



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

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

13 December 2011
 Trial Day 9

Before the Judges: NIL Nonn, Presiding
 Silvia CARTWRIGHT
 YA Sokhan
 Jean-Marc LAVERGNE
 YOU Ottara
 THOU Mony (Reserve)
 Claudia FENZ (Reserve)

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 IENG Sary
 KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|-------------------------------------|----------|
| MR. ANG UDOM | Khmer |
| JUDGE CARTWRIGHT | English |
| MR. IENG SARY | Khmer |
| MR. KARNAVAS | English |
| MR. KHIEU SAMPHAN | Khmer |
| JUDGE LAVERGNE | English |
| MR. NUON CHEA | Khmer |
| THE PRESIDENT (NIL NONN, Presiding) | Khmer |
| MR. PESTMAN | English |
| MR. VERCKEN | English |

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

2 (Court opens at 0902H)

3 THE GREFFIER:

4 Please be standing.

5 (Judges enter courtroom)

6 MR. PRESIDENT:

7 The Court is now back in session.

8 As the Chamber informs the parties and the public on Friday last
9 week, last week the Chamber was adjourned due to the poor health
10 of one of the witness while he was providing his testimony
11 through the remote communication.

12 If his health situation improves today, we shall continue.

13 However, his health is still not that good in order to provide
14 his testimony. The Chamber decides to continue questioning the
15 Accused, as we informed you last Friday.

16 For that reason, we will start questioning the accused Nuon Chea
17 this morning.

18 Security guard, you are now instructed to bring the Accused to
19 the dock.

20 (The accused Nuon Chea is taken to the dock)

21 MR. PRESIDENT:

22 Good morning, Mr. Nuon Chea. You may speak now.

23 MR. NUON CHEA:

24 During the last few days, even if the Court is not in session, my
25 health is still not that great. I feel the dizziness, however,

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1 I'll try my best to fulfil my duty before the Chamber and I would
2 seek your permission to rest when the time comes and I could not
3 continue. Thank you, Mr. President.

4 [09.06.44]

5 MR. PRESIDENT:

6 Thank you, Mr. Nuon Chea, for notifying the Chamber.

7 You are also reminded that the Chamber will continue questioning
8 you for only the morning session, and in the afternoon session
9 the Chamber will commence questioning Mr. Ieng Sary and Khieu
10 Samphan.

11 We do take into consideration your health condition for this
12 arrangement.

13 Of course, we do face difficulty and we observed a difficulty
14 when the security guard bring the Accused to the dock. I think
15 you should make the arrangement for the Accused to sit in the
16 wheelchair so that it can be easier than let him walk.

17 [09.07.59]

18 I would now like to give the floor to Judge Cartwright to
19 continue her questioning of the Accused. You may take the floor
20 now.

21 QUESTIONING BY JUDGE CARTWRIGHT RESUMES:

22 Thank you, President.

23 Q. Nuon Chea, last week on the 6th of November, you gave a very
24 helpful, detailed analysis of the development of Communist Party
25 of Kampuchea strategy. I will just summarize two or three of your

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1 points before asking you a further question about this.

2 You told the Chamber that at the request of Tou Samouth, you and
3 Pol Pot spent four to five years between 1955 and 1959 discussing
4 and developing strategy.

5 You also told us that this meant you analyzed the status of the
6 people of Cambodia and found that peasants from the rural areas
7 were oppressed by feudalists and capital -- and colonialists.

8 [09.09.29]

9 As the result of your analysis, it was decided that a national
10 revolution was essential to combat against the influence of
11 capitalists and to combat foreign interference.

12 Now, can I just ask you to confirm that that whole policy,
13 strategic and tactical lines, was discussed at the First Party
14 General Assembly? Is that what you told the Court last week?

15 [09.10.13]

16 MR. NUON CHEA:

17 A. Good morning, Mr. President, Your Honours. Let me clarify to
18 my statements that I made at that time.

19 I said the true nature of the Cambodian society is half colonial,
20 half feudalism. Therefore, the task of the revolution of the
21 Democratic Kampuchea at that time is to eliminate the remnants of
22 the half colonialism, half feudalism, and to oppose and resist
23 the half capitalism. It means to liberate the nation and the
24 people. To liberate the nation means to eliminate the remnants of
25 the colonialism at that time and to gradually eliminate the

4

1 feudalist.

2 However, that is not to eliminate the capitalist because we are
3 not the socialist revolution. We are the democratic revolution
4 which means to liberate the poor peasants, those who do not own
5 any piece of land, so that they their livelihood could be
6 improved and they could have enough food to eat and clothes to
7 wear.

8 In practice, it means to reduce the rental fee for the land and
9 the fee for the money loaned so that the peasants could have
10 sufficient food to eat. So these are the two listings tasked that
11 we were to carry out and I'd like to make sure that you are clear
12 on this. Thank you.

13 [09.13.31]

14 Q. Yes, thank you very much for clarifying that.

15 My question is: Was your strategic and tactical line discussed at
16 the First Party General Assembly which was held in September of
17 1960?

18 [09.14.02]

19 A. The strategic and tactical lines were done from the ground
20 levels to the upper level.

21 The issues could be raised at the branch level at the commune so
22 that they could discuss and analyze the situations in details.

23 After the discussion on those matters, it could then be submitted
24 to the district committee and from that discussion from the
25 district committee it was sent to the sector level -- the sector

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1 committee so that they practise the centralized democracy from
2 the ground level to the upper level.

3 One of the suggestions had been made that Central Party would
4 examine the issues and then the General Assembly was held in
5 order to adopt the strategic and tactical lines as an official
6 one. So not only a group of people adopted the strategy and
7 tactical lines, but it was the result of the benefit from the
8 ground level up.

9 Q. Yes, thank you. I now clearly understand how strategic and
10 tactical lines were discussed and finally put before the First
11 Congress of the Party in September of 1960.

12 Now, last week you said that a national -- it was decided that a
13 national revolution was essential. I want to ask you how a
14 national revolution was to be conducted and was it to include
15 armed struggle?

16 [09.16.35]

17 A. I'd like to make the following comments.

18 That was a stage of the political struggle; it was not yet a
19 political and armed struggle. The political and armed struggle
20 commenced only in 1968, from my recollection if I am not
21 mistaken.

22 The period of 1960 up to 1966 or '67 was still a period of
23 democratic revolution. This means we get rid of the remnants of
24 the colonialist who oppressed the people. There was the remnants
25 of those groups, as well as to get rid of the power of the

6

1 feudalist.

2 The movement was done together to get rid of these two groups. It
3 commenced at the same time which comes under one banner that is
4 the democratic revolution which is the key to transform the
5 livelihood of the people which is an essential part of the
6 strategy.

7 Thank you.

8 [09.18.35]

9 Q. In the "Revolutionary Flag" magazine, issue 8, August 1975,
10 with the document number D243/2.1.1, there is a lengthy part that
11 deals with the history of the building of the Revolutionary Army
12 of Kampuchea under the leadership of the Communist Party of
13 Kampuchea.

14 That is found in the Khmer ERN -- at page -- the ERN number,
15 00063328, English ERN 00538966 , and French -- I'm sorry, that
16 was the French number; the English number is 00401491.

17 Now, I just want to ask you about some comments in this section.

18 First, the magazine says:

19 "The strategic and tactical lines of the Communist Party of
20 Kampuchea were clearly and fundamentally correctly drawn-up in
21 1960 during the First Party General Assembly even though it is
22 true that our Party was created in 1951."

23 The magazine then went on to say: "Cadres working in the various
24 cities, such as Phnom Penh, gradually set up and organized our
25 Revolutionary Army", and goes on to say: "We chose a name for the

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1 army appropriate to those circumstances. There were many names
2 but one name that I still remember was Secret Defence Unit."
3 Now, my question to you is: Do you recall those discussions and
4 the use of that name, Secret Defence Unit, for the beginning of
5 the Revolutionary Army?

6 [09.21.34]

7 A. I would like Your Honour to ask me in short sentences so that
8 I could recall and respond well, the matter has been so long
9 already.

10 Could you please make your question brief on one topic at a time,
11 otherwise I would not be able to provide full answers to all your
12 questions?

13 Q. Well, I'll make the matter brief.

14 Was the Revolutionary Army originally called the Secret Defence
15 Unit?

16 A. Your Honour, at that time those people in authority -- that is
17 the Lon Nol clique -- they oppressed the people, the peasants at
18 their own pleasure. They arrested and detained the cadres without
19 any reasons given.

20 After the Geneva Convention and until the year that you just
21 mentioned, we reviewed the situation, and if we allowed the
22 authority in power to continue that barbarous act against the
23 revolutionary force, in particular the poor peasants, the party
24 would be resolved and disappeared because we do not have the
25 means to resist them; we only have our bare hands.

8

1 For that reason, we decided to do the political struggle.
2 However, it was not really the time for the armed struggle and,
3 as you stated, we needed to have the Secret Defence Unit
4 recruited from the children of the peasants in order to defend
5 and to escort the cadres who mobilized from one village to
6 another to do their task, otherwise the soldiers, the police and
7 the commune chiefs would arrest them at their own will.

8 This Secret Defence Unit did not have any weapons, they only had
9 sticks, however, their carrying of the sticks were legitimate.
10 Their tasks were to escort the cadres on mission and they were
11 not yet the army, they were still the Defence Unit.

12 [09.25.20]

13 Q. Did the Secret Defence Units also have a further
14 responsibility to covertly smash the enemy as is stated in that
15 part of the "Revolutionary Flag" magazine that I have just
16 referred to?

17 [09.25.43]

18 A. The Secret Defence Unit did not have a duty to kill or to
19 smash. Their duty was to defend the cadres. So that maintaining
20 secrecy is essential, however, they also have to have weapons to
21 defend themselves, otherwise we will be at the mercy of the
22 enemy.

23 The weapons that I refer to were just those sticks that I
24 mentioned earlier; the stakes or the knives or the axes as those
25 were possessed by the peasants, and their main task was to escort

1 the cadres. They did not have any tasks of making the arrests or
2 to kill anybody.

3 But in the case of necessity, that is when the cadre is attacked
4 or is detained, this Defence Unit must protect the cadre at their
5 best ability. Thank you.

6 [09.27.09]

7 Q. Can I just read you a short passage from the "Revolutionary
8 Flag" magazine when it is talking about the Secret Defence Unit.

9 It says this:

10 "The mission of the Secret Defence Unit was to defend the
11 revolution's base areas, to defend the revolution's people, to
12 defend the cadres moving around working, and to defend the
13 assembles and the various meetings; and in tandem with this, to
14 covertly smash the enemy, the government agents and the various
15 reactionaries in order to defend the party, the revolution and
16 the people."

17 Do you agree with that statement in the "Revolutionary Flag"
18 magazine?

19 [09.28.29]

20 A. There are two meanings here.

21 The first one is that the Secret Defence Unit did not go and find
22 the spies in order to smash them. However, in the circumstances
23 of the meetings and there were spies who wanted to arrest the
24 people who participated in the meetings, this Defence Unit did
25 have the authority to smash those spies.

10

1 [09.29.24]

2 Q. Thank you. Now, I want to move from there to the birth of the
3 Revolutionary Army of Kampuchea, and reference is found in
4 "Revolutionary Flag" magazine, D243/2.1.9, English ERN 00491411,
5 Khmer ERN 00063021 and French 00504033.

6 In that magazine, it states that, "on the 17th of January 1968,
7 the covert guard units transformed into organized guerrilla units
8 and opened fire for the first time to strike an enemy position at
9 Bay Damram village, a village that was located about 10 or 11
10 kilometres above Battambang City"; is that a correct statement,
11 to your recollection of that first attack on the 17th of January
12 1968?

13 A. Are you referring to the 12th or the 17th?

14 Q. In the "Revolutionary Flag" magazine, it states the 17th of
15 January 1968. If you wish to correct that date, please do so.

16 A. I'd like to provide my comments on the background of the date
17 so that the information is complete.

18 [09.32.18]

19 After the rebellious activities in Samlaut, the Lon Nol clique
20 sent their army in the hundreds and thousands to suppress the
21 peasants in Samlaut. Some people were beheaded and the heads were
22 stuck to the fence of their houses. It gradually spread and the
23 suppression became even more serious.

24 The Lon Nol barbarous clique, including Kou Roun from the police
25 side, were so barbarous; they acted at their own pleasure in

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1 killing people. As a result that the people residing in Samlaut
2 could not stand anymore, they fled into the Vai Chab Mountain --
3 they did not have any food to eat there -- in order to avoid
4 being arrest -- arrested by those clique.

5 Some other groups of the people there, from my recollection, were
6 the volunteer units organized by the government. The Kang
7 Chivapol, or volunteer unit, were those who were children of the
8 poor peasants who were mistreated and killed. And as they could
9 not stand the situation anymore and without any instruction, they
10 volunteered. And, from my recollection, there were a group of
11 seven of them.

12 [09.35.07]

13 In the morning, they went to the police station in Bay Damram
14 village and attack that post. They seized seven weapons. As a
15 result of that event, the armed struggle spread from one location
16 to the next from the Northwest to the Southwest, and, in the
17 Southwest, they confiscated a large number of weapons and then it
18 spread to the West.

19 Within a period of one year, there were activities in the 19
20 provinces of Kampuchea. Activities were actively involved in 17
21 of the 19 provinces.

22 [09.36.28]

23 The movement was not the result of the peasants who became
24 vicious and barbarous; it was the result of the mistreatment by
25 the Lon Nol, and Sirik Matak, and Son Ngoc Thanh, and Kou Roun

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1 who caused all those troubles in making the arrest of the people
2 and it caused by those in power at the time, not at the
3 initiative of the local people. The people only wanted peace, but
4 instead they were not given peace and they had no choice but to
5 resist. And if they did not have any weapon to defend themselves,
6 they would be killed. This is for your information, Your Honour.

7 Q. Thank you, Nuon Chea, for that explanation.

8 In paragraph 24 of the Closing Order, it is stated that on that
9 date, "17 January 1968, pursuant to orders conveyed by [you], CPK
10 forces attacked [the] government army post at Bay Damram
11 village". Was this attack mounted on orders given by you?

12 A. I would like to object against this, because at that time I
13 was not living in Samlaut; I was living in Ta Seng village, and
14 this movement was voluntary because at that time there was a
15 militia war and I would like to elaborate on this point.

16 [09.38.53]

17 What -- what constituted the principle of militia war? I had
18 never receive any military training but, by listening to those
19 who had involved in militia war, they said that the militiamen
20 did not listen to the superiors because if they waited for the
21 orders from the superior, they would not seize the opportunity
22 and attack it or otherwise we would lose the opportunity to
23 attack. And if we did not have the opportunity, we had to create
24 the opportunity by themselves in order to seize weapons.

