was the key year. Our enemies are now weakening and are
8 going to die. The revolution has pulled out their roots and the
9 espionage networks have been smashed. In terms of classes, our
10 enemies are all gone; however, they still have the American
11 imperialists, the free world, the KGB, and Vietnam. Though they
12 have been defeated, they can still block us. Another thing is
13 that the enemies are inside our body; among the military, the
14 workers, in the cooperatives, and even in our ranks. Making
15 socialist revolution deeply and strongly, these enemies must be
16 progressively wiped out as soon as possible."

17 [13.37.27]

18 Continuing further below in this document, the Ministry Congress
19 discusses the difference between adversarial disputes and
20 internal disputes stating as follows - quote:

21 "The adversarial disputes are those against the revolution. If
22 there are such disputes, we must hand them over to the security
23 sector to deal with; that is, to do research to find out its
24 systematic relation. For this type of dispute, no need to do
25 things like education; it is to no avail." End of quote.

1 E3/857 - E3/857 is a report from the ministry of foreign affairs
2 titled "Working with the Committees of Every Unit" dated the 12th
3 of September 1977. The very first section of this report is
4 titled "Enemy Activities" and it begins as follows - quote:
5 [13.38.47]
6 "At our ministries' conference, it was noted that we had
7 basically smashed and swept cleanly away the enemies who were
8 CIA, KGB, and Yuon territory swallows. We achieved unity that
9 the enemy is not yet completely gone from our ministry or from
10 any of its units of organization. We must therefore continue
11 sweeping cleanly to make our ministry like each and every one of
12 its units, immaculate."
13 Continuing two paragraphs below in the section on enemy
14 activities - quote:
15 "Generally speaking, our ministry is fairly highly awakened.
16 Whenever any little thing happens, the brothers and sisters know
17 how to be concerned, raise high their revolutionary vigilance,
18 and report. For example, the enemy makes it heard that in a
19 little while everybody will be arrested and only Brother Khieu
20 Samphan will be left. Our comrades know how to analyse this sort
21 of thing and report it. Once we have affected the arrests and
22 conducted the interrogations, we can see the enemy links
23 clearly."
24 Your Honours, the Party lines on enemy - on enemies are also
25 reflected in a number of documents from the ministry of commerce.

1 [13.40.34]

2 E3/1110 - that's E3/1110 - is a report of a ministry of commerce
3 meeting held from the 25th to 26th of July 1976. The first agenda
4 item at this meeting was the enemy situation and in that section
5 which can be found at Khmer, 00381695 through 96; English,
6 00583829; French, 00766077 through 78, in this part of the
7 document states the following - quote:

8 "Activities of the bad elements have been calmed after we carried
9 out some measures and education sessions." End of quote.

10 And the specific incident is then described which is attributed
11 to - quote: "...The contemptible In Tam's clique." This is a
12 reference to one of the seven Lon Nol super traitors.

13 And in regards to future measures to address the enemy situation,
14 the document indicates that - quote: "The examination and
15 screening of personal backgrounds for biographies will be
16 strengthened."

17 [13.42.19]

18 Document E3/846 - E3/846 is a draft dated 24 October 1976 of a
19 10-day periodic report from the ministry of commerce. And once
20 again, the first section of this report is on the enemy
21 situation.

22 It begins by reporting that - quote: "Those making contact from
23 outside the unit are quieter than before, after we removed a
24 number of the bad groups from the ministry." End of quote.

25 The next two paragraphs of the document then describe a number of

1 individuals who had been sent to the re-education office
2 indicating that the names of those persons are - quote: "...Noted
3 on the list reported to Angkar dated 21 October 1976."

4 And on the second page of this document, a paragraph on enemies
5 inside the unit reads as follows - quote:

6 "Those formerly close to bad groups, when we previously withdrew,
7 still have many signs which show that they are liberal,
8 complicated, and ignore their work. The ministry has taken the
9 additional measure of withdrawing them to the re-education office
10 as listed in the report to Angkar dated 21 October."

11 [13.44.07]

12 And briefly, Your Honours, documents E3/174 and E3/962 are two
13 examples of lists from the ministry of commerce reporting the
14 names of commerce cadres sent to the re-education or security
15 office.

16 E3/174 lists 11 persons that the ministry, after consulting with
17 all sections, decided to send to re-education - to the
18 re-education centre on the 17th of October 1976. Several of those
19 persons are described as having been close to or having some
20 relationship with a person who was previously arrested. For
21 example, in section 2 of E3/174, one of the cadres sent for
22 re-education is described as follows - quote:

23 [13.45.15]

24 "The person called Laom (phonetic), the deputy group chief of the
25 rice warehouse, an intimate of contemptible Oeun, a traitorous

1 leader at Thmei market who has already been arrested."
2 Document E3/962 is also dated 17 October 1976 and it lists an
3 additional six persons that the ministry of commerce decided on
4 that same day to - quote: "...Arrest and send to security to
5 interrogate for information." And like the other list, a number
6 of the people are noted as being a link or in the organizational
7 line of persons previously arrested.
8 Your Honours, the next group of documents I will present show the
9 existence of the JCE and the policy on enemies within the
10 Revolutionary Army of Kampuchea including the general staff and
11 the various divisions of the centre. And the first document that
12 is significant to showing the enemy policy and the military is
13 document E3/5 - E3/5 which is the August 1975 issue of
14 "Revolutionary Flag" that contains a speech given by Pol Pot to
15 the RAK on the 22nd of July 1975.
16 And in that speech at ERN Khmer, 00063328; English, 00401491;
17 French, 00538966, the representatives of the army were instructed
18 as follows regarding the Party line - quote:
19 [13.47.37]
20 "Our revolutionary army was born of the strategic political line
21 of the Communist Party of Kampuchea which states in one clause
22 that the enemy uses violence. They use acts of political and
23 military cruelty as weapons to oppress, to kill, to wreck and
24 destroy the people; therefore, the Party must lead the people in
25 the use of violence, in the use of acts to repay in blood,

1 whether politically or militarily. This means that the Party must
2 use revolutionary violence and must assemble the people to use
3 revolutionary violence to oppose the reactionaries and the
4 oppressor classes and to oppose the colonialists and
5 imperialists."

6 Later, Your Honours, in the same speech at Khmer, 00063340
7 through 42; English, 00401501; and French, 00538975 through 76,
8 Pol Pot instructed the RAK on its mission now that the CPK was in
9 power. And that section reads as follows - quote:

10 [13.49.27]

11 "The primary mission of the army is to defend the country. Why
12 must the country be defended when our country has already been
13 completely liberated, when we have already driven away and
14 scattered all the imperialists? No one will ever dare come again.
15 The problem is not like that. We have already liberated the
16 country, but a war situation still rears its head because in the
17 world, imperialism and colonialism, both new and old, still
18 exist."

19 Continuing in the next paragraph - quote:

20 "The feudalists and capitalists, in their status as oppressor
21 classes, have already been attacked and overthrown. However, in
22 being overthrown, will they entirely disappear and will they
23 never return or what? It is not like that. They were overthrown
24 organizationally. They were overthrown in terms of regime;
25 however, their outlooks, their stances, their trickery, and their

1 plans to resist the revolution and seize state power back from
2 the revolution still remain the same. They use every tactic. They
3 come overtly. They come covertly. They come directly. They come
4 indirectly. And sometimes, they even enter our ranks."

5 [13.50.58]

6 And in the next paragraph - quote:

7 "The situation is like this. Because of this, our army must
8 fulfil the mission of defending the country with high and
9 constant revolutionary vigilance. As for defending Phnom Penh and
10 smashing espionage groups and smashing saboteurs that want to
11 wreck and destroy our revolution, we will continue to smash the
12 defeated enemy remnants to consolidate our victory."

13 The next document is one that is particularly relevant to show
14 the existence of a JCE involving all key organizations; the
15 military, ministries, Office 870 and S-21. It is document E3/811
16 - E3/811 and is the minutes of a meeting that was held on the 9th
17 of September 1976 and was attended by Son Sen, by the Secretary
18 of Division 703, Pin, by S-21 Chairman, Duch, and by S-71
19 Chairman, Pang.

