



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 14-Nov-2013, 12:46  
CMS/CFO: Krystal THOMPSON

TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

31 October 2013  
Trial Day 224

Before the Judges:

NIL Nonn, President  
Silvia CARTWRIGHT  
YA Sokhan  
Jean-Marc LAVERGNE  
YOU Ottara  
THOU Mony (Reserve)  
Claudia FENZ (Reserve)

The Accused:

NUON Chea  
KHIEU Samphan

Lawyers for the Accused:

SON Arun  
Victor KOPPE  
KONG Sam Onn  
Anta GUISSÉ  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy  
Andrew MCINTYRE  
Simon MEISENBERG

Lawyers for the Civil Parties:

PICH Ang  
Élisabeth SIMONNEAU-FORT  
SAM Sokong  
LOR Chunthy  
Pascal AUBOIN  
HONG Kimsuon  
Lyma NGUYEN  
Christine MARTINEAU  
VEN Pov  
CHET Vanly  
Beini YE  
TY Srinna  
SIN Soworn

For the Office of the Co-Prosecutors:

CHEA Leang  
Nicolas KOUMJIAN  
William SMITH  
VENG Huot  
Vincent DE WILDE D'ESTMAEL  
Keith RAYNOR  
Tarik ABDULHAK  
Dale LYSAK

For Court Management Section:

UCH Arun  
SOUR Sotheavy

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. KHIEU SAMPHAN	Khmer
MR. KOPPE	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. SON ARUN	Khmer
MR. VERCKEN	French

1

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 As scheduled today, the Chamber will hand the floor to the  
6 co-Accused and their defence teams in order to make their final  
7 statement in Case 002/01.

8 And before I hand the floor over to the Defence, starting from  
9 the accused Nuon Chea, the Greffier, Ms. Se Kolvuthy, could you  
10 report the attendance of the parties and individuals to today's  
11 proceeding?

12 THE GREFFIER:

13 Mr. President, for today's proceeding, all parties are present.  
14 Pich Ang, the National Lead Co-Lawyer for civil parties, will be  
15 a little bit late this morning.

16 Thank you.

17 MR. PRESIDENT:

18 Thank you.

19 Security guards, can you bring the accused Nuon Chea to the dock  
20 so that he can make his final statement?

21 (Mr. Nuon Chea is taken to the dock)

22 [09.03.56]

23 MR. NUON CHEA:

24 My respect to the venerable monks who are present here today and  
25 those at the pagodas. My respect to my beloved compatriots.

2

1 Honourable Court, up until now the Chamber has already spent more  
2 than two years in order to determine my destiny for actions that  
3 took place in Democratic Kampuchea from 17 April 1975 to 6  
4 January 1979.

5 This is the period which I spent most of my entire life carrying  
6 out my duties to serve my country and my beloved people. Despite  
7 some of my indirect participation in this trial due to my poor  
8 health, I have paid close attention to the presentation of  
9 evidence by both the National and International Co-Prosecutors  
10 and the examination of all witnesses before this Chamber from the  
11 holding cell under this main courtroom.

12 [09.05.37]

13 Through this trial, it is clearly indicated that I was not  
14 engaged in any commission of the crimes as alleged by the  
15 Co-Prosecutors. In short, I am innocent in relation to those  
16 allegations. Honourable Court, when I make such a claim, probably  
17 some people who do not clearly understand the law or those who  
18 are partial are mocking at me. However, that is okay for me. In a  
19 very short moment, when I make my submission to the Chamber, they  
20 will know that everything I say is true. In the spirit of the  
21 law, this Court is created with the aim and responsibility to  
22 find the truth and justice for me and for all victims by relying  
23 on concrete, legal and credible evidence. In contrast, up until  
24 now, the Co-Prosecutors have failed to present sufficient  
25 evidence in order to satisfy, satisfy the elements of crimes that

1 I stand accused of.

2 Some of my rights are not properly guaranteed in this Court;  
3 namely my right to a speedy trial, a right to legal defence, a  
4 right to a fair trial, and other rights guaranteed under national  
5 and international laws. Moreover, many doubts regarding the  
6 evidence have not been clearly clarified before the Chamber,  
7 including, inter alia, the original documents and testimonies of  
8 important witnesses who can support my defence.

9 [09.08.13]

10 As Your Honours have known, regarding this point, my lawyers have  
11 already confirmed it to the Chamber clearly with proper legal  
12 foundation. However, I would like to add some other important  
13 points so that Your Honours can understand more clearly about my  
14 innocence and integrity concerning the above allegations.

15 I make this claim based on three main points: one, absence of  
16 power to control and to prevent.

17 Honourable Court and my beloved compatriots, on 9 July 2013, I  
18 told the Chamber once already that I did not have any authority  
19 or connection with the commission of the crimes during the  
20 Democratic Kampuchea period. And once again, I would like to  
21 reiterate that during the Democratic Kampuchea period I had only  
22 three main roles; namely, as a Deputy Secretary of the Communist  
23 Party of Kampuchea. In this position, I was in charge of  
24 dissemination and educational propaganda about policy to CPK  
25 members.

4

1 [09.10.33]

2 Regarding the content of dissemination, I never educated CPK  
3 members to exercise arbitrary authority or to behave badly  
4 towards the people. Instead, I educated them to love, respect,  
5 and serve the people and the country. I never educated or  
6 instructed them to mistreat or kill people, to deprive them of  
7 food, or to commit any genocide.

8 I always taught and educated CPK members and soldiers the main  
9 principles of the CPK in order to make them do their work and  
10 serve the people properly. Specifically, I educated them the  
11 principles stipulated in Article 2 of the CPK's Statute so that  
12 they could understand clearly their responsibility as the CPK  
13 members for their participation in social activities.

14 [09.12.18]

15 Article 2 of the CPK Statute states as follows:

16 "Every Party member has the following duties:

17 "1) Duties amongst the popular masses:

18 "A. Propagandize and educate the popular masses on Party  
19 politics, ideology, and organization, and mingle closely with the  
20 popular masses, the workers and peasants in the unions,  
21 cooperatives, and the Revolutionary Army. Must be highly  
22 responsible to the popular masses, serve the popular masses with  
23 all their heart and unconditionally, be polite to the popular  
24 masses, and learn from the popular masses.

25 "B. Agitate and constantly educate the popular masses movement,

5

1 especially the worker-peasant popular masses in the unions,  
2 cooperatives, and the Revolutionary Army in connection with the  
3 task of national defence and building Democratic Kampuchea in the  
4 direction of socialist revolution and building socialism.

5 "2) Internal duties:

6 "D. Always and absolutely preserve, strengthen and expand  
7 internal solidarity within the Party."

8 [09.13.57]

9 Your Honours, based on these principles, it clearly states that  
10 the Party had the purpose to equip its members with high  
11 responsibility to stay closely with the people, be kind to the  
12 people, take care of the people, and learn from the people.  
13 Especially, the Party encouraged the Revolutionary Army of  
14 Kampuchea and people to be patriotic and protect the motherland.  
15 Moreover, I always educated Party members to refrain from  
16 exercising arbitrary authority, from womanizing, drinking,  
17 corruption, and gambling, etc. Especially, the Party educated its  
18 members to have solidarity within the Party and amongst the  
19 popular masses.

20 What I have raised about is an example of my work that I did in  
21 my capacity as Deputy Secretary of the CPK during the DK period.  
22 In short, what I educated and taught all CPK members and the army  
23 is the building of knowledge for them to be patriotic, protect  
24 the nation, love the people, and have good internal solidarity  
25 for the purpose of protecting and building a country for it to

6

1 develop and prosper, to have real independence, and to absolutely  
2 prevent any country, big or small, near or far, from invading and  
3 colonizing Cambodia.

4 [09.16.16]

5 Smashing of invading enemy is the responsibility of the  
6 Revolutionary Army of Kampuchea for the protection of its  
7 motherland. For the same token, security-strengthening and  
8 internal political stability must be implemented properly so that  
9 the Revolution can develop and prosper. Based on general  
10 viewpoint, this rule is not different from any rule implemented  
11 by country leaders around the world who have to bear such  
12 responsibility in order to maintain security and protect their  
13 countries. Countries all around the world always legislate law to  
14 serve politics and control the countries. If anyone violates the  
15 law, that person will be punished in accordance with the law of  
16 that country.

17 [09.17.29]

18 My second role as the Vice President of the Communication  
19 Committee with Vietnamese Workers Party: Relationship with  
20 Vietnam and its people had long been established. The  
21 relationship was further expanded upon the inception and movement  
22 of the CPK through the organization of Communication Committee  
23 with Vietnam. The committee was established at all levels from  
24 the Central to Zone.

25 At the Central level, Pol Pot was the President and I was

7

1 President - Vice President of that committee. However, because  
2 Pol Pot had many tasks to fulfil, I was appointed by the CPK  
3 Standing Committee as Vice President to be in charge of this  
4 affair on his behalf. That was the occasion that I had an  
5 opportunity to hold meetings with the Communist Party of Vietnam  
6 very often. From the time I was in charge of that affair, I  
7 learned of the Vietnamese trickery and many secrets toward  
8 Cambodia.

9 I recalled that when I joined the Communist Party of Kampuchea  
10 Movement in 1950, Vietnamese army - that is, Viet Cong had had  
11 its presence already throughout Cambodia. They had their elements  
12 infiltrated in the CPK Movement, both in the Revolutionary Army  
13 of Kampuchea, amongst civilian leaders, and within the population  
14 of Cambodia.

15 [09.19.41]

16 I also recall that when the CPK was initially created it neither  
17 had its office nor headquarters; it was under the complete  
18 control and leadership of the Vietnamese Communist Party.  
19 However, in early 1964, Pol Pot liberated the CPK from the  
20 Vietnamese control. Pol Pot and a number of the CPK's Central  
21 Committee members created its headquarters called Office 100.  
22 Later on, that office was relocated to Ratanakiri province and at  
23 that time the office was not completely independent yet.  
24 Vietnamese military base, located in Zone 5 in Vietnam, employed  
25 all kinds of tactics and strategies to control the CPK

1 politically, economically, and militarily. In the year of 1960,  
2 North Vietnam used Cambodia as their military base to fight the  
3 South Vietnam - that is, the Thieu-Ky.

4 At the same time, the CPK Movement expanded dramatically after  
5 the coup d'état against Prince Norodom Sihanouk on 18 March 1970,  
6 which was led by the United States and traitorous Lon Nol, Sirik  
7 Matak, and Son Ngoc Thanh. At that time, the People's  
8 Revolutionary Army of Kampuchea was created and expanded quickly.

9 [09.21.59]

10 Also, by that time, Vietnam recruited some 3,000 Cambodian people  
11 to receive training and education on technical skills, politics,  
12 and psychology in North Vietnam. When they returned in mid 1973,  
13 they were appointed to work in the Party line and within the  
14 People's Revolutionary Army.

15 In short, Vietnam tried to employ all kinds of trickery to  
16 control the CPK militarily, politically, economically, and  
17 financially. Nevertheless, CPK leaders envisaged that what  
18 Vietnam had done toward Cambodia was not consistent with the CPK  
19 policy.

20 In early 1973, with the efforts to liberate the CPK led by Pol  
21 Pot, who was then the CPK Secretary, and as the war in South  
22 Vietnam intensified, Vietnamese Army decided to loosen its grip  
23 on armed force and authority in Cambodia and refocus its effort  
24 to fight with the South Vietnam. That was an opportunity for the  
25 CPK and the army to gain independence and strengthen its force.

1 The CPK, under Pol Pot's leadership, implemented its principles  
2 of independence, self-mastery, self-reliance, and deciding its  
3 own nation and own destiny.

4 [09.24.33]

5 On 17 April 1975, People's Revolutionary Army of Kampuchea gained  
6 victory over Lon Nol regime, and two weeks later South Vietnam  
7 was also liberated. The People's Revolutionary Army of Kampuchea  
8 liberated Phnom Penh by itself and they achieved this great  
9 victory, and the Party gained full independence in managing the  
10 country.

11 However, even though the Communist Party of Vietnam announced in  
12 1973 that Vietnamese army had withdrawn and had no direct control  
13 over the CPK Movement, in reality, the Vietnamese armed force and  
14 many Vietnamese secret agents had long infiltrated in the CPK and  
15 People's Revolutionary Army of Kampuchea in all places around the  
16 country. Those people did not return to Vietnam. They carried out  
17 their tasks covertly and overtly with Vietnamese ethnic  
18 minorities and some Cambodian people.