25 To my knowledge, those militiamen went to war by bringing with

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1 them only axes and sticks or so; they did not have guns or arms
2 with them so they normally attack in order to seize those
3 weapons.

4 [09.40.06]

5 At that time, people living in Samlaut seized those weapons and,
6 eventually, they seized some seven rifles or guns. At that time,
7 they did not even know how to fire the guns at that time. So I
8 did not order this attack and if there was an order, it had to
9 occur at the same times in various places. And if I had order it,
10 there would be not only seven people, but at least there was one
11 company or so in order to carry out the attack and -- but what I
12 would like to make it precisely clear is that I was not in
13 Samlaut at that times. I was living in Ta Seng at that time.

14 Q. Thank you. Now, that particular attack was later made famous
15 as the founding of the Revolutionary Army of Kampuchea, was it
16 not?

17 A. Well, if there was no revolutionary base then we would be
18 oppressed and suppressed by the enemy. As a result, those
19 volunteer villages who seized the weapons from the soldiers, they
20 took refuge in the forest. Those who came from the southwestern
21 part of the country went into Prey Rumduol jungle along the
22 Kampong Chhnang and Kampong Speu border. So they built their
23 stronghold over there, but their life was misery at that times;
24 they had to live without many things, including foods so they had
25 to -- went to various villages begging for foods and they had to

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1 cultivates crops for themselves to support themselves.

2 [09.43.08]

3 And for your information, as well, those militiamen wherever they
4 went they brought with them the pumpkin seed and wherever they
5 resides, they would plant those pumpkin seeds and they could pick
6 those pumpkins in order to feed themselves. That was -- that was
7 all they had to be self-reliant because we, at that time, knew
8 that farmers or peasant in the remote area were miserably poor.
9 For example, villagers living around mountain were miserably
10 poor.

11 Q. My question is: Was the Revolutionary Army of Kampuchea
12 founded in January of 1968.

13 A. The Revolutionary Army of Kampuchea, to my recollection,
14 started its functioning on the -- on the 12th of March -- if I --
15 if my memory serve me well -- 1968.

16 [09.45.01]

17 And to be honest, at that time, Vietnam who sought a sanction in
18 -- who sought a sanctuary in Cambodia, they criticized the
19 leftist movement in Cambodia; they say that the situation was not
20 yet ripe so armed struggle would not be the best solution at that
21 time. So at that time Vietnam did not provide any support, but
22 instead they criticize of our movement.

23 In addition to criticisms, they even frightened us. They said
24 well, it was too adventurous for the Communist Party of Kampuchea
25 to -- to conduct armed struggle in this country; that's what they

15

1 said. And, at that time, the Party Committee did not respond to
2 the Vietnam and we said we still maintained our position. We had
3 to be independent of Vietnam and we have to took hold of our
4 destiny by ourselves.

5 [09.46.28]

6 So Vietnam did not only verbally criticize us, but they actually
7 acted against us as well; for example, even a single arm was not
8 given to -- to us because our party line diverted. They did not
9 want us to go -- to carry out armed struggle, to get the
10 political struggle. That's why when there was a meeting between
11 Central Committee members, the Vietnam counterpart, at that time,
12 said or warned us that we must not carry out armed struggle, and
13 they said we had to wait until Vietnam could gain a victory then
14 Vietnam would come and help. That's what they ask us to remember,
15 at that time Nguyen Van Linh who mentioned that. And Le Duan also
16 echoed this sentiment. They said it was too adventurous for the
17 Communist Party to go armed struggle but, at that time, we did
18 not care with their criticism, but the Communist Party Kampuchea
19 maintained its independence and protect its national sovereignty
20 and territorial integrity, and we maintain our position that we
21 had to own our destiny and whatever Vietnam say, it was their
22 business.

23 [09.48.39]

24 That is all, Your Honour.

25 Q. Thank you. Now, it's a very long time ago so I will just read

16

1 to you a statement in the same "Revolutionary Flag" magazine
2 D243/2.1.9, English ERN 00491406, Khmer ERN 00063015, and French
3 00504027, and this statement says: "18 January 1977 is the date
4 of the celebration of the 9th anniversary of the founding of the
5 Revolutionary Army of Kampuchea."

6 So do you agree that the Revolutionary Army's founding was always
7 celebrated on the 17th or 18th of January each year?

8 A. I'm sorry, Your Honour, I do not remember because there were
9 many events.

10 Q. The next matter that I would like to ask you about is how the
11 Revolutionary Army was funded. You have said that in its early
12 days, when the secret defense units were forming, that the cadre
13 had only sticks and axes and simple implements like that. And we
14 know that, after the attack on Bay Damram village, some weapons
15 were acquired, but in order to (recording malfunction) the
16 Revolutionary Army of Kampuchea, you must have got financing from
17 somewhere.

18 [09.51.00]

19 Can you explain how that developed?

20 A. To the best of my recollection, the founding date of the
21 Revolutionary Army of Kampuchea was on the 12th of January 1968.
22 It was the founding date of revolutionary movement.

23 [09.51.44]

24 As for the financial support, actually, the fund was provided by
25 the party members. Party members contribute on a monthly basis of

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1 approximately 1 riel. So each month they contribute 1 riel. And
2 members of these revolutionary armies are the people's children,
3 so they receive support from their families. But of course they
4 did not have a surplus of food, but as you may understand that,
5 in Cambodia, there was a lot of forest and in the forest there
6 was a lot of wild animals and birds that we could, you know --
7 use those animals or birds as food.

8 And we use traps in order to catch those animals. We use other
9 rudimentary tools in order to catch those animals. So once we
10 caught those animals, we cook them and as for rice -- we normally
11 got meat from the wild animals for rice -- in order to get rice
12 to feed them self.

13 Q. Well, during the long period that you were working secretly to
14 develop the strategic and tactical lines of the party -- and you
15 were also moving around the countryside to meet with Pol Pot and
16 Ieng Sary and other figures in the movement -- how did you
17 support yourself?

18 A. Pol Pot and Ieng Sary rarely went down to the base. The
19 original base was actually set up in Rattanakiri, in the
20 northeastern part of the country, and I, at that time, resided in
21 Phnom Penh.

22 [09.54.38]

23 And I was responsible for overseeing the operation at the zones.
24 But I do not really catch your question, Your Honour. I've
25 forgotten what you want to ask.

1 Q. I want to know how you and Nuon Chea managed to survive during
2 all those years because you could not be farming, you could not
3 be catching animals or taking fruits in the forest. How did you
4 survive? What did you do to feed and clothe yourself and your
5 family and to meet the cost of moving around the countryside?

6 A. Actually, the base -- the revolutionary base -- actually
7 supported me. I had nothing. I live on the support of others. I
8 went to visit other people's houses, and they cooked food for me,
9 and they actually offer me whatever they had. They offer me salt
10 -- but at that time we had salt as one of the staple foods for
11 us. And whenever I live with the people's family, they tried to
12 hide me. They did not let any other people know that I was there.

13 [09.56.23]

14 Sometimes, their kid was crying because they were hungry, and
15 then those villagers said they would cook porridge for the kids,
16 and they would save some rice in order to prepare for me. And at
17 that time fruit -- the local fruit was sufficient. There were
18 various different kinds of domestic as well as wild fruits. But
19 if I came to somewhere in the Kampong Cham province, there was
20 sufficient food, but when I went to somewhere around Aoral
21 Mountain or Samlaut, people did not have sufficient food. At that
22 time we had kassava or potatoes. We actually had different kinds
23 of potatoes. This was our staple food back then.

24 Q. Returning to the Revolutionary Army of Kampuchea. From those
25 very early beginnings in 1968, it gradually developed into a

1 para-army by the time the army entered Phnom Penh on the 17th of
2 April 1975. How did you acquire the weapons and other equipment
3 needed for an army of that size?

4 A. Your Honours, at that time we did not have enough weapons.
5 China, of course, did supply some arms, but Vietnam was
6 responsible for transporting those arms and they take one third
7 of it.

8 [09.58.59]

9 And, in addition, they had actually transported those arms, but
10 they did not actually hand it over to us. They make an excuse
11 that they had confused, or there was any irregularities or so at
12 that time, so we had to look for weapons by ourselves. So that
13 was the trick of Vietnam.

14 When in war, Vietnam's brought along with them children at the
15 age of 14 or 15, and they creep and crawl behind them, and once
16 we could seize the weapons, the Vietnamese toddlers would pull
17 the leg of the Cambodian armies so that they could not seize the
18 weapons. And, actually, we agreed at first that, once we could
19 seize weapons, we would divide by two equally, but unfortunately
20 that was not the case because Vietnam would seize the weapons and
21 pile it in their own warehouse.

22 Vietnam promised that they would actually share the weapons
23 seized, but unfortunately they did not live up to their words.

24 For example, there was a battle somewhere in Kraek, and we seized
25 a numbers of rocket propellers and artilleries, and then the

20

1 Vietnamese soldiers told us that, well, once you seize those
2 artilleries you should leave those artilleries with us, we would
3 keep them for you for later use. Then I was wondering how they
4 could keep artillery from us if they sought sanctuary in our
5 territory, so my understanding was that they did not want us to
6 possess any weapons or artilleries at all.

7 [10.01.46]

8 They did not want us to be independent, they want to dominate us.
9 So that was the true nature of the Vietnamese soldiers at that
10 time. And that was not all. They looted. One classic example was
11 that the oil which was supplied by China, somewhere in
12 Rattanakiri. And Vietnam at that time cheated China -- they said
13 that where they were residing belongs to Vietnam. And at that
14 time Pol Pot told Chinese counterpart that, well, that land did
15 not belong to Vietnam, actually; Vietnam sought sanctuary on our
16 land. And actually the oil that was supplied by China was
17 received only by the Vietnamese. The Cambodians did not receive
18 any gasoline supply by them.

19 [10.03.12]

20 It was actually rather difficult to describe or to put it into
21 words because it was beyond what I could describe, because they
22 sought sanctuary in Cambodia. They sent their troops from
23 Northern Vietnam to attack the opposing force in South Vietnam.
24 If they sent 100 soldiers, only 20 of them could be healthy
25 enough to go to war. Eighty of them was sick, because they were

21

1 starving, so they had to rely on Cambodians to support them --
2 food as well as medical support. And they actually lived on
3 bananas -- fruit from people planting in Rattanakiri province.
4 [10.04.09]

5 I think that some peoples believe that Cambodians should express
6 their gratitude to Vietnam, but actually I would like to make it
7 clear that Vietnam should pay gratitude to Cambodia because
8 Vietnam sought sanctuary in Cambodia. You remember that, when
9 there was a carpet bombardment of the U.S. along in South
10 Vietnam, they had to come and seek refuge in Cambodia, and they
11 came to talk with So Phim, asking for sanctuary. And I -- they
12 did not come and talk to me, actually, but once they returned I
13 talked to So Phim of what came for, and they said that they came
14 to seek sanctuary in our territory because they could not return
15 to their country because their country was being bombarded by the
16 U.S.

17 And I report this to Nguyen Van Linh, and Nguyen Van Linh told me
18 that -- let on, you did not have to bother with that business,
19 let them find a place or sanctuary by themselves. And I did not
20 understand the motive of his comments. Actually, there has been a
21 lot of stories concerning with Vietnam's involvement in Cambodia,
22 and that is the truth of the history, and I believe that this
23 Court wants to find not only justice, but the truth, and that is
24 the truth of the history.

25 [10.05.59]

1 And my response to your question, now, is to make it clear that
2 the -- who our enemies are and how our friends are, and it's
3 going to be useful for the younger generation. And who is
4 indebted to whom?

5 Remember that when the North Vietnamese soldiers came to
6 Cambodia, at the time, they did not have anything, not even food
7 to eat. So they had to rely on Cambodia to support them. Some
8 50,000 soldiers stationed along Cambodian-Vietnamese border, on
9 Cambodian territory. Those who did not know the history, they
10 would be wrong in their perception. Actually, Cambodia is not
11 indebted to Vietnam, but instead Vietnam was indebted to Cambodia
12 because they had to seek a safe sanctuary in Cambodian territory,
13 because at that time it was carpet bombing by the U.S., and they
14 had nowhere to reside but Cambodian territory.

15 [10.07.23]

16 So I would like to make this clear, and I hope that I have
17 revealed it to Cambodian people, because I strongly believe that
18 many -- some people in Cambodia believe that Cambodia was
19 indebted to Vietnam, and they actually made it in words, and they
20 made it known to the world that Cambodia was liberated by
21 Vietnam, Vietnam had saved Cambodia, and so on and so forth. But
22 actually, it was another way around, because without the
23 Cambodian support, the Vietnamese soldiers would have no place to
24 stay and to stand. That is all for me, Your Honours.

25 Q. Thank you. Before I finish putting questions to Nuon Chea on

23

1 the historical background, I just want to go back to one or two
2 of the matters we discussed last week about the development of
3 strategic and tactical lines.

4 I asked you last week if, during the time that you and Tou
5 Samouth were discussing the strategic and tactical lines, did you
6 also discuss the development of a statute, adopted by the General
7 Congress in 1960?

8 [10.09.06]

9 You were a little unsure about when it was adopted, but I'd just
10 like you to look at the document that I'm now going to ask the
11 court officials to give to you.

12 This is the Communist Party of Kampuchea Statute, D366/7.1.187.

13 Now, that's a copy in the Khmer language, and I just want you to
14 look at that and, if you are able to do so, confirm that that was
15 the statute of 30 articles that you referred to last week.

16 (Short Pause)

17 [10.11.38]

18 A. From my recollection, the statute was composed of eight
19 chapters, and there should be 30 articles.

20 [10.012.18]

21 And the document before me consists only 29 articles, not 30. So,
22 once again, there should be eight chapters of 30 articles in this
23 statement.

24 Q. Well, I wonder if I can just clarify that the Khmer version
25 that Nuon Chea has in front of him is incomplete, because the

24

1 English version indeed has eight chapters and 30 articles. Could
2 you go to the end of the document that's currently showing on the
3 court officer's screen, and see if there is another page?

4 (Short pause)

5 [10.13.34]

6 A. (Microphone not activated).

7 Q. Mr. Nuon Chea, the microphone was off when you made your last
8 comments. Do you wish to speak now that it's on?

9 A. I could not read the text on the screen.

10 Q. Could the court officer just check Mr. Nuon Chea's copy to
11 make sure that final page, which appears to have a chapter 8 on
12 it, is part of his document please?

