



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 28-Jun-2013, 13:37
Sann Rada
CMS/CFO:

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

24 June 2013
Trial Day 198

Before the Judges: NIL Nonn, Presiding
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Jean-Marc LAVERGNE
YOU Ottara
THOU Mony (Reserve)
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 For today's proceeding, this is the first day of the document
6 hearings for this week on the key documents by the parties. On
7 the 31st May 2013, the Trial Chamber issued a memorandum to all
8 parties of the case that the Chamber will hold final key
9 documents hearing that the parties of the Chamber deemed most
10 relevant to Case 002/01 and thus those documents have already
11 been discussed before this Chamber - that is, in reference to
12 document E288.

13 Mr. Duch Phary, could you report the attendance of the parties
14 and individuals to today's proceeding?

15 THE GREFFIER:

16 Mr. President, for the key documents hearing today, all parties
17 to this case are present.

18 It is noted that Nuon Chea is present in the holding cell
19 downstairs. That is pursuant to the decision by the Trial Chamber
20 concerning his health.

21 Thank you.

22 [09.04.36]

23 MR. PRESIDENT:

24 Thank you.

25 So far, the prosecutors and the Lead Co Lawyers requested three

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1 days each for key document presentation that they deemed are of
2 the interest as an assist - in order to assist the Trial Chamber
3 in assessing the evidence. However, through the proceedings in
4 the TMM, which was held on the 13th of June 2013, the Lead Co
5 Lawyers confirmed that the requested time will be reduced to one
6 and a half days.

7 The accused, Nuon Chea's defence, did not have the intention to
8 present any key documents but requested one day in order to
9 respond to the documents presented by other parties.

10 As for Khieu Samphan's defence, they raised that that kind of
11 hearing is a violation to Khieu Samphan as the defence is not
12 allowed to object or to discuss all the documents raised by other
13 parties. For that reason, the Chamber shall hold further hearings
14 on the admissibility of documents as far as the weight of the
15 evidence presented in the previous hearings. This is in reference
16 to document E263.

17 [09.06.17]

18 Also, as outlined in the memorandum of the hearing schedule for
19 key documents hearing - that is, document E288/1/1, which was
20 sent informally to all parties on Monday last week, which was
21 placed also in the case file on the 21st, the Chamber already
22 confirmed that the hearing on document hearings is not a hearing
23 for the discussion or debate on the admissibility of documents
24 which have been presented through the evidentiary hearings, but
25 it is a hearing which allows parties to present key documents,

1 both exculpatory and inculpatory in order to assist the Chamber
2 to assess the probative value when the Chamber will weigh the
3 evidence at the conclusion of the evidentiary proceedings.

4 In addition, this kind of hearing will also assist the public to
5 understand better the categories of documents presented in this
6 case and that is due to the nature of the huge and complicated
7 case file. However, the defence for Khieu Samphan and the Accused
8 himself failed to take the opportunity granted by the Chamber to
9 make an observation or to comment on the various documents
10 presented by other parties, in particular, by the Co Prosecutors.

11 [09.08.14]

12 However, for the interest of justice, the Chamber will grant the
13 accused and – Khieu Samphan and his defence to make observations
14 or comments on documents presented by other parties during the
15 key document hearings if the Accused or the Defence intends to do
16 so.

17 For that reason, the Chamber will allocate time for key document
18 presentations and time allocation for observations or comments as
19 follows:

20 On the joint criminal enterprise policy, the Co Prosecutors will
21 be allocated two days; and on the role of the accused, one day.

22 So three days in total for the Prosecution.

23 As for the Lead Co Lawyers on the joint criminal enterprise
24 policy and the Role of the Accused, one and a half day in total;
25 and for Nuon Chea's defence on the joint criminal enterprise, is

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1 half a day, and on the Role of the Accused is half a day. So the
2 total is one day for Nuon Chea's defence. As for Khieu Samphan's
3 defence, regarding on all documents that they request to make
4 observations or comment is allocated half a day.

5 [09.10.03]

6 The floor is now given to the Prosecution to present the key
7 documents, which deems of interest to assist the Chamber to
8 assess the evidence on the policy of joint criminal enterprise
9 and after on the Role of the Accused. You may proceed.

10 MR. RAYNOR:

11 Mr. President, Your Honours, good morning. Good morning to my
12 fellow counsel.

13 In this document presentation on the alleged joint criminal
14 enterprise relating to the forced movements of the civilian
15 population, first and second phase, the Co Prosecutors will
16 present documentation it considers to be of particular relevance
17 to assist the Trial Chamber in determining the truth. The
18 documents deal with the following issues and events:

19 [09.11.10]

20 1. Core party lines of the CPK which pre dated the forced
21 movements of the civilian population. These Party lines are
22 documented in official CPK publications, such as the CPK Statute
23 and issues of the "Revolutionary Flag". Central to CPK ideology
24 was the need to dry up the enemy and drain the civilian
25 population.

1 2. Examples of the policy of draining the population and the
2 forced movement of the civilian population by reference to events
3 in Kratie, Kampong Cham, Siem Reap, the Eastern Zone, the
4 Southwest Zone, and in particular, the events in Udong in March
5 1974.

6 3. Comments made by Khieu Samphan in a speech delivered in North
7 Korea on the 5th of April 1974 within weeks after the attack on
8 Udong as well as official documentation issued at the same time
9 also commenting on the attack of Udong.

10 [09.13.05]

11 4. The movements of Khieu Samphan and Ieng Sary as the main
12 representatives in a GRUNK/FUNK delegation during an official
13 tour of Vietnam, China, and other countries in Europe and Africa
14 during the period from the 27th of March 1974, returning to
15 Peking in late May 1974.

16 5. The decision to evacuate the population of Phnom Penh,
17 including evidence of a meeting between Pol Pot and Ieng Sary in
18 June 1974, and comments by Nuon Chea as to the nature of the
19 decision-making process and the use of democratic centralism.

20 6. Examples by way of telegrams of the movement and execution of
21 civilians in late 1974.

22 7. A United States Government report, dated the 17th of March
23 1975, prepared for potential use with the United States Congress
24 and media citing particular incidents against the civilian
25 population by the communists in the lead up to the evacuation.

6

1 8. The contents of speeches delivered by Khieu Samphan in the
2 lead up to the first forced movements and documents showing where
3 he was and who he was with.

4 9. Statements by Ieng Sary to foreign journalists providing
5 purported justification for the evacuation of Phnom Penh.

6 [09.15.36]

7 Can I start then, please, Mr. President, by reference to document
8 number E3/214? This is the CPK Statute, and I would be referring
9 to one article. The English ERN is 00184033; the Khmer,
10 0053018/9; French, 00292923. This is Article 4 of the Statue. The
11 heading is, "Party Discipline", and this will come up, I hope, on
12 the screen as I start speaking.

13 "Article 4:

14 1. In order to maintain and to consolidate and internal Party
15 solidarity and unity to be always good, the Party has designated
16 and raised the principle of respect for Party discipline and
17 organization. Party discipline is very firm, but stands on the
18 principle of awareness of each individual Party member. Each
19 Party member, regardless of position, must absolutely respect and
20 follow Party discipline.

21 Respecting Party discipline and organization is respecting the
22 Party political line, Party ideological principles and stances,
23 Party organizational stances, and Party statutes."

24 [09.17.30]

25 "2. Any Party member or any Party echelon opposing the Party

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1 political line, Party ideological stances, Party organizational
2 stances, and Party statute, causes fractures in internal Party
3 solidarity and unity, creates groups to carry out activities to
4 destroy the Party."

5 The next document is E3/16. This is an extract from a book by
6 Khieu Samphan entitled - and I quote: "Considerations on the
7 History of Cambodia from the Early Stage to the Period of
8 Democratic Kampuchea". Close quote. The extract I wish to refer
9 to is English ERN 00498231; Khmer, 00380267; and French,
10 00643834. And here under a heading of:

11 "D. The New Line of the New Party." Khieu Samphan stated as
12 follows - and I quote:

13 "This line specified that the 'exploiting classes' were the
14 primary enemy of the Cambodian revolution and 'the tools of the
15 American imperialists'. Thus, the Cambodian people had to smash
16 the 'feudalist regime' whether by peaceful methods or by other
17 methods."

18 [09.19.43]

19 The next document is from E3/18. This is a book by Khieu Samphan
20 entitled, "Cambodia's Recent History and the Reasons behind the
21 Decisions I Made". The ERNs are 00103778 - and I hope the
22 document can come up on the screen this time - Khmer, 00103873;
23 and French, 00595484 through to 85. The general heading of the
24 extract is, "The Accelerated Communization of the Country", and
25 the particular extract reads as follows:

1 "[...] the Khmer Rouge victory on April 17, 1975, strengthened Pol
2 Pot's conviction that the only way to ensure the movement's
3 survival and thus for Cambodia to face the Vietnamese threat, a
4 threat he believed to be even more dangerous after reunification,
5 was the forced collectivization of the country."

6 [09.21.27]

7 Staying on the document if I may, but some different ERN numbers;
8 English ERN 00103776; Khmer, 00103870; French, 00595479 through
9 to 80. So again, still on this book by Khieu Samphan - and I
10 quote:

11 "Since then, I learned from various internal party documents and
12 from the stories of various zone or region leaders, that the
13 daily social conflicts, in the cities as well as in the
14 countryside, though seemingly minor, were actually breeding
15 grounds for the CPK to train leaders to work in various types of
16 mass organizations. But the movement soon revealed itself to be
17 far more vulnerable in the cities than in the countryside.

18 According to the documents, 'The enemy's repression machine is
19 more sophisticated there, where workers are often tarnished by
20 capitalism, whereas the countryside is wider and more protected
21 from it'."

22 [09.23.28]

23 "In the countryside, aside from the developing peasant
24 associations, the first 'self-defence units' were taking shape.
25 Young peasants practiced handling ropes - first to tie oxen - and

1 using kramas, bamboo canes, etc., basically, whatever was
2 available that could be used as weapons to fight the most
3 tyrannical commune chiefs, their deputies, forestry and fishery
4 guards or anyone who might try to take over their land or the
5 land of their families. In some regions, the local authority's
6 secret agents who report spying on important party meetings were
7 sometimes tied up and physically eliminated."

8 The next document is E3/5. This is an extract from "Revolutionary
9 Flag, Issue 8 August 1975". The extract is English, 00401492; the
10 Khmer is 0063329; and the French, 00538966. And this is on the
11 subject of Secret Defence Units - and I quote:

12 [09.25.27]

13 "Secret Defence Units were organized at every location among the
14 people. The peasants, the workers, the labourers, and the
15 students that were armed, whether they bore arms legally or
16 illegally, were the Secret Defence Unit of the Party.

17 What mission did they have? The mission of the Secret Defence
18 Unit was to defend the revolution's base areas, to defend the
19 revolution's people, to defend the cadres moving around working,
20 and to defend the assemblies and the various meetings, and in
21 tandem with this, to covertly smash the enemy, the government
22 agents and the various reactionaries in order to defend the
23 Party, the revolution, and the people." Close quote.

24 The next document is E3/25. This is another CPK publication. This
25 is the "Revolutionary Flag Special Issue, December 1976-January

1 1977". The extract is English ERN 00491424; Khmer, 00063039/40;
2 and French, 00504049/50. And the heading for this extract is -
3 and I start quoting:

4 [09.27.46]

5 "A. Attacking the Enemy Politically: Taking just one example,
6 fighting to seize the people. Throughout the world, they never
7 fought to seize the people. Our line was to fight to seize the
8 people: one, we took him; two, we took them; 100, we took them;
9 1,000, we took them, and so on until we fought for and seized the
10 people from Phnom Penh too. The line of drying up the people from
11 the enemy was very correct. This never happened in the world.
12 When the enemy has the people, the enemy has a military and an
13 economy. When the enemy has no people, the enemy has no military
14 and no economic strength. Our reasoning is correct. Thus, our
15 line is very correct. We fight to seize the people at every
16 location.

17 An example: The fighting in Banam in 1973. We took everyone in
18 Banam Town, expelling the ethnic Vietnamese, the ethnic Chinese,
19 the military, the police; we took everyone, drying up the people
20 from the enemy."

21 [09.30.01]

22 And further down the page:

23 "An example: We liberated Udong in 1974. We pulled out all the
24 people.

25 This is a very important strategic line: control the people and

1 seize the people."

2 Mr. President, I just want to check why this page and other pages
3 have not come up on the screen. Can you - can I please just have
4 one moment?

5 The next document is E3/1108. This is an official CPK report with
6 a signature at the end of the document, and it's a report
7 regarding a meeting to celebrate the start of resistance in
8 Amleang district. So this was a meeting which took place on the
9 30th of September 1974.

10 The front page is English ERN 00583819; that is, Khmer,

11 00383754/5; and French, 00788350. The report is entitled:

12 "Subject: The meeting to celebrate the enemy's 23rd anniversary
13 meeting and Hou Youn's Speech".

14 "On the 30 September 1974, a commission of the Communist Party of
15 Kampuchea's Central Committee gathered to celebrate the
16 anniversary of the 23-year-old history of resistance in Amleang
17 district. The event was held with the participation of many
18 people in the Khmer Rouge's framework, party's members, and Khmer
19 People's National Liberation Armed Forces from different places,
20 who all dressed in black."

21 [09.32.59]

22 On the same English ERN page, but Khmer moving forward one page
23 to 00383755, still on the same French page, we see that the
24 attendees of this meeting included Chou Chet, described as the
25 chief of the Southwest Zone; at number 3 on the list, Ta Mok,

1 commander of the Southwest Zone. And then moving on a number of
2 pages to Khmer page 00383756; English, 00583821; and French,
3 00788352; we see that the other persons in attendance at this
4 meeting were, at number 47, Saloth Sar, Secretary of the Party;
5 number 48, Hou Youn, Ministry of Interior in charge of organizing
6 rural and cooperatives; at number 50, Tiv Ol, the Deputy
7 Secretary of State of the Ministry of Propaganda; at number 53,
8 Koy Thuon, the Deputy Secretary of State of the Ministry of
9 Finance; and at number 54, Comrade Ken or Nor Phourisara, also a
10 member."

11 [09.34.46]

12 Moving onto the next Khmer page, which is 00383757; French,
13 00788353; and English, 00583822; this meeting is described in the
14 following terms - and I quote:

15 "At the beginning, Chou Chet announced the opening of the
16 program. The sound of microphone emitted ordering all comrades to
17 roll down their sleeves, fasten the collar buttons, take off the
18 hats, and prepare to salute the party's flag. Audience and
19 military cadres saluted quietly. 'The party's anthem' emitted,
20 blue curtain opened slowly, and blood red cloth with its size of
21 about four metres appeared. On the cloth, there was an emblem of
22 a sickle and a hammer right in the centre of the red cloth, which
23 is the same as that of the Soviet's emblem. They clenched their
24 fists and saluted silently.

25 After that, Hou Youn went on the stage and delivered a very long

1 speech of three hours, during which he talked about the Communist
2 Party of Kampuchea's 23-year old history of resistance and he
3 gave advice to high-profile military cadres."

4 [09.36.38]

5 Moving on now to some extracts from Hou Youn's speech, can I
6 please turn to Khmer page 00383759; French, 00788354; and
7 English, 00583823? This is Hou Youn talking about the history of
8 the Party's organization - and I quote:

9 "For that reason, the party's Organization did not participate
10 under the ruling of the feudalists and royalists. The
11 Organization has organized its cadres into three groups. One
12 group was sent to study in North Vietnam, another group was sent
13 to do political movements in the city, and the last group was
14 sent to establish political movement in rural area."

15 Another extract from the speech, Khmer page, 00383763; French,
16 00788356; and English, 00583824 - and I quote:

17 "Later on, the Organization implemented a plan according to the
18 slogan of the first phase 'Attack the countryside' 'surround the
19 city, which was the second phase'. The implementation of the plan
20 achieved considerable success. Hence, in 1971 the Organization
21 decided to oblige all of its military cadres to leave Vietnam's
22 military units by shifting to self-reliance."

