



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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

26 June 2013
Trial Day 200

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. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SENG BUNKHEANG	Khmer
MS. SIMONNEAU-FORT	French

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

7 THE GREFFIER:

8 Mr. President, for today's proceeding, all parties to this case
9 are present.

10 On a side note, Nuon Chea is present in the holding cell
11 downstairs pursuant to the Trial Chamber's decision concerning
12 his health.

13 Thank you.

14 [09.03.55]

15 MR. PRESIDENT:

16 Thank you.

17 We would like now to give the floor to the Prosecution to
18 continue presenting their key documents on JCE. You may proceed.

19 MR. LYSAK:

20 Thank you, Mr. President. Good morning, Your Honours. Good
21 morning, Counsel.

22 When we broke yesterday, I was presenting - in the middle of a
23 presentation showing you documents that revealed the policy
24 targeting officials and soldiers of the Lon Nol Khmer Republic
25 regime. And I was presenting from one category of documents that

2

1 reflect this policy, which were S 21 prisoner lists, particularly
2 from the early period of the prison that show that one of the
3 major group of prisoners during that period were Lon Nol soldiers
4 and officials.

5 [09.05.10]

6 I had presented - just presented one of those documents that
7 showed 162 former Lon Nol officials, soldiers and relatives, who
8 were killed in one month alone - March of 1976. Let me note here
9 that there are a number of other S 21 records showing the
10 targeting of this group.

11 Document E3/2189 - E3/2189 - is an S 21 list titled "Prisoners
12 Who Were Government Officials". The - this document is obviously
13 relevant in that the very title that was given by S 21 to this
14 list reflects the targeting of government officials or civil
15 servants.

16 And I would also note that one of the documents that has been
17 admitted by this Chamber is E3/3597 - E3/3597. This is an S 21
18 prisoner list that identifies another 188 intellectuals, Lon Nol
19 soldiers, and government officials who were killed at S 21 in
20 1976.

21 [09.06.50]

22 Turning now to a document from the Standing Committee, which is
23 document E3/197 - E3/197. This is the minutes of a Standing
24 Committee meeting that was held on the 11th of March 1976
25 regarding the resignation of Sihanouk. This meeting was attended

1 by Pol Pot, Nuon Chea, Khieu Samphan, Son Sen, Vorn Vet, and
2 Doeun. And at the start of section 2 of the minutes – and as
3 yesterday, my colleague will show the documents on the screen as
4 the presentation proceeds, with your leave.

5 At the start of section 2 of these minutes, the following opinion
6 of Angkar is expressed regarding the long-term reason for
7 Sihanouk's resignation – quote:

8 "Fundamental class conflict between him and his family and the
9 Revolution: He cannot live with us. In the past, he could, only
10 as a tactic." End of quote.

11 [09.08.15]

12 And later, in the same document, when the meeting was reconvened
13 on the 13th of March 1976, the minutes reflect that the Standing
14 Committee decided that they would let Sihanouk live, but would
15 not allow him to leave the country.

16 In regards to his children, however, the minutes record the
17 following decision in paragraph 3 at Khmer, 00000747; English,
18 00182641; and French, 00334963. The minutes read as follows –
19 quote:

20 "Send a wire for his children to come immediately explaining that
21 they are coming for the New Year's and the Independence
22 celebrations. We want to resolve this problem cleanly." End of
23 quote.

24 And a couple of paragraphs later, in paragraph 5, the Standing
25 Committee explains its decision regarding Sihanouk as follows –

1 quote:

2 "We must end feudalism just like this. The chess game has gotten
3 to that point. The entire feudalist regime has been permanently
4 smashed and dug out by the Revolution. The kings existing over
5 2,000 years must in the end be clean. We have no way out other
6 than this one."

7 [09.10.16]

8 The next documents I will present, I will present just a few
9 documents from the military relating to this issue. Document
10 E3/1162 - E3/1162 - is a report from the secretary of Division
11 310, Oeun, dated the 26th of May 1976. And this document is
12 presented as it shows how biographies of division cadres were
13 checked and how cadres identified as having relatives who were
14 soldiers in the previous regime who reported to the Centre.
15 Reading from paragraph 7 - quote - this is paragraph 7 of the
16 division secretary's report - quote:

17 "In Special Battalion 312, there remain three comrades who still
18 hide their biographies, did not tell the truth about their own
19 biographies:

20 "a) Hiek: In his biography he said he has not any political
21 tendency, but when investigating his house we found that his
22 father was a soldier of an ambush unit in Kampong Thom."

23 Number b in this list, Chhan, indicates - quote: "His brother(s)
24 served in the army for one year."

25 And number c, the third person in paragraph 7: "Si: His father

1 was soldier who has now been missing."

2 [09.12.24]

3 Document E3/813 is the minutes of a meeting that was held with
4 Division 164 on the 9th of September 1976. That's document
5 E3/813. And I'll read just a short excerpt from section 3.2 of
6 the minutes, which record the following report from Division 164
7 regarding the enemy situation in its region - quote:

8 "Mostly the civilians are good, but there are bad movements in
9 the military. Recently, one soldier lieutenant of the former
10 regime was discovered and arrested." End of quote.

11 And in response, at the very end of the minutes, Son Sen
12 instructed - quote: "The soldier elements must be rounded up."
13 End of quote.

14 The next document is E3/807 - that's E3/807 - and this is the
15 minutes of a meeting of the secretaries and deputy secretaries of
16 the divisions held on the 1st of March 1977. And I will again
17 just read a short excerpt from these minutes, and that appears at
18 Khmer, 00052305; English, 00183949; and French, 00323923.

19 [09.14.21]

20 And in these - this part of the minutes, the Division 920
21 secretary, Chhin, reports to the meeting as follows - quote:

22 "After the studies, those who came to us from the Vietnamese and
23 the children of soldiers, sub-district chiefs, and police were
24 purged and sent to do production in one place." End of quote.

25 The next group of documents relate to the targeting of Lon Nol

6

1 soldiers and officials in the zones and autonomous sectors. And I
2 will start with a number of documents from Tram Kak district, the
3 - a district in the Southwest Zone.

4 [09.15.25]

5 Document E3/2438 - E3/2438 - is a report titled "List of
6 Kampuchea Krom people from Kus commune dated the 29th of April
7 1977". And there are - the significance of this list, the reason
8 we present it to you today, is that it is a list that identifies
9 biographical information on people from this commune. One of the
10 columns of information is titled "Rank". It is the second column
11 from the end on the right side. And in that column, it is
12 identified which people held positions in the Khmer Republic
13 military. For example, the first person it is recorded the
14 husband is a second lieutenant. Down on the next person, the
15 husband is a first lieutenant, and so on.

16 Your Honours, there are a number of such lists from other
17 communes in Tram Kak district showing that this was a uniform
18 practice, and I will cite to you two more of them: E3/2049 -
19 E3/2049 - is the same type of list, only from Angk Ta Saom
20 commune, dated the 30th of April 1977; and one more example,
21 E3/2281 - E3/2281- is a list from Trapeang Kranhung commune,
22 dated the 4th of May 1977.

23 [09.17.48]

24 In addition to these lists, there are a number of documents,
25 reports from Tram Kak district that reflects what happened when

1 former Lon Nol soldiers were identified.

2 Document E3/2048, E3/2048 contains – is a document that contains
3 multiple documents from the district. There are three of them
4 that I will present to you from E3/2048.

5 First, at Khmer, 00079089; English, 00276562 through 63; and
6 French, 00611659; at these pages you will find a report from
7 Cheang Tong commune chief, Moeun, dated the 30th of April 1977,
8 that reads as follows – quote:

9 "Request to make a report to beloved Tram Kak district Angkar as
10 follows: The enemy situation in our bases. After having received
11 successive instructions from Angkar about being vigilant about
12 the enemy and purging the enemy officers, we have tracked,
13 examined, and found the following persons:"

14 [09.19.44]

15 The first person listed, individual named Chhit Pil, a soldier, a
16 second lieutenant, left Phnom Penh before 1970 to live in Angk Ta
17 Saom. The second person on the list, named Khieu Sokha, the
18 report indicates: "We questioned him about his former position
19 and he responded that he had sold rice, but now we have tracked
20 and examined the specifics. This one worked in the social
21 development ministry."

22 The report concludes then – quote: "The above report is for
23 Angkar's information. Along with this, we request to submit these
24 people to the police and request that Angkar accept them."

25 Also included in E3/2048, this document is at Khmer, 00079090;

1 English, 00276563 through 64; and French, 00611660. And at these
2 ERN pages you will find a report from Popel commune dated the 2nd
3 of May 1977. This report informs the District Committee that 106
4 military families, totalling 393 persons, had been smashed by
5 Angkar; that 231 military families remain, totalling 892 persons;
6 and that, "There are some additional families for which it has
7 not yet been determined if they are military or not". End of
8 quote.

9 [09.22.03]

10 And in the same series of reports, at Khmer, 00079091; English,
11 00276564; French, 00611661; you will find a document from the Ta
12 Phem sub-district chief dated the 28th of April 1977, which reads
13 as follows - quote:

14 "We in the Ta Phem sub-district cooperative base branch have
15 examined and purged the enemies who held ranks after having
16 received the instructions of the Party. Having closely examined
17 this, we say there are still six more with officer and official
18 ranks, and these people have personally carried out activities
19 every single day. The names of the six are as follows:"

20 There is then a list of six soldiers with the rank of first or
21 second lieutenant:

22 "All of these are reported to Angkar. Whatever Angkar's decision,
23 request opinion and instructions." End of quote.

24 [09.23.42]

25 Document D157.38 - D157.38 - is another document from Tram Kak,

1 and the relevant ERN pages are Khmer, 00143476; English,
2 00322133; and French, 00612838. And this is a - titled "A Request
3 for Advice" that comes from the Popel commune dated 11 April
4 1977. It is addressed to "Respected Brother of the District
5 Party" and it states - quote:

6 "For those people who held a ranking position, we will send them
7 out to you consecutively. And for soldiers and some teachers who
8 attempted to destroy our Revolution, could you please give us
9 advice what to do or let us decide at some bases."

10 And this request is signed - quote: "With high commitment to
11 smash the spy of the enemy to its total extinction in order to
12 serve the Socialist Revolution and building Socialism for our
13 Party and the people..." End of quote.

14 [09.25.37]

15 Your Honours, I have presented a number of the contemporaneous
16 documents from Tram Kak district. Let me now read a short excerpt
17 from an interview of a former official from that district. I will
18 not indicate his name.

19 The document is D25/28 - D25/28. It's an interview conducted by
20 OCIJ on the 30th of October 2007 of a person who was the district
21 youth chairman in Tram Kak district. And the relevant quote I
22 will read is at Khmer, 00163493; English, 00223476; and French,
23 00651259.

24 Question: "Where did those prisoners come from, why were they
25 detained there?" - referring to Krang Ta Chan Prison in Tram Kak

10

1 district.

2 Answer: "Probably the majority were the brothers and sisters who
3 had been evacuated from the cities, those called the 17 April
4 group. It was mixed. There were some former soldiers and Base
5 People."

6 Question: "Who ordered the imprisonment of the 17 April People,
7 who sent them there?"

8 Answer: "From what I know, in general, the killings had begun
9 ever since 17 April. It was the army who were the earliest
10 killers before entering Phnom Penh."

11 [09.27.49]

12 Question: "Were the 17 April group arrested by the militia and
13 sent to Krang Ta Chan?"

14 Answer: "I don't know what level decided the plan. When they
15 arrived there, they had them make biographies, and anyone whose
16 biography said they had been a soldier would disappear." End of
17 quote.

18 Your Honours, I would now like to read to you from the June 1977
19 "Revolutionary Flag". This is document E3/135 - E3/135 - and the
20 first section of this issue of "Revolutionary Flag" is an
21 announcement that the Party's Central Committee has "decided that
22 any district with the best qualifications in terms of defending
23 the country, continuing Socialist Revolution, and building
24 Socialism must receive the honorary red flag".

25 [09.29.25]

11

1 Continuing two paragraphs later:

2 "During this past year of 1976, the Party made an assessment and
3 saw three districts with model qualifications in terms of
4 defending the country, making Socialist Revolution, and building
5 Socialism."

6 These three districts are: one, Prasot district, in the East
7 Zone; number 2, Kampong Tralach Leu district, in the West Zone,
8 also known as district number 12; and, three, Tram Kak district,
9 in the Southwest Zone.

10 These three districts were awarded the honorary "Red Flag" by the
11 Central Committee."

12 And at Khmer, 00062795; English, 00446850; and French, 00487712;
13 the "Revolutionary Flag" indicates that these districts are being
14 held out as a model for the rest of the country for, among other
15 things - at paragraph 3 - "waging strong and profound class
16 struggle within the entire district, especially inside the Party"
17 - end of quote.

18 [09.31.15]

19 Now, I have already presented documents and a witness statement
20 to you from one of the districts that was recognized as a model
21 district by the Central Committee. At this time let me read a
22 couple of statements from witnesses from one of the other
23 districts that was recognized as a model district by the Central
24 Committee - that is, Kampong Tralach Leu district from the West
25 Zone.

1 And let me read first from document D232/44 - D232/44. This is an
2 OCIJ interview that was conducted on the 29th of October 2009 of
3 the deputy chair of the commune militia in Krang Lvea commune in
4 Kampong Tralach Leu district. And I will read just one short
5 excerpt. This is question and answer number 4 from this
6 interview.

7 [09.32.35]

8 Question: "Were the people evacuated from Phnom Penh taken for
9 execution? Please describe the event at that time."

10 Answer: "As far as I know, those evacuated people were taken for
11 execution. At that time, those people were taken to Chumteav
12 Chreaeng village, in Krang Leav commune. The meetings were held
13 many times, every time when the people arrived. Sometimes the
14 meetings were held at the cooperative. The people who chaired the
15 meetings were Ta Yim, Ta Vong, and Ta Sarun. During the meetings
16 they advised the New People to try hard to work in the
17 cooperative, and a person wrote down, when they asked the name,
18 what they did in Phnom Penh and if they were soldiers. Later on,
19 those who were Lon Nol soldiers disappeared from the cooperative,
20 while some of those who were not soldiers survived." End of
21 quote.

22 [09.33.56]

23 Next, is document D125/91 - D125/91. And this is an interview
24 that was conducted by OCIJ on the 4th of August 2008. The
25 individual interviewed was a person who, at the start of the

1 regime, was a District 12 soldier and, later, a guard at the
2 district prison, Damrei Slab. I will read a couple of excerpts
3 from this interview.

4 First at Khmer, 00212109; English, 00275111; and French,
5 00342628:

6 Question: "Can you clarify word "prisoner" which you just used,
7 what did that mean?"

8 Answer: "A prisoner was a person accused of being the enemy, like
9 the 17 April People, for instance, who were people who had just
10 been evacuated from Phnom Penh into District 12, and the Base
11 People. Anyone who had done something wrong, like moral offenses
12 related to sexuality; transplanting the wrong species of rice;
13 stealing potatoes; and those accused of having been Lon Nol
14 soldiers were also CIA enemies were all accused of being the
15 enemy."