13 (Short pause)

14 [10.14.59]

15 A. Yes, there is an article 30 in chapter 8.

16 Q. Thank you. Now, one or two more matters.

17 Last week, we discussed the development of the Communist movement
18 in Cambodia which culminated with the renaming of the Workers
19 Party as the Communist Party of Kampuchea. Is it correct that you
20 did not announce this new name until several years later? That
21 is, you did not announce publicly that the Communist Party of
22 Kampuchea had been formed?

23 A. Your Honours, it is not I alone either to declare and to make
24 it official. It depends on the Standing Committee with Pol Pot as
25 the Secretary, and the reason why Pol Pot did not make the

25

1 official announcement is due to the situation.

2 [10.16.34]

3 The situation at the time was not yet appropriate for the
4 Communist Party of Kampuchea to make its presence known
5 officially.

6 Q. And, in fact, in the "Revolutionary Flag" special issue,
7 September 1977, D243/2.1.12, English ERN 00486215, Khmer
8 00063120, and French 00492799 -- was an announcement made that
9 the Party has decided to publicly and officially announce the
10 Communist Party of Kampuchea to the country and the world. Do you
11 recall that occasion?

12 A. I could not fully understand your question. Could you please
13 ask me again?

14 Q. Was the -- was a public and official announcement made of the
15 formation of the Communist Party of Kampuchea to the country and
16 to the world some 17 years after the founding of the Communist
17 Party of Kampuchea? Do you recall that?

18 A. The event occurred a long time ago. However, the main reason
19 for the Party not to make official or public announcement -- the
20 party was still in its small scale, and it was still developing
21 itself in the struggle movement. It was still expanding itself to
22 make an orderly structure within the party, and if a public
23 announcement was made, there could be consequences which were not
24 beneficial to the party.

25 [10.19.39]

1 The Party would make the announcement once it had proper
2 structure with support from these masses and the support from
3 overseas -- then it would be right for the Party to make the
4 announcement.

5 At that time, Pol Pot made his trip abroad. For example, to
6 Vietnam, to China, in order to make familiar to them the
7 strategic and technical lines of the party -- that is the
8 Communist Party of Kampuchea. The purpose of his trips -- let me
9 say, Pol Pot upon his return informed us that the Communist Party
10 of Vietnam was not happy with us, that we did not seek their
11 advice on the establishment of the Statute of the Party, for
12 instance.

13 [10.20.46]

14 However, the Communist Party of China said that the making of our
15 lines was appropriate, based on the analysis of the social
16 strata, and from that event the Communist Party of Kampuchea was
17 in a position to liaise with other Communist parties around the
18 world -- for example, in China and in Thailand and in a number of
19 other countries. They actually invited us to meet with them in
20 order to exchange our experiences and to learn from one another
21 regarding the lines of our party and theirs. So then, our party
22 was gradually known in the international stage.

23 Q. Finally, I want to ask you, Nuon Chea, if you recall when the
24 decision to evacuate Phnom Penh was made?

25 A. From my recollection, the decision to evacuate the dwellers in

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1 Phnom Penh was done through a series of meetings. Starting from
2 1973, the situation was analyzed, and at that time it was
3 considered that the -- America decided to suspend their aid to
4 Cambodia, and America used their bombers to bombard Cambodia.

5 [10.23.06]

6 The CPK made an analysis that, if America ceased their
7 bombardment in Cambodia, we would have ability to win in the
8 short-term, because the Pol Pot -- the Lon Nol soldiers and the
9 Sari Matak was at a weaker stage. They were weaker, so we all
10 strived to attack them and to gain victory before the victory
11 gained in Vietnam. If Vietnam gained their victory before us,
12 they would then come to control Cambodia.

13 And upon such an agreement, the decision was made on the 1st
14 January 1975 as the day of the commitment of the final attack
15 against Phnom Penh.

16 Q. And you spoke of a series of meetings leading up to this
17 decision on the 1st of January. Were these meetings of the
18 Party's Central Committee?

19 A. From my recollection, the <Central Committee's meeting was an
20 extraordinary one>.

21 [10.24.59]

22 When they -- they also held a meeting to make that decision in an
23 extraordinary session. They decided to choose that date for the
24 final attack in 1975. The Party Central Committee instructed the
25 CPK delegation, including Pol Pot, Nuon Chea, to go for

1 negotiation with Nguyen Van Linh to inform them the plan to
2 liberate the -- Phnom Penh in our final attack, so that Vietnam
3 would need to give us the weapons given to us by China that they
4 kept for quite a long time ago. And we asked them to deliver us
5 certain truckloads of those weaponry. So they discussed and
6 negotiated with Nguyen Van Linh, and Nguyen Van Linh consented to
7 that request.

8 [10.26.19]

9 The types of weapons were given to us, delivered to us in a
10 village opposite the Chhloung area -- that is, opposite the glass
11 factory in Chhloung. I discussed with Pol Pot that, if certain
12 trucks were placed in one location, it might be possible for a
13 bomber to drop bombs. One day after I made that speech, three
14 planes came and dropped bombs, destroying the weapons in those
15 trucks. One bomb even exploded in the glass factory. The weapons
16 were completely destroyed.

17 Regardless, the Revolutionary Army of Kampuchea continued with
18 their struggle until they gained a victory from one through
19 another. I do not have any idea as whether it was the spy or
20 enemy's agent who told the Lon Nol authorities to pinpoint our
21 location for the bombardment, and those who went to receive the
22 ammunition and the weaponry was from the North -- that is,
23 Comrade Pol. After the Geneva Convention of 1954, he went to
24 study in North Vietnam. Actually, he went to study there for 16
25 years, and upon his return, he was tasked with maintaining a

1 warehouse full of ammunition and weapons. He was the core person
2 in liaison with the Vietnamese.

3 [10.28.44]

4 So this is events regarding the 13 truckload of weapons that were
5 completely destroyed by American bombardment.

6 Q. And are you able to confirm that you and Pol Pot participated
7 in the Central Committee meetings, including the extraordinary
8 meeting when the decision was made to evacuate Phnom Penh?

9 A. Yes, there was a meeting. The situation regarding the Phnom
10 Penh was in dire consequence. People were starving since 1972.
11 There was no more food storage or food reserved. There were
12 incidents, riots, as many people were unemployed, there were many
13 beggars. Soldiers did not receive their salary, and Lon Nol could
14 not control the situation.

15 [10.30.16]

16 And people did not have any food to eat. As far as I know, and
17 based on the report of people on Phnom Penh, many young children
18 died as a result of starvation. And based on the analysis of the
19 situation, the CPK formed a view that, while Vietnam was striving
20 to liberate Prey Nokor in their own plan and strategy -- they
21 initially had a plan to liberate Prey Nokor in 1956. We saw also
22 how to liberate Phnom Penh in 1956 or even before then, that is
23 1955. And if Vietnam liberated before us, they would deploy their
24 soldiers under the guise of assisting us in Phnom Penh, and then
25 control us.

1 That is the first main reason. The second main reason is that if
2 Phnom Penh were to be liberated, the Lon Nol soldiers -- the
3 soldiers belonging to Son Ngoc Thanh and those who were already
4 vagabonds who only were the players, womanizers or heavy
5 drinkers, what shall be dealt with them? It will be difficult, so
6 that is the second reason.

7 And for the third reason, we -- as we were at the countryside, we
8 did not have abundance of food or materials. However, if we
9 compare our livelihood there with the people in -- living in
10 Phnom Penh, and there were about three million of them, we were
11 better because we lived in cooperatives, we helped one another.
12 Then we decided that we had to evacuate the residents in Phnom
13 Penh temporarily and then we would see what the situation unfold,
14 how the liberation in Vietnam was going and whether the America
15 still wanted to play -- to have a hand in this affair. So in
16 order to prevent the further loss of the lives of people, we
17 needed to evacuate the people to various provinces and
18 cooperatives so that they would have food to eat. And then,
19 during the meeting at the Zone Committees, we discussed how many
20 zones could take in the number of Phnom Penh residents to be
21 evacuated.

22 [10.33.55]

23 From my recollection, the Northwest Zone has rich salt and they
24 could afford to take more residents. I think 1.4 million people
25 were offered to be taken to the Northwest. The Southwest Zone

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1 also offered to take more people and, for those zones, we --
2 small piece of lands or the barren lands -- they only offered to
3 take limited amount of the Phnom Penh residents. People living in
4 Phnom Penh did not engage in hard labour. When they came, they
5 joined hands with the local residents to share food and to learn
6 from the cooperatives. In order to transform those who did not do
7 any hard works to be able to become a labourer, those newly
8 evacuated people, of course, could not do as much work as the
9 local people as they did not do that in the past.

10 [10.35.21]

11 So they were only tasked to do moderate work and the food ration
12 is also different. They could eat three times a day, in the
13 morning gruel, for lunch they would have cooked rice and in the
14 evening, they would also have cooked rice, and once per week they
15 would be offered a dessert. It could be implemented in a number
16 of cooperatives; however, there were still bad elements in some
17 of the cooperatives. They intended to destroy, the cooperatives.
18 For example they destroyed those -- the utensils, for example the
19 pots, the spoons, they destroyed them -- they threw them away at
20 the Tonle Sap. And as a result in some cooperatives, there were
21 shortages of those cutleries. I, myself, witness an event. One
22 day, around 4 a.m., I was on a car to Siem Reap. I saw flocks of
23 people and I asked: Where are you going this early morning? I was
24 told they went to transplant rice and I asked them why it was so
25 early. They said that was order from the superior, and I said:

1 No, this is not right.

2 [10.37.11]

3 However, if I went to a location or a base which was what inform
4 earlier, then they would allow me to see only wealthy, healthy
5 people, not the skinny ones. And they would make a presentation
6 that those healthy people were members of the co-operatives, and
7 in some locations when they knew that upper level went to visit,
8 then we were well entertained and provided with food. They would
9 have chicken and beef for us.

10 So there were like tricks and trickery employed in certain
11 cooperatives as there were some mixed elements and bad elements.

12 Of course, there were always good elements in the cooperatives.

13 [10.38.17]

14 We tried to manage the situation, as a number of cooperatives had
15 sufficient food to eat, while others did not due to those bad
16 elements and that was the real situation.

17 The Communist Party of Kampuchea was formed in the society where
18 it was chaotic. It was not a party established clearly from the
19 heaven. Therefore, we strived to educate ourselves, strived to
20 work, to consolidate amongst ourselves the new and the old
21 people, the 17 April People, for example, but we were still
22 destroyed by the bad elements. For example, we instructed to
23 screen good seedlings and seeds, but then the bad elements would
24 only put the bad and spoil seeds for transplantation. As a
25 result, crop cultivation is not to the higher production. This is

1 an example and that's what I saw while I inspected the base.

2 [10.41.11]

3 So the management administration is a complicated issue. It was
4 not that easy for us, at the time. And then we were accused that
5 the Democratic Kampuchea killed millions of people but, in fact,
6 who actually kills the people? The Communist Party of Kampuchea
7 is a patriotic party. They sacrifice everything for the nation
8 and the people so that the people would have sufficient food to
9 eat in order to build a society which is -- or which shall have
10 sufficient food that is not - meant plenty of food for the rich
11 -- but sufficient food for the poor who did not have sufficient
12 food in the past. But the internal disruption occurred, both
13 internal and external disruption, in particular in the East. Of
14 course, I don't blame everything on the Vietnamese. Not many --
15 not millions of Vietnamese in Cambodia but there were hundreds of
16 thousands of them in Cambodia, and after the Paris Agreement with
17 Vietnam, Nguyen Van Linh made a proposal through me to send the
18 Vietnamese people back to Vietnam so that they could joined in
19 the election.

20 But there were still Vietnamese living in Cambodia in their plans
21 to destroy the party; to destroy our independence, sovereignty
22 and integrity.

23 [10.42.38]

24 The situation that we suffered was also a result of the plans
25 implemented by the Vietnamese in order to destroy us. Their plan

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1 was not known widely either in the country or at the
2 international stage. Even China -- China even mistaken that
3 Vietnamese actually supported Kampuchea until the Secretary of
4 the Party went to explain to China and then they understood the
5 situation. That's all, Your Honour.

6 JUDGE CARTWRIGHT:

7 Yes, thank you, Nuon Chea.

8 President, I have no further questions but I do have some
9 documents I wish to place before the Chamber and perhaps that can
10 be done after the break.

11 [10.43.41]

12 MR. PRESIDENT:

13 Thank you.

14 It is now appropriate to take an adjournment, so the Chambers
15 would like to take a 20-minute recess, and we will come back at
16 five past eleven.

17 The security guards are instructed to bring the Accused to the
18 holding cell downstairs and bring them back to this courtroom by
19 five past eleven. Thank you.

20 [10.44.30]

21 (Judges exit courtroom)

22 (Court recesses from 1044H to 1107H)

23 (Judges enter courtroom)

24 MR. PRESIDENT:

25 Please be seated. The Chamber is now back in session.

35

1 Before the break, we noticed the observation by Judge Cartwright
2 for her intention to put some documents before the Chamber. You
3 may now proceed with that purpose.

4 JUDGE CARTWRIGHT:

5 Thank you, President. Just to remind the parties that in document
6 E141, documents or other sources referred to in the footnotes to
7 each paragraph read out are deemed to be put before the Chamber
8 and just to confirm, three "Revolutionary Flag" magazines to
9 which I referred during questioning earlier, are therefore
10 considered placed before the Chamber. They are: D243/2.1.1,
11 referred to in paragraph 21 of the Closing Order; "Revolutionary
12 Flag" magazine D243/2.1.9, referred to in paragraph 24 of the
13 Closing Order; and "Revolutionary Flag" magazine D243/2.1.12
14 referred to in paragraph 23 of the Closing Order. And in
15 addition, I wish to place before the Chamber the Statute of the
16 Communist Party of Kampuchea D366/7.1.187. Thank you, President.

17 (Short Pause)

18 [11.10.08]

19 MR. PRESIDENT:

20 Thank you, Judge Cartwright.

21 I would like to inquire the Bench of the – the Judges of the
22 Bench if you have any questions to put to the Accused. Judge
23 Lavergne, you may proceed.