20 [13.52.29]

21 The subject of the meeting was leaflets that were - leaflets
22 criticizing the regime that had been found on the street -
23 streets in Phnom Penh and in the minutes, S-21 Chairman, Duch,
24 notes that cadres from Division 170, Chan Chakrey's division, had
25 been implicated, arrested in a prior incident involving similar

1 leaflets.

2 Son Sen, in his remarks, recorded on the second page, states that
3 this is not a problem coming from the outside and identifies two
4 networks of internal enemies that could be responsible; links
5 connected to Division 170 or 703's coming from Sector 25. And it
6 is the measures at this meeting that are particularly revealing.

7 They read as follows – quote:

8 [13.53.36]

9 "[Number] 1. Heighten the outlook of revolutionary vigilance in
10 view of the increasingly very sharp contradictions and the
11 ever-strong class hatred of the enemies of the Kampuchean
12 revolution, both the enemy to the West and the enemy to the
13 East."

14 "[Number] 2. In terms of organizational problems, Comrades Pang
15 and Kham My must recognize their heavy duties and go all out in
16 doing constant political and ideological education. They must
17 firmly grasp biographies and ideologies. Externally, Comrade Pin"
18 -- a reference to the Division 703 Secretary -- "Comrade Pin is
19 to re-examine his unit of organization."

20 "As for security, I suggest that it increase its surveillance of
21 enemy situations. I suggest Comrade Pang liaise with the various
22 ministries. The 170s should be rounded up in one place."

23 This document, as I said, is submitted as particularly relevant
24 to show the different organizations of Democratic Kampuchea, how
25 they were part of a common JCE related to the treatment of

1 enemies.

2 Document E3/822 is the minutes of a 16 September 1976 meeting
3 between Son Sen, Duch, Division 170 Secretary Sok, and Division
4 290 Secretary Thal. The agenda of this meeting was to discuss and
5 decide on the arrests of additional cadres from Divisions 170 and
6 290.

7 [13.55.54]

8 And on the first page of the minutes, Son Sen provides a
9 description of the present situation as follows - quote:

10 "After we arrested Chakrey, the Division 170 Secretary, he
11 accused some members of Sector 24 of having connections with
12 Vietnam and Russia in order to attack our revolution on 30
13 September 1976. Now, Chhouk, the sector secretary, and his
14 followers are under arrest. He already confessed." End of quote.

15 And the particular importance of these minutes is that on the
16 second page of the document, after agreeing upon 29 cadres from
17 Division 170 who were to be arrested, the minutes state that the
18 arrests were decided because - quote: "According to the plan that
19 Angkar had sent out, all Chakrey connections have to be
20 arrested." End of quote.

21 These minutes also record the decision to arrest Chakrey's wife
22 and niece.

23 [13.57.24]

24 Another important document that shows the existence of a joint
25 criminal enterprise and the agreement of the DK military leaders

1 with the Party's enemy policy is E3/13 - E3/13, the minutes of a
2 9 October 1976 meeting of the secretaries and deputy secretaries
3 of the divisions and independent regiments.

4 I have previously repeated - I'm sorry, previously presented
5 parts of this document that I will not repeat here today,
6 including a section at the start where Son Sen provides a
7 detailed report to the division leaders on the recent arrests of
8 fellow Party leaders accused of being CIA including Division 170
9 Secretary Chakrey, Sector 24 Secretary Chhouk, and Northeast Zone
10 Secretary Ya. And in this - these same comments by Son Sen at the
11 start of the meeting, he calls for heightened revolutionary
12 vigilance and further purges of no good elements.

13 [13.58.50]

14 What I will focus on today is the responses of the various
15 division leaders to Son Sen's presentation which responses
16 reflect their agreement with the Party's policy. And commencing
17 in this document in E3/13 at Khmer, 00052408; English, 00183987;
18 French, 00334977 through 78, the first to respond to Son Sen's
19 report was Division 164 Deputy Secretary Doeun who states -
20 quote: "I would like to be in unity with the Organization's
21 presentation." End of quote.

22 Doeun goes on to report that based on an examination of his
23 forces - quote:

24 "...Ninety (90) to 95 per cent of them are reliable; those who are
25 loyal to the Party, but if you want unsullied faith that the army

1 is clean, it seems not yet to be clean and it is imperative to
2 follow up with more purges." End of quote.

3 Next up was Comrade Sok, the new Secretary of Division 170. He
4 states - quote: "Division 170 has purged 70 no goods and is
5 keeping them in one place. I would like to be in unity with the
6 Party." End of quote.

7 On the next page, Division 703 Secretary Pin states as follows -
8 quote: "As regards the problem of traitors and the Party's
9 measures, I agree completely." End of quote.

10 [14.01.12]

11 Division 450 Secretary Soeun indicates that he is more and more
12 concerned about these enemies and advises that the no-good
13 elements in his division have been - quote: "...Rounded up, but not
14 yet entirely purged."

15 Next, Division 310 Secretary Oeun raises the problem of cadres
16 whose biographies are not yet clearly grasped and who may be
17 concealing that they were originally white Khmer or lived with
18 the Vietnamese. And in this document at Khmer, 00052411; English,
19 00183990; French, 00334980, Division 502 Secretary Sou Met makes
20 the following statement - quote:

21 [14.02.29]

22 "After the Party revealed the upper traitorous links belonging to
23 American imperialism and the revisionists, I was happy and had
24 more faith in the Party. This experience proves that our Party
25 has a solid grip on things and a stance of constant vigilance. If

1 there are contradictions, it grasped them clearly and this is a
2 victory for our Party. With regard to this problem, it can be
3 stipulated that the enemies have been basically eliminated, but
4 it is imperative to take further measures to prevent this from
5 happening a second, a third, and a fourth, and so on, again,
6 time. It is imperative to dare absolutely to conduct purges." End
7 of quote.

8 Following Sou Met was Division 164 Secretary Meas Muth. Meas Muth
9 also agrees that the arrests were - quote: "...A great victory for
10 our Party which has strengthened, another degree, the standpoint
11 of revolutionary vigilance." He adds that - quote: "No-good
12 elements or enemies are still camouflaged and infiltrated in the
13 rank and file." And that he is in - quote: "...Total agreement and
14 unity with the Party to do whatever needs to be done." End of
15 quote.

16 [14.04.22]

17 On the following page, Son Sen, Brother 89, sums up the views of
18 the division leaders as follows - quote:

19 "Those present at the meeting are in unity with the Party and
20 considering that the arrest of these traitors is a great victory
21 over the revisionists who are following the secret road and have
22 been infiltrating for more than 10 years already."

23 And at Khmer00052413 through 15; English, 00183992 through 93;
24 and French, 00334982 through 83, the minutes of this meeting set
25 out the measures to deal with the enemy situation. The first

1 measure is to - quote: "...Further heighten the spirit of
2 revolutionary vigilance; in particular, in regards to concrete
3 operations."

4 Which Son Sen explains - explained earlier in the meeting meant -
5 quote: "...Having a firm grip on our units of organization,
6 ensuring that the enemy is unable to bore from within and doing
7 whatever needs to be done to make our army clean."

8 [14.06.02]

9 Measure number two reads - quote:

10 "It is imperative to have a solid grasp on the contradictions in
11 our national society, both antagonistic and secondary
12 contradictions. In our status as an army, we must know the
13 subjects that we must attack; namely, American imperialism, the
14 Vietnam revisionists and their traitorous henchmen."

15 And the operational methods in the fourth measure include the
16 following - quote:

17 "It is imperative to purge no-good elements absolutely in the
18 sense of an absolute class struggle. The purge is premised on
19 three principles. Category 1: The dangerous category; they must
20 be absolutely purged. Category 2: The ordinary liberal category;
21 they must be educated again and again in our education schools
22 and Category 3: The category of those who have merely been
23 incited by the enemy merely believed the enemy incitement. As a
24 first step, they should undergo refashioning to get them to no
25 longer believe the enemy." End of quote.