19 [09.26.07]

20 At that time, we failed to realize the depth of Vietnamese  
21 trickery; however, later on, we clearly understood their trickery  
22 through the following four evidentiary points:

23 1) Reports that Cambodian people were deprived of food and forced  
24 to work hard at local bases;

25 2) Cambodian people were killed;

10

1 3) Lower level cadres did not report the said situation to upper  
2 echelon;

3 4) Some soldiers had friction and defected to Vietnam, especially  
4 at East Zone.

5 The aforementioned points demonstrated that Vietnam had their  
6 agents infiltrated in the Party rank and the army in order to  
7 destroy Revolution, kill Cambodian people, and annexed Cambodian  
8 territory, which had been a long-term ambition of Vietnam.

9 Actually, on 7 January 1979, Vietnam invaded Cambodia when they  
10 had destroyed the revolutionary foundation at almost all the  
11 local bases by starving and arbitrarily killing the people and  
12 creating mistrust within the CPK. Vietnam had exercised its  
13 control over Cambodia from 1979 to 1991 and ceased its control  
14 only when Cambodia had Paris Peace Accord on 23 October 1991.

15 [09.28.22]

16 Acts of depriving food from the people and the killing of  
17 Cambodian people were contradictory to the reason and policy of  
18 the CPK, and based on this ground, I can conclude that those acts  
19 were really the acts committed by Vietnam.

20 The CPK and I were very painful when we learned that we, the CPK,  
21 were deceived by Vietnam that led to the deaths of our own people  
22 and the destruction of our country. However, it seemed a little  
23 too late to recover from the situation.

24 When Vietnam invaded Cambodia, diplomatic relation between both  
25 countries was severed. National defence and military commands to

11

1 engage in battle were the exclusive responsibility of Son Sen,  
2 who was the Minister of Ministry of National Defence of the  
3 Democratic Kampuchea regime. That was the time my position in the  
4 Communication Committee with Vietnamese Workers Party completely  
5 ceased.

6 [09.29.52]

7 Three, my role as President of the People's Representative  
8 Assembly.

9 Honourable Court, after the liberation on 17 April 1975, I was  
10 appointed as President of People's Representative Assembly.

11 Legally speaking, my position was to be in charge of legislation.

12 At that time, the war in Cambodia had just ended and the war with  
13 Vietnam continued. We did not have sufficient time to legislate  
14 many laws in this short time. In addition, considering the  
15 situation Cambodia was in at the time, legislation was not a main  
16 priority.

17 In line with the Communism doctrine, leadership of Democratic  
18 Kampuchea as well as that of other Communist countries was one  
19 that the Party leads and the state governs. In this sense, the  
20 Party provides principles in its leading, while the state refers  
21 to the government or the executive branch which has the authority  
22 and power to govern the entire country. Indeed, only the  
23 government has complete authority in issuing orders or  
24 instructions or in implementing actions in governing the country.

25 [09.31.48]

1 In that regime, despite the clear distinction in the separation  
2 of power into three branches; namely, the executive, legislative,  
3 and judiciary, as stipulated in the DK's Constitution, it was  
4 merely symbolic in reality. The legislative and judicial branches  
5 did not fully function, and in fact, only the executive branch  
6 was fully functional with Pol Pot appointed as Prime Minister.  
7 Hence, Pol Pot had overall executive power in leading and  
8 controlling the Party line and the government as he was both the  
9 Party Secretary and Prime Minister. In this position, no one  
10 could replace him. Based on this, it shows clearly that I had no  
11 effective power in governing and implementing the tasks of the  
12 executive branch.

13 [09.33.16]

14 Concerning other allegations for my other positions, I would like  
15 to clarify that beside the above positions I had never had any  
16 other position. I was dumbfounded when the Co Prosecutors alleged  
17 that I used to be an acting prime minister, member of Central  
18 Committee on Military Affairs, and linked to S 21 management.  
19 That statement is, intentionally or otherwise, is completely  
20 untrue and not backed up by any key evidence.

21 Pol Pot had his deputy prime ministers; namely, Ieng Sary, Son  
22 Sen and Vorn Vet. Therefore, there was no reason for Pol Pot to  
23 appoint me as acting prime minister in addition to his existing  
24 deputies; and indeed, he could not appoint me as an acting prime  
25 minister when he was absent from the country, simply because I

13

1 did not have any position in the executive branch. If he did so,  
2 it would be against the Party's policy.

3 [09.35.03]

4 Concerning the allegation that I was member of the Central  
5 Committee for Military Affairs and linked to the S 21 management,  
6 it is also not true. Indeed, I never dealt with those affairs.  
7 Son Sen personally supervised those affairs.

8 I never met, never supervised, or ordered Duch to mistreat or  
9 kill anyone. Everyone should be aware that soldiers or security  
10 personnel would never listen to anyone besides their own  
11 commanders. Therefore, there is no reason that Duch should listen  
12 to me.

13 Frankly speaking, I heard the name of Duch only after 1979.

14 Duch's statement that I supervised S 21 was intentional as he  
15 wanted to evade his responsibility for what happened at S 21 and  
16 he wanted me to serve a life sentence like him, because Son Sen  
17 died and he was convicted for life.

18 A person who is under such circumstance never speaks the truth,  
19 as he is full of anger and feels hopeless in life, and that is  
20 the real reason for him to implicate me. In short, my Defence  
21 have asserted to Your Honours that I did not engage in any of  
22 those tasks and there is no evidence to prove that I did it.

23 [09.37.16]

24 And based on that, it proves that I did not have any effective  
25 power or position to have a direct control over the forces or

14

1 local authority. Therefore, is there any reason for me to order,  
2 instigate, or prevent perpetrators from committing the crimes in  
3 that period? And I submit that Your Honours kindly consider this.  
4 I would like to categorically declare that the purpose of my  
5 participation in the DK regime was to liberate the country from  
6 colonization and to defend Cambodian territory from invasion by  
7 neighbouring countries whose ambition had for long been to  
8 swallow Cambodia. I love my people. I did not have any reason or  
9 intention to mistreat or to kill my people or to commit genocide  
10 against my own nation.

11 Lack of evidence in the allegations. And I'd like to touch up on  
12 the killing of Lon Nol soldiers at Tuol Po Chrey.

13 [09.38.47]

14 I would like to sincerely clarify that I am not aware of any  
15 killing of former Lon Nol soldiers at Tuol Po Chrey in Pursat  
16 province. After the liberation on 17 April 1975, as far as I  
17 know, the CPK never established any policy to authorize its own  
18 force to kill former Lon Nol soldiers, or any person for that  
19 matter. The CPK's policy for prisoners of war was to forgive and  
20 pardon. Those soldiers were forcibly drafted into the army to  
21 fight and die on their behalf and they were indeed the children  
22 of the people who were living in the CPK liberated zones.  
23 In principle, to make a revolution means to gather forces. If  
24 those people were killed, as alleged by the Co Prosecutors, it  
25 was against the CPK policy, and as a result, it would compel the

15

1 parents and relatives to take side with the enemy, thus  
2 strengthening it, or they would turn against the CPK. If it was  
3 true that those Lon Nol soldiers were killed it would have been  
4 the decision of the lower cadres who committed the wrongdoings at  
5 their own discretion or out of one's revenge that occurred during  
6 the war.

7 [09.40.42]

8 Related to this point, some witnesses testified before the  
9 Chamber that Khmer Rouge soldiers gathered those Lon Nol soldiers  
10 for a meeting which took place at the Pursat Provincial Town Hall  
11 one week after the liberation on 17 April 1975. Those witnesses  
12 gave inconsistent statements during trial and, in some instances,  
13 contradicting own statements that was made before the  
14 Investigating Judges.

15 For instance, Lim Sat made a statement before the Investigating  
16 Judges that about 3,000 former Lon Nol soldiers attended the  
17 meeting at Pursat Provincial Town Hall, and later they were taken  
18 and executed. Those soldiers were transported by 20 to 30 trucks.  
19 Each was loaded with approximately 30 soldiers. At trial, Lim Sat  
20 testifies that there were approximately 2,000 Lon Nol soldiers  
21 who attended the meeting at Pursat and they were transported by  
22 10 to 15 trucks.

23 Another witness, Ung Chhat, testifies that there were 200  
24 soldiers, and later changed his mind and said that there were  
25 only between 100 to 150 soldiers.

1 [09.42.30]

2 One witness of Thet Sambath's video entitled, "One Day at Tuol Po  
3 Chrey", said there were around 10,000 Lon Nol soldiers who were  
4 taken and killed at Tuol Po Chrey. Furthermore, some witnesses  
5 said that they secretly entered the area and saw dead bodies  
6 scattered all over the place and they were without any military  
7 uniform or backpack. Others claimed that there were many  
8 backpacks.

9 I ask Your Honours to be with me for a moment and consider this  
10 question together: Is there any reason for those people to risk  
11 their lives and enter the area amidst such a dangerous situation  
12 just to see those corpses? If there was such killing, and I  
13 submit, it would be a dangerous place that no ordinary person  
14 dared to go near.

15 When Your Honours heard those testimonies you must ask yourself  
16 this question: Are they credible and reliable? And the simple  
17 answer is, their testimonies cannot be relied upon or used  
18 because they are full of doubts and filled with lies.

19 [09.44.09]

20 And I'd like to submit the following question: As I was one of  
21 the leaders, do you think we have time to deal with such a  
22 matter? We had overall and pressing task to resolve in Phnom  
23 Penh, especially during the first few months. The important task  
24 was to resolve peoples' livelihood and defend the country from  
25 any attempts to control Cambodia by Communist Party of Vietnam

1 and opposing parties.

2 Furthermore, I'd like to respond to the allegation made by the Co  
3 Prosecutors that the CPK exercised its revolutionary violence  
4 even before 1975. This claim shows that they simply looked at  
5 events unfolded in Cambodia from just one corner. They pretend  
6 not to know, see, or hear anything from another angle. In legal  
7 jargon, this would mean victor's justice.

8 Let me remind you that before I made my decision to join the  
9 armed struggle for the cause of liberating the country, many CPK  
10 members and civilians were secretly executed, arrested, tortured,  
11 and disappeared every day. Every Cambodian still can remember  
12 these events.

13 [09.45.57]

14 This kind of violence existed in every Cambodian regime and  
15 victims in those events were all farmers and innocent people.

16 And I'd like to begin that with the French colonialism:

17 France colonized Cambodia for almost a century. The regime  
18 authority used violence to make arrests and killed unarmed  
19 peasants at Kraeng Leav village in Kampong Chhnang province.

20 Those peasants could not afford to pay tax and had to force  
21 themselves to protest for and demand justice. In the end, the  
22 peasants were the losers, and as a result, their village name was  
23 changed to "Village of Bestiality" or Phum Direchan in Khmer. Is  
24 this not violence?

25 In the Sangkum Reastr Niyum, the powerful bulldozed houses and

1 paddy fields belonging to peasants at Andaeuk Haeb in Samlaut,  
2 Battambang province, they grabbed the land of the people who had  
3 lived there for many generations. When they protested to protect  
4 their property, soldiers indiscriminately opened fire at those  
5 unarmed people, regardless whether they were men, women, young or  
6 old. Worse than that, the authorities tried to arrest and kill  
7 more people.

8 [09.47.53]

9 They were so scared and as a result they fled into the forest. In  
10 turn, the authorities accused those people, who were the original  
11 landowners, of being Khmer Rouge. Is this not the creation of  
12 violence and cause of people's suffering?

13 In the Lon Nol regime, which was supported by the United States,  
14 Lon Nol soldiers sexually raped women, robbed people of their  
15 properties, and killed people everywhere. They beheaded people  
16 and had their heads displayed on fence posts. They committed this  
17 act merely upon their suspicion that those people opposed their  
18 regime and they were implicated as members of the Khmer Rouge  
19 Revolution. In addition, Lon Nol soldiers' systematically raped  
20 women, plundered their properties, and forcibly evacuated them  
21 from their homes.

22 Vietnamese minorities were massacred everywhere in Cambodia.

23 Furthermore, the United States dropped several tons of its bombs  
24 on the people's villages, homes, rice fields, and pagodas. As a  
25 result, many tens of thousands of civilian people, including

1 children, the elderly, pregnant women, and the disabled were  
2 killed. Is this not a crime against humanity or genocide?

3 [09.49.31]

4 In 1979, Vietnam invaded and occupied Cambodia and in the  
5 following years they deployed their artillery to shell refugee  
6 camps situated along Cambodia-Thai border, causing homes to be  
7 burned, properties destroyed, and losses of many lives, including  
8 the lives of children, women, the elderly, and the disabled.

9 In addition, they initiated a plan known as K 5 to force civilian  
10 people to enter the forest for the purpose of transporting  
11 ammunitions and digging trenches for soldiers to defend the power  
12 that they earned from their invasion of Cambodia. Many hundreds  
13 of thousands of people died as a result. Is this not a plan to  
14 kill people?