23 [09.39.15]

24 And the final extract from this speech of Hou Youn, Khmer,
25 00383766; French, 00788357; English, 00583826, and these are

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1 instructions from Hou Youn to the military cadre - and I quote:
2 "From now on, the military cadres must liberate the whole
3 country. However, please bear in mind that before we attack the
4 outside enemy, we must attack the enemy inside each of us first.
5 Comrades must make a clear distinction between friends and enemy
6 and must adopt the following stance:

7 1. Labour stance; 2. Political stance; 3. Solidarity stance; 4.
8 Ideological stance; and, 5. Organizational stance."

9 The next document is E3/118. This is an extract from FBIS for
10 April 1975. The heading of the extract is, "Khieu Samphan 21
11 April Victory Message on Phnom Penh Radio", and this was a
12 broadcast made by Khieu Samphan on the 21st of April 1975, and
13 the broadcast has a further heading, "Congratulatory statement by
14 RGNUC Deputy Prime Minister, Minister of National Defence and
15 CPNLAF Commander in Chief Khieu Samphan to CPNLAF units and
16 Cambodian people - live or recorded." And the extract on the
17 English, 00166994; Khmer, 00846160 through 61; and French,
18 00845854 through 55, is as follows - and I quote - Khmer ERN
19 again is 00846160/61 - and I quote:

20 [09.42.54]

21 "This is our nation's and people's greatest historic victory. Our
22 entire nation, people and CPNLAF, as well as people throughout
23 the world and in all friendly countries far and near, warmly
24 welcome this great victory. It has opened the most brilliant and
25 righteous path which led the Cambodian people and the CPNLAF in

15

1 waging the powerful people's war to fight the enemy on every
2 field - military, political, economic, and in its efforts to
3 drain the population from controlled areas - successively
4 smashing all enemy manoeuvres, relentlessly attacking, and
5 draining the enemy of its military, political, economic and
6 financial strength, food and rice until it reached a point from
7 which it could not recover. Finally, the enemy died in agony."
8 Close quote.

9 [09.44.26]

10 The next document is E3/22. This is an extract from "Cambodian
11 Communism" by Steve Heder. The ERNs are as follows: English,
12 00393831; and the Khmer is 00846160. Can I say for the person
13 who's behind me, I am not certain about Khmer ERN, as I believed
14 that this book had not been translated into Khmer. But in any
15 event, it's "Cambodian Communism" by Steve Heder.

16 It's talking about events in 1970 through to 1971, and he states
17 as follows:

18 "Already in late 1970-early 1971, the Vietnamese Workers Party -
19 while it remained predominant - and the CPK - as it took control
20 - increasingly relied on the pressure of their armed power to
21 maintain and extend their control. Where the Vietnamese military
22 operated in overwhelming force, it sealed off the 'liberated
23 zones' from the rest of the country, enforcing a ban on
24 population movements between them, a policy that the Cambodian
25 communists inherited and reinforced. Many rural folk felt trapped

1 in the liberated zones, reluctantly acquiescing to communist
2 control, whether Vietnamese or Cambodian. They fled when they
3 could from a revolution that enjoyed even less support - sorry,
4 less popular support than in southern Vietnam."

5 [09.46.44]

6 And on the next page, which is English ERN 00393832, there is the
7 following extract - and I quote:

8 "As the CPK became more politically autonomous of the Vietnamese
9 Workers Party in 1971-1972, much of the population remained
10 'cynical, distrustful and fearful' of a revolution that
11 maintained its position through threats and executions. As the
12 CPK expelled Vietnamese armed forces in 1972-1973, it replaced
13 their military domination with increasingly extreme coercion to
14 ensure peasant compliance with its demands. The CPK became even
15 more violent and repressive after mid 1973, when it radicalized
16 its policies, insisting on the formation of agricultural
17 cooperatives in the zones under its control, curtailing the
18 practice of religion, imposing even stricter prohibitions on
19 villagers' movements, and mobilizing the population for attacks
20 on Phnom Penh."

21 [09.48.17]

22 And later in this extract - I quote:

23 "[...] the CPK never convinced the majority that the revolution it
24 was pushing forward was in their interests. Coercion, force and
25 threats maintained only the semblance of mass support and of the

1 popular success of the national people's democratic revolution."
2 The next document is E3/597. This is an extract from Le Monde
3 entitled, "Interview with a Cambodian Revolutionary". The French
4 ERN is 00722245 through 46; Khmer, 00744036; and English,
5 00003963 through 64. And the extracts are as follows. The article
6 starts with these words:

7 "In Peking, our special correspondent, Claude Julien, recently
8 met with Ieng Sary, one of the 'historical leaders' of the
9 Cambodian revolution. He, who soon will return to the
10 underground, reveals here for the first time to a foreign
11 journalist his views on the evolution of his country." And the
12 date of this report is the 15th of January 1972.

13 [09.50.06]

14 Ieng Sary was asked how practically do you organize the power of
15 the people and Ieng Sary gave this reply:

16 "In the vast liberated zone, we have applied the FUNK program. It
17 rests on the principle by which 'the people are the source of all
18 power'. At all administrative levels, from the hamlets, the
19 villages, and the districts, and the provinces, committees are
20 functioning as the state apparatus.

21 Each committee is composed of three, five or seven members
22 according to the importance of its echelon. Each member is
23 assigned one or more specific duties: political, military,
24 security, economic, cultural, social affairs, etc."

25 And then later in the article, on Khmer page, 00744039; English,

1 00003964; and one page on again in the French document, there is
2 this extract:

3 [09.51.26]

4 "Thus, our popular armed forces have rapidly organized and
5 developed themselves on all these levels and are composed of
6 three principal forces: the guerrilla units, the regional forces,
7 and the regular forces, all placed under the command of a
8 national military committee and its staff. At the level of each
9 military region, there is a military committee and a regional
10 staff."

11 The next document, Mr. President, is E3/37. This is the record of
12 the questions and answers which took place before the Co
13 Investigating Judges and Khieu Samphan on the 15th of December
14 2007. And the extract to which I seek to make reference is on
15 English page 00156756; Khmer page 00156677 through 78; and
16 French, 00156684. Khieu Samphan was asked this question by Marcel
17 Le Monde, the Co-Investigating Judge - and I quote:

18 "Did you agree with the content of those speeches you made? And
19 if you disagreed with the content, could you give us an example
20 of such disagreement?"

21 And the answer was: "Generally, I agreed with the content."

22 [09.53.45]

23 The next document is E3/637. This is a statement made by Khieu
24 Samphan, Hou Youn and Hou Nim in January 1973. It also talks
25 about events, 9th of September 1972. The official start of the

1 document is on English, 007409 - sorry, 0931. I'm going to repeat
2 that ERN, 00740931 in English; 00442333 in Khmer; and in French,
3 00752174. So again, document number E3/637. The document is
4 headed: "Statement by" and then lists Khieu Samphan, Hou Youn and
5 Hu Nim.

6 Going into the statement itself at page English, 00740938; Khmer,
7 00442332/3; and French, 00752174, there is the following
8 quotation:

9 "All in all, up to mid-January 1973, the Kampuchean people's
10 liberation armed forces and our people have obtained great
11 victories. We have smashed a total of 10,245 heads of the enemies
12 and liberated dozens of bases."

13 Attached to the general report is a "Special Report" and we find
14 the front page of the "Special Report" at English ERN 00740939 -
15 that is, French, 00752175; and Khmer, 00442333, and the "Special
16 Report" has this title - I quote:

17 [09.56.40]

18 "Special Report: I accompanied Mr. Deputy Prime Minister Khieu
19 Samphan to visit the provinces of Preah Vihear, Kampong Thom and
20 Siem Reap." Close quote. And then the document itself starts with
21 these words: "From the 25th of November 1972 through to the 15th
22 of December 1972, I accompanied Mr. Deputy Prime Minister Khieu
23 Samphan to visit Preah Vihear, Kampong Thom and Siem Reap."

24 And still in the body of this Special Report, we see at page
25 English ERN 00740943; Khmer, 00422336 through 37; and French,

1 00752178; the following extract; and this is the person who's
2 reporting on the visit with Khieu Samphan to these areas. I
3 quote:

4 "Our people know who our friends and enemies very clearly; and
5 they hold absolute grudge against the enemy.

6 Everywhere we went, people including men, women, children and
7 elderly people warmly welcomed Deputy Prime Minister Khieu
8 Samphan with great joy. Before leaving for a new place, people
9 just came to shake hands with Mr. Deputy Prime Minister with love
10 and miss, and requested him to visit their place again. People
11 wished Mr. Deputy Prime Minister, and through him the front and
12 the Royal Government of National Union of Kampuchea great victory
13 and splendid strength."

14 [09.59.08]

15 Mr. President, I'm moving on now to a number of extracts from a
16 book by Ben Kiernan entitled, "How Pol Pot Came to Power". That
17 book is E3/1815 and the next six themes come directly from that
18 book.

19 Can I start please with E3/1815; the English ERN is 00487488; the
20 Khmer is 00104868. Can I explain for Judge Lavergne and my
21 learned colleagues who are listening in French that there is a
22 partial translation of this book in French, but it does not
23 include translations of the extracts that I am about to quote and
24 I have therefore asked for these extracts to be now translated
25 into French. But it will be the Khmer version coming up on the

1 screen and the English version being quoted.

2 [10.00.28]

3 The first extract comes under a title, "The Democratic
4 Revolution, 1973-1975"; and the next heading is, "The Class
5 Enemy"; and the following is stated:

6 "On the 20th of May 1973, as the U.S. bombardment approached its
7 peak, the CPK centre launched a 'cooperativization' programme
8 which initially involved organizing peasants into groups of ten,
9 twenty or thirty families. This had already occurred in many
10 areas, but now land was to be collectivized as well and the
11 produce of the peasants' labour was to be confiscated by the
12 authorities. In some cases, regulations concerning the
13 destruction of religion and family life, and enforced communal
14 eating were also implemented. This was termed the 'Democratic
15 Revolution'.

16 And the reference for that extract refers to the "Revolutionary
17 Flag" of the 8th of August 1975 which is document number E3/5.

18 [10.02.12]

19 Ben Kiernan then referred an interview that Steve Heder had with
20 a CPK member on the 11th and 12th of March 1980, and there is
21 then this quote still within this extract on E3/1815. It talks
22 about an explanation from this soldier and back to the
23 "Revolutionary Flag" and the following words appear:

24 "In the words of the CPK documents: 'We must construct a clean,
25 honest society'. What this meant was to be explained in an August

1 1975 issue of the internal CPK magazine, "Tung Padevat"
2 (Revolutionary Flags). Its author expressed ambivalence
3 concerning the pre-1973 situation: 'There was progress on the one
4 hand, and the same old society on the other.'" Close quote.

5 The next extract from E3/1815 is to do with the events in Kratie
6 in 1973. The English ERN is 00487489; the Khmer ERN is 00104869.

7 [10.03.53]

8 The author refers at the top of the extract with the May 1973
9 establishment of the co-operatives and then in relation to
10 Kratie, states as follows - and I quote:

11 "Until 1973, we are told" and this is referencing the
12 "Revolutionary Flag", E3/5, "Kratie township showed the same
13 signs as in the old society. Honda motorcycles were speeding up
14 and down the streets like before, while our ragged guerrillas
15 walked in the dust. This showed that they were still the masters.
16 They distributed things to the people, mostly commercial
17 equipment. If we had followed that road, we could have gone
18 nowhere.

19 So the Party Centre had to ensure that 'the state controlled
20 everything'. Kratie was evacuated. There was to be 'no more
21 trading, mortgaging, labour-exchanging or buying on credit'. A
22 'state' monopoly was decreed over rice, salt, fuel, cloth and
23 petrol. Without petrol, private owners of trucks, boats and
24 tractors 'disappeared'; the CPK state took over their equipment."

25 [10.05.52]

1 The next extract – still on the same document – is dealing with
2 events in Kampong Cham in 1973. Under a heading, "The Northern
3 Zone", the following ERN pages are relevant: English, 00487491;
4 and Khmer, 00104870. The author states – and I quote:
5 "After the bombing had been brought to a halt in August 1973, the
6 soldier from Region 31" – and I interject here to explain that
7 that soldier is Mam Lon – I spell M-a-m L-o-n. He was a
8 sub-district cadre in Region 31 and he was interviewed by Ben
9 Kiernan in Kraing Leav – I'll spell that, K-r-a-i-n-g L-e-a-v on
10 the 3rd of September 1980. So to carry on:
11 "- the soldier from Region 31 returned with his unit to Kampong
12 Thom to find that while they had been in Siem Reap, the
13 population movement into the countryside had reversed. Fifty
14 thousand peasants had now fled into Kampong Thom town;" – and
15 this is the quote from the soldier – "'the countryside was
16 deserted, the villages empty', the soldier recalls. This was not
17 just because of the U.S. bombardment of the countryside, which
18 had stopped, or because of aggressive Lon Nol army patrolling,
19 which had resumed. It was also because the CPK Zone military
20 commander Ke Pauk [...] had fully implemented the Democratic
21 Revolution in Region 31. The soldier" – and this is still Mam Lon
22 – "continues" – quote:
23 [10.08.32]
24 "In the Kampong Thom region, the Organisation was led by very
25 severe men. Their discipline was terrible; there were many

1 executions. Buddha statues were destroyed and pagodas
2 secularized; youths forced to work very hard, especially when the
3 villages had been reorganized and rebuilt; the Organisation had
4 not allowed the construction of individual houses; there were
5 camps for women, children, young women and young men; meals were
6 eaten communally and rations consisted only of rice soup without
7 meat; children were forbidden to respect their parents, monks to
8 pray and husbands to live with their wives."

9 That later extract is taken from a book and - please everyone
10 forgive my appalling French - it's from an author called Debré
11 and the book is called: "Cambodge: La révolution de la forêt"
12 from 1976.

13 I'm still continuing with the extract from E3/1815 about 1973 in
14 the Northern Zone.

15 "In September 1973, CPK troops from Region 31 ceased half of
16 Kampong Cham city and penetrated to within a hundred metres of
17 the governor's residence. When they withdrew, they took 15,000
18 townspeople into the countryside with them." And that statement
19 is referenced by footnote 318 to a book by William Shawcross,
20 entitled, "Sideshow: Kissinger, Nixon and the Destruction of
21 Cambodia" written in 1979.

22 [10.11.01]

23 Still dealing with events in the Northern Zone and still in 1973,
24 but moving to English ERN 00487493; Khmer, 00104871, there is
25 then this extract from Mr. Kiernan, and I quote:

1 "Changes were also afoot in Siem Reap. Leav Keo Moni" - and I'm
2 going to spell that, L-e-a-v K-e-o M-o-n-i - "the Hanoi-trained
3 veteran Issarak who had taken charge of Srei Snam district in
4 1970, died of natural causes, it seems, in late in 1972 [...]
5 Before Moni's death, local communists had carried out their first
6 executions - of Lon Nol soldiers, previously captured and
7 released, who had re-joined Lon Nol's army. The communists also
8 began burning houses and forcibly regrouping the population away
9 from the front lines; but according to the local Lon Nol district
10 chief"- and that is a reference to a man called Chhing Namyang,
11 and I'm going to spell that, C-h-h-i-n-g N-a-m-y-e-a-n-g - and
12 that was a man who was interviewed by Ben Kiernan in Rouen on the
13 11th of October 1979.

14 [10.13.05]

15 So, "according to the local Lon Nol district chief, speaking in
16 1979, they 'rarely killed civilians'. Moni's death and the
17 increased bombing, however, were followed in 1973 by large-scale
18 executions of 'all' captured Lon Nol troops and militia, and also
19 of traders, the district chief reports."

20 And again, a quote from the district chief, Chhing Namyang: "The
21 communists now began to evacuate whole villages, with livestock,
22 and compile records about everyone. Rich people had to do forced
23 labour."

24 And moving, if I may, to the Southwest Zone, still on the Kiernan
25 book, still E3/1815, the English ERN is 00487495, the Khmer, ERN

1 00104873 through 74. So this is now Mr. Kiernan writing about the
2 South-western Zone and I quote:

3 "But it was the South-Western Zone that saw the greatest
4 convulsions in the revolutionary ranks. 1973 was the year that
5 the Mok-Thuch Rin tendency, closely allied with the CPK centre,
6 established its supremacy over Prasith, Chou Chet and their more
7 moderate colleagues and completely eclipsed the Hanoi-trained
8 Khmers throughout the Zone."