1 Your Honour, there are many ensuing reports from the division
2 secretaries regarding enemy policy. I will touch upon just a few
3 of the more significant ones.

4 [14.07.51]

5 The E3/1164 - E3/1164 is a report from Division 801 Secretary
6 Sarun, who uses the alias Run (phonetic), to Son Sen dated the
7 25th of November 1976 and the report - in section 2 of the
8 report, the division secretary describes the activities of a
9 purported network of enemies in one of his regiments, Regiment
10 83. The description of the activities of these enemies in
11 paragraph 3a - quote:

12 "They indoctrinated the cadres and combatants not to trust our
13 revolution by their references to the insufficient food rations."

14 Paragraph 3d: "They induced people to act and speak freely in
15 their movement and to address freedom issues in Vietnam and
16 Laos."

17 [14.09.11]

18 And then the corrective measures that are proposed in section 4
19 of the report, number 6 states - quote: "To cooperate with the
20 base to completely purge the enemy inside the unit and to try to
21 search for all enemy networks within the unit."

22 Document E3/1060 - E3/1060 is another report from the Division
23 801 secretary to Brother 89; this one dated the 25th of March
24 1977. And in this document, the division secretary reports on the
25 enemy situation in the base throughout the Northeast Zone. For

1 example, in the final section titled "Miscellaneous," paragraph 3
2 reports on Sector 101 of the Northeast Zone stating as follows -
3 quote:

4 "At 101, so far, there has been fighting against enemy. It was
5 noticeable to us that when enemy were arrested or handed over by
6 the army; the enemy was smashed immediately without any
7 interrogation to search for the strings, causing the loss of the
8 enemy trace, for instance, 7 Vietnamese or 12 bandits. However, I
9 have already met and talked about this issue with Comrade Thin
10 who is the Secretary of Sector 101."

11 [14.11.09]

12 Paragraph 5 at the end of the section sums up the situation in
13 the units as follows - quote:

14 "We were following the trail of both new and old elements
15 destroying the revolution. Those targets include those going
16 against the revolutionary line and those newly and previously
17 implicated by the enemy." End of quote.

18 Document E3/877 - E3/877 is a 20 May 1977 telegram from the
19 Sector 105 Secretary Laing under his alias Chhan sent to Office
20 870. This document, in addition to the two documents from
21 Division 801 that I just presented, are particularly relevant to
22 show how the centre military divisions and the zones or
23 autonomous sectors worked together in relation to the Party
24 policy on enemies.

25 Paragraph 3 of the sector secretary's telegram to Office 870

1 describes an attack on a sector office and reports as follows -
2 quote:
3 [14.12.42]
4 "Our assessment is that this was not an enemy from the outside.
5 We suspect the division; henchmen of the contemptible Saom and
6 the contemptible Chhin, a reference to the former secretary and
7 deputy secretary of Division 932. This problem has already been
8 reported to Comrade San, the Division 9 - the new Secretary of
9 Division 920. Despite arrests of Unit 920s, activities continue
10 one after the other, but we are making arrest after arrest too."
11 This telegram also reports on the arrest of two Vietnamese,
12 noting in a postscript at the end - quote:
13 "The problem of these contemptible Yuon has already been
14 decided." End of quote.
15 My next document is E3/970 - E3/970, a letter from Division 502
16 Secretary Sou Met to S-21 Chairman Duch dated the 30th of May
17 1977 and in the first paragraph of this letter, Sou Met refers to
18 having sent - quote: "...Twenty-seven traitors from the traitorous
19 string of Divisions 310 and 450 on the evening of 29 May 1977."
20 In paragraph 3, he states: "At 10 or 11 tonight, 7 more of the
21 traitorous string of Mao and that of the previous group will be
22 sent." And in paragraph 4, Sou Met writes - quote: "On the
23 previous day, you said you would give the responses of Mao to my
24 side if Angkar did not object. I request this document to
25 continue to search out enemies." End of quote.

78

1 [14.15.02]

2 A related document to this is E3/3655 – E3/3655 which is the S-21
3 confession of Sour Tuon alias Mao, the Division 502 cadre
4 referenced by Sou Met. On the cover page of Mao's confession,
5 which you will see at Khmer, 00173999; English, 00224628; French,
6 00271447, there is a handwritten note from Son Sen under his
7 alias Khieu to Division 801 Secretary Saroeun dated the 2nd of
8 June 1977 which states: "Dear Comrade Roen: Please read this
9 report of Mao and pick out the relevant names of Unit 801. 2) I
10 will help you tomorrow as I'm busy this afternoon."

11 [14.16.21]

12 Your Honours, these two documents, the 30 May 1977 letter from
13 Sou Met and the 2 June 1977 note on the confession of Division
14 502 cadre Mao are presented as they are relevant to show how S-21
15 confessions were distributed to the leaders of divisions or
16 organizations whose cadres were implicated.

17 The last military documents I will present relate primarily to
18 the policy against the Vietnamese. E3/915 is a telegram from
19 Division 164 Secretary Meas Muth dated 31st of December 1977,
20 addressed to Committee 870, and copied to Uncle, Uncle Nuon,
21 Brother Van, Brother Vorn, Brother Khieu, office, and
22 documentation. And in this telegram, Division Secretary Muth
23 writes as follows - quote:

24 [14.17.39]

25 "We have received the guiding view and the declaration of the

1 Party about the aggression of the Yuon who have come to swallow
2 the territory of our motherland. We who have the duty to defend
3 the maritime spearhead would like to: 1. be in total unity with
4 the Party; 2. vow determination to fashion forces who are a tool
5 absolutely to defend the Party, to defend the state power of the
6 collective workers and peasants, and to defend the socialist
7 Kampuchean motherland by sweeping cleanly away and without half
8 measures the uncovered elements of the enemy, whether the Yuon or
9 other enemies."

10 E3/928 - E3/928 is a document recording a telephone report from
11 Division 164 Secretary Muth a few months later on the 1st of
12 April 1978. This report is copied to Uncle, Uncle Nuon, Brother
13 Van. And in the first paragraph of this document, Meas Muth
14 reports that a total of 120 "Yuon" were arrested and shot to
15 death between the 27th and 30th of March 1978.

16 [14.19.16]

17 Later that same month, in a speech that was given by Pol Pot on
18 the third anniversary of the 17 April victory which was published
19 in the April 1978 issue of "Revolutionary Flag," document

20 D243/2.1.16 - I repeat D243/2.1.16 - at Khmer, 00064717; English,
21 00519836; and French, 00520348, Pol Pot made the following
22 statement - quote: "And now how about the Yuon? There are no Yuon
23 in Kampuchean territory. Formerly, there were nearly 1 million of
24 them. Now, there is not one seed of them to be found."

25 In regards to the 50 million Vietnamese who were still living in

1 Vietnam, Pol Pot instructed as follows at Khmer, 00064712 through
2 14; English, 00519833 through 34; and French, 00520343 through
3 45. At this ERN, Pol Pot's speech reads as follows - quote:

4 "The Yuon have a population of 50 million and Kampuchea has only
5 8 million, so how can we win? That would be hard as they have
6 nearly 1 million troops. I want to tell you about our army. Our
7 regular forces are less than 100,000 in strength, so then can 8
8 million fight 50 million aggressors? Can less than 100,000 troops
9 fight nearly 1 million?"

10 [14.22.07]

11 Continuing further below - quote: "Looking at the numbers, one of
12 us must fight 30 Yuon. If we can implement this slogan, we win.
13 No matter how many Yuon there are, we should be able to fight
14 them and win." And continuing in the same paragraph, Pol Pot
15 makes clear he is talking about the entire Vietnamese population
16 - quote:

17 "So when we have 2 million, we already have more than we need to
18 fight them because they only have 50 million. We don't need to
19 use 8 million; we can use a force of only 2 million to fight and
20 smash the Yuon and still have 6 million left."