15 In 1997, two political factions fought each other in the middle  
16 of Phnom Penh to challenge for power. The fighting destroyed and  
17 burned many houses and properties and killed many innocent  
18 people. A number of FUNCINPEC prisoners of war were killed after  
19 they had surrendered. As an example, Ho Sok, a senior FUNCINPEC  
20 leader, was killed within the compound of the Ministry of  
21 Interior where he was arrested as hostage. Is this not a violence  
22 or crime?

23 [09.51.20]

24 For all the events that I raised above, are they not violence or  
25 crime against humanity? All of this can be used as evidence to

20

1 compare with the situation under the CPK.

2 If the CPK is alleged of resorting to the use of violence before  
3 1975, why do the Co Prosecutors fail to provide just a small  
4 glimpse into the reality in regards to the events occurred, as  
5 the other side committed toward the Cambodian people? I can see  
6 that the Co Prosecutors made an effort to highlight the act of  
7 killing each other during the war, and tried to link it to the  
8 killing that was immediately taking place after the end of the  
9 war. They attempt to show to Your Honours that the CPK made such  
10 a systematic plan.

11 This linkage is unfair. If the killing during a war is treated as  
12 a systematic plan, why the Co-Prosecutors failed to prosecute the  
13 other party to the war? In fact, the CPK made plan to engage in a  
14 war to liberate the country from destruction. Combat strategy was  
15 used to defeat the enemy, and I submit that this is not an  
16 illegal act. People in many countries around the world fight  
17 their respective government for what they believe is a proper  
18 cause and demand for changes, especially for right to decide own  
19 destiny and own nation.

20 [09.54.03]

21 Allow me to give Your Honours some examples: Those countries  
22 include Sri Lanka, Syria, Libya, Vietnam, and Iraq. All of these  
23 countries used to have civil war. During such war, factional  
24 groups designed plans to destroy their enemy. If Your Honours  
25 consider that combative planning for a war designed by a

21

1 victorious party is a criminal intent, as alleged by the Co  
2 Prosecutors, leaders of those countries, whether they are  
3 government leaders or opposition group leaders, must be  
4 prosecuted, especially the United States, Vietnam and other  
5 Cambodian leaders. They should not bring to trial only the body  
6 of the crocodile and allow its head or tail to evade the net of  
7 the law. This is so unfair for me.

8 [09.55.20]

9 I would like Your Honours to clearly distinguish a plan to  
10 liberate the country and a plan to kill people after the war.  
11 These two points are totally different from each other. Strategic  
12 combat planning of destroying the enemy ended when the war itself  
13 ended. However, the intention to kill people is a new phase by  
14 the authority when they're in charge of governing the country.  
15 Moreover, I recall that this Chamber limits the scope of this  
16 trial to hear only the facts that occurred between 17 April 1975  
17 and 6 January 1979.

18 Though I do not know much about the law, I understand that what  
19 the Co Prosecutors allege, concerning my activities before 17  
20 April 1975, is wrong and bears no legal value. In short, what the  
21 Co Prosecutors raised regarding revolutionary violence before  
22 1975 and relied upon it as a legal basis to satisfy the elements  
23 of crime with their intention to prosecute me is simply  
24 incorrect. I submit that Your Honours reject this allegation. On  
25 the matter of evacuation -

1 [09.57.28]

2 MR. PRESIDENT:

3 The accused Nuon Chea, please pause.

4 Yes, Counsel, you may proceed.

5 MR. SON ARUN:

6 Mr. President, I am counsel for Nuon Chea, and I would ask Your

7 Honours to allow my client to rest for 10 to 15 minutes. He spent

8 one hour already, and he seems exhausted. Please allow him to

9 rest briefly.

10 MR. PRESIDENT:

11 Thank you.

12 And the time is also appropriate for a short break. We will take

13 a short break now and return at a quarter past 10.00.

14 Security guards, please bring the Accused back to his table with

15 his counsel.

16 (Court recesses from 0958H to 1018H)

17 MR. PRESIDENT:

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

19 And, again, the floor will be given to Nuon Chea to make his

20 final statement. You may now continue.

21 MR. NOUN CHEA:

22 The issue of evacuation.

23 As I have testified before the Chamber during the last couple of

24 years, after the liberation on 17 April 1975, all city dwellers

25 were indeed evacuated out of the cities. However, it was not a

1 forced evacuation.

2 [10.19.57]

3 There were two main reasons that leaders decided to rely upon in  
4 so doing.

5 First, it was the fear of American bombardment on the cities  
6 after the Lon Nol government was defeated. And this was one  
7 reason that the leadership and Cambodian people believed – they  
8 believed that the United States would renew its bombardment in  
9 many cities, and especially in Phnom Penh. They believed that  
10 because the United States had previously dropped several tons of  
11 bombs in Cambodia.

12 The second reason was that war had been waged in Cambodia for  
13 over five years. Through this experience of war, Cambodia faced  
14 many challenges, including food shortage. And food shortage was a  
15 main problem that needed to be resolved urgently, as it was  
16 related to the life of people. At that time, Cambodia did not  
17 receive any foreign aid or assistance. Facing such pressing  
18 circumstance, the CPK leadership devised a plan to evacuate  
19 people to regions and provinces where they were rich in economic  
20 resources – husk and unhusked rice – that could feed the  
21 evacuated people. In turn, they would be required to join in the  
22 production activity for self-sufficiency and country  
23 reconstruction.

24 [10.22.35]

25 In relation to evacuating people from Phnom Penh City, the

1 Standing Committee instructed the Central Committee to convene a  
2 meeting to prepare for evacuation. All members of the Central  
3 Committee attended that meeting, and I recall that the Northwest  
4 Zone agreed to receive 1.5 million evacuees. The East, the  
5 Southwest, and the Central Zones agreed to take the rest of the  
6 evacuees. For the planned implementation, each zone has the  
7 autonomy to coordinate amongst themselves to facilitate the  
8 evacuation. They had to provide instructions to cooperatives to  
9 assist the evacuees from Phnom Penh without any discrimination  
10 against them.

11 With the two reasons, the evacuation proceeded on a voluntary  
12 basis without coercion, violence, or any killing. It was  
13 implemented via clear information being explained to the people  
14 to understand the risk of being bombarded by the United States on  
15 cities and the need to resolve the living condition of the  
16 people, and self-construction of the country.

17 [10.24.51]

18 At that time, people understood the dangerous situation and the  
19 pressing need for the country; especially people supported and  
20 loved the Revolution. Gradually, people left the cities in  
21 accordance with the explanation and appeal by the CPK. Regarding  
22 this point, I would like to respond to the Co-Prosecutors'  
23 argument. They allege that the CPK surrounded Phnom Penh City,  
24 and that led to food shortage. They also allege that shelling Lon  
25 Nol's military bases in the city was an inhumane act. However,

25

1 the Co-Prosecutors failed to mention that Lon Nol soldiers,  
2 equipped with artillery provided by the United States, emptied  
3 many millions of shells, and together with more than half a  
4 million tons of bombs dropped by the United States, they  
5 devastated the country, as houses, properties, animals, and farms  
6 were destroyed. Especially, tens of thousands of people were  
7 killed, including the elderly, children, and women. Isn't this an  
8 inhumane act or a crime? The bombs that the United States dropped  
9 on Cambodia were three times more than those dropped on Japan  
10 during the Second World War.

11 [10.27.12]

12 The CPK also considered Phnom Penh city dwellers - my apologies,  
13 the CPK did not regard the city dwellers as enemies, contrary to  
14 the allegation made by the Prosecution. On the other hand, those  
15 Phnom Penh city dwellers were mostly workers, peasants,  
16 petite-bourgeoisie and intellectuals whom the CPK needed - and  
17 needed to gather their forces and strength in order to build the  
18 Revolution.

19 I also would like to respond to the Co-Prosecutors' allegation  
20 that the CPK was a slave state. It is simply not true. I would  
21 like to inform my compatriots that CPK did not struggle to  
22 liberate the country for the purpose of transforming its people  
23 into slavery, as alleged. On the contrary, the CPK liberated the  
24 people from slavery.

25 [10.28.50]

1 We all should have known that, before the liberation on 17th of  
2 April 1975, the majority of the peasants were poor, could not  
3 support themselves on a daily basis, and faced a grave difficulty  
4 in their living condition. The Lon Nol authority at the time  
5 failed to provide a proper public service and social welfare to  
6 the poor people. Corruption was ripe, and injustice rooted deeply  
7 in Cambodian society. This resulted in people becoming poorer and  
8 poorer. Poor people needed to borrow money from the rich in order  
9 to support their living, for medical treatment, and to pay tax.  
10 That was the time the rich exploited the situation. They  
11 persecuted the poor. They demanded interest as they pleased, and  
12 monthly interest could skyrocket as much as 50 per cent of the  
13 capital. As a result of this excessive interest rate, people  
14 could no longer afford to pay their debt, and creditors  
15 confiscated farms, rice paddy, and houses. And when they no  
16 longer had any farm, rice paddy, or house, they were forced to  
17 work as slaves in order to pay debt that was never ended. In many  
18 instances, they were forced to sell their children to work for  
19 others and became their slaves merely in exchange for food.

20 [10.31.10]

21 This exploitation and the poorness of these people was one of the  
22 many causes that the CPK determined to resolve by liberating the  
23 nation and people from slavery, from human exploitation and  
24 invasion by other countries, by building a country where people  
25 could live equally and own the country with independence,

1 self-mastery, self-reliance, and decide own destiny and nation.  
2 The CPK did not design any policy or plan to have its people  
3 placed in slavery by food depravation, forced labour, or killing.  
4 On the contrary, in mid-1976, the Standing Committee prepared and  
5 adopted the four-year planning to build Socialism in all fields.  
6 The CPK line and policy was to promote the livelihood of the  
7 people. This plan set forth a food regime for people - that is,  
8 each person would receive certain tons - or 300 kilograms of rice  
9 per year. So, people would have enough food, and they could have  
10 three to four meals per day, with two courses of soup and a fried  
11 dish. In addition, additional food and dessert would be provided  
12 every three days in 1977, and every two days in 1978, and every  
13 day from 1979 onwards.

14 [10.33.46]

15 As for work hours, people would be allowed to work eight hours  
16 per day and would be entitled to three days off per month.

17 Pregnant women would be allowed a two-month maternity leave after  
18 delivery. Sick people could rest depending on actual conditions.

19 In addition, we prepared to increase machinery to reduce physical  
20 workload of the people. This shows that the CPK stance was not to  
21 force people to work hard.

22 I recall that, one day, I travelled to Siem Reap province via  
23 Kampong Thom at night. I saw people walk to the rice fields, and  
24 I asked local cadres about this. And I was told that people had  
25 high commitment to work extra hours. Only after 1979 did I learn

1 that local cadres lied to me.

2 Concerning health care, the CPK prepared a four-year planning for  
3 medicine with a total amount of 35,270,000 dollars. The four-year  
4 expenditure for clothing was 66,270,000 dollars. For housing,  
5 hygiene, and culture, the four-year expenditure was 80,230,000  
6 dollars.

7 [10.35.47]

8 The CPK clearly and specifically set out these plans for zones  
9 and autonomous sectors to implement it. The CPK did not design  
10 any plan or policy to kill people. On the contrary, it had  
11 planned to increase population, and not to reduce it. However, it  
12 is so regretful that zones and autonomous sectors did not  
13 implement the Standing Committee's decision.

14 Up to now, I can conclude and respond to questions put forth by  
15 the Court, and especially by the public, that the strategic  
16 events that happened during the DPK period were caused by the  
17 following reasons:

18 1) The CPK made incorrect decisions to recruit some cadres, as  
19 they betrayed – they did not grasp well the Party line and some  
20 leaders occupied themselves with works in Phnom Penh and failed  
21 to visit cooperatives regularly.

22 [10.37.17]

23 2) Some zone and autonomous sector leaders and cadres were  
24 Vietnamese and American infiltrated agents who betrayed the  
25 Revolution. They carried out activities to destroy the CPK

1 movement, the people, and the country of Cambodia. They did not  
2 follow the CPK policy and instructions. Instead, they killed and  
3 mistreated people by starving them and arbitrarily engaging them  
4 in forced labour. They concealed these facts and fabricated  
5 reports to the Party Central Committee. They resorted to all  
6 kinds of methods to make people upset with, and turn against the  
7 Revolution. This weakened the Revolution to make it vulnerable to  
8 enemies' invasion under the pretext to liberate the people, thus  
9 legitimize its invasion. As a matter of fact, the East Zone  
10 leaders deprived people of food and secretly exported rice to  
11 Vietnam. They were the ones who seemed to burn the outer skin  
12 crisp, while leaving the inside raw. They excessively implemented  
13 the CPK policy. The phrase "they left the inside raw" infers that  
14 they did not engage in anything at all but let their lower cadres  
15 do whatever they pleased.