24 QUESTIONING BY JUDGE LAVERGNE:

25 Thank you very much, Mr. President. Good morning, Mr. Nuon Chea.

1 Q. I'd like to clarify one of two things that you already talked
2 about this morning --

3 (No interpretation)

4 [11.10.59]

5 MR. PRESIDENT:

6 Judge Lavergne, could you please stop? There is no sound
7 interpretation for English channel.

8 (Short pause)

9 [11.11.42]

10 Judge Lavergne, could you please start your question again, since
11 there was no English translation then?

12 JUDGE LAVERGNE:

13 Thank you. Mr. Nuon Chea -

14 (No interpretation)

15 MR. PRESIDENT:

16 There is still no translation. Court officer, could you please
17 resolve this technical issue?

18 JUDGE LAVERGNE:

19 Is it better if I change microphone? No, I don't think so.

20 Is the English Channel coming through? Judge Lavergne is asking
21 if there is a problem in the English Booth.

22 [11.13.32]

23 THE FRENCH-ENGLISH INTERPRETER:

24 Can you hear the English channel, now? Thank you.

25 Mr. President, the problem seems to be solved.

1 MR. PRESIDENT:

2 Judge Lavergne, you may now restart again. Thank you.

3 BY JUDGE LAVERGNE:

4 Let us try once again. Is it coming through, now?

5 [11.14.11]

6 Q. Mr. Nuon Chea, on several occasions in the statements you have
7 made, you referred to a time called Prey Nokor. You talked about
8 the liberation of Prey Nokor. Can you tell us, please, if using
9 that name, you are referring to the city that is now called Ho
10 Chi Minh City, formerly Saigon?

11 MR. NUON CHEA:

12 A. Your Honour, previously it was called Prey Nokor which was
13 part of the Kampuchean territory. Later on, in the Vietnamese
14 name it was called Saigon and subsequently it was called Ho Chi
15 Minh.

16 [11.15.16]

17 Q. Mr. Nuon Chea, if you refer to this city as Prey Nokor rather
18 than Ho Chi Minh City, is this pure chance or is it the
19 reflection of some kind of intention?

20 A. I do not have any intention. That was what I called -- I use
21 both Prey Nokor or Ho Chi Minh and I actually use it according to
22 the era it was used. Previously, it was called Prey Nokor, later
23 on Saigon and now it is known Ho Chi Minh City. I did not have
24 any hidden agenda in that because the three names refer to the
25 same location of the city.

1 [11.16.18]

2 Q. At the start of this questioning session Mr. Nuon Chea, you
3 said that you had thought of joining the resistance because in
4 your youth, you were acquainted with the French Colonial Regime
5 and you saw how the French mistreated Cambodians by arresting
6 them, beating them and throwing them into jail. You also said
7 that you had seen how the rich behaved vis-à-vis the weaker in
8 society, treating them as slaves and beating them.

9 You also said that it was after you had seen these injustices as
10 a young man, you felt sympathy and compassion for the people who
11 were so badly treated and you felt a wish to fight oppression.

12 Can you just confirm to us that that is indeed what you did say?

13 Thank you.

14 [11.17.47]

15 A. Let me clarify. At that time I felt the sympathy but I did not
16 have the idea of joining the struggle in order to eliminate those
17 people. I was still very young at the time; I was about 13 or 14
18 years old. However, I did have the feeling of sympathy and
19 pitiness for those persons who were mistreated. Only at a later
20 stage when I went to study in Thailand, I read the magazines of
21 the Communist Party of Thailand about the classes and the
22 oppressions then I became better aware of the situation. So I did
23 not join the struggle when I was young, only later on, when I
24 know more about the situation and I analyzed the situation. Then
25 I did not think of my own interest, I think of the people's

1 interest. Thank you.

2 Q. Mr. Nuon Chea, when you use the word "compassion", should one
3 understand that it also has a religious connotation for you? Does
4 it refer, in some way, to the Buddhist religion?

5 A. That is correct. It is also related to the Buddhist religion,
6 which states that do not use the authority; we need to feel
7 compassion for the people. And I studied that well. I had the
8 compassion for the people as an individual, not from the point of
9 view of a revolutionist because I did not get to join the
10 revolution at the time.

11 [11.20.33]

12 Q. Mr. Nuon Chea, you also said: "Cambodians are Buddhist even if
13 they have joined the Communist Party, they kept a respect for
14 Buddhism and its principles."

15 Can you tell me what principles you were referring to? Would
16 those include the principle of rejecting all kinds of violence,
17 or a principle consisting in respect for human life?

18 A. My personal view is that the revolution is based on the
19 notions of materialism, as in Buddhism the idea of materialism is
20 also used.

21 [11.22.54]

22 So in the revolution, the notion of dialectical materialism is
23 similar to that in the Buddhist religion -- that is, people are
24 educated to feel compassion for one another, to help one another.
25 However, in revolution, in times of necessity when we are

40

1 invaded, then we shall resist. If we are confronted with arms,
2 then we shall respond accordingly. Even in religion, I also
3 noticed this approach. For example, in the conflict of the war on
4 the land and the water, they also used arms, though I could not
5 recollect well.

6 So in certain instances, they are the same, but in other
7 occasions, the Buddhist religion is more on the notion of
8 patience. But for the revolution, we restrain from exercising the
9 power of the authority or to be womanizers or heavy drinkers or
10 relying much on money. In Buddhism, the notion is quite similar
11 -- that is, try to restrain from exercising power, womanizing, or
12 heavy drinking or gambling. So, the two approaches could coexist,
13 based on my personal view.

14 [11:23:54]

15 Q. So according to you, Mr. Nuon Chea, a revolutionary in the
16 Communist Party of Kampuchea can take on board the principles of
17 Buddhism, and can that person have the same feelings of
18 compassion vis-à-vis all mistreated victims, all of those who
19 were victims of arbitrary arrest or detention? Treatment that
20 leads to the state of slavery and victims that undergo forms of
21 violence that are unjust?

22 A. It is not identical in every aspect. It is my view that the
23 revolution means to use the labour -- that is, physical labour as
24 well as the mental labour -- to build the country to make it
25 progressive.

1 [10.25.37]
2 Religion, on the other hand, relies on compassion and sympathy,
3 as I stated earlier. If there is no use of labour in the
4 revolution, in order to build the country and the forces, it
5 would not get the result. And also, similarly, in the Buddhism,
6 there is also a practice, to a certain extent -- for example,
7 meditation is also a form of self-rebuilding, so that our mind is
8 cleaned and pure. On the revolution, we had to get rid of
9 self-ego. In simple terms, it means self-ego -- so there is
10 always a self-ego, and in every self-ego -- then it means there
11 would be individualism, and if there is individualism it means
12 there would be privatism, and if there is privatism, there would
13 rise the conflicts. Therefore, in Buddhism, they tried to get rid
14 of selfishness. So, a similar approach is used. However, in other
15 instances, they are not similar. Where they are the same, then
16 they can be used exchangeably, and for those aspects which are
17 not the same, then we put it aside.

18 [11:27:52]

19 So the theories, both in the revolution and in Buddhism, are
20 sometimes the same and sometimes different. For the daily living,
21 in Buddhism, we relied on our intelligence, on our meditation;
22 and on the revolution, we tried to work hard and we tried to
23 focus on our work -- that is also a form of meditation -- and
24 when we used our intelligence to resolve the problems, we are in
25 a similar approach. This is my personal understanding.

1 Q. Final question on this subject, on the question of respect --
2 the principle of respect for life: With this principle, is the
3 approach the same one in religion and the Communist revolution?

4 A. Communism only eliminates those people who destroy the
5 country, who could not be educated.

6 [11.29.29]

7 I'll give you an example. The bad people would be reminded,
8 criticized -- self-criticized -- once, twice, thrice, and then
9 they would have to make a text on revolutionary life-view, and if
10 they can be reformed to build the country, that would be fine.
11 But if they cannot be reformed -- refashioned -- then they would
12 sacked from the party. The party had no authority to smash
13 anyone, but the party has the authority to demote or to sack
14 party members and they would be sent to the base authority to
15 make decisions, or to the Court to decide.

16 [10.30.34]

17 As I repeatedly say, the Communist Party of Kampuchea is not 100
18 percent pure because our party is not established in heaven, it
19 was formed in a corrupted society. Therefore, the establishment
20 of a party in such a situation cannot be that 100 percent pure.
21 Some people can be re-educated while others could not. So for
22 those who could be re-educated, they became good people, and
23 those who could not would be sacked and removed from the party
24 and sent to the local authority to engage in labour. That is all,
25 Your Honor.

1 And the allegation that people were killed or genocide was
2 committed is not real. There are only two types of war: that is,
3 the war of aggression and the war to defend the country. And who
4 conducted the war aggression, and who conducted the war of
5 defending the country? Foreigners, at that time -- were the
6 Vietnamese and the Americans that conducted the war of aggression
7 against Cambodia, and it was the Cambodian people who engaged in
8 the war to defend their country, their nation. But, of course in
9 each war, there will be various other aspects. There would be
10 propaganda war, for example, sabotage, and various other forms of
11 subcategories of war, with the purpose to intimidate the opponent
12 or to weaken the ability of the opponent.

13 [11.32.40]

14 Those who engaged in the war met the propaganda that even just a
15 nut and a bolt could be spotted from the plane above. That is a
16 type of psychological war, and if three or four people were
17 hiding under a tree, the heat from the body could be spotted by
18 the reconnaissance plane by America from above. This is a type of
19 war too, it's a psychological war. And when we talk about the war
20 of genocide or the mass killing, of course it's just a type of
21 war, but there are only two main categories of war: that is a war
22 of aggression and a war of defending someone's country. Then we
23 need to find out who actually participated in each categories of
24 this war. Then you will find the real cause of war.

25 [11.34.02]

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1 So this Court ought not waste its time. It's easier to find the
2 reasons of those who engage in these two types of war. Are they
3 all Cambodians? Cambodia is a small country with a limited number
4 of population, with limited resources, and Cambodian people are
5 poor. America dropped more than 220 days of bombs, destroying
6 every aspect of Cambodian society. The Vietnamese invaded
7 Cambodia -- 500,000 of them --

8 Q. Mr. Nuon Chea, I must interrupt you. I think it would be very
9 important to answer the question that was asked, and answer only
10 to the question that was asked. We will return to some of the
11 matters that you have raised, but I'd wish for you to address the
12 questions that were asked.

13 [11.35.07]

14 Now, the question that was just previously put to you, Mr. Nuon
15 Chea -- would you please allow me to finish? Now the question was
16 put to you, Sir -- and you raised yourself the idea that there
17 was an intention to eliminate bad elements. Therefore, was the
18 war it served -- did the war serve to eradicate those bad
19 elements? When was the political line of eliminating bad elements
20 decided upon? Or when did you become convinced that such a
21 political line were to be implemented? Did the idea originate
22 during your stay in Thailand, during your interactions with the
23 Communist Party of Thailand, or did the idea develop slowly over
24 time? And I would ask for you to answer only that question.

25 A: The revolution is to build the forces, not to smash the

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1 forces, except in the circumstances where those people, after
2 re-education and rebuilding on several occasions, could not be
3 re-educated or transformed, and those were the vicious people --
4 cruel people who could not be re-educated.

5 [11.37.00]

6 For example, when it comes to spying or calling the B-52 bomber
7 to bombard the villages and kill many villagers -- for example,
8 in the west part of Kampong Cham, people was holding a ceremony.
9 Then a Khmer spy, who was a network of those groups in America,
10 called upon the bomber, and bombs were dropped, and half a
11 village was destroyed and many villagers were killed.

12 Is that the right approach? You can consider, Your Honour.

13 Q. Very well. According to you, all of the bad elements who were
14 eliminated during the revolution were spies or were people who
15 simply could not be re-educated.

16 A. This is the case. But the re-education was not conducted only
17 once. There were many times of re-education. Those people would
18 be re-educated again and again, because the revolution needs to
19 keep human resources as a big capital.

20 [11.38.46]

21 We need to keep human resources in order to defend the country.

22 It was much better than killing those people, unless -- like what
23 I have said -- there was exceptional cases.

24 Q. I'll repeat my question one last time: When did that political
25 line become implemented? When did you decide that you would put

1 into effect such a political line? Was it when you joined the
2 Communist Party of Thailand? Was it when you returned to
3 Cambodia? Did it happen later on? Did it happen before or after
4 the fall of Phnom Penh?

5 A. I did not do anything when I was a member of the Communist
6 Party of Thailand, because I was not a cadre. I was not in the
7 circle yet. That issue happened when the war in Vietnam became
8 widespread. When Vietnam began their armed struggle in 1960. It
9 was also the time when the American's began to drop bombs in
10 Cambodian soil in 1967.

11 [11.40.39]

12 So the damage and the anger of the people pushed the birth of
13 this nationalist spirit. How could we remain silenced when our
14 enemy attacks us? When tons of bombs were dropped from above? And
15 when the Vietnamese invaded Cambodia in -- on the 7th of January
16 1979, when people were evacuated from Prey Veng to Neak Loeng,
17 Vietnamese tanks ran over Cambodians, lots of Cambodians.

18 The plane bombardment was one thing, but for the Vietnamese, they
19 even came into the forest to continue killing those people who
20 struggled. (Inaudible) that dead body, swollen dead bodies of
21 women were seen, and the cause was that the Vietnamese troops
22 went into the forest, deep into the forest and continued to kill
23 those people. Americans only bombed from above. They did not go
24 into that far.

25 [11.42.43]

1 Q. Mr. Nuon Chea, this morning you explained to us that, for
2 time, the Communist Party of Kampuchea had not reached the stage
3 of armed conflict but that it was at a stage of political
4 conflict. Can you please explain to us the difference between
5 political conflict and revolutionary armed conflict? And I would
6 like to know if in political struggle or political conflict,
7 whether or not any form of violence is used.

8 A. As I remember, I did not deny that there was armed struggle.
9 The overall picture of struggle in Cambodia was the political,
10 economic, cultural and social struggle. And if necessary, there
11 had to be a combination between armed struggle and political
12 struggle with the political struggle as the basic principle.
13 The armed struggle was implemented only to defend the base
14 forces. So, I do not deny that there was an armed struggle, but
15 armed struggle was not the basic principle that we adopted. It
16 was the political struggle that we chose as our principle. We did
17 analysis among the army; we devised a plan in order to decide who
18 would be part of the army. And at that time, I thought what we
19 need to do next after we won over this war. What if there were
20 people who would steal things or belongings from the people, who
21 would rape the villages? What would we do in order to address
22 this issue?

23 [11.45.41]

24 So armed struggle was very important, but we could not abandon
25 the political struggle.

1 The political struggle was even more important than the armed
2 struggle because that served the people, and the people were more
3 satisfied for the political struggles than that of the armed
4 conflict or struggle.

5 Q. Mr. Nuon Chea, what is the relationship that you draw between
6 the political struggle and the lifespan of a revolutionary
7 movement within a society that has institutions, that has
8 elections? When you refer to political struggle, are you
9 referring to a struggle within state institutions within a
10 democracy? Or is this – or are you referring to something
11 entirely different?