21 [14.23.07]

22 Continuing a few sentences below - quote:

23 "This is the combat line that must be implemented in the
24 battlefield, 1 against 30. If we cannot implement the slogan, we
25 cannot seize victory. This issue does not just apply to the army.

1 The entire Party, the entire army, and the entire people absorb
2 this line and view and stance." End of quote.

3 The last group of organizations that I want to show documents
4 relating to the general policy are zones and autonomous sectors
5 of Democratic Kampuchea and in these documents, we will see that
6 each of the zones and autonomous sectors agrees with the enemy
7 policy.

8 Document E3/871 - E3/871 is a 21 March 1976 telegram from the
9 East Zone to Pol Pot copied to Nuon Chea, Son Sen, and Ieng Sary.
10 The first paragraph of the report describes the capture of five
11 Vietnamese who were hiding in the forest, two of whom were shot
12 and the other three detained at a security office. The second
13 paragraph of the report describes the capture and interrogation
14 of an individual who threw a grenade into a paddy dyke and
15 reports as follows - quote:

16 [14.25.11]

17 "We beat him up during interrogation about his organizational
18 links and got on to more than 20 more of them in the grassroots
19 of Preah Sdach district. This guy's organizational links come
20 from South Vietnam." End of quote.

21 For the Northwest Zone, there are a - a number of documents of
22 interest. E3/178 - E3/178 is the weekly report of the Sector 5
23 committee dated the 21st of May 1977. The first section of this
24 report is on the defence or security situation and it begins as
25 follows - quote:

1 "After having disseminated the situation on country defence,
2 based on the substance of the Party's statement on the occasion
3 of the zone congress, it has been noted that the storming-attack
4 movement to defend the country by destroying all enemies' tricks
5 from both within and outside has been speedier and more
6 leaping-forward than before. By having continued fighting
7 actively to search for all traitors and continued purging the
8 traitors, the following result has been obtained."

9 [14.26.49]

10 And at Khmer, 00275587; English, 00342709; French, 00623305, the
11 report then describes various achievements of the sector relating
12 to enemies including - quote: "Searching and finding the
13 traitors, the 17 April elements from Phnom Penh, who have
14 prepared a plan to destroy our water reservoir."

15 Locating other traitors - quote: "...Who were 17 April elements
16 from Phnom Penh based on the confessions of their network and
17 based on the photographs for which Angkar has asked to search."

18 And - quote: "...Sweeping clean those moral offenders who had
19 committed corruption and debauchery at the cooperatives. All of
20 these people were the 17 April elements from Phnom Penh and from
21 the base as well."

22 A few paragraphs later in the same section, the document contains
23 the following report - excuse me, the document reports as follows
24 regarding a group of Cham people in the sector - quote:

25 "The 17 April elements from Phnom Penh, who were Cham nationals,

1 conducted a protest in the common kitchen of the cooperative
2 concerning their belief in what they eat according to their
3 religion, by pointing at and referring to Article 10 of the
4 Constitution." This was presumably intended to refer to Article
5 20 of the Constitution. Continuing - quote: "For this situation,
6 we have taken special measures; that is, to look for their
7 string, look for the head of their movement in order to sweep
8 clean." End of quote.

9 [14.29.21]

10 And this section of the report concludes by noting - quote:

11 "Based on the Party's continuous direction, based on the zone
12 congress decision, based on the above-mentioned realities; we
13 have continued the storming attack by conducting the propaganda
14 and educating and instilling the Party cadres, Party members, the
15 core organizations, which are the left hand and right hand of the
16 Party, to continue to encourage the great movement to defend
17 cooperative and the union by continuing sweeping clean the
18 treacherous, embedded elements; CIA, KGB, or Vietnam networks."

19 [14.30.14]

20 Document E3/1120 - E3/1120 is a telegram report regarding the
21 enemy situation sent from the Northwest Zone office, referred to
22 as M-560, on the 6th of November 1977 copied to Uncle, Uncle
23 Nuon, Brother Van, Brother Vorn, and Brother Khieu.

24 After describing a number of enemy problems in Sectors three and
25 five of the Northwest Zone, the report states as follows - quote:

1 "The sectors have each taken measures with regard to such
2 problems; namely, one, going all out to find more enemy
3 apparatuses; two, going all out to propagandize and re-educate
4 people; and three, the grassroots and the military must cooperate
5 closely to smash all kinds of enemies." End of quote.

6 Another document from the Northwest Zone is E3/950, E3/950, a
7 report from zone Secretary Nhim to Angkar 870, dated 11th of May
8 1978. As stated in the first paragraph of the document, Nhim's
9 report followed a meeting with Angkar at which he received
10 recommendations of 870, which he then communicated to his sector
11 committees.

12 As with the other reports we have seen, the first subject on
13 which the Northwest Zone secretary reports is internal and
14 external enemies and that section concludes by describing
15 measures to be taken as follows - quote: "Be more highly
16 vigilant. Smash invasive enemies. Successfully sweep all
17 destructive elements and prevent all acts of secret moving and
18 looting."

19 [14.32.44]

20 The last document from the Northwest Zone is document E3/863, a
21 report from the zone secretary to Angkar dated 17 May 1978. And
22 in paragraph 5 of this report, the zone secretary seeks direction
23 from Angkar on the following issue - quote:

24 "The meeting raised the question about how to decide on the
25 elements of soldiers from previous regimes and the Yuon's with

1 Khmer spouses and the half-breed Khmer Yuon. Regarding this
2 issue, the meeting would like to ask Angkar 870 what to do with
3 them. Whatever Angkar decides, please give instructions.
4 Generally speaking, these groups are scared of the situation and
5 worried about their fate but there is not yet any sign of
6 opposing activities. If any of them make some suspicious
7 activities, we will decide to take them out."

8 In regards to the Southwest Zone, Your Honours, document E3/798
9 is the minutes of a 30 August 1976 meeting of the division
10 secretaries, and at the start of these minutes is a section
11 titled, "Brother 89 Reports on Enemy Situations in the
12 Grassroots". In this section, Son Sen reports on the arrest of 60
13 people in Sector 25 of the Southwest Zone and the conduct for
14 which those 60 persons were arrested is described as follows -
15 quote:

16 [14.34.47]

17 "They raised a white banner with the slogans 'Long live Buddhism;
18 long live the White Khmer Front of Liberation from Rice by the
19 Can'. They were getting ready for major unrest on the 20th of
20 August and if that could not be done, then after a delay, they
21 would try again."

22 Also from the Southwest Zone, your Honours, there are numerous
23 surviving contemporaneous documents from one of the key Party
24 bases in the Zone Tram Kak District, which show the Party's enemy
25 policy. E3/2424 - let me repeat, E3/2424 - contains a collection

1 of such reports from Tram Kak District, two of which I would like
2 to present now.

3 The first is at Khmer, 00270752; English, 00322218; French,
4 00612216, and it is a report from Kus Commune (phonetic) dated
5 the 20th of July 1978, which report reads as follows. The report
6 identifies a female farmer, New People in Ak Pong village, who
7 said that - quote: "The more we do the Revolution, the more
8 scarcity we are having. The more respect we do, the more faults
9 we are having."

10 [14.37.03]

11 This statement was spoken on 13, June, 1978. In 1977, this young
12 woman stole one bowl of paddy. After this, this young woman said
13 that: "In the Revolution, food rations are limited. How much they
14 are giving us to eat, we can get to eat only that much."

15 The husband of this young woman is named Beisassia Rithkoul, an
16 Arabian, an owner of a gas station who was separated from her on
17 the way out of Phnom Penh:

18 "Her working activities are average but very often she was sick.
19 For the above issues, I request to your comrade elder brother to
20 interrogate her more because Angkar has decided already that she
21 be taken away."

22 The second report that's contained in E3/2424 is at - that I
23 would like to present - is at Khmer, 00270755 through 56;
24 English, 00322220; and French, 00612219 and it is a report from
25 Angk Ta Saom Commune, addressed to Respected Comrade Elder

1 Brother Police of District 105, dated 18 August, 1978, which
2 reports on three persons from that commune who had been
3 determined to be enemies.