16 And a couple of questions later:

17 [09.36.05]

18 Question: "How many times did you hear them interrogated?"

19 Answer: "I heard them interrogate many times. For example, were
20 you a Lon Nol soldier or not? Are you a CIA connection or not? If
21 the prisoner answered no, "M" would beat the prisoner."

22 And then, continuing two questions later:

23 Question: "What were the causes of death of the persons whose
24 bodies were buried in the pits?"

25 "People died from diseases, from lack of medicine, from lack of

14

1 food. In 1975, I saw them walking hundreds of people to be killed
2 at Phnom Krech, in Krang Leav sub-district, without any
3 interrogations. They were 17 April People and Lon Nol soldiers. I
4 did not know where they had been brought from. I participated,
5 along with a 30 man unit of District 12 soldiers, led by Son, in
6 walking those people to be killed at Phnom Krech."

7 Your Honours, I will stop reading from witness statements. There
8 are many witness statements I could read from. Those have been
9 identified in our filing of relevant witness statements to this
10 policy. I will move on to a couple more documents and then wrap
11 up my presentation on Lon Nol targeting.

12 [09.38.01]

13 The next document I will present is E3/193 - E3/193. This is an
14 August 1977 issue of "Revolutionary Flag" that published a
15 presentation by a Party organization representative at the 25
16 July 1977 West Zone cadre conference. It is indicated at the
17 start of the presentation, the very start: "I wish to make a
18 presentation regarding the instructions of the Party on a number
19 of important matters for implementation in the second semester of
20 1977."

21 And the specific part that I would like to direct Your Honours to
22 appears at Khmer, 00062960; English, 00399232; and French,
23 00611836. And at this specific part of the speech, the Party
24 representative complained that many cooperatives in the West Zone
25 were controlled by former Khmer Republic soldiers, stating as

15

1 follows - quote:

2 "In District 18 there were not just a few. From what I know some
3 cooperatives have former regime soldiers, not just soldiers as
4 members but soldiers in the leadership post liberation elements.
5 More than a few of them are responsible for leadership with the
6 cooperatives. Kampong Leaeng also has more than a few; Ponhea
7 Lueu is not much different. In Sector 37, they are even more
8 plentiful."

9 [09.40.08]

10 And in the subsequent parts of this presentation, the zone cadres
11 were directed to "attack and smash the enemy and the no good
12 elements imbedded inside and controlling the cooperatives" and,
13 at the end of the document, to ensure that "by late 1977, at
14 least 50 per cent or more of the cooperatives throughout the
15 entire zone be set up to be good and clean in accordance with the
16 class line" - end of quote.

17 The next document showing the targeting of Lon Nol officials or
18 soldiers in the zones is a telegram from the Central Zone
19 Secretary dated the 2nd of April 1976, which is document E3/952 -
20 E3/952. And this is a telegram from the Central Zone Secretary,
21 Ke Pauk, addressed to "Brother Pol", copied to Nuon Chea and Son
22 Sen. Section 1 of this report is titled "The Enemy Situation in
23 the Entire North Zone", and I will read from that first section a
24 couple of quotes - quote:

25 "In general, the situation is stable, but at the same time they

16

1 have carried out some activities. For example, they make
2 propaganda that the Revolution is strict; they made propaganda to
3 resist the cooperatives and the new rice field dyke system; and
4 they made propaganda about hunger. "Specifically, some activity
5 has appeared in Chamkar Leu district. The enemies are former
6 soldiers in combination with the Cham and former cooperative team
7 chairmen."

8 [09.42.25]

9 And continuing in the next paragraph - quote: "Regarding the
10 above enemy activity, the zone has taken measures and instructed
11 the sectors to concentrate on tracking down these activities. In
12 so tracking that activity, we captured some elements who were
13 former cooperative team chairman. Along with this, they have
14 agents imbedded inside. We tracked and examined that to learn
15 their composition and we will take additional measures." End of
16 quote.

17 Your Honours, E3/179 is a report from the Northwest Zone, office
18 M 560, addressed to Angkar, dated the 29th of May 1977. And the
19 relevant part appears at Khmer, 00008498; English, 00183011
20 through 12; and French, 00236768 through 69. And at these pages,
21 the Northwest Zone office reports of the arrest of 42 people in
22 Sector 3, noting as follows - quote:

23 [09.44.04]

24 "We have observed these acts actually arose from among old
25 veteran soldiers and those with the ranks of second lieutenant,

1 first lieutenant, captain and major, who hide themselves in
2 collectives and who we have never found before. Recently, their
3 acts have shown up clearly. We have already taken steps and
4 arrested all of them." End of quote.

5 The last two documents I will present on this policy, Your
6 Honours, are two documents from the North Zone: E3/1144 is a
7 telegram from the North Zone Secretary, Sae, to Committee 870,
8 dated the 5th of September 1977. This telegram was copied to
9 "Uncle, Uncle Nuon, Brother Van, Brother Vorn, and Brother
10 Khieu".

11 And at the end of section 1 of this telegram, at the bottom of
12 Khmer, 00069447; English, 00517923; and French, 00532726; on
13 these pages, at the bottom of that page, you will find a report
14 titled "Situation of the Internal Enemy" in which the zone
15 secretary reports as follows - quote:

16 [09.45.44]

17 "At the bases, offices, ministries, and military offices, we have
18 uncovered many enemies who were burrowing from within, either
19 through the spying of their anti-revolution activities or through
20 the implications. Those enemies, who were former officials,
21 policemen, or soldiers of the previous regime, were discovered
22 one after another." End of quote.

23 And my last document is E3/996 - E3/996. It is a 19 March 1978
24 telegram, also from the North Zone secretary, to Committee 870.
25 In the last paragraph of this telegram is a report on the

1 situation of the enemy burrowing from within, which reads as
2 follows - quote:

3 "In this dry season, the remaining enemies re emerged and took
4 actions against us in the worksites. These enemies contacted with
5 the former policemen, soldiers, and government officials. They
6 mingled themselves as the New People. After they acted against
7 us, we knew them clearly and we systematically purged them." End
8 of quote.

9 [09.47.20]

10 Your Honours, that ends my presentation relating to the policy
11 targeting Lon Nol soldiers and officials. At this time, I will -
12 my national colleague here will do a short presentation on forced
13 marriage.

14 MR. PRESIDENT:

15 Thank you.

16 Counsel, you may now proceed.

17 MR. CHAN DARARASMEY:

18 Thank you, Mr. President; and thank you, Your Honours; and very
19 good morning to the Bench; and a very good morning to everyone in
20 and around the courtroom.

21 On behalf of the Prosecution, I now would like to present the
22 relevant documents concerning regulation of marriage during the
23 Democratic Kampuchea.

24 [09.48.24]

25 Regarding the DK policy towards marriage, or more precisely,

1 forced marriage, it is necessary first to present documents that
2 concern the ultimate objectives of the regime in terms of
3 population growth, then documents in relation to the concept of
4 revolutionary family.

5 Mr. President and Your Honours, before I proceed to these key
6 documents I would like simultaneously ask the President to also
7 allow the documents to be displayed on the screens when I will be
8 reading the ERN numbers of the document.

9 First, allow me to present document number 1, which is document
10 E3/25 or D243/2.1.9, "Revolutionary Flag", December 1976–January
11 1977, article entitled "The Presentation of the Comrade Party
12 Representative on the Occasion of the 9th Anniversary of the
13 Brave, Strong, Skilled, and Magnificent Revolutionary Army of
14 Kampuchea", speech by Nuon Chea.

15 Under the title, which is a key point to this is point number IV,
16 "Regarding the mission of continuing to strengthen and expand the
17 Revolutionary Army of our Party". This document can be found
18 under Khmer ERN 00063054; English ERN 00491435; and French,
19 00504063. Nuon Chea says:

20 [09.50.44]

21 "So then, the sense of the socialist revolution and building
22 socialism is the goal of building the country well, defending the
23 country well, and sorting out the livelihood of the people
24 quickly. We need from 15 to 20 million people to meet the needs
25 of our land. For our population to constantly increase, the

1 livelihood of the people must rise and they must be in good
2 health. So then, this means quickly increased production."
3 Another document is document E3/1586 or IS 20.10, "United Nations
4 General Assembly, 32nd Session, 28th Plenary Meeting, the 11th of
5 October 1977", speech by Ieng Sary.
6 This document is particularly relevant as it highlights the fact
7 that the regime has a need of more manpower for the size of the
8 country's territory," improving the living conditions of people
9 is not a necessity to improve the well-being of individual
10 persons but to reach demographical objectives as a collectivity".
11 This document is not available in Khmer, but it is available in
12 English and French and ERN in English can be found under ERN
13 00079813; French, 00617795.
14 [09.52.59]
15 Mr. Ieng Sary said, and I would like to cite paragraph 45 as
16 follows - and this ERN number in Khmer can be found under
17 00291028; and English, 00079815; and French ERN is 00617798
18 through 99, and I would like to cite also this paragraph as
19 follows: "We are endeavouring very rapidly to improve the living
20 conditions and the health of our people because we need a
21 population of 15 to 20 million in 10 year time."
22 And I would like to now cite paragraph 63:
23 "But with regard to the long-term aspirations of our people, the
24 road we have yet to travel is long indeed. We must redouble our
25 efforts. We are endeavouring as rapidly as possible to improve

1 still further the living conditions of our people, so that
2 everyone may have sufficient strength and health and ardent
3 patriotism so that our entire people may rapidly and constantly
4 progress and that we may continue in the defence and speedy
5 construction of a prosperous Kampuchea.

6 [09.55.04]

7 "We have no reason to reduce the size of our population or to
8 maintain it at its present level, for with close to eight million
9 inhabitants our population is still far short of our country's
10 capacity, which has a need of more than 20 million people. This
11 is why our objective is to bring about a very rapid increase in
12 our population."

13 In another letter to the United Nations six months later in April
14 1978, Ieng Sary speaks of successful results in terms of
15 increment of the population, which is ascribed as a policy of the
16 regime.

17 Your Honours, the Democratic Kampuchea regime tentatively
18 provided some statistics regarding an alleged population growth,
19 and I would like now to present document E3/686 or D56, document
20 234, BBC/SWB report entitled "Interview with DK Leader on
21 Population Policy and Struggle Against Vietnam, 27 of October
22 1981, excerpts from a recorded interview with Nuon Chea, Chairman
23 of the Kampuchean Peoples Representative Assembly and head of the
24 DK delegation to the Asian Parliamentarians Conference in Peking
25 on Population and Development".

1 [09.57.12]

2 This document is available in Khmer under ERN 00644682; English,
3 0030349 (phonetic); French, 00599792. Under these ERN numbers,
4 Mr. Nuon Chea said:

5 "We are faced with the problem of being sparsely populated; that
6 is, the size of our population was not proportionate to
7 Kampuchea's area, its natural resources, which might be exploited
8 for national construction, or its needs regarding territorial
9 defence. Since 1975, Democratic Kampuchea has always required a
10 rapid increase in its population. Thus, the four-year plan of
11 1977 to 1980 aimed at increasing our population to at least 15
12 million within five to 10 years.

13 "As a result of this plan, our population has increased as
14 follows: From March to December 1976, it increased by 160,000
15 people or two per cent; in 1977, it increased by 220,000 people
16 or 2.8 per cent; and in 1978, it increased by 260,000 or 3.2 per
17 cent. This increase was the result of the policy of Democratic
18 Kampuchea to protect the people's lives primarily by solving and
19 improving the people's living conditions."

20 [09.59.40]

21 Concept of Family under the DK Period: In a series of DK
22 documents, the regime explains how the traditional concept of
23 family was now superseded by the revolutionary family and how
24 thinking about family own interest was equivalent to a betrayal.
25 And I'd like to refer to document E3/10 or D243/2.1.7. It is a

1 "Revolutionary Youth" Special Issue, September to October 1976,
2 the article entitled "Honing the Ideology of the Proletarian
3 Class to its Sharpest and Mightiest". In Khmer the ERN is
4 0063104; and in English, 00450538; and in French, 004919042 to
5 05. Under the title number IV on the class struggle between the
6 private ownership of the various classes opposed to the
7 collective ownership of the proletarian class, this document
8 raised the issue of private property:

9 "Other manifestations: Private ownership in organization,
10 organizing by one's personal sentiments, by one's family, by
11 one's clique, and not standing upon the political, ideological,
12 and organisational line of the Party. So then, that is wrong."
13 [10.02.00]

14 Also in this document, at point number 2, which states the
15 characteristics and dangers of private ownership, it also reads:
16 "No aspect of private ownership is good. During the struggle or
17 the armed struggle or during the war, private ownership always
18 has a negative impact on the revolution. For example, anyone who
19 thinks a lot about family interest always deceives the
20 revolution, renounces the revolution, and lives separately
21 seeking family happiness, and not seeking happiness inside the
22 Party. After a while this becomes a contradiction with the Party.
23 The enemy entices some elements with moderate private ownership
24 not to work hard, just to stay quiet and be happy. But some
25 elements who work hard have also betrayed the revolution." End of

1 quote.

2 [10.03.26]

3 Your Honours, the following document is of particular relevance
4 as it says that not only the sacrifice of family, parents,
5 relatives and children is encouraged in order to serve the Party,
6 but family members are considered as private material
7 possessions.

8 And I'd like to refer to document E3/750 or D243/2.1.21; it is a
9 "Revolutionary Youth November 1975". The second article entitled
10 "To Eliminate the Individual and Private Possession Decisively
11 and Strengthen and Expand the Collective Possession Forcefully".
12 The Khmer ERN is 0063614 to 15; and the English ERN is 00522460;
13 and in French, 00525856 to 57. On these ERNs, under the heading
14 2, there is "The status of possession in our revolution rank". It
15 states:

16 "In our revolution rank, our revolutionary male/ female
17 combatants and cadres sacrifice the private possessions such as
18 housing, petty farm, garden, family, parents, relatives, children
19 and other properties in order to serve the Party, revolution and
20 the people. After joining the revolution rank and receiving
21 constant propaganda, education and instruction from the Party,
22 our comrades have strived to build the higher stance of
23 sacrificing of material, ideology and sentiment. And on sentiment
24 possession only care about sympathize with and love their own
25 family, friends, relatives and parents.

1 [10.06.35]

2 "For the people, these are the wrong activities stemming from the
3 individual possession stance which is the ideology of the
4 oppressive classes including the imperialists, feudalists and
5 capitalist. Our revolutionary male/female youth must see this and
6 have a clear view that the individual possession, ideology, still
7 exist in our revolution rank, our revolutionary male/female youth
8 rank and ourselves. We see the situation objectively in order to
9 be vigilant and to resist it constantly and have a practical
10 measure to deal with it and to absolutely eliminate it."