16 [10.39.16]

17 3) A large number of cadres at zone, autonomous sector, district,  
18 and cooperative level failed to sufficiently grasp the CPK line,  
19 planning, and policy. They failed to report the situation  
20 concerning hardship and shortage faced by the people. Instead  
21 they fortified their reports to the Party Centre by boasting  
22 about their achievement and success in leading their respective  
23 base, and to achieve what they fabricated in the reports they  
24 resorted to forcing people to overwork, reducing their food  
25 ration, and killing them arbitrarily.

1 In summary, the CPK has clear reasons for the evacuation of  
2 people. The evacuation was to ensure their safety and to liberate  
3 them from slavery and injustice. It was never meant to place them  
4 in slavery.

5 [10.40.30]

6 On the issue of fair trial, Your Honours, it is my observation  
7 throughout these proceedings that some of my fundamental rights  
8 have been violated. Actually, I would not say the trial is -  
9 because I am asking the Court to find justice for me, and if the  
10 Chamber is upset because of my criticism, then the injustice  
11 indeed falls upon me. However, if I don't raise the issue of my  
12 rights being violated, the chance to find justice for me is even  
13 slimmer as those rights are fundamental to seeking my justice.  
14 Concerning this point, I have carefully followed and observed the  
15 Court's proceedings and I submit that my many rights have been  
16 violated, namely:

17 1) Inequality of arms in collecting evidence. Throughout the  
18 proceedings my counsels were not allowed to conduct any  
19 investigation for the purpose of collecting evidence for my  
20 defence. However, the Co-Prosecutors had ample opportunity to  
21 conduct their own investigation since the beginning. My counsels  
22 were not allowed to seek for other witnesses except those whose  
23 names are on the Co-Investigating Judges' list. This apparently  
24 tied my counsel's arms and restricted them from gathering  
25 evidence for my defence while the other side was afforded full

1 opportunity to attack me freely. This has severely affected my  
2 defence team and my legitimate interest.

3 [10.42.53]

4 2) Failure to summons important witnesses. My defence counsels  
5 repeatedly requested the Chamber to summons some important  
6 witnesses to testify before this Chamber; namely, character  
7 witnesses and Tuol Po Chrey witnesses. However, the Chamber  
8 denied such requests. Such decisions have seriously impacted the  
9 process of ascertaining the truth in this case.

10 3) Bias in examination of witnesses before the Chamber. The  
11 examination of witnesses is an important process in ascertaining  
12 the truth and clarifying some uncertainties regarding some  
13 witnesses. Your Honours are to rely upon these testimonies when  
14 you make your just decision. In this Chamber, I can see that Your  
15 Honours have failed to consider this issue properly.

16 [10.44.21]

17 During the Prosecution's examination of witnesses, Your Honours  
18 always afforded them the opportunity with minimal interruption,  
19 despite objections raised by the Defence. The defence lawyers,  
20 however, were not that lucky, as they were not allowed such  
21 opportunity. They were interrupted most of the time by the  
22 objections from the Prosecution and Your Honours always agreed  
23 with the prosecutor's objections. And sometimes when the defence  
24 lawyers raised their objections, instead of being sustained, they  
25 were overruled and they received warnings from the President of

1 the Chamber. As we could see the unequal treatment, Khieu Samphan  
2 and I decided to no longer testify before the Chamber anymore  
3 because we thought that, to Your Honours, our testimonies mean  
4 nothing, as you are clearly biased and the proceedings that have  
5 been conducted in this Chamber are just for the sake of  
6 completing the procedure or making it look good in the eye of the  
7 public.

8 [10.45.42]

9 In conclusion, based on the three grounds that I have stated  
10 above, it clearly shows that I did not carry out any plan to  
11 commit the crimes. I did not provide any support or encourage  
12 anyone to commit the crimes. Despite the fact that I had a role  
13 as Deputy Secretary of the CPK and President of the People's  
14 Representative Assembly, I did not have any knowledge of the  
15 crimes committed at base level. Only toward the end of the DK  
16 period had I learned the traitorous acts committed by leaders at  
17 some zones, sectors, and bases. They had the intention to destroy  
18 the CPK movement, and at that time, I did not have any effective  
19 authority to prevent those traitorous acts, nor had I any role in  
20 controlling the armed forces or local authorities. If I had any  
21 authority to lead or commit the alleged crimes during the DK  
22 period, surely the Court that was established in 1979 by the  
23 People's Republic of Cambodia would have prosecuted and convicted  
24 me, like Pol Pot and Ieng Sary.

25 [10.47.26]

1 Evidence of those crimes at the time was still fresh and  
2 apparently, there is no need to wait for 38 years to try me.  
3 However, they knew that I had no authority and did not commit any  
4 crime. Nonetheless, I would like to express my deepest remorse  
5 and moral responsibility to all victims and Cambodian people who  
6 suffered during the Democratic Kampuchea Regime. As a matter of  
7 historical fact, the CPK's policy, line, and plan were solely  
8 designed for one purpose and one purpose only - that is, to  
9 liberate the country and people from colonization, imperialism,  
10 exploitation, extreme poverty, interfering and invasion by  
11 neighbouring countries, especially by Vietnam. The CPK's policy  
12 was clear and specific. It wanted to create an equal society  
13 where people are the masters of their country for the purpose of  
14 independence, self-mastery, self-reliance, and deciding its own  
15 destiny and nation. The CPK movement was not designed for killing  
16 people or destroying the country.

17 [10.49.29]

18 My concerns, my hope and wishes were destroyed by those who  
19 betrayed the movement. My people suffered and killed. My nation  
20 fell apart. Although the tragedy in the DK period was the result  
21 of the acts committed by those traitors in the name of Deputy  
22 Secretary of the Party that had the responsibility to disseminate  
23 and propagandize education about the CPK policy, I would like to  
24 sincerely apologize to the public, to the victims, their  
25 families, and all Cambodian people; and I still stand by my

34

1 previously stated position that I am morally responsible for the  
2 loose and untidy control by the CPK. I wish to show my respect  
3 and pray for the lost souls that occurred by any means during the  
4 Democratic Kampuchea period.

5 In short, through this trial, I can see that justice is  
6 circumstantial. However, reality remains unchanged forever. A  
7 black cloud can't ever cover the entire sunlight. Likewise, bad  
8 and immoral people cannot tell lies and hide the reality from the  
9 eye of the people and the popular masses forever. They cannot  
10 hide the reality and courageous struggle by the Cambodian people  
11 and the support afforded to them by the people in the world who  
12 loved peace and justice.

13 [10.51.42]

14 Therefore, Your Honours, based on the evidence and reasons I have  
15 stated above, and especially the closing statements made by my  
16 defence team, I respectfully submit to Your Honours to acquit me  
17 from all the charges and, accordingly, release me.

18 I'm grateful, Your Honours.

19 MR. PRESIDENT:

20 Thank you.

21 Security guards, please bring the Accused back into where he sat  
22 earlier.

23 (Mr. Nuon Chea leaves the dock)

24 [10.52.47]

25 The Chamber would like now to give the floor to Nuon Chea's

1 counsel to make your final rebuttal statement. You may proceed.

2 MR. KOPPE:

3 Mr. President, Your Honours, good morning, Counsel, civil  
4 parties, everybody in the public gallery. Mr. President,  
5 yesterday I indicated that I would speak for 30 minutes, but  
6 having heard afterwards that the Khieu Samphan team will use only  
7 one hour of its time, I would hope that the Chamber would allow  
8 me to speak 15 or 20 minutes extra in my rebuttal to the  
9 submissions yesterday of the Prosecution. Nevertheless, Mr.  
10 President I will be - I will try to be a brief as possible and  
11 try to respond directly to the arguments of the Prosecution and  
12 the civil parties. And, in general, I would like to address the  
13 arguments advanced by each counsel and although I may, by  
14 necessity, move around because of the overlap between the various  
15 counsels arguments.

16 [10.54.31]

17 Mr. President, Your Honours, let me begin by addressing the  
18 comments advanced yesterday by the civil parties. The first  
19 observation I would make concerns the civil parties parroting of  
20 the OCP's phrase "slave state". We have heard this catch phrase  
21 now many times. Like an advertising campaign, the civil parties  
22 and the Prosecution have flashed it in our faces like a neon  
23 sign, all in an attempt to argue that it epitomized the common  
24 purpose of the CPK. As we have expressed in both our brief and in  
25 oral argument, the use of this slogan of "slave state" is not

1 correct, and is in fact, misleading. Not just because of its  
2 inaccuracy in describing the workings of the CPK, but also  
3 because it is based on evidence that is not at issue before this  
4 Chamber.

5 [10.55.45]

6 What do I mean when I say that this is not at issue before this  
7 Chamber? I mean that it is grounded in witness statements and  
8 evidence that are outside the scope of Case 002/01.

9 Mr. President, this trial as we are all well aware, concerns two  
10 population movements and the alleged Tuol Po Chrey crime site.  
11 Cooperatives and their corresponding conditions are not a part of  
12 this trial. Despite this, the Prosecution and civil parties have  
13 tried to backdoor witness statements recounting cooperative  
14 conditions to show that certain individuals were treated like  
15 slaves. Having failed to use this phrase in their closing briefs,  
16 the civil parties following the Prosecution, almost blindly, now  
17 do the same. Mr. President, Your Honours, it cannot be stated  
18 more explicitly all of the witness statements alleging  
19 individuals in cooperatives were subjected to slave-like  
20 conditions are outside the scope of Case 002/01.

21 [10.57.12]

22 We have not been able to examine them or test their relevance or  
23 reliability. Civil parties and the Prosecution have made no  
24 effort to show whether these statements, based entirely on  
25 witness observations of conditions on the ground are in any way,

37

1 remotely representative of the country as a whole. By using the  
2 "slave state" slogan, the Prosecution and civil parties have  
3 tried to have their proverbial cake and eat it too. They have  
4 conjured the sensational and evocative tagline to advance their  
5 allegations, all the while, keeping the evidence underlying it  
6 safe from scrutiny. As it is based on evidence that is not part  
7 of this trial, its relevance-

8 MR. PRESIDENT:

9 Mr. Nuon Chea, you may-

10 Please, hold on. Mr. Nuon Chea has something to say.

11 Mr. Nuon Chea, you may proceed.

12 Mr. Nuon Chea, you want to be returned to the holding cell  
13 downstairs? You may leave the courtroom.

14 Security guards are now instructed to bring Mr. Nuon Chea to the  
15 holding cell downstairs.

16 (Mr. Nuon Chea exits the courtroom)

17 [10.58.45]

18 MR. PRESIDENT:

19 Mr. Koppe, you may now resume your statement.

20 MR. KOPPE:

21 Thank you, Mr. President.

22 As I said earlier, by using the "slave state" slogan, the  
23 Prosecution and civil parties have tried to have their cake and  
24 eat it too. They have conjured a sensational and evocative  
25 tagline to advance their allegation, all the while keeping the

1 evidence underlying it safe from scrutiny.

2 As it is based on evidence that is not part of this trial, its  
3 relevance and substance remain untested by the Defence. Indeed,  
4 the Defence itself requested this evidence be included in this  
5 trial; a request that the Prosecution objected to, underscoring  
6 their fear that they did not want to risk exposing that these  
7 allegations to the light of day.

8 [10.59.50]

9 Mr. President, the civil parties have applied this tactic in  
10 other ways. We can see it, for instance, in their claim that 2  
11 million deaths occurred during the Democratic Kampuchea period.  
12 This allegation of 2 million deaths is, again, based on untested  
13 evidence. Why? Because the report it is based on is not part of  
14 this trial. It has not been examined by the parties. The  
15 demographer who created it has not been called here in this  
16 courtroom as an expert witness.  
17 Why? Again, Mr. President, the answer is simple. Because the  
18 total number of deaths alleged during Democratic Kampuchea is not  
19 a part of this trial. Could it be that both the civil parties and  
20 the Prosecution are suffering from acute amnesia when faced with  
21 the charges at issue in Case 002/01? Have they somewhat  
22 conveniently forgotten that this case only concerns two  
23 population movements and Tuol Po Chrey? While I could sympathize  
24 with the symptoms of a failing memory, even this explanation  
25 seems too generous.