4 [14.39.00]

5 The last two paragraphs of the report read as follows - quote:

6 "A Vietnamese named Em Sambath, son of the contemptible Kim Long,
7 his activities are; he drove a plough with intention to break it
8 down for five times and abandoned it; did not take out the oxen
9 to graze; sneaked out and crossed to Koy Trabaek recently to do
10 the rice farming there; drove the oxen and the plough to fall off
11 from a bridge which caused an ox to have one of its legs broken
12 and was out of use until it died.

13 Therefore, I would like to physically send over the above three
14 enemies, along with this enclosed report for further
15 interrogation, in order to seek for the undercover networks of
16 those enemies hiding in the villages and communes and to take
17 further measures in order to achieve according to the guidelines
18 of the Party." Dated 18 August 1978, Angk Ta Saom.

19 Now Mr. President, I'm going to turn to another document at this
20 time. If this is a convenient time for a break, I can pause here.

21 [14.40.30]

22 MR. PRESIDENT:

23 Thank you.

24 The time is appropriate for a short break. We will take a break
25 now and return at 3 p.m.

1 The Court is now in recess.

2 (Court recesses from 1440H to 1449H)

3 MR. PRESIDENT:

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

5 And we would like to now hand over to the Co Prosecutor to
6 continue putting the key documents before the Chamber.

7 MR. LYSAK:

8 Thank you Mr. President.

9 Before I return to my presentation, let me just give you an
10 update on where we are in terms of completing our presentation on
11 the JCE policies and also a discussion we had with the civil
12 parties in terms of plans for tomorrow.

13 [15.01.07]

14 We had originally indicated we would take two days in total for
15 JCE policies, one day for - to present related to the accused,
16 Nuon Chea, a total of three days. We are - I will be probably
17 continuing over into the first session tomorrow morning, which
18 means we will try to make that up by only using three quarters of
19 a day for our presentation on Nuon Chea, but I - by tomorrow
20 morning, I will - in the first session, I will finish my
21 presentation no later than the first hour. My colleague, or one
22 of my national colleagues has a half hour on forced marriage, and
23 that will conclude - means we will conclude our presentation on
24 JCE policies in the first session tomorrow morning. So we will
25 use two and a quarter days for that.

1 I've discussed with the civil parties and they have agreed that,
2 if this is agreeable with the Court, they will then do their
3 presentation on JCE policies so that the policies issues are
4 presented together, and they can give you an update on how long
5 they will require from that.

6 [15.02.17]

7 When they are - when the civil parties are completed their
8 presentation on the five JCE policies, we will then either begin
9 our presentation on the Nuon Chea or if the defence teams wish to
10 respond first to the JCE policies, that's an issue for the
11 Chamber, but I wanted to give you an update on where we are in
12 terms of our completion and what we had discussed with the civil
13 parties in terms of the - completing the presentations on JCE
14 policies.

15 MR. PRESIDENT:

16 The Chamber has already informed the Co Prosecutors and other
17 parties the proceedings, and we did this at the beginning when we
18 commenced these hearings, and that the Chamber already indicated
19 that time would be allocated to the Co Prosecutors to present
20 both the Joint Criminal Enterprise and at the same time, the
21 roles of the accused. And at that - and also the lead co lawyers
22 for the civil party would be allowed to share this time to
23 present the documents before we proceed to hand over to the
24 counsels for the accused to respond or to make any observation or
25 submissions regarding the documents presented by both the parties

1 next week.

2 [15.04.13]

3 And for that, as the President, we feel very worried. And
4 finally, we also made it clear to the Co Prosecutor on this and
5 perhaps there might be some change in this, that's why the
6 message here is not properly conveyed.

7 MR. LYSAK:

8 Mr. President, there's - we're not asking for any additional
9 time. The Co Prosecutors and civil parties will work within the
10 time that's been decided. I simply was advising the Trial Chamber
11 that our intention was that we will both do our presentations on
12 JCE policies and then we will turn to the accused, but we will
13 work within the period of time that was provided by the Court. We
14 are not asking for additional time.

15 MR. PRESIDENT:

16 Then you may proceed please because that is what we expect to
17 see, and perhaps there may be a bit change or difference in this
18 but you may proceed.

19 [15.05.32]

20 MR. LYSAK:

21 Thank you Mr. President. I have a few more documents to present
22 relating to the general enemy policy and then I will turn to the
23 policy targeting officials and soldiers of the Khmer Republic.
24 First, going back to the general enemy policy, document E3/156 is
25 an example of the Party's enemy policy from Sector 105,

1 Mondulkiri region. It is an April 23, 1978 telegram written by a
2 witness who has testified in these proceedings, Sao Sarun.

3 In paragraph 3 of this report, which was distributed to Uncle
4 Nuon, Uncle Van, and Uncle Vorn, states as follows - quote:

5 "The issue of the situation inside the Party. Comrade Sot,
6 Chairman of the Repair Factory, has committed immoral acts with a
7 woman. Now the arrests have been made. Both the man and the woman
8 have been arrested. This comrade was previously implicated in the
9 confession of the traitor, Chuon. At that time, the sector
10 monitored his activities but now he has been involved with these
11 immoral acts and has been arrested and detained. Concerning this
12 matter, please help with your opinion at the level at which this
13 must be kept or be sent."

14 [15.07.19]

15 An example from the Northeast Zone is the case of Kok Lak
16 District Secretary Buo Khao (phonetic), who according to the OCP
17 revised S 21 prisoner list, was arrested and entered S 21 on the
18 5th of March 1977.

19 And document E3/1058, E3/1058, contains a series of three
20 documents. The first of which is a hand-written note from Son Sen
21 to Duch, dated the 7th of March 1977, two days after the arrest
22 of District Secretary Buo Khao (phonetic). And that note to Duch
23 reads as follows - quote:

24 "Some people who were outside the military sector, together with
25 some internal cadres were arrested. Buo Khao (phonetic), who was

1 sent from the North Zone, has been a cadre since the
2 revolutionary struggling period. Comrade Thin, a reference to the
3 Sector 101 secretary, arrested him and sent him here. Please
4 interrogate him hastily in order to smash his string in Se San
5 (phonetic) at the right time." End of quote.

6 [15.09.03]

7 And attached to the note sent to Duch is a two page hand-written
8 report of the same date, March 7, 1977, from Sector 101, which
9 describes confessions in which Buo Khao (phonetic) was implicated
10 as having contact with the Yuon.

11 A further related document to Buo Khao (phonetic) is E3/1061, a
12 report from Division 801 Secretary Roeun to Son Sen dated the
13 24th of March 1977.

14 And in section 2 of this report, the Division 801 secretary
15 reports on the enemy situation in Sector 1, describes the
16 interrogation of a district commerce cadre accused of belonging
17 to Buo Khao's (phonetic) network, and accuses Buo Khao (phonetic)
18 of committing immoral offenses with several women, including his
19 deputy secretary. This report contains a hand-written note from
20 Son Sen forwarding the document to Angkar.

21 Your Honours, these documents relating to this district secretary
22 from Sector 101 of the Northeast Zone are presented as relevant
23 to show the close coordination and agreement between the zones,
24 the military, the Centre and S 21, in relation to enemies.

25 [15.10.46]

1 The Chamber has seen, in these proceedings, a number of documents
2 from the North Zone, so I will just briefly refer to two
3 documents from that zone.

4 E3/1077 is a telegram from the North Zone Secretary, Se, to
5 Committee 870, dated the 10th of April 1978. And the section 1 of
6 that report refers to the arrest of former Sector Secretary Hang
7 and all of his henchmen who are accused of supporting the In Tam
8 Group; again, another reference to one of the seven Lon Nol super
9 traitors.

10 Section 3 of this report, on the internal situation in Sector 103
11 states - quote: "The situation is normal. We are continuing to
12 purge the remaining group continuously, including those who
13 oppose our Revolution openly and secretly."