11 [10.08.03]

12 Next, I would like to refer to another document that is E3/766 or
13 D248/4.11. This is another "Revolutionary Youth", Issue 11,
14 November 1978, the article entitled "Revolutionary Short Story:
15 The Child of the Party". In this propaganda story for the youth,
16 a 15-year-old boy is interviewed and given as an example for his
17 determination to smash all "Yuon". This is what this child of the
18 Party says about his family and his parents. You can find this
19 document and text in Khmer ERN 00376532; and in English,
20 00524181; and in French, 00593981 - quote:

21 "I have no parents or siblings. I am the child of the Communist
22 Party of Kampuchea. My parents and my siblings were killed and
23 smashed by the Yuon enemy during their invasion in 1976. The
24 villagers, my house, my rice paddies, were destroyed and
25 plundered by the Yuon enemy and taken back to their country. Now

1 I am living in a new family, my boy troop squad, and my parents
2 are none other than the Communist Party of Kampuchea and I will
3 now strive my best." End of quote.

4 [10.10.24]

5 Your Honours, the next document that I refer to is the most
6 important contemporaneous document as for the concept of family
7 and regulation of marriage. Although published as early as
8 February 1974, it was republished under the DK era which shows
9 that its content was still relevant and reflecting the CPK policy
10 at the time. I will first read excerpts relevant to the family in
11 general, then those relevance to the regulation of marriage:
12 document E3/775 or D267/3/36; it is a CPK Publication entitled
13 "Revolutionary and Non-Revolutionary World Views Regarding the
14 Matter of Family Building". It is an accurate reprint of the
15 "Youth Issue" dated 2nd February 1974, by the East Zone Political
16 Military Ministry on 2nd June 1975, and the publication on the
17 2nd September 1975 was for 1,000 copies. The Khmer ERN can be
18 found at 00407098; and in English, 00417942; in French, 00 - "In
19 the old society before liberation and inside zones temporarily
20 controlled by the enemy today"-

21 MR. PRESIDENT:

22 You may proceed, Prosecutor.

23 [10.13.25]

24 MR. CHAN DARARASMEY:

25 Allow me to continue, Mr. President.

1 "In the old society before liberation and inside zones
2 temporarily controlled by the enemy today, many youths have
3 absorbed the world views of the oppressive class. They search out
4 spouses or build families only out of personal material greed.
5 That is to say, they seek out family interest or happiness by
6 completely breaking from the interest and the faith of the entire
7 nation and people."

8 And now I move onto another ERN page in Khmer, which is 00407100;
9 and in English, 00417942; and in French, 00593929. On that page
10 and under heading 2, "Regarding the revolutionary world views
11 towards the matter of family building", I'd like to state the
12 following quote:

13 "As for us - the revolutionary youth - we consider matters of
14 family as being inseparable from matters of the entire nation and
15 people. When our nation is unmercifully oppressed, exploited and
16 pressed under hardship by the imperialists, feudalists,
17 capitalists, our families are also exploited. Therefore, in order
18 that our families may know true happiness, peace and prosperity,
19 our entire nation and people must first be liberated and freed
20 from every type of exploitation by the reactionary imperialists,
21 feudalists, capitalists. So, building our building our
22 revolutionary families is not just for our personal interest or
23 happiness or to have children and grandchildren to continue the
24 family line. Importantly, it is so that the revolution may
25 achieve its highest mission to liberate the nation, the people

1 and the poor class and then advance toward socialism and
2 communism, which are societies in which people no longer exploit
3 other people." End of quote.

4 And again, further down on the Khmer ERN 00407102; and in
5 English, 00417944; and in French, 00593931; under heading 2 -
6 that is, "The bad outcomes of improperly building families". I'd
7 like to make the following quote:

8 [10.18.01]

9 "The strategic enemies and the tactical enemies and the class
10 enemies who are still living in liberated zones use the manoeuvre
11 of wanting to hit us in the guts by inserting their people to
12 bore holes from within to wreck our ranks from within by
13 attracting their relatives, by attracting them by family emotions
14 and inciting them to break away from the revolution, to oppose
15 the revolution, or to betray the interest of the revolution and
16 the people and serve family interest, protect their class, etc."
17 End of quote.

18 And further down for the second paragraph under the same heading,
19 I'd like to quote the following:

20 "Therefore, our revolutionary youth comrades must pay attention
21 and be really vigilant toward this matter of family building. If
22 we do not respect organizational discipline, if we do not respect
23 the collective, if we do not take firm revolutionary stances and
24 if we are free and all over the place in terms of morality, we
25 will surely build families incorrectly and not be in accordance

1 with the Party line and we will surely encounter bad elements or
2 even clandestine enemy agents." End of quote.

3 [10.20.15]

4 Your Honours, further down on the Khmer ERN 00407103; and in
5 English, 00417945; and in French, 00593932; I'd like to read the
6 following quote:

7 "Many bad things are caused by liberal family building,
8 disrespecting organizational discipline, not adhering to
9 revolutionary stances; they all endanger the Party, the
10 revolutionary movement, and all of us. If we hit upon bad
11 elements when we build families, at the very least they will
12 induce us to be inactive in our revolutionary missions. Others
13 may ask that we leave the Party and leave the revolutionary
14 movement." End of quote.

15 Now, I'd like to move onto another topic, that is, forced
16 marriage, and I will refer to the same document - that is, E3/775
17 or D267/3.36. This document contains passages explaining that the
18 organization and collective decisions regarding the choice of the
19 spouse must be absolutely respected as they know better who
20 should marry who and I'd like to refer to Khmer ERN 00407100 to
21 01; in English, 00417943; and in French, 00593930; under heading
22 1, "How should we, the revolutionary youth, choose a spouse?",
23 I'd like to make the following quote:

24 [10.23.17]

25 "In order to achieve the missions of the revolution successfully,

1 we the revolutionary youth, must be really vigilant in selecting
2 our spouses.

3 "1. It is imperative to be vigilant in regard to sexual morals.
4 Do not choose recklessly all over the place. When marrying, it is
5 imperative to honestly make proposals to the organization, to the
6 collective, to have them help sort things out.

7 "2. Organizational discipline must be absolutely respected. In
8 the matter of building a family, no matter the outcome of the
9 organization's and the collective's assessments and decisions,
10 they must be absolutely respected. Do not have hard feelings. Do
11 not be disappointed. This is because only the organization and
12 the collective are able to make a thorough assessment from every
13 aspect.

14 "3. Do not go helter-skelter in a rush; do not be hot to follow
15 whatever your heart sees. It is imperative to look at their
16 background very clearly first. That is to say, they must be clean
17 in living morals and clean politically, without involvements with
18 any enemy strings or bad elements.

19 [10.25.18]

20 "4. If both are inside the ranks, it is imperative to choose
21 someone who has a solid revolutionary stance; no matter what
22 their position may be, they must have a stance of absolute combat
23 to constantly fulfil revolutionary missions for the Party, the
24 revolution and the people. Therefore, we do not just choose
25 someone who is good-looking and who knows how to dress and make

1 themselves up playfully in the modern Imperialist style, or who
2 is the child of a wealthy person, or who has high old society
3 cultural abilities, or who is capable of oratory, or who is a
4 pistol-or-rifle-toting comrade, or who has some high position."

5 End of quote.

6 [10.26.36]

7 Another section of the same document deals with the relationship
8 with the spouse after marriage and for that I'd like to refer to
9 Khmer ERN 00407104 to 05; English, 00417945 to 46; and in French,
10 00593932; under heading 2 (sic) in the same document on "the view
11 of building and educating the spouse after marriage", I'd like to
12 make the following quote:

13 "We must have the clear view that our spouse is one inseparable
14 part of the great revolutionary family. Therefore, our husband or
15 wife is one of the Party's masses and is a member of the
16 revolutionary movement. In order to help our spouse become a good
17 revolutionary spouse, being able to fulfil revolutionary missions
18 well for the Party, the revolution, and the people forever, it is
19 necessary to gradually educate and build them to understand the
20 revolutionary, political, ideological and organizational lines.
21 Do not leave them alone, leave them just to cook, or to look
22 after the children, and to look after the house like families in
23 the old society did.

24 [10.28.47]

25 "For one thing, we the husband, must concentrate on making

1 propaganda and educating and building them to follow the path of
2 the Party line. But most importantly, we must hand them over for
3 the organization and the collective to help educate and build...
4 "It is absolutely imperative, to avoid spoiling the spouse, to
5 not consider your spouse to be some special member of the masses
6 that only you can build, that only you can educate. And it is
7 absolutely imperative that you do not build your spouse to follow
8 their own individual family and through the experience that we
9 have received, only by handing over the family for the
10 organization, for the collective, to help educate and build and
11 by having them go down into the fray inside the mass movement can
12 our families prosper well in the direction of the Party."

13 [10.30.50]

14 Mr. President and Your Honours, I would like to present three
15 remaining documents to conclude my presentation, if you allow.

16 Thank you, Mr. President.

17 The following document is document E3/681, D56 Doc.209; the
18 statement of Ieng Sary in New York Times, an article entitled
19 "Pol Pot aide calls for world support", by Henry Kamm, 1st of
20 December 1980.

21 [10.31.39]

22 In this interview, Mr. Ieng Sary explains that from 1980 onwards,
23 some freedoms would be given to people under the DK control,
24 including the right to marry freely or the right for the families
25 to live together unlike before.

1 I would like to cite the ERN number of this document in Khmer,
2 00651246; English, 00122194 and French, 00630693 through 94. I
3 would like to cite this document as follows - quote - the Prime
4 Minister, rather: "The Deputy Prime Minister spelled out details
5 of the new program espoused by his colleagues. Mr. Ieng Sary said
6 that all political parties would now be allowed."
7 And he continued: "We will allow freedom for all religions and
8 education. Marriages will be free and families live together.
9 Economically, the Deputy Prime Minister said, we will introduce
10 the protection of private property for our citizens and
11 foreigners who want to invest in Cambodia."
12 He added: "There will be voluntary, not enforced cooperatives,
13 not like before, and cooperation with foreign companies. After
14 all, we are an undeveloped country."
15 [10.33.36]
16 Mr. President, let me also conclude this presentation with the
17 words of the excerpt from Mr. Phillip Short. This book by Mr.
18 Phillip Short is not available in Khmer and they are only
19 available in French and English. I would like to read the entire
20 French text and I would like to refer to this page as follows:
21 document E3/9; English ERN 00396533 through 34; French ERN
22 00639883. I will be reading in French as follows:
23 "The family continued to exist, but its primary purpose became
24 'to beget children for the service of the Party'. Ties between
25 individual family members were diluted within the larger

1 community. 'Mothers should not get too entangled with their
2 offspring,' Pol told the Central Committee.
3 Similarly, if a man felt a sentimental attachment developing with
4 a woman, he should 'take a collectivist stand, and resolve it. To
5 do otherwise is to have a very private stance'. Marriage – not
6 merely between Party members but between any two people – was a
7 Party, and not an individual affair 'Free choice of spouse' was
8 explicitly condemned. To underline the social aspect, weddings
9 were celebrated collectively for a minimum of 10 couples. After a
10 marriage had been consummated the couple often lived apart
11 subject to the death penalty."

12 [10.36.37]

13 Mr. President and Your Honours, that concludes our presentation
14 and we're very grateful indeed.

15 MR. PRESIDENT:

16 Thank you very much.

17 It is now an appropriate moment already for the adjournment. The
18 Chamber will adjourn until 11 a.m.

19 (Court recesses from 1037H to 1101H)

20 MR. PRESIDENT:

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

22 The Chamber would like to give the floor to the Lead Co Lawyers
23 for civil parties to present their key documents in relation to
24 the joint criminal enterprise policy. You may proceed.

25 Counsel for Khieu Samphan's defence, you may proceed.

1 MS. GUISSÉ:

2 Yes, Mr. President, thank you for giving me the floor. Good
3 morning to you, to the Bench and to all the parties.

4 [11.03.00]

5 I am sorry that I have to anticipate what is going to happen. I
6 believe it is necessary. Taking into account the Chamber's
7 decision yesterday, we have looked at the list of documents that
8 the Civil Party Lead Co Lawyers intend to present today on joint
9 criminal enterprise. I stand by the objections I made yesterday,
10 but in light of the decision you made - that is, the decision
11 made by Judge Lavergne, I will quote what you said word for word.
12 It was at about 9.22. This is what Judge Lavergne said - and I
13 quote:

14 "The Chamber is of the view that the documents that are currently
15 being presented by the Office of the Co Prosecutors regarding the
16 directives that have to be applied as part of the cooperatives
17 and directives adopted at the Centre. So we are not dealing with
18 implementation on the ground. It is indeed implementation on the
19 ground. That should not be part of the presentation of key
20 documents as part of this trial." End of quote.

21 [11.04.23]

22 I make this objection, because, among the list of documents to be
23 presented by the Civil Party Lead Co Lawyers, most of the
24 documents are either civil party applications dealing with the
25 experience on the ground and the implementation of policies on

36

1 the ground, and under these circumstances, most of the documents
2 do not fall within the framework of what should be presented in
3 light of yesterday's decision.

4 I would like to make this objection from the very outset because
5 I do not know whether the Civil Party Lead Co Lawyers have
6 amended their decisions in light of yesterday's decision but I
7 wanted to make these remarks in order that you may know that if
8 there are any documents that are not in line with this
9 description, they shouldn't be admitted.

10 [11.05.16]

11 Even though I know we are in a trial in which legal certainty
12 compels us to abide by what is in the Closing Order, but if the
13 Civil Party Lead Co Lawyers want to stray from the Judge's
14 decision - yesterday's decision by Judge Lavergne - I would like
15 to flag this issue for further discussion.

16 I thank you for giving me the floor.

17 MR. KOPPE:

18 Thank you, Mr. President. Good morning, Your Honours. I would
19 like to add to the submissions of my learned friend on the Khieu
20 Samphan defence team; also some observations.

21 Maybe we are a bit late making comments on this issue, but it's
22 slowly dawning on us that the way that the Prosecution has been
23 presenting documents in respect of the three other policies - the
24 three other JCE policies - could potentially have far-reaching
25 effects if we do not or cannot comment on the probative value of

1 these documents in respect of those three policies.

2 [11.06.48]

3 So we are seeking guidance, how we should be proceeding in
4 commenting on the probative value of the documents presented in

5 respect of those three policies which are not subject -

6 technically, when it comes to the crime base of this case.

7 Obviously, Tuol Po Chrey is seen by the Prosecution as an

8 implementation of the policy to target enemies. The forced

9 transfer of the population of Phnom Penh is seen as the

10 implementation of a policy in respect of that particular issue.

11 But are we now also expected to comment on the probative value of

12 the documents presented by the Prosecution in relation to the

13 other three policies? And if we do not do this, what would be the

14 consequences on that when you are going about to start making

15 your decision, at the end of this particular trial, 002/1?

16 So, like I said, maybe we are a little bit slow in raising this

17 point, but we are quite confused as to what are the effects of

18 the document presentations in respect of those three JCE policies

19 which are not part, in the crime base scene, of Case 002/1.