12 [11.47.03]

13 A. As I listened to your question, I could not grasp all of it.
14 But, as I said, this political struggle was the basis for the
15 armed struggle. The armed struggle was only supplementary because
16 the political struggle was to make the people aware of
17 nationalism. But if they are not aware of nationalism, they would
18 be considered -- they would be like robbers because they got the
19 weapons.

20 I would like to raise an example. The Sangathan Movement was
21 considered as a nationalist movement, but it was dependent on
22 foreigners. How could we consider that as a nationalist movement
23 -- when there was struggle, there was difficulties, they went
24 abroad. When the situation became better, they came back. For
25 that reason the political struggle was the big struggle and

1 political struggle included many pictures that include the
2 demonstrations, riots, protests. This may also include the
3 associations of collective work of helping hands among farmers.
4 This was the political struggle. And they kept building into
5 bigger struggle from lower peasants to upper peasants.

6 So I reiterate: the political struggle was the basis, was the
7 fundament for armed struggle.

8 [11.49.57]

9 Armed struggle was only the actions. The political struggle was
10 conducted in terms of the mind of the people. It was very
11 important. If we lose in a battle, it is usual for war, but if we
12 lose spiritually, it was that the problem.

13 Q. Mr. Nuon Chea, over the course of your political involvement
14 in the Communist Party, were you aware -- or you talked about
15 parliamentary notions in the development of socialism. And in
16 1956, following the death of Stalin, it was said that an armed
17 insurrection civil war was not necessary but that socialism could
18 be achieved through using the parliamentary path, using
19 institutions through elections.

20 Is this something that you heard about? Was this something that
21 you had considered?

22 A. I never heard of that. I only understand the national and
23 democratic revolutions, and in Cambodia, we conducted -- we did
24 not yet achieve the national and democratic revolutions. So how
25 we could move onto the social revolution? How could we move onto

1 communism? How many countries in this world achieved communism?

2 None.

3 [11.52.27]

4 Cambodia, at that time, only achieved part of the national and
5 democratic revolutions and there were more to do in order to
6 achieve that goal. So we did not yet move on to socialism.

7 Q. Mr. Nuon Chea, what was the link between the Khmer Workers
8 Party and Pracheachon Political Group? I hope that I have
9 pronounced the name correctly. Can you please tell us whether or
10 not there was any -- there were any links between the underground
11 political movement to which you were a member and the Pracheachon
12 Political Group, which was an open group?

13 [11.53.48]

14 A. They were the same issue. The Pracheachon Group was part of
15 the People's Revolutionary Party in which there were some members
16 connected to their activities openly that included the publish --
17 the publication of newspapers and books was to be candidates for
18 elections. This group of people were not connected to the secret
19 party which was to build human resources.

20 The Pracheachon Group was a group, but not a party. And as I
21 remember, there were only a small number of people who were
22 members of that group, that included Non Suon, Keo Meas, Nop
23 Bophann, who was a manager of the newspaper and who was shot
24 dead. These people did different activities from those connected
25 by the secret party. The secret party was the leader. This is my

1 answer to your question, Your Honour.

2 [11.55.36]

3 Q. Where those activities different or complimentary to or from
4 one another?

5 A. Those were different activities. One -- there was an open
6 communication between the people group with the government. And
7 as for the party, the activities were secret. Most of them were
8 communication with the poor peasants and farmers. The Pracheachon
9 Group was more of the front. They contacted -- they made
10 communication -- conducted communication with the government.
11 They published newspapers, books.

12 They were like the nationalist movement. For this Pracheachon
13 Group, they had secret communication with the government while
14 the party -- while the secret party did not have any
15 communication with the government. That is my answer, Your
16 Honour.

17 [11.57.19]

18 Q. Aside from the Pracheachon Group, there was also a group of,
19 what we can refer to as, progressive intellectuals including Hou
20 Youn, Hu Nim, as well as Mr. Khieu Samphan. Can you please tell
21 us if there were any links between the clandestine Communist
22 movement of Kampuchea and that particular group of progressive
23 intellectuals?

24 A. Your Honour, as I remember, Pol Pot called me one time that I
25 had not have to -- did not have to contacted these people because

1 I was not knowledgeable about the international relations.
2 So, what I had to do was to concentrate on education aspects,
3 that is to build the country -- to build the party. This is what
4 Pol Pot told me. I thought to myself, I was happy, I was not a
5 progressive intellectual, but others were, people who came from
6 France and other countries. This is what Pol Pot told me because
7 I did not speak the intellectual language.

8 [11.59.29]

9 Q. Now, I understand that Pol Pot told you that you,
10 individually, were not to have any contact with those
11 intellectuals. However, my question is as follows: To your
12 knowledge, did the underground communist movement have any links
13 with that group of progressive intellectuals, be it through Pol
14 Pot or anyone else?

15 A. No, there was not, but for those intellectuals coming from
16 France, for example, may have connection that included Pol Pot,
17 Ieng Sary, and others who came from France. For me, I did not
18 come from France. I am here, in Cambodia, and I only communicated
19 with the peasants, I did not communicate with intellectuals.

20 Q. Can you please tell us when you met your two fellow co-accused
21 for the very first time? When did you meet Mr. Ieng Sary for the
22 very first time? And when did you meet Mr. Khieu Samphan for the
23 very first time?

24 A. As I remember, it was when -- it was after the liberation. I
25 rarely met with Khieu Samphan -- I never met with Khieu Samphan.

1 Only occasionally does he met, but he never talked.

2 [12.01.52]

3 Q. And Mr. Ieng Sary, when did you meet him?

4 A. I met with Mr. Ieng Sary because we were in the Central
5 Committee - rather, the Standing Committee [interpreter corrects]
6 together.

7 Q. Was it during the 1950s, during the 1960s; when was the
8 precise moment that you met them?

9 A. It was after the Geneva Accord. It was when I met--

10 JUDGE LAVERGNE:

11 I believe that it is perhaps time to take a break. Mr. President,
12 I defer to you.

13 MR. PRESIDENT:

14 Thank you, Judge Lavergne, and thank you, Mr. Nuon Chea.

15 Before we take a lunch break, we'd like to know whether, Mr. Nuon
16 Chea, you are able to continue in the afternoon session and for
17 how many hours?

18 MR. NUON CHEA:

19 I'm getting weak, Mr. President, but I will try my best, and I
20 would be happy to answer all the questions today, but I request
21 that the question be asked in short forms with the questions--

22 MR. PRESIDENT:

23 Thank you. Then -- so you are confirming that you can continue in
24 the afternoon session?

25 Counsels, just go ahead.

1 [12.04.25]

2 MR. PESTMAN:

3 I would like to consult my clients and also the medical expert,
4 the doctor who will examine my client during the interval, and
5 maybe we can decide at the beginning of the next session on the
6 basis of the information we get from the doctor as well whether
7 he can continue answering questions.

8 [12.04.48]

9 MR. PRESIDENT:

10 Before the break, the Chamber likes to inform the doctors who are
11 on standby at this Court to conduct a medical assessment to all
12 Accused, particularly the accused Nuon Chea, and report back to
13 the Chamber his health status by 1.30.

14 And it is now time for us to take the lunch break.

15 The Chamber is now adjourned for lunch and will be back at 1.30
16 this afternoon.

17 Detention personnel are instructed to bring the Accused back to
18 the holding cells downstairs and return them to the courtroom by
19 1.30.

20 The Court is now adjourned.

21 (Judges exit courtroom)

22 (Court recesses from 1206H to 1334H)

23 (Judges enter courtroom)

24 MR. PRESIDENT:

25 Please be seated. The Chamber is now back in session.

55

1 [13.35.04]

2 Before the lunch break, the doctor was instructed to examine the
3 health of Mr. Nuon Chea, and the assessment of the doctor is that
4 there is no change in his condition, so that he can continue his
5 attendance to answer the questions by the Chamber.

6 Mr. Nuon Chea, you may proceed.

7 MR. NUON CHEA:

8 I do not have the strength to continue, and I'd like to ask for
9 the adjournment. And I can continue tomorrow morning. I feel
10 exhausted.

11 MR. PRESIDENT:

12 As the Accused expressed his status and proposal to the Chamber,
13 the Chamber grants his permission so that he can be questioned
14 tomorrow.

15 Let me now move on to the next Accused, that is Mr. Ieng Sary.

16 Security guards, you are instructed to bring Mr. Ieng Sary to the
17 dock.

18 (The accused Ieng Sary is taken to the dock)

19 [13.39.06]

20 Good afternoon, Mr. Ieng Sary.

21 QUESTIONING BY THE PRESIDENT:

22 Q. Is your name Ieng Sary?

23 MR. IENG SARY:

24 A. Yes.

25 Q. Besides the name Ieng Sary, do you have any other names?

1 A. Van.

2 Q. Besides Van, do you have any other name; for example, Kim
3 Trang?

4 A. I was born in Kampuchea Krom and my birth name is Kim Trang.

5 Q. Thank you. What is your date of birth?

6 A. 24 October 1924 -- '25, rather.

7 Q. Thank you. And your place of birth, as you said, in Kampuchea
8 Krom, in which village, commune or district?

9 A. In Va district (sic), in Tra Vinh district, Tra Vinh province.

10 Q. Where was your residence before the arrest?

11 A. It was behind the Russian Embassy, adjacent to Svay Popey
12 pagoda. I cannot recall the house number.

13 [13:41:09]]

14 Q. During the investigation, first by the Co-Investigating
15 Judges, you provided them with information that you were at house
16 37B, Mondol Buon, Sangkat Tonle Basak, Khan Chamkar Mon; is that
17 correct?

18 A. That's the house -- that house belongs to my children and I
19 resided with them.

20 Q. What is your father's name?

21 A. Kim Riem.

22 Q. What is your mother's name?

23 A. Tram Thi Loi.

24 [13.42.06]

25 Q. What is your wife's name?

1 A. Thirith.

2 Q. How many children do you have?

3 A. Three daughters and one son.

4 Q. How many siblings do you have and what were your position
5 among your siblings?

6 A. I have one older brother, one older sister and I was the last
7 child in the family.

8 Q. Mr. Ieng Sary, can you provide us briefly with your
9 educational background starting from your youth until you came to
10 work for the Democratic Kampuchea regime?

11 [13.43.05]

12 MR. KARNAVAS:

13 Excuse me, Mr. President, Your Honours. Back on 24 October 2011,
14 we filed a notice with a waiver by Mr. Ieng Sary where he had
15 indicated that he does not intend to answer any questions.

16 While it's perfectly okay to ask him who he is and how old he is
17 and who his mother, and father, and children are, at this point
18 in time I believe Mr. Ieng Sary wishes to read a statement which
19 we prepared for him, given that we anticipated that the Trial
20 Chamber would attempt to question Ieng Sary despite his
21 unequivocal announcement that he intended to exercise his
22 constitutional right to remain silent.

23 And at this point in this, I would ask you to allow Mr. Ieng Sary
24 to read the statement that was prepared for him for the record
25 and, thereafter, that he never again be called to the stand

1 unless he so wishes to answer any further questions. Thank you.

2 [13.44.18]

3 MR. PRESIDENT:

4 Thank you for explaining that to the Chamber.

5 The Accused has the right to not respond to any question. We are
6 wanting to know the educational background of the Accused, which
7 is a general question in regards to the identification of each
8 Accused. It has nothing to do with the confessions.

9 MR. IENG SARY:

10 Mr. President, I can respond to some of your questions, and when
11 I can't, I'd like to read my statement.

12 MR. PRESIDENT:

13 Before you read your statement, let me proceed with a formality
14 before the Chamber and after we finish with the formality and the
15 procedural before the Chamber, you can proceed.

16 [13.45.45]

17 And Mr. Ieng Sary, as an accused before this Chamber from this
18 day onward and during the subsequent trials until the conclusion
19 of the hearing in Case 002, you have the following rights: to be
20 defended by a lawyer of your choice or as appointed during every
21 stage of the proceedings. The Chamber has noted that since the
22 investigation phase until today, you have two Defence lawyers;
23 one national and one international.

24 During each stage of the proceedings before the Chamber, you have
25 the right to remain silent. You have the right not to

1 self-incriminate. You have the right to be informed of the
2 charges against you.

3 BY THE PRESIDENT:

4 Q. The question that I asked you is that had you been notified of
5 the charges against you.

6 MR. IENG SARY:

7 A. Yes, I have.

8 Q. Thank you. Mr. Ieng Sary, are you exercising your right to
9 remain silent on the questions that will be put to you by the
10 Chamber or by other parties?

11 A. I'd like to read my statement. Mr. President, Your Honours,
12 I'd like to use my right to remain silent, not to respond to any
13 questions at this time. This right is mentioned in Internal Rule
14 36 and -- in Article 36 and 38 of the Constitution of the Kingdom
15 of Cambodia, and I am exercising this right during the entire
16 trial proceeding, and I do not intend to respond to any question.

17 MR. PRESIDENT:

18 Thank you, Mr. President, for expressing your clear status
19 regarding this right.

20 Judge Lavergne, you may proceed.

21 JUDGE LAVERGNE:

22 Thank you, Mr. President.

23 [13.49.00]

24 For the sake of clarity, at the start of these hearings, we read
25 out the relevant parts of the Closing Order concerning the

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1 historical background and a certain number of paragraphs about
2 the role of the Accused -- or roles.

3 I would like to know if Mr. Ieng Sary not only refuses to answer
4 all of the questions, but if he also refuses to provide any
5 explanation or comment whatsoever in relation to the paragraphs
6 that were read out to him.

7 MR. KARNAVAS:

8 Before Mr. Ieng Sary answers that question, I don't know whether
9 something was lost in translation, but I heard the word "refuse."
10 He is exercising his constitutional right to remain silent
11 whether that is a refusal or not, it matters little; what matters
12 is he's exercising his full constitutional right not to answer
13 any questions at any phase during this trial or any other trial
14 that's contained within the Closing Order.

15 [13.50.30]

16 We've noted this already to the Trial Chamber before in writing;
17 he has now expressed it and I would respectfully request that he
18 not answer that question or any other question because he's
19 already indicated that he does not wish to answer any questions
20 and that he's exercising his full constitutional right as he's
21 entitled to. Thank you.

22 JUDGE LAVERGNE:

23 Just to be clear, it is not being contested that Mr. Ieng Sary
24 might refuse to answer any question, but it needs to be clear at
25 this juncture, here and now, that the possibility has been

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1 granted to the Accused to react and make comments upon the
2 reading of the relevant parts of the Closing Order. And as I
3 understand it, he has not any intention of making any comment on
4 that. That's all I wish to know.