14 And document E3/175, E3/175, is a letter from North Zone
15 Secretary, Se, to Committee 870, dated 17 April 1978, which reads
16 as follows - quote:

17 [15.12.29]

18 "I would like to submit the confessions of the following people:
19 One, San Eap, alias Khon, Commerce Sector 103 and Phnom Penh, and
20 Saey, alias Phang, security Sector 103, to the committee for
21 review and to serve as a document for searching for the string of
22 traitors who burrow from within." End of quote.

23 And the last document from the zones, I will present showing the
24 Party policy on enemies, is E3/1094, E3/1094.

25 It is the monthly report to Angkar from the West Zone, Office M

1 401, dated the 4th of August 1978. And at the very start of this
2 report, section 1.2 is titled, "The Activities of the Hidden
3 Enemy Burrowing from Within", and reads as follows - quote:
4 [15.13.43]
5 "Based on an overall examination during this month, the hidden
6 enemy burrowing from within carried out all forms of their
7 activities to stir up and cause conflicts, to attack and oppose,
8 and to smash us continuously and more profoundly. These are
9 caused by a small number of the not good elements who are the
10 henchmen of the enemy or who are implicated by the enemy."
11 "Those elements were screened out from various units and
12 military, as well as the elements of the 17 April, including
13 former civil servants and some Chinese and Yuon aliens."
14 Continuing in the next paragraph - quote: "We have had plans in
15 place to apply the Party's assignment line to routinely remove,
16 screen, and sweep clean them."
17 A detailed report then follows from the West Zone on the Party
18 line and the enemies in the sector, and at Khmer, 00143610;
19 English, 00315374 through 75; and French, 00593530, in the
20 section of the report for 30 - Sector 37, which is titled -
21 quote: "About the Screening of the Yuon Elements, CIA Agents, and
22 the Not Good Elements, the Zone Office Reported As Follows: One:
23 Smashed 100 ethnic Yuon's, including small and big adults and
24 children; two, smashed 60 persons who had been from the ranking
25 group, as well as the CIA of the American imperialist who were

1 hiding in the units and cooperatives."

2 [15.16.11]

3 The final group of documents I will present on the general policy
4 of the Party towards enemies, before I turn to documents showing
5 the targeting of Lon Nol officials and soldiers, are some
6 materials that show the existence of a nationwide JCE to
7 eliminate enemies. Very briefly, E3/2365, E3/2365, is a map that
8 was prepared by DC Cam that shows the security offices and
9 execution sites that were identified throughout the country, as
10 part of the DC Cam mapping project.

11 On this map, each yellow circle marks a security office that was
12 identified by DC Cam and each red square marks a mass grave or
13 killing site that was identified. This map was prepared around
14 2001 so it does not include all the security offices and
15 execution sites located by DC Cam. To find those-

16 MR. PRESIDENT:

17 The Prosecution, please hold. The Counsel for Khieu Samphan,
18 please proceed.

19 [15.17.44]

20 MS. GUISSÉ:

21 Mr. President, I would have remained silent this afternoon,
22 although there were concerns because we have left the question of
23 policy, but we have, nevertheless, discussed the implementation
24 of it but we'll come back to this when it's our turn to take the
25 floor. On the other hand, from our standpoint or rather the

1 Prosecution is presenting a DC Cam document that is not
2 contemporaneous with the facts, and we object to that
3 presentation. We don't know exactly who made this in DC Cam or
4 under what circumstances it was prepared.

5 We do know that in a hearing on key documents on Joint Criminal
6 Enterprise, it does appear to be significantly distanced from the
7 objectives of our work here and its place in 002/1 is not clear.
8 I object to it being presented in the framework of Joint Criminal
9 Enterprise, as relating to population movements and executions of
10 soldiers. Thank you.

11 [15.19.09]

12 MR. LYSAK:

13 Mr. President, if I may respond.

14 The fact that there were hundreds of security offices identified
15 throughout the entire country is certainly relevant evidence to
16 prove the existence of a Joint Criminal Enterprise throughout the
17 country, involving all organizations relating to enemies. This is
18 a map. The other two documents I'm - I will present are simply
19 lists of the security offices and mass graves that were
20 identified by DC Cam.

21 In terms of the basis for this, counsel can look at the records
22 that we submitted. There are detailed DC Cam mapping reports that
23 were prepared each time they identified a security office or mass
24 grave site where all the details are provided; details that I
25 will not be presenting today, but that evidence is there, it's

1 part of the case file.

2 [15.20.14]

3 But in terms of what we are doing today, the simple fact that
4 there were hundreds of security offices around the country is
5 relevant to prove the existence of a JCE, and that is the sole
6 purpose that it is being presented today.

7 (Judges deliberate)

8 [15.21.59]

9 MR. PRESIDENT:

10 The objection and its ground made by Khieu Samphan's defence is
11 overruled. The document has already been placed in a case file,
12 and of course, the Chamber will make the assessment on the weight
13 of the evidence when we prepare the judgement.

14 The Prosecution, you may continue.

15 MR. LYSAK:

16 Thank you, Mr. President.

17 Just to finish, I will simply note for the record, two documents
18 from which the Court can get a - the most recent or a more up to
19 date list from DC Cam's mapping project. E3/2764, E3/2764 is a DC
20 Cam document titled, "DK Prisons" that was updated through
21 February 2008. It lists 196 security offices from the DK period
22 that were identified throughout the country by the DC Cam mapping
23 project.

24 And document E3/2763, E3/2763 is DC Cam's list of 390 mass grave
25 or burial sites that were identified throughout the country in

1 its mapping project.

2 [15.23.45]

3 With that, that completes my first part of my presentation on
4 enemy policy. Let me now turn to the documents that answer a
5 question that Nuon Chea's counsel has asked a number of times,
6 which is where are the documents that show the policy targeting
7 Lon Nol officials and soldiers?

8 And I will start - and bear with me - with a few more of the
9 Revolutionary Youth and Revolutionary Flag publications that
10 discuss the Party policy and which classes of people were
11 considered to be enemies.

12 The first document is E3/146, E3/146. It is the August to
13 September 1974 issue of Revolutionary Youth, and in this
14 document, at Khmer, 00283409; English, 00538746; French,
15 00611810, at this page, the Party publication indicates as
16 follows: "The feudalist class is divided up into two types;
17 feudalist aristocrat and feudalist landowner" - quote: "Feudalist
18 aristocrat refers to the ruling feudalist group who oppress the
19 people. These include king and high rank officials, such as
20 minister, provincial governor and district governor, down to the
21 commune chief and chumtub clerk."

22 [15.26.09]///

23 The same issue, a few pages later, defines the second capitalist
24 class as including - quote: "Students and civil servants who
25 mainly use their intelligence for a living; a group that is

1 referred to as the intellectual second capitalist class."
2 The next document is E3/10, E3/10, and it is the September to
3 October 1976 issue of Revolutionary Flag. And the section that I
4 will present from is a discussion of class contradictions inside
5 Kampuchean society, which can be found at Khmer, 00063093 through
6 94; English, 00450529 through 30; and French, 00491895 through
7 96. This part of the Revolutionary Flag reads as follows, -
8 quote:
9 [15.27.45]
10 "Fundamentally, the contradictions are between the proletarian
11 class and the capitalist class. Aside from this, there are class
12 contradictions with the feudalist, landowner, and privileged
13 classes, also translated as aristocrats or Mandarin; namely, sub
14 district chiefs, district governors, provincial governors,
15 government officials, police and soldiers."
16 Continuing in the next paragraph:
17 "There are contradictions within the old peasants from
18 upper-middle peasants on up, particularly with the wealthy
19 peasants, that are life and death contradictions. There are also
20 contradictions within the new peasants, contradictions with
21 capitalists and feudalists that are life and death
22 contradictions. When individuals reform, they are not life and
23 death contradictions but they do not easily reform. The
24 contradictions are buried because the forces of the proletarian
25 dictatorship are stronger and they cannot move. Some elements may

1 reform but many elements do not reform. When they die, they
2 instruct their children to struggle on against the Communists."