20 [11.08.38]

21 MS. SIMONNEAU-FORT:

22 Thank you, Mr. President. Good morning, Mr. President. Good

23 morning, Your Honours; and good morning to everyone here present.

24 I will respond to the objection and the remark that has just been

25 made. The two things are quite different. I also believe that the

1 Prosecutor will probably also want to respond because he is
2 concerned by what has been said. What is the approach of the
3 Civil Party Lead Co Lawyers?

4 Our objective is to establish the existence of the five policies
5 regarding joint criminal enterprise: the theoretical existence
6 and not the implementation, which means that we will not, in
7 principle, go into the implementation on the ground.

8 [11.09.36]

9 Yesterday and this morning, the Co Prosecutors elaborated on the
10 key elements of these policies, the guiding principles of these
11 policies and the objectives of these policies, as well as the
12 words that were used by Angkar to express that policy. This was
13 dealt with in detail by the Co Prosecutors in their documents
14 presentation and they talked about directives from the Centre as
15 contained in the Angkar documents, in their writings.

16 As far as I am concerned, I will refer to the same directives
17 flowing from the Centre and all the elements of those policies,
18 but I will do so, rather, through words, through things that were
19 said and things that were heard by the persons, whoever they may
20 be. We are still talking about policy in its existence and not
21 policy in its implementation, in principle. So I will dwell
22 significantly on those aspects.

23 However, I would also like to state that, there hasn't been any
24 decision of the Chamber; there wasn't a decision taken by the
25 Chamber yesterday. There were two decisions, indeed, at 9 o'clock

1 yesterday. The Judge – Judge Lavergne stated that we should refer
2 to directives from the Centre. And in my opinion, there was an
3 implicit complimentary but clear decision.

4 [11.11.32]

5 Since the Co Prosecutor yesterday, over a period of several
6 hours, referred to elements regarding implementation through
7 reports, through telegrams and through reports of meetings at
8 grassroots level, and through lists of prisoners, and very
9 concrete examples of persons were arrested, tortured and
10 executed. He used those elements not because he wanted to prove
11 implementation, but implementation is inextricably bound to the
12 existence of the policies, and for that reason, there were no
13 objections from the Defence and the Chamber, for the period of
14 two hours, did not say anything contrary to the use of those
15 documents.

16 And I am – for my part of the view that if I have to use certain
17 quotations or to refer to certain documents, I will be hard put
18 to it to separate existence from implementation and it is the
19 same problem which the prosecutor – the Co Prosecutor faced
20 yesterday. And I would therefore request that the Chamber should
21 continue to allow the Co Prosecutor – or to allow us to use those
22 documents as we did with the Co Prosecutor's presentation
23 yesterday.

24 [11.13.15]

25 The choice of the passages that I have made was made precisely to

1 bring out the theoretical existence of those policies, as
2 expressed and as heard, and I have made it a point of duty to
3 refrain from straying from existence. It is obvious that the
4 statements of civil parties contain necessarily both matters
5 regarding existence of the policies and implementation. All the
6 passages that I will quote are very short and I will limit myself
7 to existence, although existence and implementation are closely
8 related exactly as was the case with the documents presented by
9 the Co Prosecutors.

10 And let me add - and I'm almost done with my arguments - a policy
11 is viewed not only in terms of the elements I referred to earlier
12 but by the systematic contents of the policy. It is obvious that
13 it may happen sometimes and I believe that is what the Co
14 Prosecutors did yesterday by using certain documents. It may
15 happen that the demonstration of the systematic character
16 involves both implementation and existence.

17 [11.14.51]

18 So I believe that it is necessary, and consequently, the choices
19 that I have made regarding passages is in line with what has been
20 authorized by the Chamber and it is necessary for me to proceed
21 in this manner today, as the Prosecutor did yesterday - that is,
22 yesterday and this morning. I would like to proceed in the same
23 manner without being subject to restrictions that were not
24 applied to the Co Prosecutors, and rightly so, by the way.

25 MR. PRESIDENT:

1 The Prosecution, you may proceed.

2 [11.15.35]

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President.

5 I believe that in this court room, we are all conscious of the
6 fact that it is a question of presenting documents that are
7 related to the existence of a policy, as the Civil Party Lead Co
8 Lawyer has just reiterated; a policy that was not communicated to
9 local authorities. There was no decision. It's a theoretical
10 policy, a policy that was elaborated by the leaders of the CPK,
11 but that is not what the Chamber is interested in. A policy that
12 was drawn up and considered as directives, that had to be
13 absolutely implemented.

14 Secondly, we are talking of a policy such as we saw on the
15 Democratic Kampuchea regime. We don't have specific dates but it
16 is evolving and in most - in one particular direction and some
17 details were not envisaged initially.

18 [11.16.55]

19 And so we have complimentary directives related to a policy that
20 was developed at the top and communicated to the base. Why do we
21 have an evolution of a policy? Precisely, because there is
22 interaction between the leaders at a Centre and reports from the
23 ground - from the field. These reports have to do with
24 implementation but they assist in the development of the policy
25 that takes on other dimensions. In this regard, in my view, there

1 is total interaction between the policy itself and its
2 application. This application helps with the development of the
3 policy.

4 So we are talking of a very concrete policy but not theoretical
5 aspects. The existence of a policy can be established in many
6 ways and I'm still talking about existence of policy and not its
7 implementation. Either we find it in the documents from the
8 Centre showing that these directives were the official directives
9 of the Party. We find that in the "Revolutionary Flag" reports of
10 meetings, telegrams, statements of leaders at meetings. This
11 helps establish the existence of the policy and it shows that
12 disseminating these policies was compulsory.

13 [11.18.35]

14 So another approach is to find that this policy is coming from
15 the base. It has been accepted by international tribunals that a
16 policy can be established through certain conduct that is
17 generalized on the ground, which shows that a policy necessarily
18 exists at national level in order to be implemented everywhere at
19 the same time by individuals who are not communicating with one
20 another.

21 We have the Kunarac Decision; it's an appeals decision before the
22 International Criminal Tribunal for the former Yugoslavia,
23 paragraph 98. We also have the Blagojevic Decision, a Trial
24 Chamber decision, paragraph 721.

25 I just wanted to refer to these two decisions and I would like to

1 read out the relevant passages in English because I do not have
2 the English - the French - I beg your pardon. It says:
3 "The Trial Chamber finds that there is evidence of a common plan
4 to commit the crimes of murder, extermination, persecutions,
5 through capturing, detaining, executing and burying over 7,000
6 Bosnian Muslim men and boys. The Trial Chamber infers the
7 existence of such a plan from the fact that over 7,000 men and
8 boys were captured, detained, murdered and buried in the space of
9 only five days. This would not have been possible unless there
10 was a planned coordination between the members of the joint
11 criminal enterprise."
12 This is just an example of the proof and deductions made on the
13 basis of the reality on the ground.
14 [11.21.48]
15 A third manner in which we can prove or establish the existence
16 of a policy is to combine the two - that is, to prove that there
17 were documents from the Centre establishing a policy or we can
18 deduce that a policy existed from the various speeches and
19 documents of the Party. We can also establish it on the basis of
20 the fact that on the ground, lower down the line, it was
21 implemented everywhere.
22 I do not think the civil parties intend to go beyond that and
23 they have said so. They only intend to prove the existence of a
24 policy but they want to do so in a different manner than how we
25 proceeded. I thank you.

1 MR. PRESIDENT:

2 Thank you.

3 Counsel for Khieu Samphan, you may proceed.

4 [11.21.44]

5 MS. GUISSÉ:

6 Mr. President, we are precisely at the very heart of what I tried
7 to avoid when I made my objection yesterday or the day before
8 yesterday. What I said was that we are, in a very subtle manner,
9 sliding towards another case. This should be clear.

10 We have always said before this Chamber, we of the Khieu Samphan
11 defence team have always stated that our main preoccupation, our
12 main concern, is to correctly defend our client. Whether in Case
13 002/1 or in subsequent trial segments, we must know exactly the
14 case against us.

15 We have before us today, in very concrete terms, a situation in
16 which the Co Prosecutors and the Civil Party Lead Co Lawyers are
17 telling you that we cannot talk about the three other policies
18 that do not concern Case 002/1 without talking about
19 implementation on the ground. What does that mean legally
20 speaking? It means that you are authorizing, in one way or the
21 other, the presentation of the evidence, in this case, on
22 policies that are not concerned by Case 002/1, which means that a
23 certain number of pieces of evidence that should not be the
24 subject of this trial, 002/1, are brought before you, and we are
25 supposed to respond to those issues even when we do not have any

1 evidence brought before this Chamber through witnesses who are
2 giving evidence before this Chamber. And we have not been able to
3 cross-examine them on this evidence. And in the few pages that
4 are allotted to us for the Closing Arguments; we will not be able
5 to do so.

6 [11.23.57]

7 The issue before us today is how do we defend correctly the
8 Accused if we have to respond, on the one hand, to issues defined
9 by the Chamber and others that are supposed to be defined in the
10 second trial segment, and it's precisely to avoid reaching this
11 stage that I make my objection, and this is precisely because we
12 do not want to face this problem we find in the severance
13 decision.

14 And I quoted the annex on Monday in which you referred us to your
15 last severance decision, E291, we were supposed to circumvent the
16 issue of transfers of population. And it is logical that we'll
17 talk about more so responsibility and crimes and we have to abide
18 by the decisions of the Chamber. And it is exactly the problem we
19 are facing today and this should be clear to everyone.

20 [11.25.01]

21 I do not think that there - when the Chamber makes explicit
22 decisions, it is not because I do not rise every five minutes
23 that - I'll try to slow down so that the interpretation should be
24 clear.

25 It is not because I didn't rise every five minutes on this side

1 of the courtroom that the merits of my objections are not going
2 to be entertained, and for us, there is no fair trial if we are
3 going to stray from the context of Case 002/1 and talk about what
4 should come under the subsequent trial segments.

5 For the purpose of legal certainty, we should focus on what
6 should be in this trial segment and not in subsequent segments.

7 If we are to discuss matters that are not concerned, in light of
8 your severance decision, how are we going to talk about the same
9 issues in the subsequent trial segments? This is an extremely
10 serious legal matter and a very important one for that matter and
11 we have seen clearly from what both the Co Prosecutors and the
12 Civil Party Lead Co Lawyers have just told us, they are saying we
13 cannot draw the line between existence of policy and
14 implementation. They are inextricably bound and if they are
15 inextricably bound, it is normal that we should talk about them
16 in the subsequent trial segments, as decided by the Chamber, in
17 its severance decision. Otherwise, what is the purpose of issuing
18 a severance decision if it is not to be executed - if it's not to
19 be abided by?

20 [11.27.01]

21 There is a serious problem of legal certainty and this is
22 extremely important, and again, I urge the Chamber to consider
23 this point for the purpose of a fair trial. We haven't appealed
24 against your last severance decision and I remind everyone that
25 when the Khieu Samphan defence team was called upon to speak up,

1 the only point we made was the following: We want to know the
2 charges against us that we have to respond to.

3 If there is a slip or a slide towards other policies, we do not
4 have a clear fair trial, and the rights of the Accused must be
5 respected, they must know the case against them, and they must be
6 able to respond. And if we are moving from one policy to the
7 other and if we are being presented both theoretical and factual
8 issues, we cannot call this is a fair trial and that is why I
9 want to urge the Chamber not to allow this slip from the case at
10 issue to the subsequent trial segments.

11 [11.28.18]

12 MR. KOPPE:

13 Mr. President, for the record, we completely concur with the
14 observations made by the Khieu Samphan defence team.

15 We are not talking today and yesterday about policies; we're
16 talking about JCE policies, criminal policies. And like I said
17 before, our client has not been - is not being prosecuted, is not
18 being accused, in this segment of the trial, of having anything
19 to do with forced marriages - that is, the implementation of one
20 of those five policies, which is not the underlying issue right
21 now.

22 So we have a big problem if we are now, indeed, in the words of
23 my learned friend, getting slipped into the remaining three
24 policies without having a proper possibility to defend ourselves
25 against that.

1 So again, we understand the consequences of the severance
2 decision that the two policies underlying the crimes which we are
3 talking about can be discussed. That's why we didn't object to
4 the targeting on Lon Nol officials, for instance, because that is
5 the underlying policy in respect of Tuol Po Chrey. But if we're
6 now talking about forced marriages, then, of course, we have a
7 big problem in Case 002/2, because if you have established a JCE
8 policy, for instance, in respect of forced marriage, how are we
9 going to deal with the obvious bias, from your side, in respect
10 of the crimes which are the consequence or the implementation of
11 this policy?

12 [11.29.51]

13 So we are in a different - very difficult situation now, and we
14 are now realizing, it seems, the consequences of the Severance
15 Decision. Of course we have appealed it, but now it becomes, for
16 us, completely clear that when we are discussing those other
17 three policies and not, as well, the evidence in respect of the
18 crimes which are the implementation of it, we have a big problem
19 and a serious situation.

20 MR. PRESIDENT:

21 Mr. Co Prosecutor, are you on your feet to revisit the same issue
22 or would you submit another new issue? Otherwise, you would not
23 be allowed to do so. Again, please advise the Chamber as to
24 whether you are now presenting new issue or you are going back to
25 the same issue.

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President.

3 I wish to return for only 30 seconds to the same issue, as
4 responded to by the defence teams, if I may have leave to take
5 the floor.

6 [11.31.31]

7 MR. PRESIDENT:

8 Please be brief. We hope it will be resolved once and for all.

9 MR. DE WILDE D'ESTMAEL:

10 I simply wanted to add, Mr. President, that for months now, all
11 parties have known that this hearing on key documents would take
12 place eventually, and we have stated that today we would
13 presenting documents on the five policies as outlined in the
14 Closing Order from paragraphs 456 to 4 - 556 and onwards.
15 We are demonstrating the existence of these policies; we are not
16 asking the Chamber to expand the scope of Trial 002/1. That is
17 not at issue.

18 Thank you, Mr. President.

19 (Judges deliberate)

20 [11.38.25]

21 MR. PRESIDENT:

22 The Chamber would like to hand over to Judge Silvia Cartwright to
23 address this issue. You may proceed.

24 JUDGE CARTWRIGHT:

25 Thank you, President.

1 The Chamber acknowledges that documents which parties may wish to
2 emphasize during the course on this hearing on key documents may
3 contain information that tends to point both to the existence or
4 development of a policy and to its implementation. However, the
5 Chamber wishes to emphasize that the parties have the right to
6 comment on any aspect of the documents that have been referred to
7 during this hearing, as to their relevance and probative value,
8 and the Chamber will make those determinations in the course of
9 its verdict.

10 It is necessary, however, to emphasize that Case 002/01 includes
11 only - includes policies only insofar as they exist or have been
12 developed and that the implementation of policies other than the
13 evacuation of the cities is irrelevant to that case.

14 President, I think that's the extent of the ruling. Thank you.

15 [11.40.42]

16 MR. PRESIDENT:

17 Thank you, Judge Cartwright.

18 Next we would like to hand over to counsels for the civil parties
19 to present key documents relevant to this joint criminal
20 enterprise policy. You may now proceed.