5 Perhaps Mr. Ieng Sary can answer on his own.

6 [13.51.47]

7 MR. IENG SARY:

8 Mr. President, Your Honours, I do not have an intention to answer
9 any question as I just read out in my statement.

10 MR. PRESIDENT:

11 As the Accused expressly waived his right to answer any questions
12 that may be put by the Judges and the Parties, security guards,
13 you are instructed to bring the Accused back to his seat behind
14 his lawyers.

15 (The accused Ieng Sary leaves the dock)

16 [13:53:19]

17 MR. VERCKEN:

18 Mr. President, I would like to take advantage of this brief
19 pause, since we are probably moving on to Mr. Khieu Samphan's
20 case in one second.

21 In order to clarify things on the issues that have already been
22 raised, unless there is any change in his views, in which case he
23 will tell you, his position is as follows.

24 As Judge Lavergne said just now, he intends to react to and
25 comment upon the paragraphs of the Closing Order that were read

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1 out in this Chamber as belonging to the first part of this trial.
2 On the other hand, as regards the questions that could be put to
3 him he intends to use his right to be silent for the moment,
4 pending presentation by the prosecution of proofs for those parts
5 of the trial that concern us for the moment.

6 So, for the moment, he will be reacting only to those parts of
7 the Closing Order that concern this part of the case. Thank you.

8 [13.54.50]

9 MR. PRESIDENT:

10 Security Guards, you are instructed to bring Mr. Khieu Samphan to
11 the dock.

12 (The accused Khieu Samphan is taken to the dock)

13 [13.55.50]

14 Mr. Khieu Samphan, you can sit.

15 The Chamber would like to ask some questions regarding your
16 identification and then you will be informed of your rights and
17 the charges against you; before you then wish to exercise your
18 rights to remain silent.

19 QUESTIONING BY THE PRESIDENT:

20 Q. Is your name Khieu Samphan?

21 MR. KHIEU SAMPHAN:

22 A. My official name as in the birth certificate is Khieu Samphan.

23 Q. Besides Khieu Samphan, do you have any other alias?

24 A. Yes, I have one alias, Haem. I do not have any other alias.

25 I would also like to take this opportunity to inform the Chamber

1 and Mr. President that I have no other names besides the alias
2 Haem; not as mentioned by Duch. Duch himself also acknowledged
3 that he never met me during the three-year period of the
4 Democratic Kampuchea regime. So let me once again clarify that I
5 do not have any other alias.

6 Q. What about the name Nan? Is also Nan your alias?

7 A. Nan was used when I was in the Southwest. When I moved to
8 Steung Chinit some of those families with me in the Southwest
9 still call me Nan. But in Steung Chinit I am generally referred
10 to as Haem, and that alias was used subsequently -- that is,
11 after 1975. And Nan was only used again, as I said, in the
12 Southwest.

13 [13.58.25]

14 Q. What is your date of birth?

15 A. The 27 of July 1931.

16 Q. What is your place of birth?

17 A. In Rumchek, Srok Rumduol, Svay Rieng province.

18 Q. Is that Chek commune or Rumchek commune?

19 A. It was Chek commune. I'm not sure if the official name is
20 Rumchek, but from my recollection, it was called Chek commune.

21 Q. What is your residence before your arrest?

22 A. The place that I stay was called Ou Tavau but I am not sure of
23 the official name. The official name could be different but the
24 location that I know is called Ou Tavau.

25 Q. What is your father's name?

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1 A. Long.

2 Q. Your mother's name?

3 A. (Microphone not activated).

4 Q. Please wait for the red light on before you respond.

5 A. Pau Kong is my mother's name.

6 [14.00.08]

7 Q. So it's Pau Kong, not Ly Kong; because, during the
8 investigation phase, your mother's name was known as Ly Kong.

9 What is the difference?

10 A. (Microphone not activated).

11 Q. Mr. Khieu Samphan, you need to wait for the red light on
12 before you speak into the microphone.

13 A. The surname could be Ly, because my uncle's name is Ly Va, so
14 my mother's surname could be Ly. But from my recollection, her
15 surname is Pau.

16 Q. Do you have a wife? And if so, what is her name?

17 A. Her name is So Socheat.

18 Q. How many children do you have?

19 A. I have four children. The eldest one is a son, the next one is
20 a daughter, then another daughter, and last a son; four in total.

21 Q. How many siblings do you have?

22 A. My mother actually had 12 children, however, many died and
23 then I became the eldest. Currently I have four siblings; myself,
24 then my younger sister, then two brothers.

25 Q. So it means you have three -- you have two brothers and one

1 sister and you are the eldest?

2 Mr. Khieu Samphan, can you provide us a brief summary of your
3 educational background?

4 A. As my lawyer just stated, I have a request for the Chamber.

5 Q. Can you respond to my question whether you can or you can't,
6 then we can proceed with the formality?

7 My last question, let me repeat, is whether you can describe
8 about your educational background to the Chamber. Yes or no?

9 [14.03.34]

10 A. Mr. President, of course, yes.

11 Q. If so, you can proceed.

12 A. I started in my primary school in Kampong Cham province. Then
13 I attended the junior high school in Preah Sihanouk High School,
14 in Kampong Cham province. Then, I moved to Phnom Penh following
15 my graduation of junior high school in Kampong Cham. Then, I
16 moved to Sisowath to attend the junior - the senior high school.
17 I finished my senior high school in 1951, but I had to work at
18 the same time after I finished my high school in order to support
19 my mother and my brothers and sisters for two years, until 1953,
20 when I left for France.

21 But when I was in Phnom Penh, I also studied law in Phnom Penh as
22 well, when I was working as a teacher in Phnom Penh. And I left
23 for France in 1953, and I graduated after 1958, and I returned to
24 Cambodia. That was all, Mr. President.

25 [14.05.20]

1 Q. You went to France. What was the subject of your study from
2 1953 to 1958?

3 A. In France, I pursued my law degree, but actually I went to
4 Montpellier <to do that. I returned> to Paris <three years
5 later>.

6 Mr. President, actually, there was a series of events and stories
7 which I could elaborate in details in accordance with the
8 paragraph extracted from the Closing Order which you read out on
9 <5 December.>

10 Q. Well, of course, we will allow you to read your prepared
11 statement.

12 [14.06.16]

13 MR. PRESIDENT:

14 Mr. Khieu Samphan, you are the Accused before this Trial Chamber
15 and you remain the Accused until the conclusion of these
16 proceedings and you have the following rights:

17 First, you have the right to a lawyer of your own choosing and
18 you are entitled to have lawyers at every stage of the
19 proceedings, and it has been noted that from the early stage of
20 the proceeding to date, even in the investigating phase, you had
21 two international lawyers and one national lawyer, and during
22 this hearing you have an additional lawyer, so now you have three
23 international lawyers and one national lawyer.

24 [14.07.12]

25 During each proceedings before this Trial, you have the right to

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1 remain silent. You have the right not to self incriminate and you
2 have the right to be inform of the charges against you.

3 Mr. Khieu Samphan, have you been inform of the charges against
4 you?

5 MR. KHIEU SAMPHAN:

6 Yes, I have.

7 MR. PRESIDENT:

8 Thank you.

9 Now, do you wish to exercise your right to remain silent or you
10 would respond to the question by the Chamber as well as by the
11 parties throughout the proceedings now?

12 [14.08.09]

13 MR. KHIEU SAMPHAN:

14 I have one suggestion, Mr. President.

15 I would like to comment on the various paragraphs in the Closing
16 Order which were read out on the 5th of December. But I
17 understand fully that this is my trial and the prosecution has
18 their own views relating to those paragraphs and particularly
19 their understanding of the contextual elements relating to the
20 Closing Order, and I strongly oppose against their view. And, as
21 a matter of fact, the prosecution must prove the evidence beyond
22 reasonable doubt.

23 [14.09.18]

24 That's why I am suggesting, with your permission, with the Bench
25 permission -- I would like to inform the Bench of the -- of my

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1 own view, particularly on the context, historical context, and I
2 would respond to question only when I could examine the evidence
3 presented by the prosecution in order to support their assertion.
4 Would Your Honours allowed me to proceed in this manner? Thank
5 you.

6 [14.10.09]

7 MR. PRESIDENT:

8 Can you please be specific? Because the question will be put by
9 the member of the Bench, and of course Judges on the Bench would
10 put question to you on facts alleged in the Closing Order, and
11 then other parties, including the prosecution, the civil party
12 Lead Co-Lawyers and the Defence teams of other Accused, as well
13 as your own counsels, to put questions in accordance with their
14 role in these proceedings.

15 And your suggestion just now was not quite clear to the Bench. We
16 would like to know whether or not you want to exercise your right
17 to remain silent and you would only respond to the question only
18 when you can examine the evidence put forth by the prosecution,
19 or you want to remains -- exercise your right to remain silent at
20 all stage and you would not respond to the Bench question or to
21 other parties' question, or you wish to respond only when the
22 evidence is put by the prosecutor, since the prosecutor bears the
23 onus of proof before the Chamber.

24 So we would like you to clarify your position on this point so
25 that it is clear for the record. We want to do our utmost to

1 avoid any doubt that may eventually result in the repetitious
2 proceedings, and it may lead to prolonging the proceedings as
3 well.

4 [14.12.48]

5 MR. KHIEU SAMPHAN:

6 Mr. President, Your Honours, I would like to make comments in
7 relating to the various paragraphs read out by the Chamber on
8 Monday the 5th of December, but I would like to reserve my right
9 not to answer any question asked for now -- the question from any
10 parties -- because I have to wait until the prosecution brings
11 forth the evidence supporting their views because I think that
12 the views is contradicting with mine.

13 So this is my suggestion, Mr. President, and I would like to read
14 my statement I have already prepared, and this statement is only
15 my personal comments on the various paragraphs read out on the
16 5th of December.

17 But once again, for now, I reserve my right not to respond to any
18 questions yet because what is important is the prosecutors' roles
19 because the prosecutor will have to provide all the evidence and
20 I would respond to the evidence that they present before the
21 Chamber, and if I try to answer a question now, whatever question
22 it is, I believe that it will -- it will relate to the point
23 raised by the prosecutor.

24 [14.14.52]

25 So I would like to ask for your permission to wait until the

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1 prosecutors put forth the evidence, then I would respond
2 accordingly.

3 I would like to ask if the President would allow me to go through
4 this.

5 (Short pause)

6 [14.16.09]

7 MR. PRESIDENT:

8 So now you are exercising your rights not to respond to our
9 question now, but you want to make your statement responding to
10 the various paragraphs read out by the greffiers on Monday the
11 5th of December 2011; is that your suggestion? If so, your
12 request is granted. You may now proceed.

13 [14.16.49]

14 MR. KHIEU SAMPHAN:

15 Thank you, Mr. President. Thank you, Your Honours.

16 Mr. President, honourable members of the Bench, venerable monks,
17 national compatriots, everyone in and around the courtroom, first
18 of all, I would like to reiterate that I do not have an alias
19 known as Khang as indicated in paragraphs 1126 and 1598 of the
20 Closing Order.

21 The Co-Investigating Judges base their assumption on the
22 assertion of Duch, even if Duch has already admitted he had never
23 met me at all throughout the period of the Democratic Kampuchea
24 over three years period.

25 And I would like to make this clarification so that it is clear

1 to everyone, and I am going to enlighten based on my views on the
2 various paragraphs in the Closing Order which were read out by
3 the greffier on the 5th of December.

4 [14.18.47]

5 One, my activities while staying in France: paragraph 1126 and
6 paragraph 1159 of the Closing Order.

7 I finished senior high school in 1951, but immediately after I
8 finished my high school I had to work in order to save some money
9 to support my wife and my siblings. Back then, I worked as a
10 teacher in a technical junior high school and, at the same time,
11 I took a law course as well; and until 1953, I left for Paris

12 [14.20.07]

13 I did not meet Saloth Sar, who was better known as Pol Pot,
14 because by the time I arrived in Paris Saloth Sar had returned to
15 Cambodia already and I met only Ieng Sary back then.

16 I stayed in Paris for about two or three months, then a friend of
17 mine who I acquainted with when I was studying in Sisowath high
18 school, named Ok Sakun, he approached me and he persuaded me to
19 join the Circle of Marxists, and I responded to him that I wanted
20 independence for my country but I did not understand anything
21 about Marxists or communism.

22 Then he responded, well, that was right, that's why the Circle of
23 Marxists want to broaden our outlook and our perspective so that
24 we could find ways in order to liberate our country and finally
25 achieve independence.

1 He lured me again and again, and I did not want him to see me as
2 a coward, so I eventually accepted <it>. But I, at that time,
3 observed the overall situation in Paris. It was politically
4 motivated so I had to <keep my> distance <in order to examine,
5 observe> and consider <it>.

6 And I decided to go to Montpellier, which was in the southern
7 part of France, on the excuse that when -- the weather in the
8 Southern France was favourable to me, and I like that weather, so
9 I went there.

10 [14.22.41]

11 When I was studying in that city, I <continued my> law <study>
12 and I also <> registered for business class as well.

13 During a summer break, I came to Paris. I attended a meeting
14 organized by the Circle of Marxists, then they <organized a
15 camping> excursion <for> students and members of the Marxists
16 <Circle>. We <camped> along the beach.

17 [14.23.32]

18 By joining this excursion, I could <keep my distance from the
19 Circle and> understand as to what the Circle of Marxists actually
20 did, and three years afterwards, I came to Paris to prepare my
21 dissertation on economics.

22 At that time, I had to attend the regular meeting of the Circle
23 of Marxists.

24 But the historical context back then changed very swiftly because
25 the Geneva Conference recognized Cambodia's independence, so it

1 was not like the <era of Salot Sa, Yun Soeun, and Rath Samoeun.>
2 At that time, <they> were trying to join the resistance forces
3 against the French <colonialism>. At that time, they emphasized
4 on <> patriotism, but when I came to Paris <>, they <emphasized>
5 on patriotism and in order to protect Cambodia's independence.
6 But the Circle of Marxists <continued> to push its member to join
7 the <French Communist Party>.