3 [15.29.24]

4 And continuing one paragraph later - quote:

5 "In the base areas, as for the characteristics of the
6 contradictions that we can detect, most of them are government
7 officials, policemen, soldiers and students. This comes from the
8 capitalists and the landowners not showing themselves. They are
9 the instigators but they do not show their faces. When they held
10 power, they did not show their faces, they just paid government
11 agents to show their faces."

12 "Aside from antagonistic contradictions with the capitalist
13 landowner class, there are also internal contradictions that
14 arise from low level and high-level political awareness. We must
15 resolve that through education. In summary, inside the current
16 society, there are, one, secondary internal contradictions, and
17 two, antagonistic life and death contradictions between the
18 workers and peasants on one side, and the capitalists and
19 feudalists on the other side."

20 Your Honours, this same Party line is also repeated in document
21 E3/138, E3/138, which is a Party circular titled "Sharpen the
22 ideology of the proletarian class until it becomes very sharp and
23 strong". I will not repeat it, because it uses the same Party
24 lines and same language as the document - the "Revolutionary
25 Flag" I just read.

101

1 Turning now, to some documents showing statements from the Party
2 - statements from Party leaders and events relating to Lon Nol
3 officials and soldiers, in the period leading up to and following
4 17 April 1975. The first I would like to present is E3/707 -
5 E3/707. It is the April 1978 interview of Ieng Sary by Dan
6 Burstein, who was the editor of a U.S. communist paper titled
7 "The Call".

8 [15.32.23]

9 And at Khmer, S00728134; English, S00049323; French, S00742550,
10 Ieng Sary discusses the period after the Second Party Congress in
11 1963 as follows, quote:

12 "The deputy prime minister" - referring to Ieng Sary - "went on
13 to describe the different forces within the Kampuchea ruling
14 class at that time, indicating three broad groupings. On the far
15 right, there were those like Lon Nol, who were completely
16 reactionary and nothing but lackeys of foreign imperialism. In
17 the centre stood Sihanouk, the head of state, and some others
18 like him, who - while opposing communism - also supported a
19 policy of genuine political independence for the country. On the
20 left were progressive people like Khieu Samphan, today's
21 president of the State Presidium, who at that time was a
22 well-known intellectual and politician."

23 [15.33.56]

24 "His stand against foreign imperialists was so firm that he was
25 forced to flee Phnom Penh under intense pressure by the right

1 wing."

2 The document then continues with a specific quote attributed to
3 Ieng Sary. Quote:

4 "'We mobilized both the middle and left sections of the ruling
5 class', said Sary, 'and built a united front with them against
6 foreign domination. We isolated the real traitors, like Lon Nol".

7 Quote - end of quote.

8 E3/783 is an issue of "Revolutionary Flag" from September and
9 October 1972. And the reference - short reference I will present
10 from this document is at Khmer, 00442285; English, 00720205; and
11 French, 00721041. And at this part of the "Revolutionary Flag",
12 the Party refers to Lon Nol, Sirik Matak, and Son Ngoc Thanh as
13 traitors aligned with imperialist American, whom the Party must
14 absolutely crush.

15 [15.35.37]

16 The next document, which Your Honours have heard a number of
17 times, but I will simply quickly reference, is E3/117. This is of
18 course a key document relating to the targeting of Lon Nol
19 officials, as it is the 26th February, 1975 press communiqué,
20 signed by Khieu Samphan as chairmen of the second FUNK and GRUNK
21 national congress.

22 You have heard paragraph 1, the - how the national congress
23 identified the seven super-traitors: Lon Nol, Sirik Matak, San
24 Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and Sosthène
25 Fernandez, and declared, quote: "It was absolutely necessarily to

1 kill these seven traitors".

2 Related to this document is E3/189, E3/189, which is a copy of
3 the statement from the second national congress on the seven
4 super-traitors which was sent to the United Nations by GRUNK
5 minister of foreign affairs Sarin Chhak, and presented to the
6 United Nations by the Permanent Representative of the People
7 Republic of China. And another related document is E3/3334 -
8 that's E3/3334. This is a report from U.S. embassy - one of their
9 weekly reports - called the Khmer report, dated the 4th of March
10 1975. Paragraph 15 of this report, reports on the broadcast of
11 the FUNK statement, calling for the execution of the seven Lon
12 Nol traitors.

13 [15.38.04]

14 The next document is E3/120 - E3/120. This was a statement of
15 Khieu Samphan that was broadcast by the Voice of FUNK radio on
16 the 15th of March, 1975. And it can be found at Khmer, 00700236
17 through 37; English, 00166828; and French, 00700226 through 27.
18 And in this broadcast, Khieu Samphan again identifies by name the
19 seven Lon Nol leaders who form the, quote unquote, "traitorous
20 clique". And he appeals to people to intensify their struggle
21 against the Lon Nol traitors, stating as follows, quote:
22 "You are asked to increase your struggle activities. Attack the
23 traitorous clique more forcibly and more accurately..." -
24 continuing later - "...raid rice depots and gasoline storage
25 depots. Attack the enemy's supply depots, military police

1 stations and prisons, seizing our monks and brothers who are
2 being detained and even riot against them, seizing weapons to
3 attack them and join our armed forces to put an end to the
4 traitor's existence". End of quote.

5 [15.40.10]

6 Within document E3/118, E3/118, is another radio broadcast of a
7 statement by Khieu Samphan by the Voice of FUNK radio, this one
8 on the 13th of April, 1975. It can be found at Khmer, 00700278;
9 English, 00166949; French, 00700262. And in this radio broadcast,
10 Khieu Samphan made the following statement regarding the newly
11 formed Lon Nol Government Leadership Community. Quote:

12 "This so-called supreme committee is another traitorous
13 organization designed to obstinately begin another round of
14 barbarism. This supreme committee does not represent anyone but a
15 few traitors. The creation of this organization is an
16 anti-national and anti-popular act designed to continue the
17 treachery of the last bunch of traitors. For this reason, all
18 brother countrymen in Phnom Penh and the few provincial capitals
19 still under temporary enemy control should unite their strength
20 and overturn this traitorous organization".

21 [15.42.08]

22 Also, in E3/118, this reference at Khmer, 00905195 through 96;
23 English, 00166974, French translation is still pending on this.
24 This is a radio broadcast by the National Liberation Armed Forces
25 that took place at 0559 Greenwich Mean Time, meaning 12 or 1 p.m.

1 in Phnom Penh on the 17th of April, 1975. The broadcast reads as
2 follows. Quote:

3 "I hereby inform the contemptible traitorous Lon Nol clique and
4 all its commanders that we are not coming here for negotiations.
5 We are entering the capital through force of arms of the CPNLAF.
6 The CPNLAF troops from the northern and eastern regions have
7 occupied the radio studios at the ministry of information at 0900
8 today."

9 Continuing in the next paragraph, quote:

10 "As for the remaining members of the traitorous Lon Nol clique,
11 we do not need to negotiate with them. They must lay down their
12 weapons and surrender to the committee of the FUNK forces from
13 the north and east regions". End of quote.

14 [15.44.08]

15 Next document is E3/2694 - E3/2694. This is telegram number 595
16 from French Consul Jean Dyrac to Paris, titled "Political
17 Asylum", and dated the 18th of April, 1975. It reads as follows,
18 quote:

19 "Following ultimatum from city committee, I am compelled, in
20 order to ensure the security of our compatriots, to include in
21 the list of persons present in the embassy: 1. Prince Sirik Matak
22 and two of his officers. 2. Princess Mom Manivong, of Laos
23 origin, third wife of Prince Sihanouk, her daughter, her
24 son-in-law, and her grandchildren. 3. Mr. Ung Boun Hor, president
25 of national assembly. Number 4. Mr. Loeung Nal, minister for

1 health. Barring express and immediate order from the department
2 requesting me to grant political asylum, I will be compelled to
3 turn these names in within 24 hours".