9 [10.15.26]

10 "The first high-ranking victim was apparently Sangha Hoeun" - and
11 I'm going to spell that, S-a-n-g-h-a H-o-e-u-n, "an Issarak
12 veteran and a member of the Zone Committee. A former monk from
13 Kampong Speu" - and that is a reference to Chhun Samath;
14 C-h-h-u-n; Samath, S-a-m-a-t-h; interviewed by Ben Kiernan in
15 Kong Pisei on the 17th of September 1980.

16 So, "a former monk from Kampong Speu (Region 33), who joined the
17 communists in 1970, recalls", so this is a quote from that man:

18 [10.16.45]

19 "In 1971-72, the revolution was good; the people were not worried
20 at all. Sangha Hoeun was friendly with the Vietnamese and never
21 had any trouble with them. And the people liked Sangha Hoeun a
22 lot because he sponsored theatre performances with national
23 traditional music. Also, there were plenty of Lon Nol soldiers
24 and intellectuals who came to the liberated zones from Phnom Penh
25 and the province capitals to join the revolution. Sangha Hoeun

1 and Chou Chet re-educated and taught these people. I saw this;
2 they did not kill them. But Mok did kill such people, and he
3 became angry with what the other two were doing. There was a
4 power struggle.

5 In 1973, the killings began. At first there were transfers of
6 sub-district and Region cadres. Then Chou Chet and his followers
7 fought with Mok's followers, at a combined Zone and Region
8 meeting in our sub-district which I helped organize. The fight
9 broke out over politics and theory, in the middle of the meeting.
10 Chou Chet then left for the West to discuss the question of the
11 executions of the Lon Nol soldiers. Phouk Chhay" - and I'm going
12 to spell that, P-h-o-u-k C-h-h-a-y - "went with him. I was told
13 that they were transferred to Koh Kong.

14 Two weeks later, Sangha Hoeun was arrested by Mok's troops. At
15 first they took him under guard to our village for a day and a
16 night, and then to the Centre or Zone [headquarters]. Five trucks
17 came to take his followers to Kampong Chhnang."

18 So that deals with Mr. Kiernan relying on that particular person
19 for that source.

20 [10.19.12]

21 Mr. Kiernan then goes on and he mentions in the next words,
22 Kenneth Quinn. Kenneth Quinn was an American and this is a
23 reference to one of his publications at footnote 335 and that's a
24 reference to Quinn, "Political Change in Wartime: The Khmer
25 Krahom Revolution in Southern Cambodia" and that was printed in

1 the Naval War College Review in the spring of 1976.

2 So, Mr. Kiernan carries on stating as follows:

3 "Kenneth Quinn reports that in 1973, Chou Chet 'had his authority
4 and influence reduced because of his pro-NVA [North Vietnam Army]
5 and pro-Sihanouk stands and, in fact, was even ambushed and
6 slightly wounded by the KK [CPK forces] once in late November
7 while travelling with some North Vietnamese Army soldiers on
8 Route 16."

9 [10.20.47]

10 For the next sentence, Mr. Kiernan relies on his interview with
11 the then named Nou Mouk, who gave evidence last week and that was
12 the interview that we heard of. So, carrying on with the quote
13 from Mr. Kiernan:

14 "After his arrival in Kampong Chhnang, Chou Chet continued to
15 stress solidarity with the Vietnamese at political meetings."
16 Reference Nou Mouk, Mr. Kiernan then speaks about "A Yuvakok" in
17 Upper Kampong Tralach district and that's a reference to a man
18 called Chhuong Kau - and I'm going to spell that - C-h-h-u-o-n-g
19 K-a-u - and that was an interview with Ben Kiernan in Kampong
20 Chhnang on the 1st of September 1980.

21 "A Yuvakok member in Upper Kampong Tralach district there claims
22 that because Chet was an 'intellectual', he was in constant
23 conflict with a 'forest' revolutionary like Mok. Further, despite
24 their own experience at Sihanouk's hands in the 1960s, Chet and
25 others like Phouk Chhay (and Koy Thuon) appreciated Sihanouk's

1 appeal, even if to them he was only a figure head. The Yuvakok
2 member in fact says that 'the people believed in Sihanouk more
3 than in the revolution'."

4 [10.22.52]

5 "Problems arose when the Party began to criticize the Prince
6 openly, and Mok's response was to impose his authority by force:"

7 And then going back to quote Chhuon Kau: "Mok was cruel ever
8 since 1971-72. Unlike Chou Chet and Phouk Chhay, he was fierce, a
9 killer. The killings began in 1973, as the bombs were falling.
10 Also, some prisoners of war were executed, and others put in
11 re-education centres. 1973 was the year the U.S. began bombing
12 [the area] with B-52s, so they had to fight back hard. The
13 killings were in accordance with regulations. This was called
14 'strengthening the Democratic Revolution'. No one dared resist
15 the changes. I know for sure, from friends who worked directly
16 with Mok, that he was the one who ordered the killings. They took
17 place in the forest. Mok had the power, but he did not have much
18 understanding of politics. Phouk Chhay was educating him, [but]
19 there was conflict between the 'forest resistance', people like
20 Mok, and the 'internal [urban] resistance'; people like Phouk
21 Chhay who had recently arrived, since 1970."

22 [10.24.53]

23 And all those references I've just made are with the footnote
24 referring to Chhuon Kau.

25 Still on the South-Western Zone, but moving to English ERN

1 004874974 (sic) - and I hope that's one page only in the Khmer -
2 this is Ben Kiernan now talking about Quinn. I've already
3 mentioned Kenneth Quinn and one of his papers, but I'm about to
4 be referring to another document by Quinn and this document is
5 entitled, "The Khmer Krahom Program To Create a Communist Society
6 in Southern Cambodia", and this is an airogram from the United
7 States Consul, Can Tho, C-a-n T-h-o, to the Department of State
8 on the 20th of February 1974.

9 "Quinn, who was monitoring developments in the South-Western Zone
10 from across the Vietnamese border, reports that local elections
11 were no longer held in the areas newly seized from the Lon Nol
12 government; from 1973, he says, village chiefs and sub-district
13 officials were appointed by CPK district committees. The number
14 of Buddhists festivals was reduced to two each year, and Cham
15 Muslim ones were 'totally forbidden'. In Kampot in July" - so
16 this is a reference to Kampot in July 1973 - "each Buddhists wat
17 was ordered to supply 10 monks to serve as infantrymen in the
18 army's depleted ranks."

19 [10.27.23]

20 "Soon afterwards, in both Takeo and Kampot (Regions 13 and 35),
21 all but four monks in each wat were drafted, which Quinn notes
22 'decimated the monk population' there. At the same time, local
23 towns such as Ang Tasom and Kampong Trach were evacuated, and in
24 rural areas a 'large-scale relocation process' was implemented -
25 twenty thousand people were moved out of their villages in two

1 districts of Kampot alone. Quinn continues" – so this is a quote
2 from Kenneth Quinn – "In parts of Takeo and Kampot, the Khmer
3 Communists brought in a large number of new cadres to implement
4 this programme, having lost faith in many older cadres whom they
5 considered to be either pro-North Vietnamese or not tough enough
6 to carry it out." Close quote.

7 [10.28.54]

8 "Popular unrest was also mounting." Quinn cites "three incidents
9 in Kampot (Region 35) of popular and military reaction to
10 attempts by CPK cadres to forcibly re-locate the population and
11 confiscate rice harvests."

12 Still relying on Quinn, Mr. Kiernan at English page ERN 00487499
13 – I'm afraid I don't have the Khmer page – English, I repeat,
14 00487499:

15 "In early 1973 when the Khmer Krahom, the official CPK forces,
16 entered the new harsh phase of their campaign in which all rules
17 were strictly enforced and unpopular programmes carried out, with
18 stiff penalties for non-compliance, almost all popular feeling
19 turned against them."

20 Mr. Kiernan then goes on to select quotations from an interview
21 that he had with a man called Tan Hao – T-a-n H-a-o – and that
22 took place in Alençon (phonetic) on the 4th of October 1979. So
23 he's talking – Mr. Kiernan now – about Koh Kong province and he's
24 referencing his interview with Tan Hao.

25 [10.31.15]

1 "[...] Region 11 in Koh Kong province. The ethnic Chinese woman who
2 was living there - Tan Hao - recounts what happened to those she
3 calls the 'free Khmer Rouge'.

4 In late 1973, the Vietnamese were told to go back to their
5 country and we saw no more of them. In October or November, the
6 ethnic Chinese revolutionary cadres all disappeared as well, and
7 the Chinese force was dissolved. Only the Khmer force remained.
8 In 1974, hard times began. Zone and Regional armed forces from
9 Kampong Seila arrived in Koh Kong; they included many women. A
10 person called Prachha was arrested and taken away. They said he
11 was going to study, but actually they killed him. Everybody in
12 Koh Kong was afraid, because their leader had been taken away.
13 Prasith" - P-r-a-s-i-t-h - "disappeared about the same time. It
14 got harder and harder. The Khmer Rouge began killing people;
15 people who did anything wrong were taken away and shot. In 1974,
16 they recruited every youth 16 years old or more into the army.
17 Some who didn't go were killed."

18 [10.33.13]

19 The next extract - we're now moving onto Mr. Kiernan writing
20 about the Eastern Zone - English ERN 00487506; Khmer, 00104880
21 through 1.

22 "It was only in mid-1974 that the Eastern Zone began to exhibit
23 some of the patterns that had been evident elsewhere for several
24 years. In August, '71, Hanoi-trained Khmer cadres from all over
25 the Zone were assembled for a 'study course' in Region 21

1 (Kampong Cham). One of them, Hem Samin" - H-e m S-a-m-i-n, and
2 this reference is an interview that Mr. Kiernan had with Hem
3 Samin in Phnom Penh on the 28th of September 1980 - "One of them,
4 Hem Samin, recalls that they were lectured by Phuong" -
5 P-h-u-o-n-g "and Region Secretary Chan [...] Phuong then informed
6 the group that they were now in detention, and had 'to stay where
7 we were in order to be self-reliant until the Organization came
8 up with a solution so that we could go back to work'.

9 [10.35.14]

10 "Ten of the prisoners soon disappeared, allegedly taken 'to carry
11 out duties somewhere else' [...] The other 61, including Samin,
12 were put to work in the fields under close supervision. They
13 enjoyed some freedom of movement, however, and Phuong's statement
14 suggests that the Eastern Zone Executive did not wish to rule out
15 a future role for them.

16 By contrast, only six of their colleagues were still alive in
17 jails in the Southwest; hundreds of others had been executed
18 since 1971."

19 That final phrase that I've read out is sourced by an interview
20 that Ben Kiernan had with one of the six Khmer Hanoi, his name
21 was Sok Khem - S-o-k K-h-e-m - and that interview took place in
22 Kampot on the 27th of August 1980.

23 [10.36.32]

24 Mr. Kiernan, in giving a conclusion on the Eastern Zone on
25 English page 00487510 - the Khmer page, maybe, but I'm not

1 entirely sure, 00104881 – Mr. Kiernan states as follows:

2 "The evacuation of towns like Kratie, Kampong Trach, Ang Tasom
3 and Kampong Kdei in 1973 was not an abnormal measure at the
4 height of the bombardment [...] it also provided the CPK with a
5 precedent to push further ahead, to take advantage of this
6 momentum and mobilize the population for war communism even after
7 the bombardment had stopped. The 'Democratic Revolution', was
8 both a product of, and a capitalization upon, the U.S. aerial
9 war."

10 MR. PRESIDENT:

11 Thank you, Mr. Co-Prosecutor.

12 We believe that it is now appropriate moment already for the
13 adjournment. The Chamber will adjourn for 20 minutes.

14 (Court recesses from 1038H to 1100H)

15 MR. PRESIDENT:

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

17 Once again, the floor is given to the prosecutor to continue
18 presenting the key documents. You may proceed.

19 [11.01.32]

20 MR. RAYNOR:

21 Thank you, Mr. President. I'm moving on to the last extract from
22 Ben Kiernan's book, "How Pol Pot Came to Power". This appears on
23 English ERN 00487504; and Khmer, 0010487. The heading to the
24 section is, "Premonition". Mr. Kiernan states as follows in the
25 book:

1 "On the 18th of March 1974 (the fourth anniversary of Sihanouk's
2 deposition) a combined force of CPK Northern and South-Western
3 Zone troops, led by Pauk and Mok, overran the former royal
4 capital of Udong, 24 miles north of Phnom Penh on the border of
5 the two Zones. A few months later, Donald Kirk" - that is a
6 reference to Donald Kirk, a journalist, who has written a book
7 called, "Wider War" published in New York in 1971 and also a
8 document entitle, "The Khmer Rouge Revolutionaries or Terrorists"
9 written in 1974 - "A few months later, Donald Kirk investigated
10 the aftermath of this CPK victory, which had serious implications
11 for royalism as well as for the Khmer Republic. 'There was
12 manifestly a conscious effort on the part of the Khmer Rouge not
13 only to overrun government outposts but to destroy the last
14 vestiges of a civilization that appeared totally decadent and
15 irrelevant. Thus the Khmer Rouge, after conquering Udong, led the
16 populace of 20,000 persons into the nearby jungle, killed all
17 school teachers and government officials and deliberately razed
18 the town, setting buildings on fire or tearing them down." That's
19 footnote 377, Donald Kirk.

20 [11.04.41]

21 Next, Mr. Kiernan is going to refer to - in footnote 328 - it
22 will be 78; sorry, 378. He's going to refer to his interview with
23 a man called Tim, T i m, and that was Ben Kiernan's interview
24 with Tim in Udong on the 18th of September 1980:

25 "A peasant from the village of Veang Cas" - that's Tim - "(old

1 palace), outside the town, who had been aware of local CPK
2 activities since 1967 and sympathized with their anti-royalist
3 views, took part in the evacuation. In 1980, he recalled: 'Forty
4 thousand people were sent in all directions. The Khmer Rouge
5 burnt houses everywhere. We had to go to go west into Region 31,
6 Kampong Chhnang, and were sent on and on. Uniformed Lon Nol
7 soldiers were executed along the way. People were split up into
8 groups of 50, 200, or 300, and escorted by groups of Khmer Rouge.
9 Of those sent on to Region 31, and further - to Pursat and
10 Battambang in some cases - only one in five survived to return
11 five years later."

12 [11.06.46]

13 Mr. Kiernan continues:

14 "A CPK sub-district cadre in the area" - and that's a reference
15 to Nou Mouk or Nou Mao, who gave evidence last week - "a CPK
16 sub-district cadre in the area affirms that the orders to
17 evacuate the town population came directly from Mouk; the
18 rationale, he says, was to get them to grow rice in the rear base
19 areas, malaria-infested areas where there were food shortages."