8 [14.25.33]

9 Before I returned to Cambodia -- before returning to Cambodia,
10 Ieng Sary handed over the role to me and I believe that probably
11 at that time there was no other choice for him.
12 Those who were strong believers and active, such as Ok Sakun and
13 Son Sen, all returned to Cambodia.
14 Other senior members -- like In Sokhan graduated from his medical
15 college in Reims city. And, in addition, he was an outgoing
16 person and he had a lot of girlfriends there and he enjoyed
17 French dancing back then, so there was nobody to take over, so
18 there was only me, myself at that <time>, and I agreed to accept
19 it because I thought to myself that I <could> do something
20 <useful> in this circle; that is to spur the national <patriotism
21 among students who were members of the Circle.>

22 [14.27.02]

23 Back then, I thought that Prince Norodom <Sihanouk> was very firm
24 with his neutralism <as he dared reject the unilateral
25 declaration by the SEATO which was the Southeast Asia Treaty

1 Organization to include Cambodia under its defence. Instead> he
2 initiated a very courageous diplomatic mission by establishing
3 contacts with <the> socialist <bloc>. So I thought that probably
4 he could undertake the economic reforms in the country towards an
5 independent economy as what they have done in other countries,
6 namely, in Japan, but it was on a smaller scale in Cambodia.

7 [14.28.22]

8 That's why I chose the title of my dissertation as "The
9 Challenges of Industrializations in Cambodia" because I was
10 convinced that once we take appropriate measures, the national
11 capitals can be expanded.

12 So the main problem question in my dissertation was that why the
13 - then, the economic structure did not allow for economic
14 development in Cambodia? The answer to that problem question was
15 the industrial commodities from France competed with the
16 handicraft in Cambodia and small and -- productions in Cambodia.
17 And, consequently, businesses or production-based in Cambodia is
18 squeezed and we could not compete. And, as a result, Cambodia
19 live on the subsistence agricultural economy.

20 And I thought that, well, Cambodia had to take control of foreign
21 trades because these will be a useful tool in order to stimulate
22 growth of small enterprises and we had to orient our forces and
23 our resources to industrialization. On this point, I <used> the
24 <> theory of Adam Smith <, a Scottish economist.>

25 In my dissertation, I did not mention anywhere that we would

1 eliminate currency; <nor> propose <an elimination> of private
2 ownership <>, and there was nowhere that I <mentioned an
3 elimination of cities.> The economic <form>, which I suggested
4 was <similar to> the industrial model that was adopted in Europe,
5 but the only difference was the context -- the social-economic
6 context.

7 [14.31.37]

8 And I joined the <Communist Party of France> in 1955, because
9 this <Party was against colonialism and> worked in conjunction
10 with the citizen from the other <colonized> countries and they
11 encouraged people around the world who were living under
12 colonialism to be -- to harmonize and join forces against
13 colonialism. And this Party also supported the effort against the
14 Vietnamese war as well, and they also organized other
15 demonstrations against the war in Syria, etc., etc.

16 [14.32.28]

17 And I participated in those demonstrations subsequently. I was
18 convinced that a struggle by the people under colonialism would
19 weaken the colonial system and would assist my country,
20 Kampuchea, to gain independence in a short time. And that is --
21 in fact turned out to be true. I believe that the achievement by
22 the King, Sihanouk, was the result of the struggle by the
23 Cambodian people throughout the world. In particular, the
24 struggle of the Vietnamese people at the time that the armed
25 forces of Vietnam liberated the areas in Dien Bien Phu.

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1 Also, my branch was that for the students, different from the
2 branch of Pol Pot, Ieng Sary, Rath Samoeun, etc., which was --
3 led workers branch. My branch held a meeting at a centre at the
4 universities along Jourdan Avenue, in Quarter 14 of Paris. The
5 meetings were also held at the international student's residence.
6 However, only on year after that, I exchanged my party's ID card
7 for a new one, as they only discussed the French issues during
8 those meetings, which were not beneficial to me.

9 [14.34.42]

10 Your Honours, I did not have any agenda or tie when I returned to
11 the country in 1958. Neither did I have any contact with the
12 Communist Party of Kampuchea. Communication could not be done,
13 because I had been tracked and monitored by secret spies while I
14 worked at the "L'Observateur" newspaper. Even though I became the
15 Assembly Representative, I was still constantly monitored. They
16 rode the car behind my bike. The tracking was still in open, even
17 if I became a Minister. And for that reason I could not -- and
18 it's not possible for me to contact with the CPK. It was too
19 risky for me to do so. That is one main issue or event that I
20 would like to inform the Chamber during my study in France.

21 [14.36.10]

22 And for point number two -- that is the event upon my return to
23 the country in late 1958. A) Regarding the newspaper
24 "L'Observateur", which mentions in paragraph 1127 of the Closing
25 Order. The friends who I know while I was in France, and who

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1 returned to the country before I did, including Hou Youn, Hu Nim,
2 and other friends whom I knew through these two people, proposed
3 that I should publish a newspaper as a voice for the
4 intellectuals, the professors, and the civil servants. That was
5 the initiative for me to publish the newspaper "L'Observateur",
6 which was published twice a week in the French language. The
7 stance of my newspaper is to support unequivocally the neutral
8 policy of Sihanouk, but it emphasized to the Cambodian leaders
9 that there needs to be a measure for democratic reform in order
10 to make a balance in the society and to bridge the social gap
11 between the rich and the poor, so that the lower strata of the
12 society could also benefit from the neutral policy as well as to
13 expand the political basis to oppose the positions -- the
14 oppositions by Lon Nol and his clique.

15 [14.38.51]

16 I intended to those -- the leaders of Kampuchea -- that's why the
17 newspaper was published in French. Because the leadership level
18 at that time did not really prefer to read the newspapers in
19 Khmer, and the target was mainly for the leadership level, and
20 the message was also the same. In the newspaper, the articles of
21 interest to the readers is entitled "Kean Koh Phnom Penh"; that
22 means "Surrounding Phnom Penh Vicinity", which largely describes
23 the activities of the ordinary people, including the cycle
24 driver, the water-cart pushers, the oxcart rider carrying
25 vegetables to market in early morning, the entertainment of the

1 workers in the city, who gathered in small groups, drinking
2 pineapple juice under the candlelight or walking around the
3 gardens near Independence Monument, etc.

4 [14.40.37]

5 The newspaper was published, and there were only 300 copies for
6 each publication. Some purchasers paid more money in order to
7 support that newspaper. It was clear that my newspaper was not a
8 Communist one, and it was not financed by the Communists, as
9 alleged in paragraph 1127. Many of my supporters -- financial
10 supporters -- were not Communist. Even if there were some
11 Communist supporters, the majority of them were the Assembly
12 Representatives, namely Hou Youn, Hu Nim, Uch Ven, So Nem, etc.
13 The two persons I mentioned last were former professors who were
14 subsequently elected as the Assembly Representatives.

15 [14.42.18]

16 And the reason why my newspaper was referred to as the "red" or
17 the "communist" newspaper was that the King Sihanouk, at the
18 time, was very concerned about the notion of independence that I
19 had.

20 In order to provide an example to enlighten this issue, I'd like
21 to mention one event. One day, I was called to a special police
22 ministry -- that is, during the time that I published the
23 newspaper. The Minister of Interior was Kou Roun, who was the
24 person that interrogated me in person. High-beam light was shone
25 on my face. After I was interrogated, I returned to my place and

1 I immediately wrote an article, in details, of what happened
2 during my interrogation and what were the questions and what were
3 my responses. I wrote all the questions and responses in detail,
4 and that I would publish in my newspaper at a later date.

5 [14.44.13]

6 I believe there are two questions that I would like to bring to
7 Your Honours' attention. Question number one: why do you hate the
8 palace? I was taken aback by that question, and I responded: "I
9 do not understand what you mean by that." Later, that minister
10 revealed about a discussion that I had had with other students
11 during a meeting -- a student meetings -- in Montpellier. After
12 he provided me with that hint, I could recall that meeting. That
13 was a discussion meeting on whether -- or which picture we saw
14 sketched on the canvas beside -- behind the stage that we saw
15 performed for our friends' friends, and for other friends during
16 the celebration of the Khmer New Year.

17 [14.46.13]

18 During that meeting, one of a high-ranking -- one student who was
19 a son of a high-ranking officer suggest that I should draw Chan
20 Chaya, but I proposed that we should draw the landscape in the
21 countryside instead -- that is, a picture with palm trees, with
22 peasants climbing up the palm trees with a bunch of containers on
23 his waist. And I believed that would be interesting for our
24 French and foreign friends, because that would be more attractive
25 to them. Majority of the students agreed with my idea.

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1 And the second question that was asked is; why did I not join the
2 public servant after I finished my education, and why I opened
3 the newspaper's office? And, also, he added whether I wanted to
4 become a King; is that true? That's why I opened the newspaper's
5 office? Or whether I want to sleep in a wooden mosquito net,
6 literally, which means the coffin. I was speechless by that.

7 [14.48.19]

8 Let me now come back to question number one. Within the context
9 of question number one, it means students studying in France were
10 constantly monitored. A minor issue was also reported to the
11 special police ministry with bias, and that they would keep the
12 issues in orders to oppose those who show their independent
13 stance.

14 After I was called for questioning -- at least two or three
15 months after -- I was beaten, I was stripped naked in the middle
16 of the road at noon. Later on, I was arrested and detained for
17 more than a month without any order -- or Court order or any
18 charges, and my newspaper was closed down.

19 MR. PRESIDENT:

20 How long is your statement, Mr. Khieu Samphan?

21 MR. KHIEU SAMPHAN:

22 (No interpretation)

23 [14.50.14]

24 MR. PRESIDENT:

25 The time is now appropriate for a break. As your statement is

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1 still quite some time to go, we shall now take a break for 20
2 minutes, and we shall resume after.

3 Security guard, you're instructed to bring the Accused back to
4 his seat behind his lawyers and bring him back to the dock when
5 the Chamber resumes.

6 (Judges exit courtroom)

7 (Court recesses from 1451H to 1518H)

8 (Judges enter courtroom)

9 MR. PRESIDENT:

10 Please be seated. The Chamber is now back in session.

11 Please go ahead, Counsel Ang Udom.

12 MR. ANG UDOM:

13 Mr. President, Mr. Ieng Sary can no longer sit. His back hurts,
14 and after the medical assessment, his blood pressure has been
15 high, so I am requesting that the Chamber allow Mr. Ieng Sary to
16 be present in the cell -- holding cell downstairs to follow the
17 proceedings remotely.

18 [15.19.43]

19 MR. PRESIDENT:

20 Having heard the request of Mr. Ieng Sary through his counsel --
21 that is, to waive his right to be present personally in the
22 courtroom and that he requests to participate remotely from the
23 holding cells downstairs, where AV equipment have been installed,
24 which is an appropriate reason -- the Chamber grants this request
25 and allows Mr. Ieng Sary to follow the proceedings remotely from

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1 the holding cells downstairs.

2 At the same time, the Chamber directs the Defence counsel for
3 Ieng Sary to submit the written waiver with Mr. Ieng Sary's
4 signature or thumbprint.

5 [15.20.53]

6 Detention personnel are now directed to escort Mr. Ieng Sary to
7 bring him to the holding cells downstairs, and AV Unit is also
8 instructed to check that the AV system is in place.

9 Counsel for Ieng Sary, do you have a written waiver prepared for
10 the Chamber?

11 MR. ANG UDOM:

12 Mr. President, I would like to seek a few minutes for him to
13 sign.

14 MR. PRESIDENT:

15 Mr. Phary, can you also bring the Chamber -- or put these medical
16 reports of the three Accused into the case file?

17 (Short pause)

18 [15.22.42]

19 Detention personnel can now bring the Accused back to the holding
20 cells downstairs.

21 (The accused Ieng Sary exits courtroom)

22 Mr. Phary, please place this document into the case file.

23 Mr. Karnavas, please go ahead.

24 MR. KARNAVAS:

25 One technical issue, Mr. President. If the air could be directed

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1 in some other direction, it is really hitting me directly here. I
2 know some people like the cold air, but it's - it's becoming
3 unbearable. It's like the -- I feel like I'm back in Alaska.

4 MR. PRESIDENT:

5 Court officer can adjust the direction of the air conditioner. If
6 the problem persists, perhaps you can turn off the air
7 conditioner.

8 (Short pause)

9 [15.24.22]

10 Before I hand over to the accused Khieu Samphan, the Chamber
11 would like to inform the parties about what we are going to
12 conduct tomorrow, that is, to continue to hear the testimony of
13 witness Long Norin through video link. We will be hearing this
14 testimony the whole day. Unless the health condition of this
15 witness is not allowed, the Chamber will continue to hear the
16 testimony of the Accused.

17 [15.25.07]

18 Next, the Chamber would like to give the floor to Mr. Khieu
19 Samphan to continue his statement.

20 MR. KHIEU SAMPHAN:

21 Thank you, Mr. President. I would like to continue my statement.

22 [15.25.28]

23 Before the break, I stopped at point B, which is about the time
24 when I was a Parliamentary member and later on was the Secretary
25 of State of the Ministry of Commerce.

1 In 1962, I was elected the Parliamentary member during the
2 Sangkum Reastr Niyum, which was a movement created by Samdech
3 Norodom Sihanouk during the general election in 1955. I was
4 appointed the Secretary of State of the Ministry of Commerce
5 immediately after that.

6 Your Honours, the exact intent of Samdech Sihanouk was to buy my
7 heart, but I took that opportunity to work for his interest and
8 also for the interests of the country. I did not forget my plan
9 to reform the economy so that there was a foundation for an
10 independent national economy.

11 [15.27.29]

12 When I was working for the -- as Director, I usually discussed
13 with senior officials who held proper policies. Those people
14 included His Excellency Son Sann, who was the Director of the
15 National Bank, His Excellency Meach Konn, the Chief of the Royal
16 Cooperative with the French acronym OROC, and Samdech Penn Nouth,
17 senior advisors to Samdech Norodom Sihanouk, et cetera in order
18 to study about the possibility that these people would support my
19 plan.

20 My appointment as Secretary of State of the Ministry of Commerce
21 gave me the opportunity to have chains of discussions with His
22 Excellency Son Sann about my plan. At the time, His Excellency
23 was also worried about foreign currencies about being stolen to
24 sell in the dark markets, and that would bring the value of the
25 riel down.

1 Those who believed that they were industrialists came to us for
2 money from the Ministry of Commerce, claiming that they needed
3 that money in order to buy some factory equipment, some spare
4 parts, some other natural resources for their factories, but it
5 was only an accused.

6 [15.29.48]

7 In fact, they needed that money to buy foreign -- to buy
8 currencies from the dark markets.

9 The exchange rate was that 30 riels was for one dollar, U.S.
10 dollars, but the value of riel -- the value of dollars was up to
11 200 riels in the dark market, so the selling of dollars in the
12 dark market earned a lot of profits. That is the reason why the
13 dark market spread.