21 MS. SIMONNEAU-FORT:

22 Thank you, Mr. President.

23 As usual, I shall read out short excerpts. I will provide the ERN
24 numbers each time. However, I will not ask for these documents to
25 be displayed on the screen.

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1 I shall begin with the creation for the – of the policy of
2 cooperatives and worksites and camps. I shall begin by insisting
3 on the determining factor, as was made explicit by the Co
4 Prosecutor yesterday, and the means that were used to limit the
5 development of commodities and resources, as well as what had
6 happened in certain cooperatives.

7 [11.41.58]

8 I shall begin with D22/1102: ERN in French, 00861668; English ERN
9 00839950; ERN in Khmer, 00518426. This civil party, who was
10 located in Kampong Speu at the time, states as follows – and I
11 quote:

12 "Noeun assigned me to work in the rice paddies. This time, I had
13 to transplant rice. Comrade Noeun forced me to work and
14 transplant up to 120 units. And if we did not reach this
15 objective, we would be punished. Myself, as well as other
16 workers, had to work non stop."

17 Further on, the civil party writes: "Under the regime, there was
18 a slogan according to which 'to keep you is no gain, to lose you
19 is no loss'. This is what the Khmer said – this is what the Khmer
20 Rouge used to say to the population."

21 [11.44.00]

22 MR. PRESIDENT:

23 Counsel for the civil parties, could you please hold on?

24 And, Counsel for Mr. Khieu Samphan, you may proceed.

25 MS. GUISSÉ:

1 Yes, thank you, President.

2 Once again, the first part of the quote read out by my learned
3 friend, with respect to implementation of policy, has no link to
4 any establishment of the policy. She is obviously at will to read
5 out the slogan, but it is irrelevant. How is it possible that
6 parties may read out documents that have no bearing on the
7 subject matter at hand?

8 I, therefore, am repeating the objection that I have raised
9 previously. If my learned colleague is to establish the existence
10 of the policy, she may simply read out the slogan, but not talk
11 about how rice was transplanted. Once again, this has absolutely
12 no relation to the development of the policy as was set out and
13 defined by the Centre's directives.

14 [11.45.25]

15 MS. SIMONNEAU-FORT:

16 Mr. President, I've just read out a passage in which a Khmer
17 Rouge soldier is requiring the residents of a particular region
18 to carry out specific tasks, which is to transplant some 120
19 units of rice per day. And, if the residents were not to abide by
20 such a directive they would be subject to punishment. This is
21 likely the order that was expressed by low-ranking cadres as -
22 based on the order of the Centre. This, therefore, demonstrates
23 the existence of the policy.

24 MS. GUISSÉ:

25 Mr. President, it appears that the snake is biting its own tail

1 here. If they are to establish the policy, then your directive is
2 no longer applicable. However, how can she possibly say that the
3 implementation of a policy is the demonstration of policy? Then
4 this issue is simply not relevant to Case 002/1. I don't know if
5 this paradox can be resolved. However, the parties must abide by
6 the directives as expressed by the Chamber.

7 (Judges deliberate)

8 [11.47.58]

9 MR. PRESIDENT:

10 The objection by the international co-counsel by (sic) Khieu
11 Samphan is not sustained. This matter falls within the scope of
12 the intended trials, and the Chamber has already informed the
13 parties to the proceedings about this.

14 And, please, Counsel for Mr. Khieu Samphan, could you allow time
15 for the other counsel to present the documents until its
16 completion, and that when your opportunity arrives, you would be
17 offered this opportunity to challenge or to comment on any of
18 this. And you have already been allocated the time for doing so
19 in our memorandum. So, please refrain from obstructing the other
20 counsel when they are presenting such documents. But, of course,
21 you will be offered the opportunity to do so when - during your
22 allocated time.

23 And now, Lead Co-Lawyer for the civil party, you may now
24 continue.

25 MS. SIMONNEAU-FORT:

1 Thank you, Mr. President.

2 I shall now move on to my second document. This is document
3 D22/152. Once again, I am referring to a civil party statement
4 and I will emphasize by saying that I am only presenting civil
5 party statements.

6 [11.49.40]

7 The ERN of the specific passage I will read out is in: French,
8 00905152; English ERN 00404896 (sic); Khmer ERN 00368784. This
9 particular civil party explains the following in very brief terms
10 - and I quote: "The Khmer Rouge summoned meetings during the
11 night during which they gave out directives including (3 tonnes
12 per hectare, etc.)." Close quote.

13 With respect to the development of irrigation systems, which is
14 one of the policies that the Co Prosecutor had elaborated upon
15 yesterday, I wish to refer to document D22/2066: ERN, French,
16 page 00894013; English, 00890970 to 71; and Khmer ERN 00544536.

17 This civil party, who was a child during the occurrence of the
18 facts, describes as follows - the civil party's statement reads:

19 "Everybody had to be assigned to the construction of dykes and
20 pits. They were asked to go from area to another in order to
21 carry out the construction work." End of quote.

22 [11.52.20]

23 On the same topic of the policy of dykes and irrigations, I shall
24 quote E3/1676. The civil party was at the time located in Kratie.

25 The ERN French page is the following: 00811456; English ERN

1 00812379; ERN in Khmer, 00496842. The civil party states as
2 follows – and I quote:

3 "The Khmer Rouge, whose names I do not know, gave us orders to
4 dig dykes and rice paddies in order to clear forests, using a hoe
5 for the digging of dykes. And the Khmer Rouge imposed an absolute
6 condition, which was that we had to build a dyke measuring 50
7 metres in length every single day. Otherwise, we would be
8 expelled."

9 Still on the same topic of the construction on irrigation
10 systems, I wish to quote document D22/1954; French ERN page
11 00540871; English ERN 00853159; and in Khmer, 00555779. This
12 particular civil party wrote – and I quote:

13 "A portion of the rice was taken by the government following
14 harvest. People who were single and in good health were sent to
15 build canals and dams. Mr. Pong, over the course of the years,
16 saw the hours of work increase and the rations of rice diminish.
17 At the start, people agreed to take part in these construction
18 projects, but doubt started to set in over the years."

19 [11.55.25]

20 I wish now to quote from document D22/195 in furtherance of
21 demonstration of the policy on the construction of the irrigation
22 systems. ERN, 00898049 – in French, pardon me; and English ERN
23 00434305 to 06; and ERN in Khmer, 00397780 to 81. This particular
24 civil party was living in Svay Rieng during the time of the
25 facts. He describes the construction of dams, and rice patties,

1 and dikes, and he writes: "My children were sent to the
2 children's unit." End of quote.

3 And further on the civil party writes: "We had to clear some 20
4 acres of land, and if we did not reach this particular goal, we
5 would not receive any rice."

6 Your Honours, I wish to turn now to a statement made by a civil
7 party concerning the construction of the January 1st Dam, which
8 is encompassed by the policy on the development of cooperatives,
9 as argued yesterday by the Co Prosecutor. The document I refer to
10 is D22/1947a; ERN in French is 00905155; in English, 00851264 to
11 65; and ERN in Khmer, 00578135. This particular civil party, who
12 at the time was in Kampong Thom, indicates the following:

13 "Later on, the Khmer Rouge in the village were transferred to
14 help with the construction of the January 1st Dam in Kampong Thom
15 near the beginning of 1977. At the time, the Khmer Rouge who were
16 responsible for the local area received orders from higher
17 echelons in order to reassign hundreds of men to work at the
18 January 1st worksite in Kampong Thom." End of quote.

19 [11.58.48]

20 Mr. President, I have one document remaining on - that goes to
21 the establishment of the policy. Do I have your leave to
22 continue?

23 I will refer now to D22/129. The civil party was living in
24 Kampong Chhnang at the time and refers to the airport in Kampong
25 Chhnang. The ERN in French is 00909841; English ERN is 00398344;

1 and ERN in Khmer is 00365048. The civil party states:

2 "I was ordered to dig canals and build dykes in Boeng Choeng Ek.

3 At the time, Angkar forced me to work day and night and only gave

4 me one ladle full of rice porridge each day. Because I was

5 involved with the Lon Nol regime, I was constantly under

6 surveillance."

7 And the civil party goes on to say this: "In 1977, I was

8 transferred to the airport in the province of Kampong Chhnang, in

9 order to extract rocks from the mountain, and I had to work

10 endlessly, day and night, up until the end of 1978." End of

11 quote.

12 [12.00.54]

13 MR. PRESIDENT:

14 Thank you, Counsel for the civil parties.

15 It is now appropriate moment for lunch adjournment. The Chamber

16 will adjourn until 1.30 p.m.

17 Security personnel are now instructed to bring Mr. Khieu Samphan

18 to his holding cell downstairs and have him return to the

19 courtroom this afternoon, before 1.30 p.m.

20 The Court is adjourned.

21 (Court recesses from 1201H to 1331H)

22 MR. PRESIDENT:

23 Please be seated. The Court is now back in session and we will

24 hand the floor to the Lead Co-Lawyers for civil parties to

25 continue presenting their key documents in relation to joint

1 criminal enterprise. You may proceed.

2 MS. SIMONNEAU-FORT:

3 Thank you, Mr. President. Good afternoon to you and to everyone
4 else present in this courtroom.

5 I will continue my presentation on the policy regarding
6 cooperatives and work sites. This morning I refer to one of the
7 decisive elements, the objective of increasing production. I
8 would now like to talk about the second objective that has
9 already been dealt with by the Co-Prosecutor.

10 Cooperatives allowed surveillance and detection of enemies; that
11 was the objective. I will start by dealing with document
12 D22/2751. It is a civil party who, at the time, resided in Takeo.
13 The ERN for these documents is as follows: 00899639 in French;
14 and 00873677 in English; and lastly, in Khmer it is 00556118.

15 [13.33.54]

16 The quotation is very short and the civil party says the
17 following - and I quote:

18 "There, my family and myself were constantly called the 17 April
19 People. We were forced to work harder than the (Base People) and
20 we received less food than the Base People." End of quote.

21 I would now like to refer to civil party application D22/1242 and
22 the ERN in French is 00906225; in English, 00891214; and in Khmer
23 it is 00523379. And this is a civil party who, at the time, lived
24 in Kampong Chhnang and this is what the civil party says - and I
25 quote:

1 [13.35.15]

2 "When someone was ill and could not go to work, the Khmer Rouge
3 said that the illness was in the head. And when people had to
4 rest in the evening, the head of the militias surveyed all
5 houses, one after the other, confiscated personal effects such as
6 watches and money. That person also sought to know what our past
7 and positions had been under the Lon Nol regime." End of quote.

8 Further down the civil party states the following - and I quote:
9 "Those who were evacuated were called 17 April People and they
10 were observed all the time."

11 I will now refer to civil party application D22/143. This civil
12 party was in Kampong Thom at the time. The ERN in French is
13 00898347; in English, 00402949; and in Khmer, 00365377. And this
14 civil party refers to the terms used by the Khmer Rouge to define
15 certain enemies. The terms were referred to by the Co-Prosecutor
16 earlier as stated in the "Revolutionary Flag" and other documents
17 - other official documents of the regime. That civil party states
18 as follows - and I quote: "Those who were lazy were tortured by
19 the Khmer Rouge and accused by Angkar."

20 [13.37.36]

21 In the same vein, I will quote the statement of civil party
22 D22/147. That person was in Svay Rieng. The ERN in French is
23 00896817; in English, 00402961; and in Khmer the ERN is 00368682.
24 This civil party says the following - and I quote:
25 "Mrs Neang, my Uncle Kaop Leang's wife, told me that her husband

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1 had suffered from malnutrition and diarrhoea. Not being able to
2 work, she (sic) was accused of being lazy and was not given any
3 medicines. He died as a result of that." End of quote.

4 Still with regard to the terms used in the policy of the Khmer
5 Rouge, I would like to talk about civil party D277/8 and the ERN
6 in French is 00424136; English, 00384787; and Khmer, 00375548.

7 This is the record of an interview by the Co-Investigating Judges
8 and this is what that civil party states - and I quote: "I was
9 maltreated when I was ill. The Khmer Rouge did not believe that I
10 was truly ill. They accused me of being lazy. I was therefore
11 punished." End of quote.

12 [13.40.01]

13 I would like to refer to the civil party application D22/211 - or
14 2011, I beg your pardon. That civil party was in Pursat at the
15 time. The ERN in French is 00900237; in English, 00893689 and 90;
16 and in Khmer, it is 00541770. And this civil party states as
17 following - as follows - and I quote:

18 "During the rice transplanting period, soldiers and Khmer Rouge
19 militiamen constantly monitored inhabitants deported to Bak Roteh
20 village because they were considered as 17 April People. They
21 continued to declare that those who had been civil servants,
22 traitors, and students had to tell them the truth in order to
23 return to their previous positions. At - as - with time the
24 workers left and never came back. The civil servants left and
25 never came back." End of quote.

1 Lastly, I would like to refer to civil party D22/2014a. The ERN
2 is 00903104 in French; in English, 00899065; in Khmer, 00580736;
3 and still on this subject - that is, the control and detection of
4 enemies and the criteria for defining enemies is as follows,
5 according to this civil party - and I quote:

6 [13.42.37]

7 "When I lived in Chey commune in Chhuk district, Kampot province,
8 I was summoned to a meeting at Damnak Trayueng Pagoda, Chhuk
9 district, Kampot province. I went to that meeting. It was perhaps
10 in 1977 when I participated at that meeting. All participants
11 were asked to look at a man and two women who had flouted the
12 moral conduct rules. The Khmer Rouge told us not to follow their
13 example because all three of them were going to be killed." End
14 of quote.

15 I would now like to refer to another objective of the policy
16 regarding cooperatives and work sites, an objective which was
17 aimed at abolishing private life and developing collectivization.

18 I would like to refer now to the statement of civil party
19 D22/1644. The ERN in French is 00895187; in English, it is
20 00891247 and 48; in Khmer, it is 00532347. This civil party
21 refers to the division within families and in particular
22 categories and she says the following - and I quote:

23 [13.44.45]

24 "In 1976 the Khmer Rouge militiamen divided us into groups
25 according to physical strength. My family was divided. There were

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1 seven of us in the family; my father, my mother, myself, my
2 younger sister, my niece, my son and daughter. My two children
3 were sent to the children's unit. My niece remained with her
4 grandmother and I went to the middle age - aged group. My sister,
5 Tep Pich, was in the itinerant group." End of quote.

6 I would like to talk about the statement of civil party D22/2903.
7 The ERN is 00779605 in French; and in English, it is 00779605 and
8 06; and in Khmer, it is 00558351. That civil party talks about
9 collective meals and states as follows - and I quote:

10 "In early 1976, we were not authorized to eat in our homes, which
11 means that the little food that was left and any other personal
12 effects were confiscated by Angkar and put in common in the
13 cooperative. Private ownership was no longer authorized. We were
14 ordered to eat in common in the same kitchen." End of quote.