1 [11.01.12]

2 Whatever their excuse may be, Mr. President, the Trial Chamber  
3 cannot condone this mode of proceeding. Allowing the Prosecution  
4 and the civil parties to base claims on untested evidence outside  
5 the scope of this trial violates basic principles of the right to  
6 a fair trial and the Chamber must accordingly give such  
7 assertions no weight whatsoever.

8 Their - what I would like to call "sensationalizing" of witness  
9 statements has not been limited to outside the scope of the  
10 trial. Evidence within the scope of Case 002/01 has been treated  
11 by the civil parties and the Prosecution in the same manner.  
12 Examples of this are seen in the civil party's use of allegations  
13 that Khmer Rouge cadre killed babies and people with glasses.  
14 These witness allegations cannot be used as the poster children  
15 for Democratic Kampuchea. The reality is that these claims are  
16 unrepresentative of the experiences of individuals during  
17 Democratic Kampuchea. Their misuse in describing a policy of the  
18 Khmer Rouge is therefore, disingenuous and it must be  
19 disregarded.

20 [11.02.43]

21 Now, Your Honours, I would like to pause for a moment and reflect  
22 on the allegation made by the civil parties, yesterday morning,  
23 that in defending our client we have somehow made a mockery of  
24 the civil parties. This is unwarranted. The Defence has never  
25 denied the suffering of the civil parties. We have never called

1    them liars. In fact, we offer the utmost sympathy to their  
2    suffering. We have, as we are tasked with doing as defence  
3    attorneys, made very precise claims challenging the evidence  
4    against our client. If the civil parties cannot appreciate this  
5    distinction, it reveals, on their part, we would say, a serious  
6    misunderstanding about the role of a defence attorney.

7    In their rebuttal yesterday, the civil parties attempted to paint  
8    a picture that the Defence has put forward and entirely  
9    unrepresentative image of the CPK, an image, they say, that it is  
10   not supported by the evidence. They have cited to various  
11   references in our closing brief in an attempt to show that our  
12   assertions are outside the scope of the realities of Democratic  
13   Kampuchea. They point to our use of language to further this  
14   argument, labelling such words as "evacuation" and "liberation"  
15   as prime examples of what they call Orwellian newspeak.

16   [11.04.25]

17   To this, Your Honours, we simply remind the parties that these  
18   terms are used continually by all the parties throughout the  
19   courses of this trial. These terms, Mr. President, are taken  
20   straight from the Closing Order itself. We can only speculate  
21   that if the lawyer for the civil parties had perhaps read the  
22   Closing Order with more care, such terms as "evacuation" or  
23   "liberation" may not have come as such a surprise.

24   In contrast, while the civil parties coined phrases like "after  
25   liberation", "straight to the killing fields", we have remained

1 measured in our use of language.

2 Finally, Mr. President, it is with irony that the Defence  
3 addresses the final claim of the civil parties, that the Defence  
4 is guilty of misrepresenting the evidence to suit our own  
5 narrative. Specifically, the civil parties attack our use of  
6 witness Lay Bony's testimony that the physical conditions of  
7 evacuees during the second population movement was both good and  
8 normal. The civil parties proclaim that "if the Defence had read  
9 but four lines more" of Lay Bony's testimony, it would have been  
10 apparent that Lay Bony also testified that the evacuees had  
11 swollen bodies and that they received less food than pigs.

12 [11.06.02]

13 Mr. President, Your Honours, the Defence did in fact read those  
14 additional lines of testimony and noted that those lines did not  
15 address the second population movement, but instead, referenced  
16 conditions after resettlement in cooperatives in Pursat.

17 To the conditions in the new cooperatives, Lay Bony observed -  
18 and I quote - that:

19 "However, when time passed by, we did not have enough food to  
20 eat. We ate the food that was very little. We ate food that made  
21 us become - you know, our body parts become swollen, and we  
22 believed at the time - we noted that the pigs were even given  
23 more food than they gave to human beings." End of quote.

24 Your Honours, I now turn to the Co-Prosecutor's submissions  
25 concerning our arguments about the fairness of this trial. The

1 Co-Prosecutors, in an attempt to gloss over these violations,  
2 advanced the argument that in allowing the Defence their two  
3 allocated days of oral argument, the Chamber somehow showed its  
4 commitment to the fair trial rights of our client.

5 The Co-Prosecutor seemed to suggest that, in granting us this  
6 time, all the fair trial violations have been absolved. To this  
7 statement, we can only ask: Is the standard that low? It seems,  
8 Your Honours, that the answer to that question is yes.

9 [11.07.46]

10 As the Chamber knows, the most important of these fair trial  
11 violations concerns Witness Heng Samrin, the witness at the heart  
12 of our fair trial argument, whose presence at this trial we  
13 called earlier a non-negotiable bare minimum for securing a fair  
14 proceeding.

15 Heng Samrin, who is a witness of paramount importance to the  
16 charges at issue at this trial, the evacuation of Phnom Penh, the  
17 events at Tuol Po Chrey and the alleged policy to kill former Lon  
18 Nol soldiers and officials.

19 Heng Samrin, a witness in possession of important exculpatory  
20 evidence that directly exonerates our client from the allegation  
21 that he had intended the killing of former Lon Nol soldiers and  
22 officials. Heng Samrin, the one and only character witness  
23 requested by Nuon Chea.

24 Your Honours, everyone in and around this courtroom must ask  
25 themselves this question: What have you heard from the

1 Co-Prosecutors and the civil parties in reference to the failure  
2 of the Chamber to summons Heng Samrin? Nothing. Absolute silence.

3 [11.09.21]

4 The Co-Prosecutors and the civil parties have not responded to  
5 the substance of our complaint at all, and there are numerous  
6 arguments the parties could have made regarding our request to  
7 call Heng Samrin during this trial, but nothing has been said.  
8 For instance, they could have argued that the evidence Heng  
9 Samrin had to offer was not important or that it was evidence  
10 that could have been established by different witnesses.

11 They could have argued that evidence of Nuon Chea's character was  
12 not relevant, or argued that there were other, higher-ranking  
13 military witnesses that could have been heard. They could have  
14 attempted to argue there was already sufficient evidence of Nuon  
15 Chea's intent, and that Heng Samrin's testimony was, therefore,  
16 not needed.

17 But did they make any of these claims? No, they did not.

18 Mr. President, Your Honours, Heng Samrin is the elephant in the  
19 room that the Co-Prosecutors and the civil parties dare not speak  
20 of. Why is it that they are rendered mute by this man? Why not  
21 talk about it like Craig Etcheson did this morning in the "Phnom  
22 Penh Post"?

23 [11.10.47]

24 We can think of two reasons only. They either agree that his  
25 presence is of paramount importance and a fair trial cannot be

1 had without his testimony, or they are simply not allowed to even  
2 mention his name. Either one, Your Honours, would be a remarkable  
3 position about these proceedings.

4 If the answer is that the parties cannot even discuss the nature  
5 and degree of this fair trial violation, then the extent to which  
6 the Co-Prosecutors remain in the government's clutches is even  
7 worse than we thought. If the answer is that a fair trial is  
8 impossible without his presence, then we have confirmation from  
9 all parties that our client's fair trial rights have been  
10 irreparably harmed.

11 The International Co-Prosecutor, Mr. Koumjian, also addressed our  
12 argument that this trial is fundamentally political. We heard him  
13 say yesterday that he denies that claim. He says that this trial  
14 is not about politics, but about law.

15 [11.12.07]

16 Mr. President, we disagree. We have submitted that a proceeding  
17 such as this could never separate law from politics, that a  
18 tribunal such as this infuses law with politics.

19 And let it be clear, this view is not constructed from thin air.  
20 It is not woven in the minds of a paranoid defence lawyer. It is  
21 a viewpoint with a long pedigree in history of international  
22 criminal proceedings.

23 The Indian Judge, Justice Pal, gave serious consideration in his  
24 dissenting opinion at the Tokyo Tribunal to the question of  
25 whether victors of a war can fairly judge its losers, and

45

1 respected academics did the same. Nuon Chea's view that he cannot  
2 be fairly judged by representatives of the two principal victors  
3 is a serious argument that deserves serious reflection.

4 [11.13.15]

5 If this trial is about law and facts, and not politics, do the  
6 prosecutors – why do the prosecutors so consistently ignore facts  
7 that are legally relevant to the charges?

8 Mr. Lysak informed this Chamber yesterday that the  
9 Co-Prosecutors' final brief included 40 pages of historical  
10 analysis, but the question is, which history? Why does it  
11 describe the CPK's alleged violence prior to 1975 with almost no  
12 mention of the American bombing or the atrocities committed by  
13 Lon Nol's forces against CPK cadres? Was the CPK fighting a war  
14 against a phantom, or was it fighting a war against an enemy?  
15 Does anyone doubt that the intent of the CPK's alleged policies  
16 against enemies' changes radically in light of the ruthlessness  
17 of the enemy it was actually fighting?

18 More and more powerful actors equally responsible for conduct  
19 identical to that for which our client stands charged accused of  
20 identical crimes. Do the Co-Prosecutors dare accuse the people  
21 who run this country, the people responsible for implementing our  
22 client's policies?

23 [11.14.49]

24 Mr. President, Your Honours, the answer to this question is, of  
25 course, no. The answer is that the prosecutors who claim this

1 trial has nothing to do with politics cannot even bring  
2 themselves to say Heng Samrin's name. They cannot even bring  
3 themselves to contest the Defence claim that the trial and the  
4 investigation were unfair.

5 Let me now, Mr. President, turn to the crimes which were  
6 discussed jointly by Mr. Raynor and Mr. Lysak, and I will begin  
7 with the evacuation of Phnom Penh.

8 With regard to the evacuation of Phnom Penh, I would simply like  
9 to clarify a serious misunderstanding of our oral argument which  
10 became apparent yesterday, and which may have caused some  
11 confusion during our client's speech here this morning.

12 [11.15.49]

13 As our brief explains and our client repeated again here this  
14 morning, the evacuation of Phnom Penh was driven by a variety of  
15 considerations. These included the food supply within Phnom Penh  
16 and Cambodia more generally, the effects of the U.S. bombing, and  
17 the state of Cambodia's economic infrastructure, including its  
18 rice paddies as of 17 April 1975.

19 Our submissions before the Investigating Judges and this Chamber  
20 consistently emphasize all of these factors as integral to the  
21 decision to evacuate and the manner in which – the manner in  
22 which it was carried out.

23 Yesterday, the Co-Prosecutors seized on a single sentence in my  
24 Cambodian colleague's remarks from last week to the effect that  
25 the evacuation would still have been carried out had the food

1 crisis in Phnom Penh not existed. Prosecutors argued that this  
2 sentence amounts to a concession that neither the American  
3 bombing nor the food supplies were relevant to the forced  
4 transfer charges.

5 Now, Mr. President, that, of course, was a misstatement of our  
6 position, and of reality. Those facts are critically relevant  
7 now, as they have always been, to Nuon Chea's defence.

8 [11.17.26]

9 First, as Son Arun explained, the bombing devastated Cambodia's  
10 economic infrastructure and its ability to produce food. That  
11 reality was a fundamental aspect of the CPK's conclusion that the  
12 economy could not support unproductive cities in a society in  
13 which economic production was driven entirely by the rice  
14 paddies.

15 Second, as Son Arun also explained, the evacuation would have  
16 looked very different had an impending catastrophe of starvation  
17 not existed.

18 During yesterday's hearing, as they have throughout this trial,  
19 the Co-Prosecutors repeatedly attacked the evacuation not for the  
20 fact that it happened, but for the way it happened, including its  
21 immediacy and the fact that it affected all of the residents of  
22 Phnom Penh. But those are precisely the features of the  
23 evacuation which were driven by the threat of imminent  
24 starvation, including the fact that six days' worth of food  
25 remained in the city on 17 April 1975.

1 [11.18.44]

2 So, Mr. President, the arguments that you heard yesterday which  
3 implied we had somehow abandoned the food supply and U.S. bombing  
4 arguments were misguided.

5 My final remarks about the evacuation of Phnom Penh is that both  
6 the civil parties and the Co-Prosecutors again make the claim  
7 that Nuon Chea did not subject himself to cross-examination. Nuon  
8 Chea subjected himself to 12 days of cross-examination, some of  
9 which was described by Mr. Lysak yesterday. And he refused to  
10 continue only because of the violations of his right to challenge  
11 the evidence against him during the appearance of Mr. Steve  
12 Heder.

13 So Mr. President, Your Honours, hopefully we can put to rest this  
14 myth that our client refused to testify about the evacuation.

15 I would like to turn now to certain comments made by the  
16 Co-Prosecutors concerning the second population movement.