14 I informed His Excellency Son Sann that such a conduct connected
15 closely with our economy and that illegal activities were in
16 place were possible because there was involvement of our banks.

17 [15.31.10]

18 However, it was not possible for us to take control over the
19 activities, no matter how hard we tried to do so. The reason was
20 that the import and export companies⁴ both in Cambodia and in
21 foreign countries belong to only one owner or a group of owners.
22 It could be compared to two pockets of the same person -- of the
23 same shirt, rather. The company in Cambodia always lost their
24 profits or -- and very minimal profit while the foreign company
25 in a foreign country always earned profits. It was like there was

1 no money in the left pocket but there was always money in the
2 right pocket. But actually, the trader with his two pockets
3 always earned something.

4 Such activities could be eliminated or could be minimized if the
5 government were able to take control over the foreign trade
6 concerning important productions including rice, corns, rubbers
7 and to take control over banks with foreign trade co-operations.

8 [15.33.14]

9 After our many discussions, His Excellency Son Sann agreed with
10 me. He suggested that I came up with a reform plan and submitted
11 that plans to me so that he could forward it to Samdech Sihanouk.

12 As for Samdech Norodom Sihanouk, he was also concerned that
13 Cambodia became very submissive to the America while America
14 always threatened to cut aids. In this sense, the American aid
15 were like a knife put at the necks of Cambodians.

16 My proposal was satisfied by the King. Unfortunately, I lost my
17 parliamentary seat due to the high price of the beef. It was a
18 joke, actually, and a lot of Cambodian elders who were 60 years
19 older and about could remember me very well.

20 The name of the trade man, Nirom, was the one who actually made
21 me lose my seat during the Sangkum Reastr Niyum. That was the
22 name of the person, Nin Nirom.

23 [15.35.20]

24 I did not believe that Samdech Sihanouk did not know that it was
25 the trick to get me rid of the seat, because he also believes

1 that majority of the Cambodian people did not eat beef every day,
2 but they consumed fish on a daily basis.

3 In fact, the King himself needed to get rid of me so that I would
4 lose my political gain, as I was the initiator of the reform
5 process and so that the people would believe that I was the Khmer
6 Rouge, that I was a bad companies who did not have the ability
7 and that only criticized the Sangkum Reastr Niyum.

8 [15.36.29]

9 Through -- back that at the reform process was on my proposal was
10 achieving great result in the first one or two years before it
11 went sour because of the corruption. Though I lost my seat, I was
12 happy that Son Sann - his Excellency Son Sann was appointed by
13 the King to continue with the economic reform as I proposed.
14 Since 1955, that's the balance sheet with the foreign trade
15 maintains its balance; that is, the payment balance, the external
16 payment balance sheet. And in 1965 and, indeed, after, the
17 balance sheet maintains its position. During the same period,
18 the currency reserve at the national bank increased.

19 (C) Reasons that I fled into the forest in 1967. It's stated in
20 paragraphs 1128 and 1600 of the Closing order.

21 The reason that I fled to the forest is that I was forced to.
22 Personally, I wanted to continue my work as the parliamentarian
23 representative, but I had no other choice besides fleeing from
24 Phnom Penh because my safety could not be guaranteed.

25 [15.39.19]

1 I was threatened to be arrested and brought to the military court
2 and that the pretext that I was the ringleader of the persons'
3 rebellious activities in Samlaut. In fact, I did not even know
4 where Samlaut was at that time. And of course, I did not believe
5 that the persons' rebellion was due to the incitement that I was
6 allegedly made in my newspaper because those persons could not
7 read French.

8 The truth is that since after the 1965 election, Samdech Sihanouk
9 convinced by his -- by the -- his rightist of the Lon Nol clique
10 who were also parts of the Americans was around it and that he
11 was merely focused on the establishment of liaison with America.
12 For that reason, he attacked the leftists.

13 [15.41.21]

14 And based on that, Lon Nol attacked the rest and he makes the
15 arrest at his own will. And that led to my allegation in that I
16 was accused in broad daylight, as well as a number of threats
17 against myself. As a result, I became an expensive commodity for
18 the Communist Party of Kampuchea. The fact that I forced myself
19 to flee Phnom Penh was a good opportunity for them so that I
20 could be brought along with them.

21 [15.42.36]

22 D: After the 1970 coup d'état, paragraphs 25 and 1129 of the
23 Closing Order, I would like to provide details regarding the
24 organizations of the United Front of Kampuchea and the Royal
25 Government for National Reconciliation of Kampuchea; in

1 particular, in regards to the appeal made on the 23rd of March
2 1970 by Samdech Sihanouk.

3 In fact, the appeal was not entirely written by the King. His
4 proposal was given to Mr. Zhou Enlai who was the first premier of
5 China and Zhou Enlai presented to Saloth Sar. Saloth Sar made
6 some changes; in particular, he removed the parts concerned the
7 socialism. However, Saloth Sar did not go and meet Sihanouk as
8 requested by Zhou Enlai. However, instead, he wrote a letter to
9 support the <FUNK by> including my name, Hou Yuon, <and> Hu Nim,
10 and he said that the letter was sent from a base of resistance
11 inside the country.

12 [15.45.05]

13 Sihanouk was not informed that, at that time, Saloth Sar was
14 still in Beijing. I, myself, at that time, I was at the Aural
15 Mountain; that was the headquarters of Ta Mok together with Hou
16 Yuon, Hu Nim, and Pok Deuskomar. <Later,> I heard the appeals by
17 King Sihanouk and the <declaration> of <the> organization of the
18 <GRUNK> through <> listening to <radio> broadcast only, and in
19 that United Government, I was appointed by Saloth Sar as the
20 Deputy Prime Minister and Minister of Defence. I only heard all
21 this information only via the radio broadcast.

22 Allow me to bring another important events to you.

23 One, the reason Pol Pot refused to meet with King Sihanouk is
24 that he was the Secretary of the Communist Party of Kampuchea
25 which was the peasants' party; the party for the workers. In

1 order to struggle to defeat the feudalist regime where King
2 Sihanouk was the leader, for that reason, he would not be able to
3 go and pay respect to King Sihanouk, nor he would come under the
4 leadership of the king.

5 [15.47.49]

6 Point number two, the king himself, who was the reign of the
7 territory, who was the king's father, who was the king of the
8 nation -- his position is above everyone else -- so he had to be
9 the leader of the United Front. It can be viewed that the
10 obstacle or the barrier between the two could not be removed. For
11 that reason, I was tasked to be a bridge between the CPK and the
12 king, in order to pave the way for the reconciliation of all the
13 forces throughout the world regardless of their political
14 tendencies or belief to form a struggle to liberate the country
15 which was under the flame of war by Vietnam plus the coup d'état
16 by Lon Nol. Is that a crime? Of course, it is not. Clearly, it is
17 not.

18 [15.49.35]

19 In addition, as I stated earlier, it is clear that it was Pol Pot
20 who appointed me to hold a position that I was not even aware of;
21 that is, a Deputy Prime Minister, a Prime Minister of Defence of
22 nothing or the Military Commander of nothing. It was then the CPK
23 who led the struggle since the militia -- since the guerrilla war
24 in 1968-'69 until the proper division of war in 1970-1975. Based
25 on this, <could> they still <have alleged> that I had the

1 superior power for this or for that <? Of> course not. It's not
2 possible. If I was only Deputy Prime Minister for nothing or the
3 Minister of Defence for nothing or the Military Commander for
4 nothing, how could I have the power?

5 In fact, I had no influence whatsoever for the military. I did
6 not even have smallest unit of soldiers under my command. On the
7 contrary, I sacrificed my <existence,> my honour, so that I could
8 perform tasks for my motherland, which <was in grave danger>.

9 At that time, my feeling, my feeling was similar to that
10 mentioned by Nuon Chea on Monday, the 5th of December. I would
11 not allow my country, which only gained independence from the
12 French grip and that it would clearly be liberated from the
13 Americans in the near future, but likely to fall in the hands of
14 the -- of the Communist Vietnam.

15 [15.53.17]

16 I'd like now to touch upon my role in the party, that is, the
17 Communist Party of Kampuchea.

18 A) Becoming a member of the CPK.

19 In -- up to 1969 and at the Phnom Aoral Mountain, I joined the
20 party with Hu Nim, Pok Deuskomar, where Ta Mok, on behalf of the
21 CPK, introduced us. In the first of the CPK, my membership in the
22 French Communist Party means nothing because the conditions in
23 the CPK <> were <> stricter than that in the French Communist
24 Party, namely: one, we must be active in combat and must have
25 gone through experience in the <revolutionary> struggles <>

1 repeatedly.

2 [15.54.52]

3 Number 2, I must have a clean social status. Personally, I did
4 not have a clean social status because I was a senior
5 intellectual. I studied in France. A clean social status referred
6 only to the peasants, and not just any peasant; it refers to the
7 poor peasant class.

8 [15.55.23]

9 <I did not even try myself repeatedly in the struggle or
10 tempering>, as a result, I did not fulfil the two criteria. In
11 addition, I did not join the struggle with my own belief. It was
12 only because I had to force myself to do so due to my personal
13 safety, so I fled and came and seek assistance under the CPK
14 leadership.

15 I did not volunteer to abandon my parliamentarian seat
16 voluntarily; I was forced to. This is not what we call
17 participation in the revolutionary struggle, and that point is
18 the main point that was marked constantly in my personal
19 biography.

20 (B) Becoming a member of the Central Committee, paragraphs 29 and
21 paragraph 1130 of the Closing Order.

22 I became a candidate member of the Central Committee in 1971. As
23 a candidate member, I did not have the right to make any
24 decision. The fact that I was allowed to become a candidate
25 member of the Central Committee is that because I had the task of

1 acting as a bridge to liaise between the CPK and King Sihanouk,
2 therefore, they needed to show to the people that I was a leader
3 of the resistance inside the country. And if I was only an
4 ordinary member, it would be unlikely for that reason.

5 [15.58.35]

6 So they promoted me. They promoted me to a certain extent in
7 order to <project> my image in the party. For that reason, Pol
8 Pot and the CPK still considered me as a front person, not a
9 person belonging to the party. Let me give you a real example:
10 All other members of the Central Party were given the
11 responsibility to be in charge of a zone, a sector or major unit,
12 for example, divisions. I, myself, was also a member of the
13 Central, Central Party but I was only tasked in writing reports
14 frequently to Samdech Sihanouk.

15 So my role and my status within the CPK was similar to that of
16 the Vietnamese people of the front to liberate the South Vietnam,
17 namely Nguyen Huu Tho and Van Tan Phat. Mr. Nguyen Huu Tho was a
18 famous lawyer in Prey Nokor and he was the chairman of the South
19 Vietnam National Liberation Front. Mr. Van Tan Phat was an
20 engineer and was the first Premier of the Provisional
21 Revolutionary Government of the South Vietnam. However, after the
22 liberation of South Vietnam, the two disappeared forever.

23 [16.01.18]

24 Another issue that I would like to mention here concerns
25 paragraph 1129 of the Closing Order states that, after the topple

1 of Samdech Norodom Sihanouk in 1970, and when the National United
2 Front of Kampuchea was established, Khieu Samphan participated
3 with Pol Pot, Nuon Chea, and other leaders of the Communist Party
4 in the headquarters of the parties. This is not correct.

5 [16.02.21]

6 Because it was not me -- because I was not in the group of the
7 CPK, and it was not me who came to stay at the party
8 headquarters. It was Pol Pot who called upon me to go there in
9 order to participate and to listen to what he did with the
10 military cadre from various battles -- various battlefields --
11 who came to report to him and to listen to him how he gave
12 directions back to those people, so that I could understand the
13 situation of the revolution, so that I could write up the report
14 to the -- Samdech Sihanouk.

15 In this regard, I hope that Mr. President and Your Honour, ladies
16 and gentleman who are present here, the venerable monks, and my
17 fellow citizens, understand clearly, see clearly, with no doubt,
18 about my role and status within the CPK. Especially to understand
19 what Pol Pot did with regard to my appointment since the time we
20 were in Beijing -- since the time he was in Beijing and when I
21 was at Ural Mountain, he wrote a letter on my behalf that I
22 supported the United Front of Kampuchea of Samdech Sihanouk. I
23 was appointed as a Deputy Prime Minister of nothing, the Minister
24 of Defence of nothing, and the Commander of Forces of nothing. I
25 was not even aware of that myself.

1 [16.05.20]

2 So I'd understand -- I was seen from the outside that I was
3 holding the senior position, but I did not participate in any
4 decision-making processes. And all for this, Pol Pot and the CPK
5 considered me as an intellectual who came to live with the CPK,
6 and I was not a person belonging to the party. This is the truth
7 before 1975, and it remained to be the case after that year.
8 However, this issue will have to be examined further in
9 subsequent trials.

10 [16.06.21]

11 Before I conclude my speech, if it pleased the Court, I would
12 like to move on to talk about another issue. It is of my view
13 that I need to explain why the majority of Cambodian supported
14 today struggle movement under the leadership of the CPK.
15 From what I understand, because those people were hopeless about
16 the Lon Nol regime -- a corrupt regime who was a slave of the
17 America. But if you looked at the movement itself, those people
18 were clean people who protect the independence and sovereignty of
19 the nation. Those people were tired of the <delinquent, vagrant>,
20 and anarchic activities <in> the Lon Nol time. They <had> heard
21 that there was strict discipline in the struggle movement, but
22 they were prepared to abide by those restrictions. That was
23 because they were hungry for a society with moral and clean
24 behaviours.
25 Mr. President, Your Honours, ladies and gentlemen who are present

1 here, the venerable monks, my fellow citizens, I have informed
2 you all about what I want to say today. Thank you.

3 MR. PRESIDENT:

4 Thank you for your statement, with very comprehensive
5 descriptions, Mr. Khieu Samphan.

6 And it is now appropriate for us to adjourn for the day session.

7 But before this, the Chamber would like to inform the parties and
8 the public, as well as the Office of Administration of the ECCC
9 who are tasked to provide administrative support to the Chamber,
10 that this Chamber intends to continue hearing -- to hear
11 testimony of the Accused on Friday 16 morning. In this regard,
12 all concerned parties and units should be informed of this.

13 [16.09.58]

14 And it is now time for us to adjourn for today's session, and we
15 will continue our hearing tomorrow morning from 9 o'clock.

16 Detention personnel are now instructed to bring the three Accused
17 back to the detention facility and return them to courtroom
18 tomorrow morning by 9 o'clock.

19 The Court is now adjourned.

20 (Judges exit courtroom)

21 (Court adjourns at 1610H)

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