20 Mr. Kiernan then states: "Udong was an omen, on a small scale,
21 for the population of Phnom Penh." He then - referencing again
22 Nou Mouk - says that, "Chou Chet was in Kampot when Udong was
23 taken", and then still referencing Nou Mok, he says as follows:

24 [11.08.13]

25 "The same cadre" - and that is Nou Mouk - "the same cadre also

1 reports a CPK company commander telling him in 1974 that Hou Youn
2 opposed evacuation of the capital. But Youn and Chet had been
3 out-manoeuvred, at least in the Southwest. Mok and Khieu Samphan,
4 the cadre says, were already in favour of evacuating Phnom Penh."
5 And that is footnote 382, referring to Ben Kiernan's interview
6 with Nou Mouk. He, Kiernan, continues:
7 "The Deputy Secretary of Region 37 at the time" - and I
8 interject, that is an interview between Steve Heder and this man
9 that took place on the 11th to 12th of March 1980. So, "The
10 deputy CPK Secretary of Region 37 at the time later told an
11 interviewer: 'If we had captured Phnom Penh in 1974, there would
12 also have been an evacuation. This had been a long-standing plan;
13 the slogan was 'Dry up the people from the enemy."
14 [11.10.38]
15 Next, Mr. President, can I move, please, to document E3/167?
16 The next number of documents deal with the movements of Khieu
17 Samphan and Ieng Sary as part of the GRUNK/FUNK official tour to
18 China, Vietnam, Europe and Africa. So, firstly, E3/167; English
19 ERN 00280571; Khmer, 00596117; and French, 00000107; and this is
20 a broadcast by the Information Bureau of the United National
21 Front of Kampuchea, and it's published by the Nouvelles du
22 Cambodge Kampuchea Information Agency, and that first page
23 identifies the document.
24 This document is dealing with a - the trip by Khieu Samphan and
25 Ieng Sary to North Korea, and to give some details, I move to

1 English, page 00280584; Khmer, page 00596138; and I hope, French,
2 S00000120/21. And there's part of the report which is entitled,
3 "Speech given by Deputy Prime Minister Khieu Samphan", and the
4 text reads:

5 [11.12.50]

6 "At the reception hosted on the 5th of April in the Assembly Room
7 at Mansudae by the Central People's Committee and the
8 Administrative Council of the Democratic People's Republic of
9 Korea" - and it talks about Mr. Khieu Samphan giving the
10 following speech, and this is within two weeks or so of the
11 incident at Udong. And the relevant extract is at English,
12 00280586; French, S00000122; and Khmer, 00596141. So this is a
13 direct quote from the Khieu Samphan speech - and I quote:

14 "On the contrary, the Cambodian People's National Liberation
15 Armed Forces attacked the enemy forcefully and are now solidly
16 implanted at the very gates of Phnom Penh. And Phnom Penh itself,
17 the last hideout of the traitors, has become a burning
18 battlefield under the increased pressure of our People's National
19 Liberation Armed Forces. On the 18th of March, our People's
20 National Liberation Armed Forces liberated another city, Udong,
21 by annihilating all the puppet soldiers there along with their
22 reinforcements; in other words over 5,000 enemies were
23 eliminated."

24 [11.15.02]

25 And next, can I please deal with the start of this official trip?

1 So North Korea was one of the countries visited on this trip by
2 Khieu Samphan and Ieng Sary. But to take us back to late March
3 1974, I move to document number E3/1238; English ERN 00278739;
4 Khmer, 00702017; and French, 00000021. And this document is a
5 FUNK publication, again published in *Nouvelles du Cambodge* and it
6 is entitled, "Congratulations from Chief of State Samdech Norodom
7 Sihanouk to Mr. Khieu Samphan", and it is dated on the 1st of
8 April 1974. It references Sihanouk congratulating Khieu Samphan,
9 the chief of the FUNK and GRUNK delegation, on his official
10 friendly visit in Vietnam. And then there's a partial text of the
11 message which was delivered by Sihanouk on the 27th of March -
12 and I quote:

13 [11.16.38]

14 "I am extremely happy to learn that you have arrived in good
15 health in the glorious and fraternal Democratic Republic of
16 Vietnam and to deliver to you and to their Excellences Ieng Sary,
17 Khieu Thirith, and my heartfelt wishes for a complete success in
18 your patriotic mission. Your current and future visits to our
19 friends, Vietnam, China and Korea, have and will have historic
20 importance and positive consequences..."

21 Then moving still to give some detail to Vietnam, we move to
22 English, 00 - still within the same document - English, 00278740;
23 Khmer, 00702019; and French, 00000022. And this part of the
24 document is headed, "Talks Between the FUNK and GRUNK Delegation,
25 the Vietnamese Fatherland Front and the Government", and it

1 confirms that talks were held on the 29th and 30th March in the
2 Presidential Palace of the Vietnamese government between FUNK and
3 GRUNK delegation, the Vietnamese Fatherland Front, and the DRVN
4 government, and that the Cambodian representatives were Khieu
5 Samphan and Ieng Sary.

6 [11.18.10]

7 Next, I move to document number E3/1242. The front of that
8 document, still dated the 1st of April 1974, shows that there was
9 a farewell reception hosted by the FUNK and GRUNK delegation in
10 Hanoi in Vietnam, and that the extract on the front of that page
11 shows that there was a big farewell reception in Hanoi on the
12 31st of March 1974 at the end of the official friendship visit to
13 the Democratic Republic of Vietnam.

14 Still within the same document, English ERN 00322964; Khmer,
15 00607959; French, 00000049/50; and this shows under a heading,
16 "Signing of the Joint Kampuchea-Vietnam Declaration" that there
17 was a signing ceremony of a joint declaration by the FUNK and
18 GRUNK delegation and the Vietnamese on the 1st of April 1974 and
19 that the signatory for the Cambodian delegation was Khieu
20 Samphan.

21 [11.19.48]

22 The next document is E3/113. This is a FUNK publication dated the
23 2nd of April 1974, again published in *Nouvelles du Cambodge*. It
24 shows - the English ERN, 00280540; Khmer, S00704558; and French,
25 00000066/7 - that in an entry dated the 2nd of April 1974, Peking

1 warmly and solemnly welcomes the FUNK and GRUNK delegation. And
2 that shows that, again, under the leadership of Khieu Samphan,
3 the delegation arrived in Peking on the 1st of April by special
4 flight from Hanoi and that leaders of the Chinese Communist Party
5 and the government of the Peoples' Republic of China, including
6 Zhou Enlai, came to the airport to greet the delegation.

7 Within the same document, English, 00280542; Khmer, 00704560
8 through 61; and French, 00000068; it shows in an entry dated the
9 2nd of April that on the 1st of April there was a grand banquet
10 in Peking in honour of the FUNK and GRUNK delegation. The entry
11 states:

12 "Yesterday evening, Mr. Zhou Enlai, the Prime Minister of the
13 Council of Foreign Affairs, offered a grand banquet in honour of
14 the FUNK and GRUNK delegation, led by Deputy Prime Minister Khieu
15 Samphan and Special Advisor Ieng Sary."

16 [11.22.01]

17 The next page, English, 00280543; Khmer, S00704562; and French,
18 00000069; that entry shows that on the 1st of April, Mr. Zhou
19 Enlai, Prime Minister of the Council of Foreign Affairs of the
20 People's Republic of China, gave a speech to the banquet in
21 honour of the FUNK and GRUNK delegation. So this is the speech by
22 Zhou Enlai at the banquet on the 1st of April 1974.

23 And I'll move to an extract of that speech on English ERN
24 00280544; Khmer, S00704563/64; and French, 00000070. So, Zhou
25 Enlai stated as follows:

1 "The People's National Liberation Armed Forces of Cambodia gained
2 strength in the ravishes of war; closely tied to the masses, they
3 fought with heroism, decimating large, strong enemy armies and
4 freeing over 90 per cent of the national territory inhabited by
5 over 80 per cent of the population of the country, firmly
6 guaranteeing themselves control over the war. Since the beginning
7 of the current dry season, they have started offensives on
8 different battle fields, launched attacks against enemies lurking
9 in Phnom Penh or in other points of support, and achieved
10 triumphant victories."

11 [11.24.28]

12 Still within the same document, now moving on to a meeting
13 between Mao Tse Tung, Khieu Samphan and Ieng Sary; the ERN in
14 English, 00280546; in Khmer, S00704567 through 68; in French,
15 00000073. And the entry confirms that President Mao Tse Tung met
16 with the FUNK and GRUNK delegation that was led by Khieu Samphan
17 and Ieng Sary, and that Zhou Enlai was also present on that
18 occasion.

19 Next, I move to document E3/1254. The front page of that
20 document, English ERN 00280547; Khmer, S00633740; and French,
21 00000080; shows that on the 4th of April - still on the visit to
22 China - the FUNK and GRUNK delegation continued their talks with
23 Prime Minister Zhou Enlai and the deputy prime minister.

24 [11.26.07]

25 Next, I move to document number E3/1255. At English ERN 00280564;

43

1 Khmer, 00593609; and French, 00000101, we have confirmation of -

2 MR. PRESIDENT:

3 Mr. Co Prosecutor, could you please slow down a little bit and
4 can you repeat the current ERN number that you just read out,
5 because the interpreter couldn't follow it?

6 MR. RAYNOR:

7 Yes, Mr. President, I will do that.

8 The ERN in Khmer for this document is 00593609, and this is
9 document number E3/1255. Again, it is a FUNK publication
10 published in Nouvelles du Cambodge. And on this page we have
11 confirmation that discussions were held between the FUNK and
12 GRUNK delegation and the delegation of the government of the
13 People's Democratic Republic of Korea on the 7th of April 1974 in
14 Pyongyang, and president - and present on the Cambodian side,
15 again, Khieu Samphan and Ieng Sary.

16 [11.28.00]

17 I'll move on to document E3/115. No, forgive me; I'm going to
18 cover one other document.

19 I'm moving back to E3/167. This was a document that we've already
20 covered in terms of words spoken by Khieu Samphan on the 5th of
21 April whilst in North Korea. But to set the chronology correctly,
22 I'm on E3/167; English ERN 00280590; Khmer, 00596147 through 48;
23 and French, 00000126. And under a portion entitled, "The FUNK and
24 GRUNK Delegation Leaves Pyongyang", we have confirmation that the
25 FUNK and GRUNK delegation, headed by Khieu Samphan and Ieng Sary,

1 left Pyongyang in North Korea on the 8th of April 1974 to travel
2 to Beijing.

3 And on English page, 00280591, within the same document; Khmer,
4 00596149; and French, 00000128 through 9; we have confirmation
5 that at the end of the visit to Korea the delegation arrived in
6 Beijing on the 8th of April 1974.

7 Next, E3/115; English ERN 00280594; Khmer, 005979166; and French,
8 00000148, we have the following extract entitled, "The FUNK and
9 GRUNK Delegation en route to Europe and Africa". And the entry
10 states that the FUNK and GRUNK delegation, under the leadership
11 of Khieu Samphan and Ieng Sary, left Peking on the 19th of April
12 1974 by special flight to visit European and African countries.

13 [11.31.33]

14 The next page in English, which is 00280595; Khmer, 00597967; and
15 French, 00000149; has an entry entitled, "The FUNK and GRUNK
16 delegation arrives in Tirana" - Tirana being in Albania. And then
17 there's confirmation that the FUNK and GRUNK delegation arrived
18 on the 20th of April 1974 in Tirana for an official and friendly
19 visit on the invitation of the Council of Ministers of the
20 People's Republic of Albania. And again, the Cambodian
21 delegation, or the FUNK and GRUNK delegation, was under the
22 leadership of Khieu Samphan, assisted by Ieng Sary as special
23 advisor.

24 Next, can I move please, to document number E3/331? This is a
25 United States Department of State document, on page number

1 00412748; Khmer, 00740848/9; and French, 00763789 through 90.

2 There is an entry that shows that the next stop was Albania -
3 which I've just covered - and then we have the words - and I
4 quote, "Then to Belgrade". Close quote.

5 [11.33.36]

6 The next document, E3/3315, English ERN, 00412754; Khmer,
7 00790011; and French, 00802337; we have confirmation again in a
8 United States Department of State document telegram; there is
9 these words:

10 "During a call by the ambassador at the Foreign Ministry" - and
11 this in Bucharest on other matters - "Deputy Foreign Minister
12 Nicolae Ghenea made several comments on the visit to Romania of
13 the Cambodian GRUNK leader, Khieu Samphan."

14 Next document number E3/3318; this is a U.S. Department of State
15 telegram. English ERN 00412773; Khmer, 00790015; and French,
16 00802340; and this has reference to - and I quote:

17 "The French ambassador to Algiers" - obviously capital of Algeria
18 - "reported on Khieu Samphan's visit." That's an item on that
19 page, and then following on the next page at item 5, it's
20 reported that, following the visit to Nouakchott, the capital of
21 Mauritania in Africa, Khieu Samphan would go to Yaoundé, the
22 capital of Cameroon, and then hoped to visit Cairo, the capital,
23 obviously, of Egypt.

24 [11.35.48]

25 Next, please, document number E3/2939. This is on English page

1 00377049; Khmer, 00738340 through 41; and French, 00766874. This
2 is a Department of State telegram from the American Consulate in
3 Hong Kong to Washington. The communiqué is headed, "Khieu
4 Samphan's Visit to the People's Republic of China", and it
5 states:

6 "As the joint communiqué noted, the visit of Khieu Samphan to the
7 People's Republic of China was crowned by mutual success."

8 And on the next page we have these words: "The joint communiqué
9 of the 27th of May 1974, issued at the conclusion of the Khieu
10 Samphan visit to the People's Republic of China, noted both sides
11 full satisfaction."

12 [11.37.14]

13 Then moving away, Mr. President, now, from this official tour by
14 Khieu Samphan and Ieng Sary, to some more factual matters leading
15 up to the evacuation/liberation of Phnom Penh. And I start for
16 these purposes at E3/1815, again returning to Ben Kiernan's book,
17 "How Pol Pot Came to Power"; English ERN, 00487532; Khmer ERN,
18 00104885; no French, as I explained earlier. The extract reads as
19 follows:

20 "In June 1974, according to Pol Pot, the CPK Central Committee
21 met and decided to launch the decisive offensive to liberate
22 Phnom Penh and the whole country. The campaign would begin on the
23 1st of January 1975."

24 This is in the epilogue section to Ben Kiernan's book. That
25 reference to Pol Pot's speech is a reference to a speech which

1 Pol Pot gave on the 27th of September 1977, which is footnote 1
2 in the epilogue.

3 Next, please, document number E3/11. This is an extract from a
4 "Revolutionary Flag" in September 1977. The English ERN is
5 00486247; Khmer is 00063 - I've been told you want the ERNs in
6 English again. The English ERN is 00486247; in Khmer, 00063162/3;
7 in French, 00492836. So this is an extract from the
8 "Revolutionary Flag" of September 1977.

9 [11.40.00]

10 "At the beginning, we concentrated on attacking the enemy's weak
11 positions in the countryside with combined military attacks by
12 regular and guerrilla units, with mass demonstrations to strike
13 the enemy and take power in the villages and communes. In this
14 way, we are liberated and expanded in the countryside every
15 single day and isolated the enemy encircling them a few large
16 population centres, at the same time that we tied down enemy
17 forces in scattered positions where the communications and
18 supplies became more and more difficult for them.

19 It was during this situation, when our Party's Central Committee,
20 in the course of its June 1974 conference, resolved to mount the
21 decisive offensive to liberate Phnom Penh and the entire
22 country."

23 [11.41.18]

24 And two paragraphs below:

25 "Carrying out the decision of the Party Central Committee, during

1 the rainy season of the year 1974, we actively prepared our
2 forces, politically, ideologically and organizationally, and in
3 terms of the combat line on the battlefield. Our entire
4 Revolutionary Army audaciously fulfilled the Party's mission of
5 making the decisive attack..."

6 Next, I move to document number E3/89. This is a transcript of an
7 interview between Ieng Sary and Stephen Heder on the 17th of
8 December 1996; English ERN 00417603; Khmer, 00062457/8; and
9 French, 00332685. Ieng Sary said:

10 "The matter of the evacuation from Phnom Penh had been previously
11 decided. That's according to what I was told."

12 Heder: "February 1975?"

13 "No, April, May, but in early April or late March 1975. They
14 brought up the possibilities of what to do when Phnom Penh was
15 won. I raised this matter with Pol Pot in 1974, asking what
16 preparations had been made for when we won Phnom Penh. We
17 discussed the population at that time."

18 [11.43.55]

19 Heder: "On that, pardon me, where did you meet him?"

20 Ieng Sary: "I met him near Phnom Penh. I had returned from
21 Beijing. I came back in '73 and met the Prince in Hanoi. I went
22 Beijing and came back in '74."

23 Heder - question: "When you led the economic delegation to
24 Vietnam and went to Beijing?"

25 "Yes. I returned." This is Ieng Sary. "I returned. And then we

1 discussed what we should do when we won and what preparations
2 should be made. This was the view of His Excellency Zhou Enlai.
3 He had asked me what plans we had for after we won. I was in a
4 difficult spot. I did not dare respond at all at the time. I said
5 that I did not yet have a clear knowledge and he would have to
6 wait until I could ask inside Cambodia."