15 [13.46.56]

16 I would now like to talk about civil party D22/3755 and the ERN
17 in French is 00892710, in English; 00892762, and Khmer; 00875009.
18 This civil party also refers to Khmer Rouge speeches regarding
19 collectivization and she states - and I quote:

20 "The Khmer Rouge settled us in that village in the heart of the
21 forest and asked us to build our huts ourselves. We were fed
22 collectively and no one was authorized to eat alone. They
23 assigned task to us; the men, the women, the elderly and
24 children, all mixed up, from dawn to dusk; up to 22 hours before
25 we were allowed to rest." End of quote.

1 I would now like to talk about civil party D22/524. That civil
2 party was, at the time, residing in Battambang. That civil party
3 also talks about the division of families. The French ERN is
4 00897129; in English, 00890599; and in Khmer, 00496952. I will
5 not read any extracts of that civil party's statement. Let me
6 simply state that she says that the Khmer Rouge imposed the
7 division of families and separation of family members.

8 [13.49.22]

9 And, lastly, this is the last document on cooperatives and work
10 sites, I'll refer to civil party D22/836. That civil party,
11 during that period, was in Kandal region. The ERN in French is
12 00860969; in English, 00893532; and in Khmer, 00504601. That
13 civil party states the following - and I quote:

14 "We were peasants. The Khmer Rouge troops confiscated the
15 personal effects of the inhabitants to give them to the
16 collective, and they ordered everyone to dress in black." End of
17 quote.

18 I've - I'm done with this policy and I'll now talk about policy
19 on education; specifically, the education of bad elements and the
20 elimination of enemies. Here again, I will dwell on each of the
21 decisive elements regarding the objectives of this policy as
22 already expounded upon by the Co-Prosecutor.

23 I would like to start by referring to the statement of civil
24 party D22/1557 and the ERN in French is 00905218; in English,
25 00888498; and in Khmer, 00530391 and 92. This civil party states

1 the following - and I quote:

2 [13.51.57]

3 "We had to say whether or not, in the past, we had been civil
4 servants, soldiers, or students. They told us to tell the whole
5 truth and if we did so, we'll be allowed to return to our
6 previous positions. That meeting was chaired by a person called
7 Bien. My brother-in-law owned up that he had been a soldier in
8 the Lon Nol army. Those who unveiled their past were sent for
9 re-education to help rebuild the country and, since then, they
10 have never returned." End of quote.

11 Further down in the statement, the civil party states as follows:

12 "One or two months after the death of my younger sister in early
13 1976, Angkar asked us for the second time to unveil our previous
14 professions and if we told the truth, Angkar would send us for
15 further training in order that we could help develop the
16 country." End of quote.

17 I would now like to talk about the statement of civil party
18 D22/2896. The ERN in French is 00807149 in French; in English,
19 00793363; and in Khmer, 00558233. This civil party states as
20 follows - and I quote:

21 [13.54.04]

22 "On the 17th of April 1975, as everyone is aware, is the day of
23 the victory won by the Khmer Rouge Armed Forces over the Marshal
24 Lon Nol army. Subsequently, they applied a policy of division and
25 evacuation of the people. The people were divided into several

1 groups; the 17 April People on the one hand and Lon Nol civil
2 servants on the other. They questioned the latter on their
3 previous positions, promising to reinstate them in their previous
4 positions and functions. So those who wanted to have work
5 exaggerated their duties and responsibilities, saying that they
6 worked in this or that ministry. After the questioning, the Khmer
7 Rouge sent them to be killed; claiming that they were sending
8 them for further re-education. The word re-education was indeed a
9 synonym for execution. That was the first phase in their plan. As
10 for further stages, they purged the 17 April People." End of
11 quote.

12 I refer to the statement of civil party D22/623. The ERN in
13 French is 00849889; in English, 00893530; and in Khmer, the ERN
14 is 00499873. I will not read any extracts from this civil party's
15 statement. Let me simply say that this civil party refers to the
16 existence of the policy to establish security centres across
17 Cambodia during that period - end of quote (sic).

18 [13.56.42]

19 I will now talk about re-education of bad elements and the
20 elimination of enemies. I will talk about another topic; that is,
21 the definition of the notion of enemies as already referred to by
22 the Co-Prosecutors.

23 And I will refer to the statement of civil party D277/6, French
24 ERN, 00426411; in English, 00377369; and in Khmer, it is
25 00375525. This civil party states as follows - and I quote:

1 "I was able to see a number of people being arrested. We were
2 told that those people had been sent for re-education and to be
3 corrected; however, we never saw them return. We knew, at the
4 time, that to send someone for re-education, to send someone to
5 be corrected, simply meant that you were being sent to be
6 executed. The inhabitants were arrested if they stole food or if
7 their biographies were bad which, in other words, meant that they
8 had been civil servants in the previous society." End of quote.

9 [13.59.01]

10 I now refer to civil party D22/452 who was living in the region
11 of Kratie during the time of the events. The ERNs in French are
12 00813223; English, ERN is 00818604; and in Khmer, 00495978. This
13 particular civil party states as follows - and I quote:

14 "During work hours, the militiamen would observe us constantly.
15 If we said anything inappropriate, we would be called for
16 re-education. The mere fact of saying that we were tired was
17 cause for condemnation."

18 Further on, the same civil party adds - and I quote:

19 [14.00.14]

20 "During the night, we had to stand guard, protect the dams, in
21 order to be on the lookout for enemies. We were not armed; we
22 were only given a knife and an axe. During the night time patrol,
23 we were still under surveillance of the militiamen and they were
24 making sure that we were saying only the proper things and making
25 sure that we were being vigilant and attentive. We were

1 responsible for any type of negligence that would have occurred
2 during our tour of duty. We were also vulnerable to being accused
3 of being CIA. In my group, as in others, we remained vigilant and
4 we never slept. The group leader came every three days to make
5 sure that we had carried out our tasks in conformity with the
6 work plan given to us."

7 I wish to now quote from D22/3744. ERN is 00491077 in French. The
8 English ERN is 00889676 and in Khmer; 00875443. The civil party
9 indicates the following:

10 "The communists" - and I quote - "The communists were threatening
11 us constantly. They had intended to execute all members of the
12 New People during the regime. In specific terms they told us,
13 there is no gain to keep you. There is no loss to annihilate
14 you." End of quote. They accused the New People of exploiting
15 work - their work and therefore, they were sought for
16 extermination.

17 [14.02.40]

18 I will now quote from civil party D22/32. The ERN in French is
19 00899928; English, 00332219; and in Khmer the ERN is 00279752. I
20 read out this passage not to necessarily establish the
21 implementation of policies, but to demonstrate the terms that
22 were used at the time. The civil party states as follows:

23 "Further on during the same year of 1978, my father stole some
24 gruel that was meant for pigs. It was - he did so to feed my
25 mother and I. The day that he was caught, he was sent to a

1 re-education camp."

2 For the same reasons, I will quote from D22/3765 who also refers
3 to theft as a way of labelling enemies. The ERN in French is
4 00892711 in French; in English, the ERN is 00892763; and in
5 Khmer, the ERN is 00875010. The civil party stated - and I quote:
6 "With respect to other Khmers, I saw the Khmer Rouge take them
7 for execution. They did so merciless and they did so because
8 these people had been accused of stealing bamboo or palm leaf or
9 a chicken. There was one particular person who had stolen one
10 single grain of rice in order to make soup. Two of my sons were
11 executed because they had stolen some food in order to satiate
12 their hunger." End of quote.

13 [14.05.25]

14 And lastly, with respect to the subject of the definition of
15 enemies, I wish to quote from D22/1644. ERN in French is
16 00895189; that's the ERN in French. The ERN in English is
17 00891250; and in Khmer the ERN is 00532329. Once again, on the
18 topic of theft, the civil party stated as follows:

19 "One of my nephews, Tep Pruonh, who was from the itinerant unit
20 for children - he was the son of Tep Chhim - was accused of
21 stealing a chicken. The other children had announced him. The
22 police took him to a re-education or detention centre."

23 Your Honours, I wish to open a new subject. It is still on the
24 policy of the elimination of enemies and definition of policies.
25 It deals with the definition and methods of identification of

1 enemies within the cooperatives.

2 [14.07.06]

3 The first document that I will quote from is D22/268, and I beg
4 your pardon because I will be obliged to quote the document in
5 English as there is no French translation for the time being. The
6 ERN in English is 00893383; Khmer is 00534560. This civil party
7 says as follows:

8 "Khmer Rouge soldiers were very good at investigating. They went
9 around asking and searching for those citizens who were doctors,
10 teachers, soldiers, military personnel, or professors and then
11 killed them and their whole families. I knew that my husband's
12 biography could not be concealed forever."

13 I shall now quote from D22/1414. The civil party was living in
14 Pursat during the Khmer Rouge regime. The ERN in French is
15 00893960; the English ERN is 00891235; the Khmer ERN is 00528133.
16 This particular civil party says - and I quote:

17 [14.09.21]

18 "They were regularly spied upon by younger soldiers. My family
19 was labelled April 17 People. My parents were spied upon whenever
20 they made a move. They asked my younger siblings what our parents
21 did and they told our siblings that if our siblings disclosed
22 such information, they would be given an important position. They
23 were quite talented at spying. From the elder or the elderly
24 children or the younger children were always tricked into the
25 manoeuvre. They were told in the countryside that all emergent

1 professors, soldiers, or anyone who was considered as such could
2 return to their workplaces. So people would reveal what they did
3 as a profession and then they were taken away in various - in
4 several vehicles."

5 I will now quote from D22/3772. The civil party was living in
6 Kratie and then in Kampong Cham during the time of the facts. The
7 ERNs in French are 00846053; in English, the ERNs are 00569922 to
8 the following page 23; and in Khmer, 00863960 to 61. The civil
9 party claims as follows: "After a month, I was pinned as an
10 anti-communist and I was told that I would be sent to the
11 mountains in order to be re-educated on communism."

12 [14.11.45]

13 Further on, this civil party states the following:

14 "Following our arrival at Kampong Cham, they organized a massive
15 rally of 2,000 people. They compelled us to have faith in Angkar,
16 that we work hard for Angkar, and that we show proof of humility
17 and selflessness."

18 Further on, the civil party says:

19 "Two times a year, we were told to tell our village chief our
20 life stories in order to make sure that nobody was lying. They
21 had accused some people of lying and for those who they did not
22 like; they were weeded out during the night, taken away. We never
23 saw them again."

24 I will now quote from D22/328. The ERN in French is 00901469; in
25 English, the ERNs are 00864442 (sic); and in Khmer, 00484726. The

1 civil party states as follows:

2 [14.13.32]

3 "Later on, the Khmer Rouge called several people to an assembly
4 and hear the reports that they had drawn up. Comrade Chhim, chief
5 of the village, said during the assembly that those who had been
6 arrested previously had resisted. 'I don't know who they were
7 against.' This is the reason why we had to eliminate them. And
8 you were told you all have to be careful from here on in. Anyone
9 could be against us. If anyone did show any opposition, they
10 could be executed like the enemies." End of passage.

11 I will now quote from D22/1836a. I beg your pardon; I will have
12 to quote from the English version since there is no French
13 translation. The civil party was living in Kampong Cham when the
14 civil party made the statement. The ERN in English is 00834848
15 and in Khmer, it is 00579044. The civil party states as follows:

16 "Then in 1977, the Khmer Rouge accused me of being the former
17 civil servant feudalist. They did my biography and sent me and my
18 family to Mondulkiri."

19 (Short pause)

20 [14.15.58]

21 I shall now refer to the document D/227, which is an interview
22 given before the Co-Investigating Judges. The French ERN is
23 00372052 to 53; in English, 003502 (sic) to 04; and in Khmer,
24 00349497. The document is D217/3; I stand corrected. In response
25 to a question put to the civil party, a question:

1 "Did the Khmer Rouge leaders in your village already begin
2 questioning people and arresting them? Did they assign hard
3 labour tasks to people? Did they respect the rights of the
4 residents?"

5 The civil party responds as follows:

6 "At the time, the Khmer Rouge did not mete out bad treatment.
7 They told people that they had to work; those who had worked for
8 the Lon Nol regime be educated and reveal themselves and those
9 who did, were taken for re-education."

10 The second passage from the witness record of interview, whose
11 ERN numbers I've just read out, refers to the self-criticism
12 meetings. The following question is put to the civil party.

13 [14.17.54]

14 "Did you ever attend a self-criticism session?" Answer: "There
15 were self-criticism sessions during which residents would tell
16 the Khmer Rouge who among the residents were too lazy to work?
17 There were people who were denounced. There was someone - there
18 were those who were denounced twice and who didn't change their
19 behaviour and therefore, they would be sent by the Khmer Rouge
20 for execution."

21 I shall now move to a new piece of evidence that shows the
22 establishment of this policy, the elimination of enemies
23 including family members and loved ones. I will begin by quoting
24 from D22/193: French ERN, 004465888; English ERN is non-existent
25 for the time being - or rather, I will be quoting from the

1 English translation and not the French because there is no French
2 translation. The French – the English ERN is 00446488; and in
3 Khmer, it is 00388697. There are no French ERNs. The civil party
4 says as follows:

5 [14.19.53]

6 "(Inaudible) I was removed from the community and placed in a
7 work site where the relatives of the traitors work. The work site
8 was far from the community."

9 I shall now quote from document D22/342. The French ERN is
10 00920506; the English ERN is 00864551; and Khmer, is 00484873.

11 This civil party stated as follows, and I will specify that the
12 civil party was living in Kampong Cham at the time.

13 "July 19-" - I quote - "July 1978, 17 or rather 16 of my members
14 were - of my loved ones were massacred by Angkar, by the Khmer
15 Rouge. They were accused of being members of the So Phim network,
16 a Khmer Rouge leader who had been accused of betraying
17 revolutionary Angkar."

18 I shall now quote from civil party E3/3963. The ERN in French is
19 00333881; the English ERN is 00242251; and the Khmer ERN is
20 009840 - or rather, I'm sorry; I'll have to begin again. The
21 Khmer ERNs is 00198403. The civil party writes as follows:

22 "It was a prison without walls. There, there were only women and
23 children or New People or 'April 17 People.' They were given only
24 rice porridge."

25 [14.22.39]

1 I will now quote from D22/3461. The civil party talks about what
2 happens to the families of Lon Nol soldiers or Lon Nol officials.
3 The ERN in French is 00859055; English ERN is 00856522; Khmer ERN
4 is 00566393. The civil party writes as follows:

5 "Seven days later, the Khmer Rouge found out that my husband was
6 a soldier under the previous regime. They therefore came to
7 arrest me."

8 Mr. President, I have concluded my documents with respect to the
9 policy on bad elements and enemies. I can begin my document
10 presentation on the policy of treatment of targeted groups, but I
11 am more than happy to oblige if you wish to call for the break,
12 now, before I begin.