17 [11.20.03]

18 While addressing the second population movement, the  
19 Co-Prosecutors misconstrued our argument, claiming that we had  
20 said that the second transfer was implemented by rogue zonal  
21 leaders, that the second transfer was, in fact, a rogue  
22 operation. We have never said it was rogue. This portrayal of the  
23 second movement is their formulation, and it is nonsense.

24 Mr. President, our point was, and still is, that the second  
25 movement was the prerogative of the zones, that both Ros Nhim and

1 So Phim, leaders of the two zones allegedly instrumental in the  
2 second population movement, were not mere zone leaders, but  
3 powerful members of the Standing Committee – as a matter of fact,  
4 founding members of the CPK, at least equally as powerful as Nuon  
5 Chea and Pol Pot; that the evidence before this Chamber supports  
6 a conclusion that it was the zones that had primary control and  
7 authority over the second population movement.

8 [11.21.23]

9 Next, Mr. President, I will turn to Tuol Po Chrey. We have many  
10 things to say about Tuol Po Chrey and its underlying policy, but  
11 because of the time, I will limit myself to six key points.

12 First, the Co-Prosecutors yesterday simply say nothing about any  
13 of the direct evidence that no policy of executing Lon Nol  
14 soldiers and officials existed. They say nothing about Phy Phuon.  
15 They say nothing about Heng Samrin. They say nothing about Ouk  
16 Bunchhoeun.

17 They do not challenge it, they do not contest it. They do not  
18 tell the Chamber that it is unreliable. They also do not tell the  
19 Chamber how to resolve the direct contradiction between their  
20 position and this clear evidence from well-placed CPK insiders.

21 As I have already observed, we claim that there was a violation  
22 of our client's right to a fair trial so serious that it required  
23 dismissal of all charges concerning Tuol Po Chrey. And again, the  
24 Co-Prosecutors did not even mention it, and that is, we submit,  
25 remarkable, to say the least.

50

1 [11.22.50]

2 Second, Mr. President, the Co-Prosecutors offered this Chamber  
3 two pieces of evidence that a policy to execute Lon Nol soldiers  
4 and officials existed. The first piece of evidence was a photo of  
5 a group of people at the Ministry of Information, supposedly on  
6 17 April 1975.

7 Now, Mr. President, Your Honours, I would like to show that photo  
8 on the screen, and with your permission, Mr. President, I would  
9 like to do that now.

10 And maybe to the AV Unit, we could show it a few times in a row  
11 because it's part of a little video.

12 MR. PRESIDENT:

13 You may proceed.

14 (Presentation of document)

15 [11.24.07]

16 MR. KOPPE:

17 Excuse me. Excuse me, Mr. President.

18 The Co-Prosecutors called this photo of some people calmly  
19 standing around with their arms folded "very strong evidence that  
20 every soldier and every official of the Khmer Republic who was  
21 killed in all of Cambodia on or around 17 April 1975 was, in  
22 fact, killed pursuant to a CPK policy."

23 This photo, Mr. President, was one of the two pieces of evidence  
24 that the Co-Prosecutors claimed conclusively prove the existence  
25 of that policy. Now, maybe the Co-Prosecutors see a secret code

1 in this photo that we do not.

2 And contrary to the Co-Prosecutors claims, we responded to this  
3 evidence directly in our oral argument last week. We conceded  
4 that the people depicted in this photo were present at the  
5 Ministry of Information, which is all - all that this photo  
6 shows. We explained why that fact is irrelevant to any supposed  
7 execution policy.

8 [11.25.22]

9 Co-Prosecutors chose not to respond to those arguments. Instead,  
10 they just reiterate the fact that these people were present at  
11 the Ministry of Information. And this supposedly very strong  
12 evidence, Mr. President, is irrelevant.

13 The second piece of supposedly conclusive evidence was a series  
14 of quotations from Duch. As we have argued before, Duch has  
15 admitted to having had no basis to make any conclusions with  
16 regard to CPK policy. His testimony is irrelevant. However, I  
17 will add that even the irrelevant excerpts cited by the  
18 Co-Prosecutors yesterday establish that no execution policy  
19 existed. Yesterday, the Prosecution quoted Duch saying - and I  
20 quote: "During that initial stage, people were evacuated and then  
21 some of the senior soldiers were arrested and secretly killed."  
22 End of quote.

23 We do not know how Duch came to this conclusion, but even this  
24 evidence suggests that only senior soldiers were apparently  
25 executed, and even then, that only some of those senior soldiers

1 were executed.

2 [11.26.56]

3 And the Co-Prosecutors' other evidence from Duch was just as  
4 inconsistent with this supposed policy. As the Prosecution noted,  
5 Judge Lavergne asked Duch in Case 001 whether people linked to  
6 the Lon Nol regime were executed. Now, Duch answers – Duch's  
7 answer was as follows – and I quote: "People in Lon Nol's regime  
8 were classified into three categories. First category referred to  
9 the people who were smashed secretly." End of quote.

10 Now, this is the point where the Co-Prosecutors stop reading, but  
11 as your Chamber is well aware, the excerpt continues – and I  
12 quote: "The second category referred to the people who were  
13 detained in the re-education camp, and the third category  
14 referred to the people who were regarded as the New People." End  
15 of quote.

16 So this is the Co-Prosecutors' final concluding evidence of a  
17 policy of systematically hunting down and executing all Lon Nol  
18 soldiers and officials. It proves that no such policy existed.  
19 Mr. President, my third of the six points about Tuol Po Chrey  
20 concerns pattern evidence. Yesterday, the Co-Prosecutors did not  
21 even attempt to contest our systematic demonstration that no such  
22 pattern existed. Mr. Raynor spoke very theatrically about the  
23 systematic nature of the pattern.

24 [11.28.43]

25 You might remember he asked the Chamber five or six times whether

1 it was a coincidence – a coincidence that killings occurred in  
2 exactly the same way across the country. And our question is  
3 this, Mr. President: Is it a coincidence that the Co-Prosecutors  
4 failed to identify one single witness proving the existence of  
5 this pattern, which they say happened everywhere? Is it a  
6 coincidence that they failed to respond to a single one of the  
7 numerous concrete arguments we presented to the Chamber in our  
8 closing submissions?

9 Mr. Lysak also commented on the supposed pattern evidence. He  
10 told the Chamber that the Defence has a "thesis" about the  
11 supposed execution of Lon Nol soldiers in April 1975. He said our  
12 thesis was that executions happened in the Southwest and  
13 Northwest Zone, but not elsewhere.

14 [11.29.51]

15 In reality, Mr. President, we have no "thesis" about the  
16 execution of Lon Nol soldiers. Our only thesis is that the  
17 Co-Prosecutors have failed, manifestly and completely, to  
18 establish the existence of a centrally directed policy.  
19 The reasons for their conclusions are: firstly, that it is  
20 inconsistent with the direct evidence; secondly, that the  
21 so-called pattern evidence is systematically unreliable; and,  
22 third, that the systematically unreliable evidence is  
23 geographically concentrated in the Southwest and Northwest Zone  
24 and is, therefore, irrelevant to state-wide policies.  
25 The Prosecution contests none of these facts. In order to

1 establish the existence of a policy based on unreliable evidence  
2 not tested in open Court, which is concentrated in only a small  
3 part of the country, the Prosecution should be ready before this  
4 Chamber with quite an extraordinary explanation.

5 [11.31.00]

6 Now, Mr. Lysak proposed a possible explanation. He suggested that  
7 maybe there were more Lon Nol soldiers in the Northwest and  
8 Southwest Zone than elsewhere in the country. Yet, at the same  
9 time, he does not offer the Chamber even a shred of evidence in  
10 support of this proposition.

11 The evidence we showed the Chamber last week demonstrated  
12 overwhelmingly that Lon Nol soldiers were not executed in  
13 liberated zones prior to 1975. There's no reason to believe that  
14 Lon Nol soldiers did not continue living in those zones until and  
15 after April 1975. Nor does the evidence merely show that fewer  
16 Lon Nol soldiers and officials were killed in the Special,  
17 Central, North, the Eastern and the North-eastern Zones in April  
18 1975. It shows they were not killed in those zones at all.

19 We have adduced substantial evidence affirmatively demonstrating  
20 that Lon Nol officials who were present in the East Zone or  
21 within the control of East Zone troops were not harmed.

22 [11.32.25]

23 Like Mr. Raynor, Mr. Lysak failed to say anything about the  
24 evidence. He failed to give a single reason why the analysis we  
25 presented to the Chamber last week was erroneous. He failed to

1 refer to a single statement of a single witness.

2 Mr. President, Mr. Lysak then suggested that a concentration of  
3 evidence in the Southwest Zone would be consistent with Party  
4 Centre policy because Pol Pot had a close relationship to the  
5 Southwest Zone. It seems he would like this Chamber to make two  
6 conclusions.

7 He would like this Chamber to conclude, first, that Ta Mok was  
8 close to Pol Pot and, second, that because Ta Mok was close to  
9 Pol Pot, everything that happened in the Southwest Zone reflected  
10 the intent of the Party Centre. But there is no evidence to  
11 support either claim.

12 Neither claim has been the subject of so much as five minutes of  
13 witness testimony. Neither claim has been the subject of a single  
14 filing.

15 [11.33.43]

16 Before yesterday, neither claim had been the subject of five  
17 minutes of debate before the Chamber. And just last month, the  
18 Co-Prosecutors' position was that executions happened everywhere.

19 Mr. President, just last week the Co-Prosecutors' position was  
20 that the executions happened everywhere in Cambodia. And five  
21 minutes before Mr. Lysak took the floor, the Co-Prosecutors'  
22 position was that executions took place everywhere.

23 Never did they try to link events in any particular part of the  
24 country with the Party Centre. And they did not have to because  
25 the position was that everything happened the same way

1 everywhere.

2 It is critical to realize that Mr. Lysak's theory would be  
3 irrelevant to Nuon Chea's criminal liability only if Nuon Chea  
4 conspired with Ta Mok and Ros Nhim, but not with So Phim or Ney  
5 Saran, to execute Lon Nol soldiers.

6 Now, could that theory be true? It could be true. Lots of things  
7 could be true. But the Chamber, and that is the point, has never  
8 considered it.

9 [11.35.06]

10 The Co-Prosecutors never, before yesterday, argued it - argued  
11 it. There's no evidence at all to support it. And the Chamber has  
12 no basis on which to make that conclusion.

13 Mr. President, my fourth of the six points about Tuol Po Chrey  
14 concerns the Co-Prosecutors' assertion that we failed even to  
15 address the core claim about Tuol Po Chrey. They describe their  
16 core claim as being that Nuon Chea participated in a joint  
17 criminal enterprise to execute class enemies and all those  
18 opposed to the CPK.

19 In fact, we showed the Chamber that, at worst, the CPK  
20 categorized soldiers and officials along with other groups such  
21 as monks and intellectuals, who were never - people who were  
22 never subject to a policy of execution.

23 The Co-Prosecutors' position that the CPK viewed soldiers and  
24 officials with suspicion is insufficient, as a matter of law, to  
25 establish our client's criminal liability.

1 [11.36.20]

2 The Closing Order alleges that, at Tuol Po Chrey, soldiers and  
3 officials were indiscriminately murdered en masse. It follows  
4 that only a policy that required executions of soldiers and  
5 officials en masse is of any relevance to the Chamber's  
6 deliberations. Abstract class theory without a clear link to a  
7 policy of systematic execution is plainly insufficient.

8 Mr. President, Your Honours, it's critical to recognize here that  
9 this difference between the CPK's general suspicion of Republican  
10 officials and it's supposed decision to execute those officials  
11 summarily, that this difference is exactly - exactly the subject  
12 of Heng Samrin's statement to Ben Kiernan.

13 Heng Samrin does not say that Nuon Chea never thought about  
14 former regime officials. He does not say that those officials  
15 were not a subject of discussion. What he says is that when the  
16 Party Centre decided how to deal with Republican officials, they  
17 - I quote him - "did not say kill". Instead they said - and I  
18 quote him again: "Don't allow them to remain in the framework."  
19 Unquote.

20 [11.37.51]

21 Mr. President, this distinction got straight to the ambiguity at  
22 the heart of the Co-Prosecutors' allegation about the CPK's  
23 treatment of so-called opponents, which is that there is simply  
24 no evidence that such people were systematically executed.  
25 That brings me, Mr. President, to my fifth point about Tuol Po

1 Chrey, which is that the Co-Prosecutors' submissions yesterday  
2 prove that they agree with us, because while they claim their  
3 principal submission to be that soldiers were enemy of the Party,  
4 they end up saying something much narrower and much simpler. They  
5 end up saying that there was a policy to kill "officers of a  
6 certain rank and above".