7 [11.45.18]

8 "When I did ask inside the country, I did not dare ask about army
9 matters, but I did ask what solution there would be to the
10 problem of the people, what solution there would be to the
11 problem of the three million people in Phnom Penh. Pol Pot
12 replied to me that they already had all the experience they
13 needed and that I should not concern myself with this and should
14 instead concern myself with my duties abroad. I then said that I
15 had been specifically asked by the Chinese leadership about this
16 problem. He said that it was a very easy matter to resolve and
17 that our Chinese comrades had nothing to worry about because we
18 Khmer had clear-cut notions in this regard after having been able
19 to solve the problem in Steung Treng and Kratie provinces. So the
20 solution to the problem was to evacuate; that was the only way to
21 solve the problem. I responded by asking whether this meant a
22 total evacuation or what, and he said to wait and see what the
23 concrete situation would be at the time. Nevertheless, the term
24 'evacuation' was already being used in 1974."

25 [11.48.01]

1 I move next to document number E3/687. This is an article which
2 appeared in the "New York Times" on the 9th of July 1982, and the
3 document is headed, "3 Unlikely Cambodian Allies Map War on
4 Vietnam". And the three people being referred to in the article
5 are Prince Norodom Sihanouk; his former prime minister, Son Sann;
6 and Khieu Samphan, who the author describes as the long-time
7 communist who was a theoretician for Pol Pot's Communist regime
8 and helped develop the policy under which millions of Cambodians
9 were expelled from Phnom Penh.

10 On page number English, 00122280; Khmer, 00651187; and French,
11 00622449/50; the journalist for this article states as follows -
12 his name's Colin Campbell. He's referencing Khieu Samphan, and
13 there's a part of the article, "a collective decision" - quote:
14 "And he acknowledged that millions of Cambodians had been sent
15 out of Phnom Penh and into the countryside, as a result of 'a
16 collective decision'. Had he joined the decision? Mr. Khieu
17 Samphan chuckled dryly and replied in French, 'Yes, evidently'.
18 [11.50.46]

19 I move next to document number E3/26. This is an interview that
20 Nuon Chea gave a Japanese journalist on the 7th of October 2006.
21 On English page 00329511; Khmer, 00000899; and French, 00636871;
22 the journalist asked this question of Nuon Chea:
23 "So why did Pol Pot have sufficient capability to control the
24 entire movement?
25 Nuon Chea: On that, it was not him by himself. Everyone worked

1 together. He made his contribution, we made ours. But the
2 important thing was that the people supported us."

3 Question: "During the Democratic Kampuchea era, did Pol Pot have
4 a monopoly over power, or ...?" "Nuon Chea: No. The Collective
5 Democracy Concentration [Democratic Centralism]."

6 On English page 00329512; Khmer, 00000901; and French, 00636873;
7 there is a question from the journalist: "Who decided to evacuate
8 the people from the cities?"

9 "Nuon Chea: The Party Centre."

10 "Journalist: Who had the original idea?"

11 "Nuon Chea: At that time, individuals each helped a little to
12 originate ideas; it was combining this with that."

13 [11.54.00]

14 Next, move to document number D248/5.1.28. This is a 10th of July
15 1974 telegram from the U.S. Embassy in Phnom Penh entitled,
16 "Recent Movement of Khmer Refugees to Neak Loeung"; English ERN
17 00377045 into 46; Khmer, 00658192 into 93; and French, 00663886
18 through to 87.

19 At item 2 in the telegram there is the following quote:

20 "Over a year ago, Khmer insurgent forces overran parts of Route 1
21 between Neak Loeung and Phnom Penh and moved most of the Khmer
22 living there off to the swampy area between the Mekong and Bassac
23 River just to the south. The Khmer from Route 1 underwent
24 political indoctrination and were forced to farm and fish to
25 support the Khmer insurgent forces.

1 [11.55.52]

2 Life around Prasat Tayo was difficult and many of the returned" -
3 sorry, I repeat - "and many of the recently returned refugees
4 complained bitterly about the economic deprivation and political
5 oppression. During the last month, the situation became so bad
6 that most people there had nothing to eat besides corn. Some
7 tried to escape on their own and during the last several months
8 an estimated 150 families made it safely to Neak Loeung. Others
9 were not so lucky and were either captured or killed by the Khmer
10 insurgents."

11 Next, document number E3/3329. This is a U.S. Department of State
12 document, and the ERNs are as follows: English, 00412877; Khmer,
13 00632768; and French, 00599748. This is a telegram from the
14 American Embassy in Vientiane in Laos to Washington:

15 "1. The Vientiane daily newspaper, Xat-Laos (Lao Nation), on
16 August the 9th, 1974, printed an article titled, 'Misery in the
17 Zone Controlled by the Khmer Rouge, told by a Cambodian Monk',
18 the following is an English translation of the article."

19 "2. In the course of a visit to the Wat Sene Muong in the
20 province of Sitandong, your reporter was able to interview a
21 Khmer monk, the venerable Prah Kou Ath, chief of Wat Tapoi, who
22 sought refuge in Sitandong before the start of the Buddhist lent.
23 The monk exposed the very difficult conditions of life existing
24 in the areas controlled by the Khmer Rouge."

25 [11.58.48]

1 "5. Speaking of the administration in the Red Zone, Prah Kou Ath
2 stated that the population led a very difficult life. They were
3 victims of requisitions and had to permanently submit to
4 propaganda sessions and every sort of trouble."

5 "6. As to the military problem, continued the venerable, "it
6 come uniquely from Mr. Khieu Samphan's order, which forbade the
7 population in the zone bordering Laos from respecting Prince
8 Sihanouk." "7. Those who did not obey this order are executed
9 miserably, indicated the same monk who had reported the case of
10 General Somphone, executed in 1973 during a reception."

11 MR. PRESIDENT:

12 Thank you, Mr. Co Prosecutor.

13 It is now appropriate moment for the lunch adjournment. The
14 Chamber will adjourn until 1.30 p.m.

15 Security personnel are now directed to bring Mr. Khieu Samphan to
16 his holding cell downstairs and have him returned to the
17 courtroom by 1.30 p.m.

18 The Court is adjourned.

19 (Court recesses from 1200H to 1332H)

20 (Judges enter courtroom)

21 MR. PRESIDENT:

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

23 Once again the floor is given to the Prosecution so that they can
24 present the key documents before the Chamber. You may proceed.

25 MR. RAYNOR:

1 Thank you, Mr. President.

2 Good afternoon everyone. I hope that everyone's managing to stay
3 awake.

4 Can I please start this afternoon's session by referring to a
5 document that I neglected to cover this morning? The document is
6 E3/114. It is a FUNK publication; again, published in "Nouvelles
7 du Cambodge" and the first entry is dated the 6th of April 1974;
8 English ERN 00280550; French, 00000088; and Khmer, 00662247.

9 [13.33.54]

10 And the document has the following heading: "The Flag of
11 Prestige, Dignity and Honour of the Nation and People of
12 Kampuchea. The National United Front of Kampuchea, FUNK, and of
13 the Royal Government of National Union of Kampuchea, GRUNK, is
14 flying high in the international arena."

15 There is then text that reports that the delegation, led by Khieu
16 Samphan and Ieng Sary, is on an official visit to a number of
17 brother-friendly countries including the Democratic Republic of
18 Vietnam, the People's Republic of China, and the People's
19 Democratic Republic of Korea.

20 On the next page which is English ERN 00280551, French; 00000088,
21 which is the same page as the previous extract, and one page on -
22 in Khmer it is S00662248; there is the following quotation:

23 [13.35.27]

24 "These visits have attained such a great level of animation and
25 solemnity and have had such a great impact on world opinion among

1 friends and foes alike because the FUNK and GRUNK delegation led
2 by Khieu Samphan and Mr. Ieng Sary represents the nation and the
3 people of Kampuchea. The movement for the fight for national
4 liberation against American imperialists on what is currently the
5 most active front in the world as well as the movement for a
6 total independent and sovereign struggle with no dependency
7 whatsoever on any foreign country and which takes into its own
8 hands the destiny of its country and people. FUNK and GRUNK are
9 the authentic representatives of the movement for the struggle
10 for liberation of a small country that is the victim of the
11 cruellest and most barbaric aggression, but which is about to
12 triumph over American imperialist aggressors; the ringleaders of
13 international imperialism."

14 [13.37.07]

15 Staying within the same document, I move to English ERN 00280556;
16 Khmer, 00662258; and French; 00000093/94. The extract has this as
17 the heading: "The Phnom Penh Traitors are in Total Disarray and
18 are Cornered on the Defensive on all Fronts while FAPLNK Remain
19 on the Offensive Attacking the Enemy without Respite."

20 And then further on the page:

21 "But when they were exposed in Phnom Penh, FAPLNK launched on an
22 assault on the 14th of March against positions on the Kaoh Dach
23 islands and Oknha Tei on the Mekong River six kilometres from the
24 royal palace, Phnom Penh. In one day and one night, they
25 liberated the islands, wiped out an enemy battalion and helped

1 50,000 people to cross over to the Liberated Zone."

2 And just beneath that, this extract:

3 [13.39.02]

4 "A day later, on March the 15th, FAPLNK again launched a swift
5 and surprise attack on the City of Udong. On the 18th of March..."

6 it says 1874, "...Udong was totally liberated. An enemy division
7 was totally wiped out and 30,000 inhabitants of that town and
8 surrounding areas successfully crossed over to the Liberated
9 Zone. It is only after FAPLNK had totally destroyed the military
10 positions, the administrative power, detention camps, the

11 pacification centres at Udong, that the traitors rushed
12 reinforcement troops to recapture the Town of Udong. But they,
13 too, were totally trounced and decimated in great numbers."

14 Next, please, can I move to document number E3/2728: English
15 00390921; Khmer, 00602506; and French, 00602498? This relates to
16 a statement given by Pol Pot in Beijing on the 3rd of October
17 1977. The extract reads as follows under the title "Pol Pot on
18 Evacuation of Cambodian City Residents".

19 "Pol Pot gave a press conference in Peking on the 3rd of October
20 as reported by the NCNA in which he spoke of the victories won in
21 various fields by the Cambodian people under the leadership of
22 the Party. One important factor in the success of the
23 revolutionary war in Cambodia, he was reported as saying, had
24 been the evacuation of city residents to the countryside."

25 [13.41.59]

1 This had been decided in February 1975 – quote:

2 "Because we knew that before the smashing of all sorts of enemy
3 spy organizations, our strength was not strong enough to defend
4 the revolutionary regime. The enemies' secret-agent network,
5 lying low in our country, was very massive and complicated, but
6 when we crushed them; it was difficult for them to stage a
7 comeback. Their forces were scattered in various cooperatives
8 which are in our grip; thus, we have the initiative in our hands.
9 The enemy dare not attack from outside." Close quote.

10 The next document is from the FBIS collection from March 1975.

11 The English ERN is 00413180. There are no Khmer and French
12 translations, but they have been requested. This is a telegram
13 forming part of the U.S. Department of State Records, 4 March
14 1975 and this document is a telegram from the American Embassy in
15 Rome to Washington and it states as follows:

16 [13.43.37]

17 "Vatican's Deputy Secretary of State, Archbishop Benelli, called
18 Illing to his office morning March 15" – and this is 1975 – "to
19 inform him that Pope Paul deeply anguished over situation in
20 Cambodia. Apostolic delegate in Saigon, Archbishop Lemâitre, has
21 sent reports to Vatican in last few days which indicate that
22 Khmer Rouge are wantonly massacring innocent civilians in areas
23 they have recently conquered. These reports from Lemâitre based
24 on information obtained from Catholic clergy in combat areas as
25 well as from other sources."

1 The next document is D366/7.1.366.

2 MR. PRESIDENT:

3 Mr. Co-Prosecutor, could you please hold on?

4 And counsel for Mr. Khieu Samphan, you may proceed.

5 MS. GUISSÉ:

6 Thank you, Mr. President.

7 [13.45.40]

8 Good afternoon to everyone in the courtroom and to all the
9 parties. May I crave the indulgence of my learned friend for
10 interrupting him, but we are having some problems regarding this
11 document that is being presented today as a key document.

12 This document is not in the footnotes; nor is it on any of the
13 lists given to the parties, and if no motion has been made to
14 have this document accepted as a new document; we cannot cite
15 this document as one of the key documents of the Co-Prosecutors,
16 so I object at this stage of the proceedings to any use of that
17 document as a key document.

18 MR. RAYNOR:

19 Mr. President, can I explain the history of this document?

20 Firstly, it is in the Closing Order footnotes. Secondly, it was
21 part of 50 documents that the defence of Ieng Sary had picked as
22 not having been subject to debates prior to the admissibility
23 hearing. Thirdly, it was then in the Ieng Sary list for debate
24 and that was on an occasion when the OCP asked the Trial Chamber
25 to exclude 24 documents that had not been debated upon.

1 [13.47.22]

2 This document, Mr. President, was then in a list provided to all
3 parties in an email and no objection has – was stated to this
4 document. As far as I understand it, this document is still
5 waiting a final decision from the Trial Chamber, but it's one
6 that I do seek to rely on as being of particular relevance in
7 this case. If I read the document to you and you decide, in due
8 course, it is admissible and relevant, then it's on the case
9 file. If you decide, having heard this document, for whatever
10 reason, it's inadmissible; it's not on the case file, but the
11 Prosecution do respectfully submit that this is a highly relevant
12 document of particular importance. It is dated the 17th of March
13 1975; that is one month prior to the evacuation.

14 So I repeat, my respectful submission is that it should be
15 referred to and the Chamber then decide upon relevance.

16 MS. GUISSÉ:

17 Mr. President, I would like to put one question to the
18 Co-Prosecutor.

19 [13.48.47]

20 Which footnote of the Closing Order are you referring to because
21 we have looked for the document; indeed, we saw the document? And
22 our learned colleague of the Ieng Sary team objected to that
23 document and erroneously; it was referred to as footnote 377 in
24 the footnote, but it is not in that footnote. So we have
25 crosschecked and the document is not on that footnote.

60

1 If the Co-Prosecutor has another note to give us, maybe - perhaps
2 he should do so because it is not among the footnotes. If it was
3 indicated erroneously by my colleague of the Ieng Sary team, it
4 is not indeed the case.

5 Indeed, the Chamber's decision is pending and so this document
6 cannot be presented as a key document at this stage of the
7 proceedings.

8 [13.49.55]

9 MR. RAYNOR:

10 Mr. President, it's absolutely fair that my learned friend should
11 ask for the footnote. I'm trying to do a search, at the moment,
12 on CaseMap to check this and can I say that the information I'm
13 passing to the Court that it is in a Closing Order footnote was
14 passed to me by one of my fellow counsel. So can I suggest this
15 Mr. President; that I move on? I know that others in my team will
16 try and obtain the Closing Order footnote and perhaps if we could
17 come back to this in a few moments time.

18 MR. PRESIDENT:

19 Yes, you can do so.

20 MR. RAYNOR:

21 Thank you, Mr. President.

22 [13.50.42]

23 I move now on to document number E3/3295. This is a report of a
24 Chinese journalist's delegation to Cambodia and the first extract
25 is on English page 00419155; Khmer, 00751899; and French,

1 00756905-6. So this is the report from the Chinese journalists
2 and the first extract is as follows:

3 "One day towards the end of March" - and this is March 1975 - "we
4 visited the Phnom Penh Front Headquarters. We were warmly
5 received and guests and hosts chatted about friendship and
6 discussed the victorious situation of the impending liberation of
7 Phnom Penh. During our visit, we were received at one forward
8 position by Khieu Samphan, Deputy Prime Minister and Minister of
9 National Defence of the Royal Government of National Union of
10 Cambodia and Commander-in-
11 Chief of the People's Armed Forces of National Liberation of
12 Cambodia. We enjoyed a very cordial and friendly conversation
13 with him. Hou Youn, Minister of the Interior Cooperatives and
14 Communal Reforms, and Hu Nim, Minister of Information and
15 Propaganda, also received the delegation and honoured it at a
16 banquet in the name of the National United Front of Cambodia and
17 the cabinet."

18 In another section, still with the same pages, this extract:

19 [13.53.15]

20 "The Chinese journalists' delegation reluctantly left the heroic
21 Cambodian people and the beautiful land of Cambodia as the good
22 news came pouring in that the People's Armed Forces had liberated
23 Neak Loeang and taken Pochentong Airport. We all felt that the
24 liberation of Phnom Penh was imminent, but as the monsoons were
25 settling in and would make travel difficult; we felt we must

1 return home. On our way, we heard the good news of Phnom Penh's
2 liberation on April the 17th. We jubilantly raised our arms in
3 salute to the historic, great victory of the fraternal Cambodian
4 people."