13 MR. PRESIDENT:

14 How much time would you need to present all the remaining
15 documents please?

16 [14.24.43]

17 MS. SIMONNEAU-FORT:

18 I will speak to two remaining policies and if I've calculated my
19 time properly, I've taken 20 minutes this morning and 55 minutes
20 this afternoon. I should expect to use up the same amount of
21 time. I don't know if I shall finish this afternoon and if it is
22 not the case, I will have no more than 30 minutes during
23 tomorrow's morning session.

24 MR. PRESIDENT:

25 Thank you.

75

1 It is now appropriate moment for the adjournment. The Chamber
2 will adjourn until fifteen to three.

3 (Court recess from 1425H to 1448H)

4 MR. PRESIDENT:

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

6 And we'd like to give the floor once again to the lead co lawyers
7 for civil parties to continue presenting their key documents. You
8 may proceed.

9 MS. SIMONNEAU-FORT:

10 Thank you, Mr. President.

11 I will now deal with the policy regarding measures that were
12 directed at specific groups. And I would like to start by
13 referring to groups designated in that policy by the Khmer Rouge.
14 I refer to document D246/10. This is a civil party who resided in
15 Prey Veng, and I will quote two extracts. The French ERN is
16 00381128; in English, 00373230; and in Khmer, 00381020, and the
17 following pages for the second extract. This civil party says the
18 following - and I quote:

19 [14.50.20]

20 "Angkar distributed blue and white kramas to everyone and we
21 waited for one day and boarded a Chinese military truck to go the
22 railway station. We boarded the train at night and travelled over
23 long hours. When we arrived in Bakan District it was nightfall.
24 We received food when we boarded the train."

25 And a question is put to the civil party by the Co Investigating

1 Judge, who wanted to know – who told the civil party to talk
2 about the blue and white kramas, and the civil party said the
3 following:

4 "The persons who received blue and white kramas were people from
5 the east of Cambodia who had to be killed. We were the target
6 considered as the enemy because we were close to the Vietnamese
7 border and considered as such as the friends of the Vietnamese.
8 The Khmer Rouge distributed kramas for the purpose of identifying
9 and knowing the persons who had to be killed." End of quote.

10 This is another statement by Civil Party D22/33. This civil party
11 resided in Takeo, and this civil party talks about Buddhists. The
12 French ERN is 00901477; in English the ERN is 00332196; and in
13 Khmer it is 00279767. And the civil party states as follows – and
14 I quote:

15 [14.52.32]

16 "After the Khmer New Year, the Phnum Chhmar Pagoda became a
17 prison where people who were regarded as enemies (the enemy of
18 Angkar) were tortured. Since there were many monks at Phnum
19 Chhmar Pagoda they were again summoned to come forward for re
20 education. Angkar forced us, myself and others, to stop being
21 monks." End of quote.

22 I will now refer to Civil Party D22/3675a. This person was a Cham
23 and that person was at the time in Kampong Chhnang. The ERN in
24 French is 00894118; in English, 00891063; and in Khmer, 00588456.
25 This civil party states as follows – and I quote:

1 "Religion, tradition, and the customs of Muslim Khmers were
2 forbidden at all costs by the Khmer Rouge. It was forbidden to
3 practice religion and to worship God. They forced us to eat pork;
4 they forced women to cut their hair very short; and they forbade
5 us to speak Cham; and they destroyed the plank we used for
6 worship. They went into the homes of all the Chams to look for
7 the Koran and other books written in Cham in order to destroy.
8 The looted mosques and transformed them into warehouses." End of
9 quote.

10 [14.54.56]

11 I'll refer to Civil Party D246/15, who was at Pursat and who
12 refers to the situation of the Khmer Krom. The ERN in French is
13 00426390; in English, 00388620; in Khmer, 00385135. This civil
14 party says the following and - in response to a question put to -
15 put by the Co Investigating Judge:

16 "Why were you arrested in September 1977?" - Answer - "Because at
17 the time the Khmer Rouge started spying on inhabitants in order
18 to flush out Khmers who were Kampuchea Krom origin, and accuse
19 them of being affiliated to the Vietnamese. I was arrested and
20 sent to the detention centre situation in Veal Village." End of
21 quote.

22 I will now refer to the statement of Civil Party D22/2011. This
23 civil party resided in Pursat and the civil party is referring to
24 the situation of former soldiers of Lon Nol. The ERN in French is
25 00900237; in English, 00893689; in Khmer, 00541770.

1 This civil party states as follows – and I quote:

2 [14.57.05]

3 "During the rice transplanting season, soldiers and militias of
4 the Khmer Rouge monitored constantly inhabitants who reported to
5 Bak Roteh Village because they were considered as 17 April
6 People. They continued declaring that those who were civil
7 servants, traitors, and students had to tell the truth in order
8 to be able to go back to their previous jobs. As they went on,
9 the former civil servants left and never returned." End of quote.

10 I will now quote from D404/2/3.2 segment.

11 MR. PRESIDENT:

12 Counsel, could you please hold on and counsel for Mr. Khieu
13 Samphan you may now proceed.

14 MS. GUISSÉ:

15 Yes, thank you, Mr. President.

16 This is a brief objection. In any case, it is a question for my
17 learned friend. The document she is referring to is one that we
18 have looked for in the case file and we do not find it. It has an
19 E3 number. We do not find it in the Closing Order nor do we find
20 it in the annex to the lists of parties the Co Prosecutors and
21 the other parties. So this is a new document, and we request that
22 the lead co lawyer should not be allowed to use this document in
23 this hearing.

24 [14.58.53]

25 MS. SIMONNEAU-FORT:

79

1 I will request that someone should find out whether it is on our
2 list. As most civil party applications, they do not yet have E3
3 numbers. I believe that this document is on our list and if you
4 allow me to cross check, Mr. President, I can tell you for sure
5 in a few minutes.

6 I can perhaps continue with my presentation while we wait for the
7 check to be carried out.

8 MR. PRESIDENT:

9 Indeed, you may proceed to another document please.

10 MS. SIMONNEAU-FORT:

11 Thank you.

12 Pardon me; I don't know if my learned friend was objecting to
13 D22/2011.

14 MS. GUISSÉ:

15 No, it was the other document.

16 MS. SIMONNEAU-FORT:

17 Thank you.

18 [15.00.22]

19 I shall continue with another document on the policy on the
20 treatment of targeted groups. The objective of the policy was to
21 abolish all differences among people. I will quote from D22/164.
22 ERN in French is 00898349; English, 00414861; and in Khmer,
23 00369040. I shall read two short passages from these two - from
24 this document - and I quote:

25 "At the time, the Khmer Rouge considered the Cham as enemy number

1 1. The Khmer Rouge intended to send the Cham people to their
2 death through famine and disease as these spread throughout the
3 villages."

4 Further on, the civil party adds:

5 "Around the end of 1967, the Khmer Rouge put an end to religion
6 and this consolidated a very clear targeting of religious groups.
7 The Khmer Rouge had prohibited the Cham people from praying, from
8 speaking their native language, and prohibited all Cham customs,
9 which included certain modes of dress. Those who refused to obey
10 by the Khmer Rouge orders were sent for execution, particularly
11 the women who did not comply with the code of wearing their
12 hair."

13 [15.02.39]

14 I will now turn to D22/3849; English ERN, 00571043; and in Khmer,
15 00863995. This civil party describes the situation of the civil
16 party's family. The civil party writes - and I quote: "The only
17 reason they were all executed was stemming from the fact that we
18 were Cambodians of Chinese ethnicity."

19 I will now quote from D22/932a. The civil party is from the
20 Tumpoun minority and was residing in Ratanakiri. The ERN in
21 French is 00898367; English, 00903179; and Khmer, 00532129. The
22 civil party states the following - open quotation:

23 "Before 1975, I was living in Chri in the Lumphat District in the
24 Ratanakiri Province. There were hundreds of families who belonged
25 to the Tumpoun minority. Members of the minority believe in

1 protective spirits as well in the power of where their ancestors
2 are buried. The chiefs were Trak Tieng and Trak Tung, who were
3 responsible for praying to the protective spirits."

4 [15.05.16]

5 "Following the 17th of April and their arrival to power, the
6 Khmer Rouge forced them to abandon their religious beliefs and
7 the two tribe leaders were sent for re education by Angkar. They
8 since disappeared. Ever since then the people from the village
9 are no longer able to practice their religion and they no longer
10 maintain the small huts to pray to the sprits, and all of the
11 burial sites of their ancestors have been destroyed."

12 I will now quote from D22/489a; ERN, 003691; English, 00891271;
13 and in Khmer, 00577131. This civil party is a member of the Jarai
14 minority. The civil party writes as follows:

15 "After the 17th of April 1975, the Khmer Rouge forbid people from
16 believing in animism and they forbade the Jarai and Rocham Choan,
17 the chief of the cooperative, from ordering people to no longer
18 hold such religious beliefs or ceremonies."

19 I will now quote from D22/1651a. The ERN in French is 00898045;
20 English, 00903220; Khmer, 00583194. The civil party was living in
21 Kampong Cham at the time. The civil party writes as follows - and
22 I quote: "All religious practices and beliefs were forbidden."
23 Further on the civil party adds: "I was not aware of the
24 execution of Buddhist monks; however, I was aware of the fact
25 that the Khmer Rouge forced them to defrock and sent away."

1 [15.08.14]

2 I will now quote from D22/2014a. The ERN in French is 00908105;

3 Khmer, 0000965. This civil party raises the topic of the Buddhist

4 religion: At Damnak Trayueng Pagoda I did not see any statutes of

5 the Buddha. The pagoda was destroyed. I heard people saying that

6 the pagoda had been transformed into a prison."

7 Civil party D22/3518a; ERN in French is 00898089; English,

8 00856209; in Khmer, 00585460. The civil party states as follows:

9 "The Khmer Rouge forced us to eat pork and if we refused to do so

10 they would kill us. Personally, I forced myself to consume it.

11 The Khmer Rouge always said that if any of the Cham people

12 refused to eat pork they would be killed."

13 Civil Party D22/3532a; French ERN, 008910555; English 00851043

14 (sic) - writes as follows:

15 "Samraong Pagoda, in Tuk Meas, was destroyed and turned into a

16 canteen. It was - there was a section that was converted for

17 raising pork. The Cham were forced to eat pork. The Koran was

18 destroyed. Religion was strictly prohibited, pending a death

19 penalty."

20 I will now raise one final document that shows the policy of

21 targeting specific groups. The document refers to soldiers and

22 officials of the Lon Nol regime. I will quote from D22/3. This

23 civil party was living in Siem Reap at the time. The ERN in

24 French is 00632663; English 00156856; and in Khmer 00157098. The

25 civil party states as follows:

1 [15.11.57]

2 "On the 17th of April, 1975, officials from the Siem Reap
3 province were summoned to a meeting that was held at city hall.
4 At the meeting, people were told that a certain number of
5 officials would have to undergo a three-day training, in order to
6 welcome Samdech Norodom Sihanouk. They did not need to pack
7 anything. We never saw them return. At the time, I was a
8 mechanic. I fixed motorbikes. I was not an official. Therefore I
9 was not asked to attend the meeting. The officials were taken
10 away in order to be killed, because I saw many corpses in the
11 trenches of Baray Tuek Thla, which had become a battlefield for
12 the Khmer Rouge and Lon Nol combatants."

13 On the same topic, I will quote from D22 - or, rather, D246/13.
14 ERN in French is 00424100; English, 00387500; and in Khmer,
15 00385096.

16 [15.13.34]

17 The civil party was living in Pursat during the era. The civil
18 part was interviewed by the Co-Investigating Judges:

19 "Question: Was your father an army official for Lon Nol?"

20 "Answer: He was a soldier for Samdech Eav, and then he then
21 became a Lon Nol soldier. And that is why the Khmer Rouge killed
22 him. My father was not the only one to have been executed. There
23 were other people who were killed in the exact same manner,
24 simply because they could not escape their predicament."

25 Again, on the same topic of the targeting of officials and

1 soldiers from the Lon Nol regime. The ERN in French is 00676858;
2 English, 00884472; and in Khmer, 00540448. The civil party, which
3 is D22/1919, was living in Pursat at the time, and says the
4 following:

5 "Approximately one month later, I went to the village of Tuol
6 Prum, in the district of Moung Ruessei, in the province of
7 Battambang. Following our settlement there, likely in June 1975,
8 my father Va Nan was arrested. He was executed for no specific
9 reason. As far as I'm concerned, he was killed by the Khmer
10 Rouge. The cadre came to take him away. I do not know who the
11 cadre was. To my knowledge, they had learned that my father was a
12 police officer during the Lon Nol regime."

13 [15.15.42]

14 "In fact, he was. Later on, I learned that my father, Va Nan, had
15 been executed at the foot of a mountain located in the Bakan
16 district, in the province of Pursat."

17 I wish to refer to civil party D246/14. ERN in French is
18 00424111; English, 0387497; and in Khmer, 005092 - are the last
19 numbers. The civil party talks about arrests and in response to a
20 question put to the civil party by the Co-Investigating Judge:

21 "Question: Sir, do you know why families of the Kampuchea Krom
22 were arrested?

23 Response: I knew that that specific family had been accused of
24 being Yuon. In other words, they were accused of being
25 Vietnamese."

1 [15.17.04]

2 I will refer now to D22/2066. English ERN 00890971; and in Khmer
3 00534636; French 00894013. This civil party was living in the
4 province of Svay Rieng at the time, and the civil party says the
5 following:

6 "The Khmer Rouge had carried out investigations on people who
7 were from Svay Rieng. They were taken and then killed. They did
8 not allow anyone to survive, because they said that the people
9 from Svay Rieng were Vietnamese."

10 And, lastly - and this brings me to the conclusion of this
11 particular policy - I will refer to D246/7, ERN in French is
12 00426371; English, 00384413; and in Khmer, 00373704. In response
13 to a question put by Investigating Judge, relative to the civil
14 party's brother who was a monk, and arrested by the Khmer Rouge:
15 "Question: How do you know that your elder brother, Long Vanny,
16 was being taken to be killed?"
17 "Answer: I heard that he was an intellectual who criticized the
18 Khmer Rouge frequently, and that's exactly why he was taken to be
19 killed".

20 [15.19.02]

21 Your Honours, that brings me to conclusion on my presentation of
22 key documents on that particular policy. I shall now comment on
23 the document that we previously set aside, and that was the
24 subject of the Khieu Samphan Defence objection. I am told that
25 D404/2/3.2 is on all of our lists, including the list that dates

1 back to the 4th of March, which has since received a new number -
2 which is D22/3820a. If I can very briefly comment on this
3 document - the ERN in French is 00899194; in English, 00607001;
4 and in Khmer, 00615756. This particular civil party states the
5 following:

6 "My father came to the hospital in order to see my mother. Her
7 body was still warm. She was killed in 1977, accused of being a
8 capitalist or a feudalist. My father was from China. My mother
9 was also of Chinese background. My father was killed because he
10 was Chinese and because he was wealthy."