7 Now, of course, we dispute this. But the point is that the  
8 Co-Prosecutors know that the vague class theory Duch claims to  
9 have read in a "Revolutionary Flag" was never intended to, and  
10 never did, translate to execution. Even they know that they  
11 cannot credibly claim that our client intended to execute  
12 soldiers and officials regardless - regardless of rank.

13 [11.39.18]

14 And as we observed last week, the Co-Prosecutors fail even to  
15 assert that the alleged victims at Tuol Po Chrey were anything  
16 more than ordinary soldiers and civilians.

17 Yesterday, they conceded that our client never intended to  
18 execute ordinary soldiers or civilians. Now, put together, these  
19 concessions establish that Nuon Chea never intended the execution  
20 of the alleged victims at Tuol Po Chrey, and this alone, Mr.  
21 President, requires the Chamber to acquit Nuon Chea of all crimes  
22 charged in connection with Tuol Po Chrey.

23 My fifth - my sixth and final point is that the Co-Prosecutors -  
24 the Co-Prosecutors say nothing at all, nothing at all, about the  
25 possibility that, if any killings did take place at Tuol Po

1 Chrey, they were constituted locally directed revenge killings.

2 [11.40.20]

3 Let's not forget, Mr. President, the liberation of Pursat marked  
4 the end of a year's long bloody civil war. The alleged victims  
5 were supposedly the CPK's former opponents. Revenge killings  
6 under these circumstances are typical.

7 Your Honours, Mr. President, my very last comments today in this  
8 trial will concern the Co-Prosecutors' analysis yesterday of Ros  
9 Nhim's role in the CPK and the role of zone leaders more  
10 generally.

11 Now, the critical point, and I cannot stress this enough, is that  
12 Ros Nhim was not a mere "zone leader". He, himself, was a member  
13 of the Standing Committee. He, himself, was, according to the  
14 Co-Prosecutors reasoning, an equal participant in the Standing  
15 Committee's practice of democratic centralism.

16 Now, yesterday, the Co-Prosecutors said that Nuon Chea met with  
17 Ros Nhim every three months in the Northwest Zone. And our  
18 question is: So what? What could the fact that Ros Nhim met Nuon  
19 Chea possibly say about the content or nature of their  
20 relationship?

21 [11.41.40]

22 The Co-Prosecutors tell us that at one of these meetings, Nhim  
23 told Nuon Chea about the execution of Nuon Chea's uncle, Sieu  
24 Heng.

25 Now, Mr. President, we have trouble seeing their point. Nhim did

60

1 not ask our client for permission to kill Sieu Heng. He was not,  
2 as the Co-Prosecutors observe, afraid to tell him he had executed  
3 Sieu Heng.

4 They asked why would Nhim tell Nuon Chea about Sieu Heng and not  
5 about Tuol Po Chrey. And to us, Mr. President, the answer is  
6 obvious. Tuol Po Chrey was none of Nuon Chea's concern. The death  
7 of his uncle, quite obviously, was.

8 Now, the hard evidence of the relationship amongst the various  
9 members of the Standing Committee, including those who were also  
10 zone leaders, is almost completely non-existent. As we saw last  
11 week, just about the only person able to speak with any authority  
12 is Ieng Sary. And he says that within Angkar, "each zone was  
13 independent: 'Kill as you please, do as you please'".

14 [11.43.00]

15 Ros Nhim's flippant attitude towards Sieu Heng's execution  
16 corroborates exactly that description. The best the  
17 Co-Prosecutors can find in response is a small handful of  
18 telegrams purporting to show Ros Nhim seeking advice or guidance  
19 from the Party Centre. They do not mention the consistent  
20 testimony that communication from the Party Centre to the zones  
21 was limited and mainly concerned goods requested by the zones,  
22 that Nuon Chea almost never sent telegrams to anybody.

23 And even this very small selection of telegrams are all in 1977  
24 and 1978, years after Tuol Po Chrey.

25 A period, Mr. President, of years in which Ben Kiernan tells us

61

1 the Centre's control over Northwest Zone forces was "gradually  
2 increasing".

3 The only document they show you during a time period remotely  
4 relevant to these charges showed only that information was  
5 conveyed to the Party Centre without any request for advice or  
6 instructions delivered to the zone.

7 The question is: Why is every other document the Co-Prosecutors  
8 presented from a period so far from April 1975? To paraphrase the  
9 Co-Prosecutors, we must ask: Was that a coincidence?

10 [11.44.45]

11 Mr. President, Your Honours, there's only one hard reality about  
12 Ros Nhim. That reality is that he was ultimately purged. The  
13 Co-Prosecutors tell the Chamber that he was purged but, for them,  
14 the story ends there. And for us, it just the beginning.

15 The Co-Prosecutors do not take the next step and tell you why Ros  
16 Nhim was purged. The answer is, Mr. President, he was considered  
17 a traitor. He was considered a traitor because he was  
18 deliberately acting contrary to Party policy. He deliberately  
19 imposed harsh conditions in the Northwest Zone for the purpose of  
20 destabilizing the Party Centre.

21 Mr. President, Your Honours, the Co-Prosecutors have never  
22 adequately answered a simple question, and these are my last  
23 words: If Nuon Chea could so easily control Ros Nhim's behaviour,  
24 why did they deem it necessary to use military force against him?  
25 Thank you.

62

1 [11.46.10]

2 MR. PRESIDENT:

3 Thank you, Counsel.

4 The time is now appropriate for lunch adjournment. The Chamber  
5 shall adjourn now and resume at 1.30 this afternoon.

6 Security guards are now instructed to bring Mr. Khieu Samphan to  
7 the holding cell downstairs and have him returned to this  
8 courtroom this afternoon, before 1.30.

9 The Court is now adjourned.

10 (Court recesses from 1146H to 1329H)

11 MR. PRESIDENT:

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

13 I now hand over the floor to the defence team for Mr. Khieu  
14 Samphan to make their final rebuttal statement.

15 You may proceed.

16 MR. VERCKEN:

17 Thank you, Mr. President.

18 As I said yesterday, we will not take up much of your time,  
19 basically because yesterday we did not hear anything yesterday  
20 that would warrant any fundamentally different responses on our  
21 side, or because the arguments that we heard were not relevant,  
22 or because in our final submission we have responded already or  
23 have done so through our pleadings.

24 [13.30.48]

25 I'll just quote one example of an irrelevant argument: There was

1 reference to a telegram referring to Mr. In Tam who was a former  
2 military officer from the Khmer Republic, who after April 1975  
3 continued to fight against Democratic Kampuchea from the Thai  
4 Border. And you were told that the content of the telegram,  
5 referring to what Mr. In Tam was doing and the possibility of  
6 eliminating him, was some kind of form of proof with reference to  
7 the former people from the Khmer Republic, but that is completely  
8 false since the man was continuing his war effort against  
9 Democratic Kampuchea. I believe that this has nothing to do with  
10 the trial and it's the kind of trial that doesn't really merit  
11 any response because it's not our intention to waste your time  
12 with it.

13 With respect to the arguments we've already answered in our  
14 submission, let me mention the proposal that was made by the  
15 Prosecution yesterday to use paragraphs 1360 to 1372 of the  
16 Closing Order to expand the scope of the trial on the grounds  
17 that the five Democratic Kampuchea policies are set out in those  
18 paragraphs. And in paragraph 105 of our final submission, and in  
19 our oral remarks, we have answered to that by referring to our  
20 response to your Decision of April 2012.

21 [13.33.21]

22 These are the kinds of things that we do not wish to dwell on at  
23 this stage, because it doesn't seem to have any point. There are  
24 some minor points that I will quote to you here - and it won't  
25 take long.

1 Yesterday, the Prosecution and the civil parties said that the  
2 reasons why we had discussed the health, military, and economic  
3 situations as they prevailed in Phnom Penh and in Cambodia in  
4 general in April 1975, was to serve as a justification for the  
5 evacuation.

6 Now, that isn't exactly right. And so let us say once again that  
7 if we took the time to describe that situation, it was for two  
8 reasons. The first was to illustrate the fact that the  
9 Investigating Judges have been selective in studying the  
10 historical context and had failed to pay due attention to  
11 important matters such as the humanitarian, health, military, and  
12 economic situation in Cambodia before the regime was established.  
13 And if we described that situation, it was also because we wanted  
14 to talk about Khieu Samphan and intent.

15 [13.35.09]

16 The problem is not to do with knowing why Khieu Samphan decided  
17 to evacuate Phnom Penh, because he didn't decide that; he was not  
18 party to that decision regarding the evacuation of the capital.  
19 So, the question you have to ask is if the explanations that were  
20 given subsequently appear to be plausible. And that is the case.  
21 Even if his view was asked before, Khieu Samphan has told us he  
22 would not have taken that decision to evacuate Phnom Penh. The  
23 explanations he was given subsequently were based on genuine  
24 practical facts on a health and a military and an economic  
25 situation about which this Chamber has examined evidence. The

1 explanations were not idiotic and they convinced other people as  
2 well as him.

3 Last Friday, we saw a clip of an interview with Samdech Sihanouk  
4 that was done in October 1975 in New York, and Sihanouk was  
5 saying that he agreed with the work done by the Khmer Rouge so  
6 far. He was back in Phnom Penh and he knew that the city had been  
7 emptied, but that is what he said and it's on the case file.

8 [13.37.14]

9 With respect to the second population movement phase, we have  
10 undeniable proof - and it's not contested on the other side of  
11 this room - that Khieu Samphan was outside the country when the  
12 decision was taken for the second population movement. And here  
13 we have heard no evidence adduced that Khieu Samphan took part in  
14 the implementation of those - or, that movement from August '75  
15 to 1976.

16 Another comment we wish to make to Your Honours before you  
17 withdraw to deliberate, concerns the request that the prosecutors  
18 made to you yesterday to consider that the testimony gathered on  
19 elements that are external to the file should reinforce the  
20 relevant proof. When the principle is defined in such general  
21 terms, it certainly appears to be acceptable, but it is the  
22 practical application of it, as requested by the Prosecution,  
23 that entails a serious judicial error, because what the  
24 Prosecution is asking you to do is to consider that Khieu Samphan  
25 is guilty of facts that have not been tried here, that are

66

1 supposed to be being tried at a later stage, and that despite  
2 that, according to the Prosecution, these facts should be used by  
3 this Chamber to qualify the facts and the ultimate penal  
4 responsibility of Khieu Samphan. That is not acceptable and it's  
5 a breach of essential legal principles.

6 [13.39.33]

7 By way of closing, I would say a few words about that type of  
8 responsibility - that is, joint criminal enterprise, and I would  
9 say two things about it: The Prosecution is asking you to apply  
10 the criteria of the systematic form of criminal enterprise, JCE.  
11 And apart from the reasons just mentioned about why this is  
12 impossible, apart from reasons connected with the scope of the  
13 trial, I would like to point out something that must be clear to  
14 all, and that is that if the case law of international criminal  
15 tribunals has conceived of a variation on the basic form of joint  
16 criminal enterprise, a variation in which the necessary threshold  
17 of proof of intent is lower, then it was because there were  
18 reasons for that, there was a specific context, it wasn't to  
19 award some kind of gift to all prosecution teams throughout the  
20 world, and more particularly, the one sitting opposite me today.

21 [13.41.12]

22 And the reason for that happening was, of course, that the person  
23 guilty of systematic joint criminal enterprise had contributed to  
24 running an extermination camp in a confined limited space, and  
25 when that individual could not claim, because of the very

1 confined nature of the camp, when that person could not deny what  
2 was occurring therein, then it was felt that the threshold for  
3 proving intent could be lower.

4 Now, today what you're being asked to do is to say that all of  
5 Cambodia was a concentration camp and that therefore that kind of  
6 JCE applies. This is quite beyond the bounds of reason and that  
7 isn't the kind of context for which that case law, creating a  
8 variation on JCE, was originally established and it does not  
9 correspond to the spirit of the law.

10 In addition, of course, to all of the other arguments concerning  
11 the scope of the trial and the fact that today you cannot  
12 consider that Cambodia nationwide was a single concentration  
13 camp, the facts that might possibly allow you to say such a thing  
14 in any case are going to be judged at a later stage, and not now.

15 [13.43.32]

16 The second point I'd like to make is that the Prosecution is  
17 going even further. In many of their arguments, they are asking  
18 you to apply the expanded form of joint criminal enterprise, the  
19 form that you, before this trial even opened, excluded from what  
20 you could apply. And I include in this all of the developments by  
21 the Prosecution, which consist in saying that the criminal  
22 responsibility of the Accused can be secured through the fact  
23 that it was foreseeable that crimes could have been committed.  
24 Now that cannot be applied before this Chamber, and you, Your  
25 Honours, decided that before the trial began, and the Prosecution

1 is entirely aware of this.