5 The next document is E3/27. This is the first OCIJ questioning
6 between Khieu Samphan and the Investigating Judges. The relevant
7 question by Co-Investigating Judge Marcel Lemonde appears at
8 English page 00156743. This is Khmer page 00156614 and French
9 page 00156666.

10 And Judge Lemonde asked the following question:

11 "Where did you come from; with whom were you living beforehand?"

12 [13.55.28]

13 Answer: "For about 10 days, I had been at the headquarters of Pol
14 Pot to the west of Udong. I would like to assert that I did not
15 participate in the work of the headquarters. I was just present
16 in the headquarters and observed the events upon which Pol Pot
17 briefed me once in a while."

18 Question: "Who else was present with you at that time?"

19 "I think that there were just the two of us."

20 And now moving, Mr. President, to a theme I identified in the
21 introduction which is moving on to statements made by Ieng Sary
22 about the evacuation, the next document is E3/611. It is an
23 article published in the "Chicago Tribune" on the 18th of July
24 1978. It's written by a journalist, Ronald Yates.

25 Sary did admit to the wholesale denuding of Cambodian cities;

1 adding that some two-thirds of the population has been shifted
2 arbitrarily to the countryside and into several new economic
3 zones and cooperatives - quote: "'We have no reason to massacre
4 our own people,' Sary said."

5 [13.57.42]

6 The next document is E3/550. This is an article published in the
7 "Newsweek" magazine on the 8th of September 1975. The journalist
8 involved was a man called Pringle, so this is a question from
9 Pringle to Ieng Sary.

10 "Why did your forces evacuate the population of Phnom Penh after
11 they captured the capital on April 17?"

12 Ieng Sary: "There were two reasons, the first of which was food.
13 We thought there were 2 million people in Phnom Penh; but when we
14 entered, we discovered 3 million."

15 Pringle asked: "What was the second reason?"

16 Ieng Sary's answer: "We discovered a document detailing a secret
17 political military plan by the U.S. Central Intelligence Agency
18 and the defeated Lon Nol regime to spread confusion after our
19 victory."

20 The next document is E169/4.1.1.1. The first extract is on
21 English page 00815131; French, 00815912; and Khmer, 00809797.

22 This is an extract from "Revolutionary Male and Female Youths",
23 Number 7, July 1975.

24 [14.00.09]

25 "We have now arrived in a new era of the democratic revolution.

1 We have liberated the entire country. We have control over the
2 state authority countrywide. The Kampuchea society has become the
3 new society in which no one can oppress another. There is neither
4 rich nor poor and there is no oppressive class and no oppressed
5 class. All Kampuchean people live equally and do the laborious
6 work together to produce food, to support their living, and to
7 defend and rebuild the country together. This is the new trait of
8 the Kampuchea society."

9 Within the same document, English one page further, so ERN
10 00815133; the page 00809799; and the French, I hope, is one page
11 on, so 00815913:

12 [14.01.40]

13 "If the Party had taken no measures to evacuate all the people
14 out of Phnom Penh and other provincial towns, the enemy might
15 have attacked and pounced on us from behind and smash our
16 revolutionary forces to pieces; or, at least, the enemy would
17 have been able to burrow inside our revolutionary stance, cause
18 chaos in the revolutionary ranks, break up the Party's discipline
19 and solidarity making the revolutionary stance fade away. And
20 then the enemy could have smashed us in any day to dissolve our
21 historical great victory of the 17th of April."

22 Next, I move to document number E3/622. This is a document dated
23 the 14th of June 1978 and it reflects a broadcast entitled
24 "Kampuchean Delegation in Japan", so this was published in the
25 "Los Angeles Times" and it's quoting what Ieng Sary is telling

1 the journalist and what the journalist is reporting.

2 "Refugees reaching Thailand have said thousands of people died
3 when the Cambodian regime drove most of the population of Phnom
4 Penh into the countryside. Without adequate training or equipment
5 for farming, Yugoslav journalists and Swedish diplomats who
6 toured Cambodia this spring said Phnom Penh, the capital,
7 appeared nearly empty."

8 [14.04.02]

9 Ieng Sary denied this saying - quote:

10 "'About 200,000 people live in the capital. Of course, the
11 evacuation of Phnom Penh was originally a temporary measure;
12 however, the people are now satisfied with country life and they
13 do not want to return to the city,' Ieng Sary said."

14 "The Deputy Prime Minister (sic) said he did not know how many
15 people died in the evacuation. He said stories of thousands of
16 people being killed were, 'fabrications intended to defame
17 Democratic Kampuchea.'"

18 "After the war ended, he said, '85 per cent of our people became
19 sick with malaria and could not walk. That was the reason for the
20 evacuation of Phnom Penh. It was a necessary measure in order to
21 prevent people from dying.' He said most of the malaria cases had
22 been cured."

23 [14.05.39]

24 The next document is E3/624. This is a document that was
25 published in the "New York Times" 29th of July 1978. It's

1 entitled "Belgrade, Yugoslavia 28th of July." The heading is
2 "Cambodian Defends 1975 Closing of Nation to Prevent a Civil War"
3 and the text reads as follows:
4 "Cambodia's Foreign Minister, Ieng Sary, said today that the
5 closing of his country and evacuation of Phnom Penh after the
6 communists took over in 1975 had been necessary; quote, 'because
7 otherwise, we would have had a civil war. Our complexities and
8 difficulties would have been greater', he said, 'and more would
9 have died. There would have been a civil war and that would open
10 the door to neighbours to intervene.'"

11 [14.07.11]

12 And then on the same page, this extract:

13 "The difficulty of supplying rice to the people of Phnom Penh was
14 the reason initially given for the evacuation of the capital and
15 Mr. Ieng Sary repeated it, but he also said, for the first time,
16 that the revolutionaries considered the city to be full of
17 agents, ammunition dumps, and conspiracies to undermine the new
18 regime and therefore felt total evacuation to be necessary for
19 defence."

20 I move on now, Mr. President, to some speeches of Khieu Samphan
21 and the first document is D366/7.1.14. This is an extract from a
22 publication written by Stephen Heder entitled "Pol Pot and Khieu
23 Samphan". The relevant English ERN is 00087771. There are no
24 documents in Khmer and French. I have asked for translations to
25 be done.

1 The document is headed with this heading, "Khieu Samphan and the
2 Liberation" and Steve Heder says as follows:

3 [14.09.02]

4 "In what appears to have been a calculated abuse of the trust in
5 which he was held, Khieu Samphan actively helped just before the
6 end of the war to set up Lon Nol military personnel and civil
7 servants for easy execution. The esteem in which he was held
8 meant that some of them allowed themselves to become sitting
9 ducks for murder; thus, as the Communist Party of Kampuchea
10 advanced towards an all-out military victory during the first
11 four months of 1975, Khieu Samphan twice signalled those who had
12 been fighting against it that only the seven top leaders among
13 them would be executed upon defeat."

14 On the 24th/25th February, Khieu Samphan chaired the second
15 National Congress, a meeting of members of GRUNK, who resided
16 inside the country and 273 representatives of FUNK associations
17 and the army. The Congress declared that the seven traitors must
18 die, but that other high-ranking Khmer Republic personalities
19 could join the Sihanouk side."

20 I interject here to explain that there is a FBIS extract dealing
21 with the order to kill the seven traitors. It's been referred to
22 a number of times. That is the FBIS extract for the 26th of
23 February 1975 - that is, E3/117.

24 [14.11.22]

25 To continue with Mr. Heder's words:

1 "Then, on the 1st of April 1975, a little more than two weeks
2 before Phnom Penh was captured, Khieu Samphan spoke in a live
3 broadcast over the communist-party-run radio. He attacked the
4 seven traitors by name, but appealed to the officers and men of
5 the Khmer Republic Armed Forces to lay down their arms and join
6 the Sihanouk side."

7 Mr. President, that broadcast of the 1st of April 1975 is
8 document number E3/118.

9 I move next to documentation dealing with the second forced
10 movement and the first document is E3/216. The first extract is
11 on English, 00850974; Khmer, 00008487; and French, 00343375. And
12 this is an extract from the record of the Standing Committee's
13 visit to the zone on the 20th to the 24th of August 1975. The
14 heading is "Situation of Economy and Crops Diversification".
15 There is a heading "Rice Planting".

16 [14.13.28]

17 "This has been pushed everywhere. Rice is planted on the old land
18 and is also planted on some other land. Planting rice (sowing and
19 transplanting) has been finished in most places in Battambang.

20 Many paddy fields have canals and raised embankments. Water
21 problem has been brought, to an extent, under mastery."

22 The next extract, English, 00850975; Khmer, 00008488 through 89;
23 and French; 00343376. Under the heading "Angkar's Guiding
24 Opinions: National Defence Affairs":

25 "Concretely, it is imperative to strengthen and expand the

1 cooperatives; employing the strength of the cooperatives as the
2 core, making them the hard core for the absorption of the New
3 People."

4 And on the same page:

5 "The function of cooperatives since the total liberation is to
6 absorb all the New People coming out of all the cities and towns,
7 especially Phnom Penh City and in the Northwest, Battambang.
8 Every type of horrible element exists among the hundreds of
9 thousands of New People in Battambang, but the cooperatives have
10 absorbed them completely; supplying them with food and, moreover,
11 deploying their strength to work; therefore, the cooperatives
12 must be further strengthened and expanded."

13 [14.15.43]

14 We move to English page 00850976; Khmer, 0008490; and French,
15 00343377 through 78. The question is posed:

16 "How must we sort things out?"

17 "The people have hope. In the Northwest Zone, the characteristics
18 of the terrain are extremely favourable which they can clearly
19 see. The Base People are extremely happy, while the New People
20 are happy; whereas in the Northwest, there's lots of hope. One or
21 two years from now, the standard of living will rise. The
22 cooperatives will astound as the paddy fields and water situation
23 are transformed and good supply will be abundant and everyone
24 comfortable and then it will rise even higher."

25 The same document, I move to English, 00850977; Khmer, 00008491

1 through 92; and French, 00343378 through 78; under the heading
2 "Economy and Crop Diversification":
3 [14.17.31]
4 "The Party's direction is to diversify crops and build up the
5 country. Workforce must be allocated to those who have free land
6 to plant and diversify crops. Workforce must be provided to any
7 place with more work ability; therefore, the Northern Zone and
8 the Northwest Zone and especially the Northwest have the most
9 good qualities in terms of the geography of paddy land which is
10 good and of which there is a lot of surplus and they must receive
11 more people. Second, possess capital in the form of rice with
12 which they can sustain New People. Third, they have capital in
13 terms of various kinds of implements. We are carrying out shock
14 assaults to diversify crops in the Northwest Zone in order to
15 improve people's living conditions throughout the country, to
16 find new capital for purchasing materials to be used in building
17 the country and diversifying agriculture and industrial
18 production. If we send workforce to other places with less work
19 ability, we will lose both flute and drum, time and effort. In
20 doing so, our fighting guideline is not right, so we must fight
21 at the right place where it is effective because we carry out the
22 policy of self-reliance. We must find capital on our own."
23 [14.19.30]
24 And under sub-heading "Workforce Arrangement":
25 "The Northwest Zone has favourable and unfavourable conditions as

1 follows: Favourable conditions: In general, the land is fertile
2 and also good without using fertilizers. The area is a huge plain
3 with no mountains, easy for us to organize the workforce to do
4 ploughing and to use water. There is also workforce existing. It
5 is better if adding up more force to the zone. The existing force
6 also has experience in diversifying crops. There are some
7 machinery and tools."

8 Under a sub-heading "Shortfall or Points to be Considered":

9 "Firstly, not yet in mastery of water problem, and second, its
10 human being strength is insufficient.

11 The labour force must be increased; 3 or 400,000 more would not
12 be enough. The current strength of 1 million persons can only
13 work 50 per cent. It's imperative to add 4 or 500,000 more."

14 [14.21.01]

15 The next document is E3/781. This is a CPK document dated
16 September 1975. The first extract is Khmer, 00072367; French,
17 00543745; and English, 00523569. The heading of the document is
18 "Examination of Control and Implementation of the Policy Line on
19 Restoring the Economy and Preparations to Build the Country in
20 Every Sector". There is then a sub-heading; "Control and

21 Implementation of the Party's Policy Line to Build Agriculture":

22 "Objective: To examine the control of the absorption of and the
23 implementation of the Party's agricultural line to push

24 agriculture to expand in a great leap to the maximum according to
25 the instructions of the Party."

1 A little bit lower on the same page:

2 "We must quickly prepare to transform from backward agriculture
3 to modern within 10 to 15 years. This is the objective. If we
4 look at this time wise, we see that as being very fast."

5 [14.22.53]

6 The next page: English, 00523570; Khmer, 00072368; French;
7 00543745.

8 "These objectives are set at a very high level. We must really
9 work urgently to achieve these objectives. This matter demands
10 the preparation of forces in every sector to really be
11 orchestrated; machinery, fertilizer, water, etc. Furthermore, we
12 have cooperatives which are the property of the collective. It is
13 easy to arrange everything. Today, we have only people's
14 cooperative ownership and state ownership."

15 Within the same document: English ERN 00523574; Khmer, 00072373:
16 French, 00543749 through 50: "Where must we assemble the forces
17 of the people? We must do this wherever the soil is good,
18 fertile, and favourable; not where it is difficult and not good."

19 On the next page: "In Battambang in 1976, we must have water in
20 every lowland sector because the majority of that low-lying land
21 has regular water sources."

22 [14.24.59]

23 Moving to English ERN 00523576; Khmer, 00072376; French,
24 00543752:

25 "Estimates are that today's labour force numbers 5 million. These

1 forces have been moved to do various work and there now remain
2 4,700,000 people. Use some of them in producing rubber, sugar
3 cane and there still remain 4 million. We must work 3 million
4 hectares of land if we expand, then 4 million."

5 English ERN, still within the same document, 00523580; Khmer,
6 0072382; French, 00543755 through 56:

7 "In Sector 15, we must have the goal of using 30,000 to 40,000
8 people to work along Highway 5. At this site, we can get 1 tonne
9 per hectare. In the Northwest, we can get 3 to 4 tonnes."

10 Yet in the same document: English, ERN 00523590; Khmer, 00072397;
11 French, 0054372. I'll repeat again the French ERN 00543766.

12 [14.27.37]

13 "In the Northwest, we must add an additional force of 500,000
14 people. Preah Vihear has requested 50,000 first. In Preah Vihear,
15 there is the possibility of solving food supplies. Preah Vihear
16 has 70,000 Old People already, so send 20,000 first as we go
17 along."

18 Keeping the same pages, save for English, 00523591, it continues:

19 "In the North, they need people to be given to Kampong Thom
20 province. The East also needs forces to be given to sectors which
21 are short of people, so each zone must make appropriate
22 preparations and not let things sway back and forth allocating
23 how many to upper level and moving how many to other locations."

24 The next document is E190.1.318. It is an article written by the
25 journalist William Shawcross. It was published in the "Far

1 Eastern Economic Review" on the 2nd of January 1976. The first
2 extract is at Khmer page S00708573; and French, 00780515. The
3 English is S00005151.

4 [14.29.45]

5 "Grow, grow everything declares the radio. Particular attention
6 must be paid to rice, for rice means everything. Rice means
7 steel, factories, energy, fuel, and tractors. In some places,
8 Preah Vihear, for instance, conditions have been bad. Even so,
9 the current crop is hailed as the greatest ever; although it was
10 planted late, at the end of April and throughout May, by an
11 unskilled and unwilling labour force. Ieng Sary told the Thais
12 that Cambodia was determined to become self-sufficient in rice
13 and one of the means appears to have been a second great
14 uprooting of people. Refugees say that in the past two months, up
15 to 300,000 evacuees from Phnom Penh have been moved again; this
16 time to Battambang province. The journey was apparently made
17 partly by boat and partly by train. Just enough people were left
18 behind in the provinces south and east of Phnom Penh to harvest
19 the rice that they and their fellows had planted in the early
20 summer. The rest have been sent to the country's most fertile
21 region in order to extend the area of next year's dry-season
22 crop."