11 [15.20.52]

12 "All of the cadres and the militiamen lived in the same
13 neighbourhood as my parents, and they knew that they were
14 Chinese."

15 This brings me to a conclusion on the policy of targeted groups,
16 and leads me to the presentation of key documents on forced
17 marriage.

18 (A short pause)

19 MS. SIMMONEAU-FORT:

20 Once again, I shall raise the objective of the regulation of
21 marriage, as has been developed by the Co-Prosecutor this
22 morning. I will talk about its implementation, and I will once
23 again refer to the civil parties who shed light on the fact that
24 marriage had to be controlled and regulated by the Party
25 authorities - in other words, by Angkar. I will begin by quoting

1 from D22/503: ERN in French is 00916922; English, 00891273; and
2 in Khmer, 00496605. The civil party stated as follows:

3 "At the end of 1978, I was forced to marry Comrade Seng Ran.
4 Angkar had proposed the marriage. Angkar had agreed to this.
5 Angkar organized the ceremony, and that is where we exchanged our
6 vows."

7 [15.23.14]

8 The civil party D22/506: ERN in French 00893515; English
9 00891274; 00496650 to 51 states - and I quote:

10 "Fortunately, I was spared a forced marriage. However, I could
11 not escape it for a third time, because Mr. Yong wasn't the one
12 who organized the marriage, but somebody else. Indeed Mr. Yong
13 had been arrested and killed by Angkar. He was accused of
14 treason."

15 I will now quote from D22/64a. The English ERN is 00894919; ERN
16 in Khmer, 00568236. The civil party stated as follows:

17 [15.24.41]

18 "I could not refuse, because Comrade Aun told me that nobody
19 could be spared of the order. She said, and I quote, 'all women
20 must obey Angkar's orders. If any one of them refused the order,
21 they would be executed'".

22 The civil party D22/16a - the ERN in French, 00881712; English,
23 00853936 to 37; as well as Khmer ERN, 005846 to 48 - recounts her
24 marriage, along with 60 other couples. The civil party states:

25 "Before the ceremony, the leader delivered a speech. The chief

1 reminded us that we had to make an effort to work to the service
2 of Angkar. And chief asked all the couples to love each other and
3 to be faithful to Angkar. I was asked to say a few words on
4 behalf of the 60 couples present".

5 I will now turn to several directives in rules issued by Angkar
6 with respect to marriages and the status of those who were forced
7 into marriage. I will quote from D... or, rather, E9/32.2.14, ERN
8 in French, 00891889; English, 00891888; and in Khmer, 00678181.

9 The civil party described that - and I quote:

10 "Near the end of 1975, I worked at the Ministry of
11 Transportation. One day, the head of the centre called everyone
12 to a meeting, and there were approximately 200 people who
13 attended. They worked there, and there were more than 30 women.
14 The president of my region (sic), Mut Phim and Mut Phim (sic),
15 read out a directive that came from higher levels. And I remember
16 one specific point, which was - and I quote: 'as of today,
17 members of S-80 can only marry each other. There are limits to
18 these relationships. The words On and Bong and other terms of
19 endearment and affection, such as darling, cannot be used. Men
20 who are members of the Party can only marry other women belonging
21 to the Party. Any previous marriages will not be taken into
22 account.'"

23 [15.28.39]

24 Civil party D125/39 - French ERN 00272777; English, 00225533; and
25 Khmer, 00196824 - the civil party states as follows:

1 "Whereas certain prisoners who were guilty of moral misconduct
2 were held for 3 months, anyone who was single or widowed had to
3 remarry. This was the policy coming from above - from superior
4 levels". End of quote.

5 I will now deal with civil party D189/18, who at the time was
6 working at the ministry of social affairs. The ERN in French is
7 00342208; in English it is 00345228; in Khmer, it is 0034955.

8 This civil party states as follows - and I quote:

9 "Ms. Sou, my boss, decided, with the approval of Ieng Thirith,
10 that I had to get married to Vasai. At the time, under the Khmer
11 Rouge, it was the officials and the leaders who decided such
12 matters. We could not decide the person with whom we wished to
13 get married. I for my part was somewhat attracted to the private
14 secretary of Ieng Thirith, but I could not object to that
15 decision. And, in particular, I could not afford to show that I
16 had a relationship with a man, or even to give that impression. I
17 only saw Vasai (inaudible)."

18 I refer to civil party D278/2. The ERN in French is 004224; in
19 English, 00400488; and in Khmer, 00390296. And this civil party,
20 in response to a question put to him or her by the

21 Co-Investigating Judge said the following - and I quote:

22 "Nobody could afford to refuse to get married, because that was
23 an order by Angkar. However, I do not know what happened to those
24 who objected to that order. The Khmer Rouge had a principal,
25 according to which the Base People were not authorized to marry

1 the New People". End of quote.

2 [15.32.16]

3 And this is a French translation. I will now refer to a series of
4 statements by civil parties that also show a decisive element
5 regarding the existence of this policy. And these civil parties
6 also show that Angkar directed, organized, and defined those
7 forced marriages. The civil party is D22/139a. The ERN in French
8 is 00898344-45; in English it is 00863874 and 75; and in Khmer it
9 is 00580448 and 49. This civil party states as follow - and I
10 quote:

11 "In April 1977 (before the Khmer Rouge New Year) the head of
12 district Banteay Meas, Kampot province, called Chab, came to Dang
13 Tong commune to organize a marriage ceremony at the Tuol Khpos
14 cooperative. The day before the ceremony, a young chief in the
15 village came to tell each man and woman who are to get married
16 that they absolutely had to attend an assembly in the community
17 refectory, because that was the decision of the district
18 committee"

19 [15.34.12]

20 Further down in this statement, the civil party adds as follows:

21 "The ceremony started by Run, head of unit from Prey Samnang
22 village, Srae Chea commune district of Kampong Trach. He read the
23 agenda, and declared the ceremony open. 'Angkar has a new plan.
24 It has to organize a historic marriage ceremony and this is the
25 first of a series of events organized by the district, including

1 Banteay Meas district.' Then the unit head called each man and
2 woman by name, one after the other. There were 40 couples in all.
3 Thirty young couples and 12 widows and widowers."

4 Civil party D22/2074. The ERN is 00894174 in French; 00891040 and
5 41 in English; and in Khmer 00559294. This is what the civil
6 party states - and I quote:

7 "Each couple had to exchange their marriage vows, one after the
8 other, and they were advised to love one another and to make sure
9 they accomplished the tasks assigned by Angkar, and to do their
10 best to produce children for Angkar." End of quote.

11 [15.36.07]

12 The civil party D22/620, ERN in French, 00900951; English,
13 00891279 and 80; Khmer, 00499824 and 25, states as follows - and
14 I quote:

15 "We were only asked to make a commitment by repeating two words.
16 'We have henceforth become husband and wife. We should love one
17 another and make an effort to serve Angkar and produce a child
18 for Angkar. We must not oppose Angkar's instructions.'" End of
19 quote.

20 Civil party D22/1291a, ERN in French, 00893362; in English,
21 00891223; and in Khmer, 00584390 and 91, states as follows
22 regarding force marriages, to which she was subjected - and
23 regarding an official who spoke to her:

24 [15.37.44]

25 "He told me that Angkar was going to organize my marriage, and

1 that I had to accept Angkar's decision. I refused, in vain. He
2 told me that I had already finalised agreements with Angkar and
3 accepted to respect all Angkar's decisions, so I could not
4 refuse. That was during my re-education period. I was in prison,
5 accused of betrayal. I was subjected to interrogation sessions."
6 Civil party D22/1067a, ERN in French, 00578977; in English,
7 00846968; and Khmer, 00578979 and 80 – states as follows:
8 "Around 1978 – or around the middle of 1978 – I was forced to get
9 married. I was transferred to Ou Baek K'am, Phnom Penh, to work
10 on a rice field, because I had a bad biography. At the time, I
11 was threatened. I was reminded that I had a bad biography. I was
12 told that I was a lazy person, and that my parents were working
13 for Lon Nol, so I had to accept the marriage. Otherwise, I would
14 be killed. I was very afraid, because my parents were 17 April
15 people."
16 Civil party D22/3858a – 009121 (sic); in English, 00853176; and
17 in Khmer, 00588796 – states as follows:
18 "At the time we were ordered to take an oath and to shake hands
19 stating before Angkar that we're going to love one another and
20 serve Angkar all our lives."
21 [15.40.21]
22 And lastly, civil party D22/2976, the ERN in French is 008942115,
23 in English, 00891042 and Khmer, 00559320. This is one of the
24 terms referred to this morning by the Prosecutor regarding forced
25 marriages and states as follows – and I quote: "That

1 notwithstanding, I was forced to accept that arrangement. I had
2 been instructed not to object to Angkar's decisions because
3 Angkar was our parents."

4 Mr. President, I am done with the existence of policies and I
5 will stop here. Thank you.

6 MR. PRESIDENT:

7 Thank you. I would like now to give the floor to the Prosecution
8 to present their key documents on the role of the accused. You
9 may proceed.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. Our colleagues will be here shortly to
12 present documents on the role of Nuon Chea in a few minutes and
13 in a couple of minutes they should be here. We were somewhat
14 taken unawares by the speed with which the Civil Party Lead
15 Co-Lawyers did their presentation and ahead of time.

16 (Short pause)

17 [15.42.43]

18 MR. SENG BUNKHEANG:

19 Thank you, Mr. President. As we only have 15 minutes left for the
20 adjournment and the presentation that we wish to do on the role
21 of the accused Nuon Chea, may last longer than today time; and
22 I'd like to get the discretion of your Chamber and the President
23 if we can do it tomorrow or we can do it now.

24 MR. PRESIDENT:

25 Actually, we already give the floor to the Prosecution so that

1 you can present the key documents related to the role of the
2 accused and because we need to expedite the proceeding and it
3 would be of benefit if the Prosecution's side can conclude it
4 tomorrow and then the floor can be given to the defence so that
5 they can respond to all your presentations early next week.

6 [15.44.04]

7 MR. SENG BUNKHEANG:

8 Thank you, Mr. President.

9 Once again, good afternoon Mr. President, Your Honours and
10 everyone in and around the court room. I will present some
11 documents in relation to the role, the authority of the accused,
12 Nuon Chea. At the same time, I seek Mr. President's leave to
13 present the document on screen and as informed by my
14 international colleague due to the early conclusion of the
15 presentation by the Lead Co-Lawyer, we have not prepared
16 ourselves or the presentation this afternoon. The documents that
17 we present is in relation to his role as a member of the Standing
18 Committee of the CPK. My colleague and I actually presented
19 already the minutes of the meetings of the Standing Committee -
20 that is in the document hearing that we held earlier. For that
21 reason I do not wish to present those documents again and then I
22 will present other minutes of the meeting of the Standing
23 Committee.

24 [15.46.04]

25 The first document is the minutes of the meeting of the Standing

1 Committee.

2 MR. PRESIDENT:

3 Prosecution, please wait.

4 Defence counsel for Nuon Chea, you may proceed.

5 MR. KOPPE:

6 Thank you, Mr. President. I might be mistaken, but I'm not sure

7 if we received beforehand the list of documents that the

8 Prosecution is intending to present in respect of Nuon Chea's

9 role. I don't think we have.

10 MR. DE WILDE D'ESTMAEL:

11 Mr. President, it is possible I may have to cross check. It is

12 possible that the list of documents have not been communicated in

13 advance; however this was a policy that was practiced merely out

14 of courtesy and not obligation. Therefore, we would beg for the

15 Chamber's indulgence and permit us to continue and allow us to

16 convey the list of documents after the end of this hearing. Thank

17 you.

18 (Judges deliberate)

19 [15.54.14]

20 MR. PRESIDENT:

21 Judge Sylvia Cartwright, please take the floor. Thank you.

22 JUDGE CARTWRIGHT:

23 Yes, thank you, President.

24 The President has asked me to indicate that the Prosecutors may

25 begin their next stage of their presentation in the morning.

1 While the Chamber acknowledges that providing the list of
2 documents to be presented is a courtesy, it is also extremely
3 helpful to the parties and to the Chamber, so if that could be
4 done between now and tomorrow morning, that would be appreciated.
5 The President wants me to spend the last few minutes of this
6 afternoon asking firstly Prosecutors and then the Lead Co-Lawyers
7 if the current estimates of the time remaining for each party to
8 present their documents, is still one day for the Prosecutors and
9 half a day for the Lead Co-Lawyers. Then we will move on to some
10 other scheduling matters.

11 MR. DE WILDE D'ESTMAEL:

12 Thank you, Your Honour. As far as we are concerned we will not go
13 beyond the one day allocated to us. It will be somewhat shorter
14 than one day, thank you.

15 [15.55.50]

16 MR. PICH ANG:

17 You Honours, for our part, we will not present any documents in
18 relation to the role of the accused. Thank you.

19 JUDGE CARTWRIGHT:

20 You do not require that half day that has currently been
21 allocated to you; is that the situation?

22 MR. PICH ANG:

23 That is correct.

24 JUDGE CARTWRIGHT:

25 Thank you. Well during this afternoon, the Nuon Chea defence team

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1 has asked for additional time to allow it to prepare to respond
2 to the key document presentation, particularly by the
3 Prosecutors. The Chamber does not accept the premise on which the
4 request was made, namely that there has been an extension of the
5 scope of the trial. Nonetheless, the documents have been
6 extensive in number and no doubt contain issues that both defence
7 teams wish to have more time to explore.

8 [15.57.09]

9 And the Chamber is prepared to defer the response to the key
10 document presentations made by both the Prosecutors and the Lead
11 Co-Lawyers for a period of one week; in other words it will now
12 begin on the 8th of July. The next week will then be filled with
13 witnesses; there are remaining witnesses and witnesses from the
14 additional list that the Trial Chamber announced at the Trial
15 Management Meeting. That will begin on Monday morning. This
16 requires some organization on the part of WESU and so I cannot
17 tell you yet which witnesses they will be, but we will make that
18 announcement some time tomorrow or at the latest on Friday. So
19 that is now the proposed schedule and unless there is any major
20 issue with any of that, then that will be the Trial Chamber's
21 decision on the Nuon Chea defence request and generally, on
22 rescheduling. Thank you, President; does that cover everything?

23 [15.58.34]

24 MR. PRESIDENT:

25 Yes, and thank you.

1 Now it is already appropriate moment for the adjournment of the
2 day and the Chamber will adjourn and the next session will
3 resumed by tomorrow at 9.00 a.m. During tomorrow's sessions, the
4 Chamber will be hearing the presentation of the key documents
5 being presented by parties to the proceedings and we would like
6 this information to be well informed to the public and parties
7 concerned.

8 Security personnel are now directed to bring Mr. Khieu Samphan
9 and Nuon Chea to the detention facility and have them returned to
10 the court room by 9.00 a.m. saving Mr. Nuon Chea, who is directed
11 to bring to only his holding cell where he can observe the
12 proceedings from there through audio visual link.

13 The Court is adjourned.

14 (Court adjourns at 1559H)

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