2 That, Mr. President, Your Honours, brings me to a close on the  
3 comments I would like to make at the closure of this debate.

4 Thank you very much.

5 MR. PRESIDENT:

6 Thank you.

7 Mr. Khieu Samphan, do you wish to make any statement? And if you  
8 wish so, security guards are instructed to bring Mr. Khieu  
9 Samphan to the dock.

10 Security guards, please bring Mr. Khieu Samphan to the dock, and  
11 he will make his final statement from there.

12 (Mr. Khieu Samphan is taken to the dock)

13 [13.46.52]

14 Mr. Khieu Samphan, you may proceed now.

15 You may be seated, Mr. Khieu Samphan, due to your health concern.

16 MR. KHIEU SAMPHAN:

17 My utmost respect to venerable Buddhist monks in various  
18 monasteries and pagodas across Cambodia. My respect to my fellow  
19 national compatriots. My respect to the civil parties. My respect  
20 to Mr. President and Your Honours. My respect to counsels and  
21 everyone in the courtroom. My respect to the Co Prosecutors.  
22 Over the last couple of days, I have listened attentively and  
23 heard it clear and loud the interventions by all parties,  
24 particularly the interventions of those who have criticized me  
25 for not speaking enough in my current case. Ironically, at the

1 same time, those same individuals have manoeuvred and manipulated  
2 my little speeches as the basis for their allegation against me.  
3 Therefore, although I try to explain in good faith, refuting the  
4 various charges brought against me, you will continue to  
5 criticize me, and if I choose to remain silent, you still accuse  
6 me.

7 [13.50.30]

8 I would like to make it clear that I never wanted or decided to  
9 evacuate the people, and neither did I plan or decide the  
10 massacre of innocent people. My political conviction and  
11 conscience at that time, given the reality on the ground,  
12 whatever I did was to protect the weak, was to uphold the respect  
13 for their fundamental rights, and to build a Cambodia that was  
14 strong, independent, and peaceful.

15 Indeed, widespread social injustice made me disheartened and  
16 became discontented with the regime, but I was not so  
17 discontented that I sought tit for tat or revenge. My underlying  
18 intention and wisdom was to bring about independence, peace, and  
19 prosperity to Cambodia. I only wanted people to live with  
20 dignity.

21 However, when I heard the charges brought against me, and how  
22 these charges were constructed here, and in addition, when I  
23 witnessed that those who will sit to decide on my case have  
24 refused to take into consideration the real situation on the  
25 ground at that time, but instead form a preconception that I was

1 a monster, I have lost desire to say anything further.

2 [13.54.18]

3 Indeed, during the Lon Nol era following the coup d'état, I

4 wanted the Khmer Rouge and Samdech Sihanouk alliance to win the

5 war against Lon Nol, and I did rally them at the time. And

6 indeed, following the resignation of Samdech Sihanouk from the

7 head of state in 1976, I had the full confidence that we would

8 help each other to rebuild the country to be a prosperous one.

9 Everyone who is here today, you seem to have believed that I was

10 guilty, because all of you believe that I should have foreseen

11 what would happen following the 17 of April 1975, and that I

12 should have recused or deserted the Khmer Rouge. The fact that I

13 remained with them amounts to the allegation that I was a culprit

14 and deserved conviction, even though I have explained the truth

15 to the best of my knowledge.

16 To them, I should have remained indifferent and let Lon Nol

17 regime pursue their course of action. To them, I should not have

18 taken any action to respond to Lon Nol; and to them, following

19 the victory over war against Lon Nol and America, I must have

20 known that my political conviction and wisdom would not be

21 implemented, but instead it would be reversed completely under

22 the absolute control of the power of the Khmer Rouge who enforced

23 their various measures strictly.

24 [13.57.55]

25 I would like to reiterate that I did not witness the things that

71

1 could have happened days following the victory, and neither did I  
2 have any power to intervene, or sanction, or rectify anything.  
3 Some even said that I was a coward. The reality was that I did  
4 not have any power and I did not care about it either.

5 This could have been probably my mistake because subsequently, I  
6 remained close with those powerful individuals, but I was  
7 powerless, but all of you believe that I had effective power at  
8 that time. That is why today I was brought and put on trial  
9 today.

10 Today, it is easy to say that I should have known everything, I  
11 should have understood everything, and thus, I could have  
12 intervened or rectified the situation at the time. Do you think  
13 that I did not try my best to understand the situation? Do you  
14 really think that that was what I wanted to happen to my people?  
15 [14.00.52]

16 When I was a youth, I tried my best in order to change a regime  
17 full of injustices, and later I had to escape for my life from  
18 persecution. I would have been killed if I had not fled into the  
19 jungle. Subsequently, upon learning that there was a group of  
20 people who were better equipped to fulfil this noble task, in the  
21 interest of Cambodian people and nation, I wanted this group of  
22 people to succeed in their endeavours. I then provided them with  
23 my little support I could.

24 At the time, I had the faith and confidence in their  
25 revolutionary plan. I was convinced that it would bring about a

1 betterment for Cambodia and Cambodia would last. Although our  
2 poor unfortunate nation had suffered from destructive war, our  
3 country was destroyed so badly that widespread famine was  
4 looming.

5 Completely contrary to what had been raised before this Chamber,  
6 never had I participated in the plan that later led to the  
7 suffering of the people. I was never, at any one time, a part of  
8 this plan - never. As I have tried to explain to the civil  
9 parties who testified and stated their suffering before this  
10 Chamber thus far, that I never thought that such a thing would  
11 happen to my people. This is the only one thing that I would like  
12 to reiterate today because it is the truth, but nobody wants to  
13 listen to me.

14 [14.04.51]

15 Given this indifference, regardless of my attempt to explain the  
16 truth, and given the state of conditions of the current  
17 proceedings before this Chamber, I have a strong feeling that no  
18 matter how hard I try to explain, they will only turn their deaf  
19 ears at me. They will still not pay attention to what I have to  
20 say. Instead, I feel that the more I speak, the more vengeance  
21 they have against me. Therefore, I think that I don't have to be  
22 silly trying to explain those who never want to listen to me.  
23 I, myself, have a deep regret - regret, rather, that I had all  
24 the faith and confidence in this tribunal from its early day, the  
25 confidence that this Court would secure me an opportunity to

73

1 explain. But unfortunately, to date, it is clear that everyone  
2 wants only one thing from me - that is, my admission of guilt  
3 according to the charges brought against me, the charges  
4 concerning the acts that I have never, ever committed at all.  
5 Because I did not know what happened subsequently following the  
6 victory, I had no reason to admit the guilt despite mounting  
7 pressure on me. I am of the view that if I remain silent I can  
8 maintain my honour and dignity and I will leave it entirely to  
9 you wise Judges to adjudicate on my case.

10 [14.07.59]

11 My defence counsels and their team, their dedicated team, have  
12 defended me vigorously and with conviction for which I am most  
13 grateful, regardless of the result. I firmly hope that whatever  
14 it is, you wise Judges will find justice.

15 Thank you.

16 MR. PRESIDENT:

17 Thank you, Mr. Khieu Samphan.

18 Security guards, please bring Mr. Khieu Samphan to his seat  
19 behind his counsels.

20 (Mr. Khieu Samphan leaves the dock)

21 [14.09.47]

22 Now the proceedings to hear the closing statement by all parties  
23 in Case 002/01, as part of the Case 002, has come to an end  
24 following - in the light of the completion of the evidentiary  
25 hearings and the parties' oral closing statement in Case 002/01.

1 I, the President of the Trial Chamber, wish to inform the parties  
2 and public as follows.

3 The trial Chamber of the ECCC has now finished the substantive  
4 hearing on Case 002 on the evidence in Case 002/01, which forms  
5 the first phase of Case 002, in which two Accused, Nuon Chea and  
6 Khieu Samphan, are charged with crimes against humanity.

7 Since the start of the evidentiary hearings on the 21st of  
8 November 2013 – 2011, rather, which concluded on the 23rd of July  
9 2013, the Trial Chamber has held 212 days of hearings, along with  
10 the oral closing statements, which commenced on the 16th to 31st  
11 of October 2013, and took another 10 days. The substantive  
12 hearing takes 222 days in total.

13 [14.11.55]

14 During the course of the proceedings in Case 002/01, the Trial  
15 Chamber has heard 92 individuals, among whom there are three  
16 expert witnesses, 57 witnesses, and 32 civil parties. Two  
17 treating doctors and two medical experts also testified on the  
18 health conditions of the Accused.

19 The Chamber has been seized of more than 290 written applications  
20 and rendered more than 250 written and oral decisions.

21 The parties to the proceeding have made a request for the  
22 admission, as evidence, into Case 002/01 of numerous documents  
23 and materials. This includes news articles, magazines, minutes of  
24 the meetings, national and international telegrams, books  
25 authored by experts, maps of the crime sites, photos taken during

1 the period of Democratic Kampuchea, written records of the  
2 witnesses and civil parties' interviews, transcripts in Case 001,  
3 the records of the Accused's statements, interviews, and other  
4 statements by witnesses and individuals compiled by non judicial  
5 institutions; and as a result, more than 4,000 documents,  
6 consisting of 166,500 pages in three languages have been admitted  
7 as evidence in Case 002/01 by the Chamber.

8 [14.14.29]

9 At this juncture, the substantive hearing in Case 002/01 is  
10 considered complete.

11 Before announcing the official conclusion of the closing  
12 statements, the Trial Chamber wishes to thank Your Excellences,  
13 Lok Chum Teav, ladies and gentlemen, the parties to the  
14 proceedings, witnesses, experts, and civil parties for having  
15 given testimonies before the Chamber.

16 Likewise, the Chamber would also like to thank the Office of  
17 Administration, the units and sections under its supervision,  
18 especially the Interpretation and Translation Unit, and in  
19 particular the booth interpreters for their assisting with the  
20 trial proceedings.

21 Moreover, the Chamber also wishes to thank the staff of the Trial  
22 Chamber, the Audio-Visual Unit, the Witness and Expert Support  
23 Unit, the Defence Support Section, the ECCC's detention facility,  
24 security guards, the Public Affairs Section, the Security and  
25 Safety Section, the General Service Section, and other relevant

1 national and international sections under the Office of  
2 Administration for their help.

3 [14.16.12]

4 Similarly, the Chamber would like to thank the officials,  
5 personnel from the Royal Government of Cambodia's institutions or  
6 units, which include the General Security Section, the  
7 Firefighter Brigade, the Medical Section, and other sections  
8 relevant to the work of the Chamber for their assistance.

9 Last but not least, the Chamber wishes to thank personnel from  
10 organizations or centres, including the Transcultural  
11 Psychosocial Organization Cambodia, or TPO Cambodia; the  
12 Documentation Centre of Cambodia, or DC Cam, for their  
13 participation in and physical and emotional support to the trial  
14 proceedings in Case 002/01 from the beginning to this fruitful  
15 end.

16 The Trial Chamber now wishes to pronounce the conclusion of the  
17 proceedings in Case 002/01. The Chamber would like to inform the  
18 parties to the proceedings and the public, that after this, the  
19 Trial Chamber will commence its deliberation and prepare its  
20 judgement regarding Case 002/01.

21 In respect of the date for the pronouncement of the judgement,  
22 the Trial Chamber has not been able to set a particular date as  
23 yet due to the fact that the case is voluminous and complex, and  
24 that the judgement has to be prepared into three working  
25 languages of the ECCC.

77

1 The Trial Chamber will notify the parties and public of the  
2 notification of the date for the pronouncement of the judgement  
3 in due course, prior to the actual date of such pronouncement.

4 [14.18.37]

5 With regard to the proceedings in Case 002/02, as indicated in  
6 the decision on Severance of Case 002 of the 26th of April 2013,  
7 the Trial Chamber would like to inform the parties to the  
8 proceedings in Case 002 that the Chamber will hold the Trial  
9 Management Meeting from the 11th to the 13th of December 2013 to  
10 discuss on the preparation of future trials in Case 002/02. The  
11 Chamber will notify the parties of the agenda of that meeting in  
12 due course.

13 The Trial Chamber is now adjourned.

14 Security guards are now ordered to take the Accused to the ECCC's  
15 detention facility. A warrant to bring the Accused to the hearing  
16 date on the pronouncement of the Judgement will be rendered prior  
17 to the set date of that hearing.

18 The Court is now adjourned.

19 (Court adjourns at 1420H)

20

21

22

23

24

25