4 [15.45.45]

5 The next document is E3/2700, E3/2700, and it is telegram number
6 605 from French Consul Jean Dyrac titled "Departure of Refugees",
7 and dated the 20th of April 1975, with a note on it indicating
8 that it was received at 11.55. The telegram states as follows,
9 quote:

10 "Following my intervention, this morning the city committee
11 authorized the Cambodian nationals who had taken refuge in our
12 embassy to leave it freely, with the exception of figures from
13 the former regime, who will join another group". End of quote.

14 And another telegram, later that same day, from Jean Dyrac,
15 E3/2702, E3/2702, is telegram number 608. And in this telegram,
16 Mr. Dyrac writes as follows. Quote:

17 "I refer to my telegram number 595" - that was the document that
18 I presented just a minute ago, E3/2694 on political asylum -
19 "referring to my telegram number 595, Prince Sirik and the people
20 named in my referenced telegram reported this afternoon in a very
21 dignified manner to an unidentified committee - FUNK or NLA -
22 which came to collect them in a jeep before the embassy gates.
23 100 or so other Cambodian nationals intend to give themselves up
24 as prisoners tomorrow morning" End of quote.

25 [15.48.04]

1 Document D365/1.1.39, D365/1.1.39. This is a "Washington Post"
2 article, dated the 1st of November, 1975, titled "Cambodia
3 Executions Confirmed", which includes the following statement.

4 Quote:

5 "Ieng Sary, deputy premier in charge of foreign affairs, said
6 Long Boret, the former prime minister, Lon Non, brother of former
7 president Lon Nol, and Sirik Matak, a powerful figure in the
8 government, had been executed, but he gave no details." End of
9 quote.

10 And E3/604, E3/604, is a "Bangkok Post" article from the
11 following day, 2nd of November, 1975, titled "Executions
12 Admitted". Which states, quote:

13 [15.49.25]

14 "Deputy Cambodian Prime Minister Ieng Sary confirmed yesterday
15 that two top leaders of the former Phnom Penh regime had been
16 executed by the People's Council after the Khmer Rouge victory.
17 The confirmation by Ieng Sary, that both former premier Long
18 Boret and Lon Non, the younger brother of former president Lon
19 Nol, had been executed, came after several unconfirmed reports
20 earlier filtering out of the country".

21 The next document is a document from the military and the period
22 after April 1975. It is E3/832, E3/832. This document is an order
23 or decision dated 4th of June, 1975, from division 703 commander
24 Pin. And it names 17 former Lon Nol soldiers, mostly lieutenant's
25 or lieutenant-colonels, as traitors, and states at the bottom of

1 the document, quote:

2 "All these 17 persons have been examined by the Party, and the
3 Party has decided that they are to be smashed. The comrades are
4 asked to implement this policy of the Party." End of quote.

5 With several of the Lon Nol soldiers on this list - for example,
6 numbers 2, 11, and 17 on the list - the document indicates that
7 all members of their family are also traitors. And the comments
8 regarding the 14th person on the list, first lieutenant Eum Say
9 reads as follows, quote:

10 [15.51.48]

11 "He is a former teacher who was a traitor when he was a teacher.
12 In his biography, he criticises us very strongly. His responses
13 show absolute support for the republic regime, and opposition to
14 the revolution".

15 Mr. President, the next document I will simply refer to very
16 quickly is E3/276, E3/276. This is a report from AFP from
17 Bangkok, dated the 21st of May, 1976, titled "AFP lists generals
18 reportedly executed". The report states, quote:

19 "The Khmer Rouge captured 54 Cambodian generals when they seized
20 Phnom Penh in April, 1975, and reportedly executed them, often
21 with their families, the Cambodian resistance movement claimed
22 here today."

23 [15.53.06]

24 "A resistance spokesman today handed AFP the list of the generals
25 which was drawn up last December, and which has already been sent

1 to several western governments. The list of generals was" – and
2 the report concludes by listing the names of over 50 Lon Nol
3 generals, which I will not read now. While I will not read these
4 names, the Chamber will recall it has heard from the surviving
5 relative of one of the persons on that list, Thach Sary.
6 The next group of documents that I will turn to, which evidence
7 the Party's policy of targeting officials or soldiers from the
8 Lon Nol regime are two biographies that were prepared by cadres
9 from the ministry of foreign affairs. The first is E3/3569,
10 E3/3569, and this is the biography of Kao Bun Heng, alias Khon, a
11 cadre from the ministry of foreign affairs required to provide a
12 biography which explains past contacts with persons connected to
13 the Lon Nol regime. For example, in section 1 of his biography,
14 which is a Khmer, 00003745 through 46; English, 00743406; French,
15 00743081 through 82, Khon discloses, in his biography, that his
16 third elder sister was, quote, married to a soldier named Thoam
17 Ret, ranked chief corporal in the Royal Army. He belonged to a
18 special class, serving as a tool of the ruling class.
19 [15.55.35]
20 Khon, the author of the biography, then goes on to explain,
21 quote:
22 "Since 1970, I have not communicated with my parents and siblings
23 by any means, even by letters, because after joining the Front, I
24 realized that they were not revolutionary supporters." End of
25 quote.

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1 And in section 3, paragraph 4, of his biography, which you can
2 see at Khmer, 00003750; English, 00743411; and French, 00743086,
3 Khon, is also required to explain a brief contact he had during a
4 camping trip, while he was a student in France in the 1960s. This
5 part of his biography states, quote:

6 [15.57.00]

7 "Around 1969, A Long Keng, who was A Lon Nol's nephew, also
8 joined the camping vacation organized by the middle group. It was
9 only after the coup that I realized A Long Keng was traitorous
10 Lon Nol's nephew."

11 The second biography, which I will just briefly refer to, is
12 E3/128. It is the DK biography of Long Norin, alias Rith, and as
13 we have heard, Long Norin was a cadre from the ministry of
14 foreign affairs who was directed by his superior, Ieng Sary, to
15 write a biography in which he explained his past contacts with
16 former Lon Nol undersecretary Thach Chea. And in this biography,
17 we see that explanation in the first section of the biography,
18 where Long Norin describes his contact with Thach Chea, during
19 the time they went to the same pedagogical school, and
20 consistently refers to his former schoolmate as "the contemptible
21 Thach Chea".

22 The next document is E3/1539, E3/1539. This is a S-21 prisoner
23 list titled "Names of prisoners who died at Office S-21 Kor", and
24 this list identified 162 former Lon Nol officials, soldiers, and
25 relatives who died at S-21 in one month; March 1976. 153 of these

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1 people were executed or smashed, the other 9 died of illness. The
2 last entry on this S-21 list, number 159, records the execution
3 on the 30th of March, 1976, of the four children of Thach Chea,
4 the former official from the ministry of education who Long Norin
5 had to address in his biography".

6 [15.59.42]

7 Also on this S-21 execution list are at least 13 relatives of one
8 of the seven super-traitors, Long Boret. Number 44 through 50,
9 135 through 136, 149, and 153 through 155 are all identified
10 expressly as relatives or family members of Long Boret.

11 Mr. President, I'm going to turn to another document. If this is
12 a convenient time to stop.

13 MR. PRESIDENT:

14 Thank you, Mr. Prosecutor. The Hearing today has come to an
15 adjournment. We will adjourn now, and we will resume tomorrow
16 morning. That is, Wednesday, commencing from 9.00 a.m.

17 And tomorrow we will continue to hear the presentation of key
18 documents by the parties. This information is for all the
19 parties, the support staff, and the general public.

20 [16.01.07]

21 Security guards, you're instructed to take the two accused - that
22 is, Nuon Chea and Khieu Samphan, to the detention facility, and
23 have them return to the courtroom tomorrow morning before 9.00
24 a.m.

25 As for Nuon Chea, take to the holding cell downstairs, which is

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1 equipped with the audio-visual means for him to remotely follow
2 the Proceedings. The Court is now adjourned.

3 (Court adjourns at 1601H)

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