23 The next document - and this is three to go, the next document is
24 D199/26.2.184. This is a document published through the French
25 Press Agency. It is a document entitled "Cambodia: The New York

1 Times Reports New and Forced Movements with a High Death Toll":

2 English ERN 00519810; Khmer, 00548749; French, 00389829.

3 [14.32.43]

4 "In a dated dispatch from the small Thai border town of
5 Aranyaprathet, the 'New York Times' reported Wednesday that
6 hundreds of thousands of Cambodians are being again moved from
7 one part of the country to another and that many of them have
8 died during these very rigorous journeys. Most of the people are
9 being shifted to the sparsely populated and under-developed
10 province of Battambang."

11 "According to one refugee, who escaped from his country on the
12 6th of January, a great many of these migrants, most of whom are
13 peasants, are suffering from malaria, typhoid, cholera, and
14 dysentery. The refugee, a male nurse aged 33 years, said that 600
15 refugees died within a month of their arrival in the region of
16 Phnom Srok where he was staying. The daily rights that this new
17 movement which rivals in scale to the one that occurred in Phnom
18 Penh last April apparently began in late October or early
19 November."

20 [14.34.14]

21 "According to testimonies gathered by the 'New York Times',
22 deportees are often not allowed to eat anything other than rice
23 and are escorted by armed soldiers. Those who travel by train are
24 packed inside freight cars like fish inside a can, according to a
25 refugee. Other migrants travel to their new destination on foot,

1 in ox-drawn carts, or in lorries. A great many of the migrants
2 have died either of disease or of exhaustion during the journey
3 which often lasts for many days."

4 Next, document number E3/1181. This again is a CPK document. It
5 is entitled "General View of Sector 5, Northwest Zone" and it is
6 dated the 27th of June 1977; English ERN 00223175; Khmer,
7 00214486; and French, 00612289. It moves into the next pages as
8 well.

9 [14.35.49]

10 "General view of individual districts: Thma Puok: The majority of
11 the population was liberated on the 1st of February 1975 and most
12 of them, almost 100 per cent, are post-17-April People."

13 Item 2 on English page 00223176; Khmer, 00214489; and French,
14 00612290:

15 "Sisophon District: The district population is 50,000; almost a
16 hundred per cent of them are New People."

17 Later in the list:

18 "Phom Srok: There is a population of 70,000. Base People amount
19 to approximately 300 families. Approximately 50,000 people have
20 come from Phnom Penh. Local New People consist of more than
21 20,000."

22 At item 4, the next area is Preah Net Preah.

23 "The population of Preah Net Preah prior to the 17th of April was
24 150 families. More than 70,000 have come from Phnom Penh."

25 [14.37.29]

1 And on English, 00223177; Khmer, 00214490; and French, 00612292;
2 there is the following extract:

3 "It is the worst place of starvation which last year alone killed
4 more than 20,000 people."

5 The final document in this presentation, save for submissions
6 that may have to be made in respect of the document which my
7 learned friend, Ms. Guissé, has addressed is E - sorry, D -
8 sorry, I'm going to start again.

9 This document is E3/3316. It is a release from Amnesty
10 International. It is a news release published in New York on the
11 30th of March 1978 and the extract reads as follows:

12 "Some observers had pointed out that it is possible many people
13 became missing due to forcible transfer to work in remote areas.
14 Until recently, there were reports of constant forced migration."

15 Mr. President, can I please address the document that we were
16 looking at?

17 [14.39.43]

18 I'm having confirmation sent by email from others in my office,
19 Mr. President; that, despite my earlier comments, I'm having
20 confirmation that this document was not referred to in the
21 Closing Order or in our Final Submission, that it was also not in
22 our Rule 80 document's list.

23 Can I say this, Mr. President, that given the fact that the
24 status of this document has not yet been ruled finally on by the
25 Trial Chamber, the - can I make on behalf of OCP now an oral

1 application pursuant to Rule 87.4 for that to go on the case
2 file? I understand, of course, you will consider in due course
3 whether this document is admissible or not admissible. If
4 admissible, we obviously invite you to have regard to its
5 contents.

6 Mr. President, that concludes my presentation from the OCP. Can I
7 simply say this in conclusion? That I was intending to send to
8 all my learned friends and to the Court an index of this
9 presentation so that everyone could see which documents have been
10 referred to and what the ERNs were for each document.

11 [14.41.05]

12 I've not actually had the time to discuss that with my learned
13 friends yet. That had been my proposal. That's intended to help
14 everyone in Court to identify these documents. I don't know if my
15 learned friends have a - have any objections to - to that being
16 done.

17 Thank you.

18 MS. GUISSÉ:

19 Thank you, Mr. President.

20 I wish to know whether the Chamber would like us to respond to
21 the application made by the Co-Prosecutor for tendering of a new
22 document; a document we have objected to. If the Chamber wishes
23 that we should respond now, we will do so. But if it wishes us to
24 respond in writing, we'll also do so.

25 We know there's a new application that has just been made by the

1 Co-Prosecutor and none of the defence parties have responded to
2 that application. So I wish to know how you would like us to
3 proceed, Mr. President.

4 (Judges deliberate)

5 [14.44.30]

6 MR. PRESIDENT:

7 The Chamber would like to inform Khieu Samphan's defence that you
8 may use the time allocation that the Chamber has granted to you
9 so that you can make your observation or comments regarding the
10 documents presented by the Prosecution or any other parties. And,
11 of course, we will look at the actual time that may be needed by
12 Khieu Samphan's defence when the time comes.

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

15 The Court is now in recess.

16 (Court recesses from 1445H to 1507H)

17 (Judges enter courtroom)

18 MR. PRESIDENT:

19 Please be seated. The Court is now back in session. Before we
20 hand over to the Co-Prosecutor, the Chamber wishes to remind and
21 inform parties to the proceedings that the presentation of the
22 documents relevant to the facts regarding the joint criminal
23 enterprise and the role of the accused, the Co-Prosecutors and
24 the Lead Co-Lawyers will have to use the allocated time
25 presenting these documents together. To do that, the Chamber will

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1 be able to also have some time to reflect on the presentation and
2 that other parties to the proceedings will be able to also
3 respond to them. And at the same time, the Chamber would like to
4 also - wish to give the floor now to the Prosecutor to advise the
5 Chamber on the new submission of documents as guided by the
6 Internal Rule.

7 MR. RAYNOR:

8 Thank you, Mr. President. The background with this document is as
9 follows; it is not in the Closing Order footnotes and it also not
10 in the Final Submission footnotes. It's not on the prosecutors-
11 [15.09.44]

12 Sorry, I'll start again, Mr. President, I think there were
13 problems with your headset. This document is not in the Closing
14 Order footnotes; it is not in the Final Submission footnotes and
15 it is not on the prosecutor's Rule 80 list. Accordingly, all I
16 can do now is to seek the admission of this document under Rule
17 87.4 and the grounds there is in the interest of justice. I
18 cannot offer an explanation why this document was missed at the
19 earlier stage. Can I deal very shortly and seek to summarize it;
20 this document gives 15 examples under a heading: "Communist
21 Terror in Cambodia" and they're examples of both force movement
22 and execution and they are sourced by reference to refugee
23 accounts and by articles published the "Washington Post", "The
24 Chicago Tribune", "The Christian Science Monitor", "The
25 Washington Star News", "United States Embassy Reports", a

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1 newspaper in Lao and it's our respectful submission that this
2 document is particularly relevant to the Trial before the Court.
3 I hope that assists in laying the foundation for the Prosecution
4 application at this stage. Thank you.

5 (Judges deliberate)

6 [15.12.13]

7 MR. PRESIDENT:

8 Judge Cartwright, you may now proceed.

9 JUDGE CARTWRIGHT:

10 Yes, Mr. Prosecutor just to clear up a little confusion, can you
11 state again the document reference to which you are referring?

12 MR. RAYNOR:

13 Yes, Judge Cartwright, the document has the following number:
14 D366/7.1.366 and this is the memorandum, an Internal National
15 Security Council United States Memorandum, from an operative
16 called Sven Kraemer, K-R-A-E-M-E-R to Bill Kendall and it is
17 dated the 17th of March 1975. Now Judge Cartwright, does that
18 adequately answer your question?

19 JUDGE CARTWRIGHT:

20 Yes, thank you very much.

21 (Judges deliberate)

22 [15.15.23]

23 MR. PRESIDENT:

24 Judge Cartwright, you may now proceed.

25 JUDGE CARTWRIGHT:

1 Yes, thank you, President.

2 The Chamber will give the other parties the opportunity to
3 respond to this oral application when their opportunities to
4 present documents and comment on other parties' documents, comes
5 about.

6 But there is one last matter, Mr. Prosecutor. Your presentation
7 of this document was interrupted. If the Chamber decides
8 ultimately to agree that it be put before the Chamber, will you
9 want an extra oral opportunity to present this – to discuss this
10 document or will you do it in your closing submissions, the
11 written submissions, giving the other parties further
12 opportunity? Let's not make it too complicated.

13 [15.16.26]

14 MR. RAYNOR:

15 Thank you, Judge Cartwright.

16 I think that the easiest thing to do would be just simply to
17 allow a few more minutes at the final end of the Prosecution
18 document presentations for me simply to read out this document.
19 It will take a matter of minutes and then it will have formally
20 formed part of the OCP document presentations. That's my
21 suggestion, is, I hope, the quickest and easiest way of dealing
22 with this document in the event that the Court decides it is
23 admissible and relevant.

24 JUDGE CARTWRIGHT:

25 Well, the President has agreed to me indicating that you can take

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1 that opportunity but it does not imply that the Chamber has
2 accepted that it has been formally put before it, but that will
3 probably be the least complicated way of dealing with the matter.

4 Thank you.

5 [15.17.17]

6 MR. RAYNOR:

7 I'm grateful. Thank you very much.

8 MR. PRESIDENT:

9 Now, the Chamber would like to hand over to the Co Prosecutor to
10 continue presenting the documents. You may now proceed.

11 MR. DE WILDE:

12 Thank you, Mr. President. Good afternoon to you all, the Judges,
13 and to all the parties.

14 I will continue the presentation of documents by the Office of Co
15 Prosecutors regarding policies, concerning cooperatives and
16 labour camps.

17 If I do not complete my presentation by the end of this day, I
18 will continue tomorrow morning. To clarify my (unintelligible)
19 further, we intend to use the two days allocated to us for
20 presentation of documents regarding policies related to joint
21 criminal enterprise. So we hope to complete our presentation by 4
22 p.m. tomorrow afternoon.

23 [15.18.31]

24 Now, regarding policies related to labour camps, and I believe
25 that in numerous documents for that period there's no distinction

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1 made between the two notions, the word cooperative generally
2 encompasses labour camps. However, at the end of the presentation
3 I will present more specific documents on labour camps.

4 MR. PRESIDENT:

5 Counsel, you may proceed.

6 MS. GUISSÉ:

7 Thank you, Mr. President.

8 I am sorry; I have to interrupt the Co Prosecutor. I would like
9 to enlighten the Chamber at this stage. We have observed that, in
10 the documents presented by both the Co Prosecutors and the civil
11 parties, documents they intend to present, include the documents
12 on the five policies of Democratic Kampuchea regarding forms of
13 responsibility. So I am forced to put this question at this
14 stage. I cannot afford to wait until our time because it will
15 force a problem regarding the conduct of these proceedings.

16 [15.20.09]

17 The question is whether we are remaining in the (unintelligible)
18 Case 002/1. And you have stated on several occasions and the last
19 severance decision, E284 of the 26th of April 2013 you confirmed
20 what you stated in your previous decisions, including your annex
21 E124/7.3. And here I am referring to paragraph 5 in which you
22 refer to the forms of responsibility that are likely to be dealt
23 with as part of Case 002/1. And this is what you state in
24 paragraph 5 of that annex in all the languages regarding forms of
25 responsibility of paragraph A, responsibility stemming from

1 participation in joint criminal enterprise, paragraph 1521 to
2 1525. And in brackets you specify as follows:

3 "(To the exclusion of all that has to do with (inaudible) wishes
4 of the general conventions and the paragraphs that in the
5 creation and the functioning of cooperatives, labour camps,
6 education of bad elements and the elimination of enemies, both
7 within and outside the Party and with regulations concerning
8 marriages.)" End of quote.

9 And you continue and state as follows:

10 [15.22.03]

11 "Only soldiers, officials of the Khmer Republic will be
12 considered."

13 In this subparagraph titled: "Specific measures regarding
14 specific groups, including the Cham, the Vietnamese and Buddhist,
15 religious and officials, soldiers, officers and their families of
16 the Khmer Republic."

17 So you specified clearly in the last decision on severance that
18 even in regards to the forms of responsibility we must restrict
19 ourselves to Case 002/1. The lists that have been sent out, both
20 by the Office of Co Prosecutors, and I must point out that I have
21 not had the time to familiarize myself with all the documents and
22 civil parties a while ago, I have the feeling that we are
23 straying out of the scope of Case 002/1, and that is why I want
24 to make this remark at this stage of the hearings.

25 We will elaborate on these remarks later on, but I am forced to

1 point this out to the Chamber at this point and to ask the
2 Chamber to enlighten us on how we should proceed. Because if we
3 have to look at matters outside of the scope of the case in the
4 documents presentation we'll have a problem of legal uncertainty,
5 how we will deal with all these documents that fall out of the
6 scope of Case 002/1.

7 [15.23.55]

8 If we are dealing with facts that have to do with policies other
9 than those that are supposed to be dealt with within the
10 framework of the case, how will we proceed. This is not a minor
11 problem, because we should also know how we should deal with all
12 these matters in our closing briefs and in our closing arguments.
13 At this stage of the proceedings, I'm trying to draw the
14 Chamber's attention to the difficulties that I anticipate, and
15 that is why I am asking the Chamber to enlighten us on this
16 matter. We are facing an extremely serious legal problem, and the
17 manner in which the Co Prosecutors and the civil parties subject
18 to consideration of whatever documents they intend to present,
19 they are straying out of the scope of Case 002/1.

20 [15.25.01]

21 MR. PRESIDENT:

22 Thank you.

23 International Co Prosecutor, you may now proceed.

24 MR. DE WILDE:

25 Thank you, Mr. President.

1 We, for our part, are of the view that these remarks at the
2 beginning of my presentation of documents on cooperatives and
3 labour camps, is somewhat out of place, because it could have
4 been the subject of email exchanges during the day yesterday or
5 even before. Although Khieu Samphan's defence counsel is asking
6 for clarifications, I nevertheless note that in the Closing
7 Order, in paragraphs 156 to 159, deal with policies regarding
8 joint criminal enterprise, and so this subject is part of what
9 you regarded as Case 002/1.

10 [15.26.07]

11 Secondly, words are being put in our mouth? Because the majority
12 of the documents that we are going to present have an E3
13 reference number that has already been deemed admissible by the
14 Chamber. If indeed, you had insisted that in this case, 002/1, it
15 is more a matter of the design and development of policies as
16 announced in paragraphs 156 to 159 in the Closing Order, we will
17 essentially limit ourselves to that, and the only two exceptions
18 would be to show through one document or the other from the
19 ground, from the field that the implementation of these policies
20 echoed the policies themselves.

21 [15.27.10]

22 Furthermore, international case law tends to show that the
23 generalization of the application of policies on the ground can
24 serve as evidence as the existence of the policies in themselves.
25 So I would like to start by proposing that we should be allowed

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1 to present our documents, and if counsel for Khieu Samphan has
2 arguments to raise regarding probative value and so on and so
3 forth, the defence may do so in due course. I do not think this
4 is the right time to raise these matters, unless the Chamber
5 would like to deliberate now and rule on the matter immediately,
6 in which case my presentation will be made tomorrow.

7 Thank you, Mr. President.

8 MR. PRESIDENT:

9 Counsel for the civil parties, you may now proceed.

10 MS. SIMONNEAU-FORT:

11 Yes, thank you, Mr. President.

12 [15.28.21]

13 I would like to add a few words to what the Co Prosecutor has
14 just stated. I entirely endorse what the Co Prosecutor has just
15 stated. I am somewhat surprised by my learned friend's remarks,
16 because in the Trial Management meeting and several memos of the
17 Chamber we have anticipated the use of these presentations to
18 talk about the five policies related to joint criminal
19 enterprise. So it was clear from the very outset that we were
20 going to talk about the five policies. The question now is how do
21 we go about it.

22 Mr. Prosecutor, when a policy is drawn up, when a policy is
23 designed, you have to think about objectives as defined initially
24 in the policy design. We also have to look at fundamental
25 principles. So it is therefore through testimonies that we will

1 be able to determine that the policies, the objectives that were
2 initially targeted will be pursued. And it is through testimonies
3 that we can establish that the fundamental principles of these
4 policies have been established at the very outset, and had to be
5 implemented.

6 [15.29.45]

7 I would like to add to what the Co Prosecutor has just stated the
8 following. We may also refer to the case law of the international
9 criminal tribunal for the former Yugoslavia that sometimes a
10 policy may be established in (unintelligible) foundations, and
11 these policies can be implemented and you can see that through
12 testimonies. And this is implemented systematically nationwide.
13 So I think insofar as we haven't elaborated on these matters we
14 cannot consider what the learned friend has just stated. So the
15 Chamber allows us to deal with the five policies and not solely
16 on the policies regarding forced transfers.

17 MS. GUISSÉ:

18 Thank you, Mr. President.

19 Let me respond very briefly and say that we did not respond by
20 email because we are in a case, and when we have something
21 important to do, something important to read, we do so during
22 proceedings and not by email.

23 [15.31.06]

24 Secondly, regarding our reaction. I recall that we saw the list
25 of documents that the various parties intend to present; we saw

1 that between yesterday and today, which explains why we are not
2 able to react. Regarding the issue of testimonies that are aimed
3 at raising policies, I have absolutely no problem with the civil
4 parties and the Co Prosecutors presenting testimonies and
5 elements relating to the policies which fall within this
6 framework of this trial.

7 So my request is not aimed at preventing the Co Prosecutors and
8 the civil parties to present documents regarding policies of
9 forced transfers, nor policies regarding soldiers, since that
10 falls within the ambit of this trial. But other policies that
11 have to be dealt with in other trial segments, as the Chamber
12 stated in its severance decision, I do not see how, from a legal
13 standpoint, we can argue that within the framework of this trial.
14 We can talk about most of responsibility in order to consider
15 them subsequently in the second case segment, 002/2.

16 [15.32.28]

17 So there's real legal problem, a procedural problem, and this is
18 the point at which we should raise that point - that problem,
19 because we are dealing with the presentation of key documents,
20 and so it is important for us to raise this problem at this
21 stage. There is no problem with forced transfers of populations,
22 nor the execution of soldiers at Tuol Po Chrey, since they fall
23 within the framework of 002/1.

24 So I am adhering strictly to the application of the severance
25 decision by the Chamber, which unless a new decision by the

1 Supreme Chamber is made to discredit, we have to abide by the
2 guidelines provided by the Chamber for this trial segment.

3 (Judges deliberate)

4 [15.38.25]

5 MR. PRESIDENT:

6 I'd like to give the floor to Judge Cartwright to respond to the
7 objections raised by the counsel for Khieu Samphan on the key
8 documents presented by the Prosecution.

9 Judge Cartwright, please take the floor.

10 JUDGE CARTWRIGHT:

11 Thank you, President.

12 The Chamber reiterates its original direction concerning the five
13 policies referred to in the Closing Order. The Chamber has always
14 indicated that the - that evidence could be led as to the
15 existence of all five policies, but that any evidence relating to
16 the implementation of those would be limited only to the policy,
17 the alleged policy of forced evacuation. Consequently, the
18 Prosecutor must limit his presentation of documents to fall
19 within those parameters.

20 Mr. Prosecutor, I hope that is sufficiently clear for you. Thank
21 you.

22 MR. DE WILDE:

23 Thank you, Your Honour.

24 I won't be able to make much headway this afternoon, so tomorrow
25 I'll continue a little longer than planned because of this

1 interruption. I'll try and abide by your instructions and resume
2 where I was just before in my presentation.

3 [15.40.19]

4 By way of introduction, let me say that the policy of the CPK
5 leaders, vis à vis the cooperatives, was established before 1979.
6 In other words, 1971 and 1972. It's very often the same as the
7 one that was fully applied or reinforced after the 17th of April
8 1975, and so as we see in the documents, there is a certain
9 continuity in these policies, which is why some documents that I
10 will refer to date before the 17th of April 1975.

11 The first part of my presentation relates to documents concerning
12 cooperatives broadly defined. And the first one I would like to
13 talk about is document E3/18, E3/18. That's Khieu Samphan's book
14 entitled, "Cambodia's Recent History, and the Reasons behind the
15 Decisions I Made".

16 In this book, he talks about the creation of cooperatives from
17 1971 to 1972, and he talks about accelerated collectivization of
18 the country.

19 And in Khmer, 00103870 to 01; and in French, 00595482; and in
20 English, 00103776 to 77, Khieu Samphan writes:

21 "Another aspect which marked the movement very strongly was the
22 generalization of agricultural cooperatives in the liberated
23 zones from the end of 1971 and the beginning of 1972. That is to
24 say, a great deal before the victory of the Khmer Rouge."

25 [15.42.42]

1 And later on, he says that:

2 "These peasant cooperatives, while providing the Movement with
3 economic control, in particular of rice, it also granted it a
4 decisive instrument to mobilize the vital forces to temper the
5 storm of the war with Vietnam that had reached Cambodian soil,
6 quite independently from the Vietnamese Communists."

7 I'm going to come back to E3/118, but meanwhile, I'd like to read
8 another extract from a document, which is E3/108. It has another
9 E3 code, in fact, because it's also classified as E3/122. This is
10 an extract from an interview with Khieu Samphan by Ea Meng-Try
11 and Sopheak Loeung in 2006, 9th to the 11th of June. And in Khmer
12 page 00347036; and in French, 00613203; and in English, 00000928,
13 Khieu Samphan says:

14 [15.44.28]

15 "It was because of the bombing taking place in the countryside
16 that the inhabitants had to migrate towards the City of Phnom
17 Penh. At the same time, people came to live in Phnom Penh so as
18 to avoid being marshalled into the cooperatives by the Khmer
19 Rouge." And then a little bit later he says: "All of these
20 inhabitants were displaced, first to avoid the US bombing and to
21 run away from the cooperatives in the regions controlled by the
22 Khmer Rouge." Never the less why were the cooperatives set up in
23 the first place? Well At the time the Vietnamese were trying
24 their best to buy Paddy from the Lon Nol regime and from the
25 Cambodian's later. Once we set up the cooperatives we were able

1 to make sure that everybody had rice to eat. When all was said
2 and done Pol Pot wanted to assist Cambodia and he wanted Cambodia
3 to acquire its own independence. Those who intend to judge Pol
4 Pot are unaware of everything that has happened in the past
5 history of Cambodia. And in fact, in English, the translation is
6 slightly clearer than in the French, says the prosecutor, and
7 there is a negative that shouldn't be there in the French.

8 [15.46.13]

9 In another interview that unfortunately hasn't been translated
10 into French and the reference is 00347036; in English, 00000928;
11 and so I'll read this to you in English your Honours:

12 "Why there was an evacuation in '75? Khieu Samphan: They
13 evacuated people to live in cooperatives. In the cooperatives
14 people were not free but they had enough to eat and the country
15 could also be strong enough to fight out enemy." End of quote.

16 Coming back to the first document I mentioned, E3/18, Cambodia's
17 (sic) book, the recent history of Cambodia, I would just like to
18 read three other extracts. The first is on page 00103873 in
19 Khmer, in French it's page 128 the ERN is 00395485, in English
20 it's page 112 and the ERN is 00103779, and Khieu Samphan says:

21 "Pol Pot believed that a rapid socialist transformation would
22 protect Cambodia from the threat posed by Vietnam. In reality his
23 phonetic campaign to impose an agrarian economy and the ensuing
24 terror that resulted from this campaign bled him dry." End of
25 quote.

1 [15.48.31]

2 The second extract the ERN in Khmer is 00103842; in French it's
3 on page 75 and the ERN is 00595434; and in English it's 00103753;
4 in which Khieu Samphan says that: "The Revolutionary orthodoxy,
5 as it was disseminated during my years of study in Paris, for
6 example, set different levels of cooperative. For those with a
7 superior level the harvest was not meant to be shared but to be
8 stored in common warehouses. Following the collective lifestyle
9 each member received the same food ration every day." Then a
10 little below he says, "I was greatly surprised to learn during my
11 talks with CPK executives after April 1975 that the superior
12 level cooperatives had been used in the liberated region since
13 1973. For sure they had to be imposed on the population because
14 peasants in any country would never agree to give all the fruits
15 of their labour to any organization. It might however if, after
16 years of living in a cooperative, they saw the benefits of such
17 an arrangement and how it could improve their living conditions."
18 End of quote.

19 [15.50.41]

20 So, that great surprise of Khieu Samphan is about the superior
21 level cooperatives since 1973. There is another extract that is
22 relevant and in Khmer that's on page 00103872 to 73, in French
23 it's on page 127, ERN is 00395484, and in English it's on page
24 111 the ERN is 00103778. And I quote: "It is essential to
25 remember that the Movements independence, vis-à-vis the North

1 Vietnamese and the United States were both fighting on Cambodian
2 soil, was based on agricultural collectivisation at the end of
3 1971 and in early 1972, and on the grain requisitioning measures
4 throughout the so called high level cooperatives in regions under
5 the regimes control." End of quote.

6 Staying with this theme of Khieu Samphan's surprise about the so
7 called high level cooperatives, an official document that was
8 disseminated by the party, already in 1974, referred to the
9 establishment of high level cooperatives. This document also
10 attests to the spread of cooperatives in all of the liberated
11 zones.

12 [15.52.25]

13 This document E3/146 it's a special issue of Revolutionary Youth,
14 August–September 1974. I want to read two extracts from this and
15 the first, in Khmer is ERN 00283402; in French it's 00611805; and
16 it is 00538741 in English, under title three, some erroneous
17 points of pride, "We are about to win a grandiose victory in the
18 liberated regions we have beaten down the oppressing classes,
19 eliminated old production relationships, and oppressive
20 production relationships and uprooted these and we have
21 established production cooperatives at a lower and higher level
22 across the board."

23 And there is another extract that in Khmer is 00283411; French,
24 00611812; and in English, 00538748. I quote: "In the first
25 category liberated regions there is no longer any national

1 capitalism. This only remains in the second category liberated
2 regions. And nowadays people have almost no way of exploiting
3 others. Indeed our state has taken full control of commerce in
4 particular commerce in important strategic products and created
5 production cooperatives everywhere, in all places."

6 [15.54.54]

7 Turning now to document E3/16 which is again Khieu Samphan's book
8 on the history of Cambodia in Chapter 5 Democratic Kampuchea,
9 this is a relevant document because here you can see Khieu
10 Samphan's view vis-à-vis the establishment of higher level
11 cooperatives in 1973. And he seems to oscillate between
12 justifying the existence and the working of these cooperatives
13 during the war and criticizing these collectivist cooperatives
14 after the 17th of April 1975. And the first extract in Khmer is
15 00380461; in English, 00498281; and in French, 00643887; and
16 under title seven, "Why were there so many arrests and
17 massacres?" Under title seven, "Why were there so many arrests
18 and so many massacres?" answer: "Certainly deporting inhabitants
19 out of the city's, developing high level cooperatives very
20 hastily, without taking the time to think, without taking the
21 time to choose and select, educate, and train cooperative
22 leaders, not using money to continue to direct the country as if
23 in war time with secrecy and mystery and banning people from
24 communicating among each other even on very minor subjects all
25 awarded immense power to all of these potentates.

1 [15.56.56]

2 And then a little further on in the document in - on Khmer page
3 003804666; in French, 00643890; and in English, 00498284; and I
4 quote: "High level cooperatives were organized in 1973..." - and
5 then further on - "...land was declared to belong to the
6 cooperatives. The early harvest was declared to be under the
7 common ownership of the cooperatives..."

8 And lower down:

9 "In a situation where a great part of the country had been
10 destroyed by the war a good part of the rice fields had to be
11 abandoned and therefore we had to make it possible for people to
12 survive together. There would be a certain amount of Paddy
13 remaining to nourish the armed forces who had to fight in the war
14 but there would still be an opposition movement. Nevertheless
15 generally speaking the masses continued to support the higher
16 level cooperative in order to liberate the country and restore
17 peace. Nevertheless, after the end of the war, generally speaking
18 the inhabitants didn't understand the need to conserve, to
19 maintain such a draconian institution. If we went back to the
20 kind of cooperative which had existed between 1971 and 1972 where
21 the annual harvest was proportionally distributed in terms of the
22 land delegated to each one in the cooperative that would be more
23 in keeping with the wish of the inhabitants."

24 [15.59.12]

25 I hope I can continue until we break with this Mr. President. As

1 for the crucial importance of cooperatives and the where-with-all
2 they offered for major construction works Khieu Samphan wrote the
3 following, in Khmer, 0038470 to 71; in French it's 00643893; and
4 in English, 00498286; and I quote: "Pol Pot believed that the
5 establishment of higher level cooperatives in the whole country
6 would accelerate the revolution in Cambodia and obtain 30 years
7 of head way by comparison to the revolution in China in South
8 Korea and in Vietnam. In fact that would give huge opportunities
9 to build dams and to dig canals to irrigate rural zones
10 throughout the country and that would lead to a much more open
11 conception of what Khmer agriculture was able to do, and to
12 emerge from its backwardness and to transform itself into modern
13 agriculture."

14 [16.00.45]

15 And then there is also another quote which is 00643910; in Khmer;
16 00380499 to 500; and in English, 00498303; and again Khieu
17 Samphan here is saying: "On the other hand in order to attain
18 this objective, in other words modern agriculture, since the
19 country had just emerged from a highly destructive war and that
20 it was coping with a famine this appalling and traumatic
21 situation had first to be dealt with. Lower down the page he says
22 consequently there had to be some kind of limit, in other words a
23 limit on hard labour in a situation where everything was lacking
24 both for those who were used to vary taxing work, and those who
25 had never done any at all." End of quote.

1 [16.01.56]

2 And then I have one more extract to quote Mr. President, if I
3 can, concerning the different treatment meted out to Old and New
4 People in the cooperatives. Khieu Samphan justifies this on the
5 next page. In Khmer its 00380469 to 70; in French, 00643892; and
6 in English, 00498285 to 86. I quote Khieu Samphan, "Since the
7 beginning, the party, the army and the state authority, at
8 various echelons, stood upon the foundation of class and had to
9 have come from the mass movement." And then jumping a little bit
10 he goes on to say, "Since the evacuees had never even known the
11 party, the army or the revolutionary state authority they had no
12 possibilities at all of joining the state authority even at low
13 levels such as village or cooperative." End of quote.

14 I move on to another passage.

15 "This represented a principle of vigilance to prevent enemy
16 agents from some countries from being able to bore holes from
17 within the Kampuchean revolutionary state authorities. So then it
18 was imperative to grasp the history of each person and to make it
19 easier for cadres and peasants to grasp the history of each
20 person the easiest thing to do was to differentiate them into Old
21 People and New People."

22 [16.03.54]

23 "However Pol Pot himself always reminded all cadres not to
24 consider all of the New People as enemies or prisoners of war
25 without giving thought to the stances, views, and principles of

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1 the Party. But in actuality in many locations the New People were
2 still considered to be prisoners of war. For example as occurred
3 during the very first days of the evacuations" End of quote.

4 And Mr. President, unless you are willing to grant me a little
5 more time that would bring me to an end of my presentation for
6 today and I will continue tomorrow.

7 MR. PRESIDENT:

8 Thank you, lead prosecutor. Today's proceeding has now come to an
9 adjournment, we will adjourn the hearing today. And we shall
10 resume tomorrow morning commencing from 9.00 a.m.

11 And for tomorrows proceeding we will continue to hear the
12 presentation of key documents. And this information is for all
13 the parties, the support staff, and for the general public.

14 Security guards you are instructed to take Khieu Samphan and Nuon
15 Chea back to the detention facility and have them return to
16 participate in the hearing tomorrow before 9.00 a.m.

17 As for Nuon Chea bring him to the holding cell downstairs which
18 is equipped with the audio-visual means for him to follow the
19 proceeding remotely. The Court is now adjourned.

20 (Court adjourns at 1605H)

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