



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

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

Request for Correction

Case : 002/19-09-2007-ECCC/TC

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 06-Jan-2015, 14:48
Sann Rada
CMS/CFD:

To Document No(s):	ERN(s):	Request Date:	Correction Type:
E1/21.1	00761767-00761865	18/12/2014	<input checked="" type="checkbox"/> Change to Original <input type="checkbox"/> Change to Translation <input type="checkbox"/> Reclassification

Reason for changes:

Error in interpretation.

Details:

The correction is made on the English version:

- ERN 00761796, P. 27, L. 20-21
- ERN 00761835, P. 66, L. 3-8
- ERN 00761841, P. 72, L. 1-5
- ERN 00761841, P. 72, L. 11-15, 19-20, 22-25, 00761842, P. 73, L. 5-8
- ERN 00761842, P. 73, L. 21-25 to 00761843, P. 74, L. 1-2
- ERN 00761843, P. 74, L. 22-25 to 00761844, P. 75, L. 1-5
- ERN 00761858, P. 89, L. 8-9, 14-15
- ERN 00761859, P. 90, L. 24-25, 00761860, P. 91, L. 5-7, 21-25, 00761861, P. 92, L. 8-11
- ERN 00761862, P. 93, L. 5-6
- ERN 00761864, P. 95, L. 18-22

The following footer is added to this transcript:

"Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript."

Filed by: Reath Panhean

Signature: 

Approved by Greffier (for originals):

Signature: 

Approved by ITU (for translations):

Signature: 

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 Party's
18 Central Committee?

19 A. From my recollection, the ~~<meetings at the Central Committee~~
20 ~~was -- were extraordinary ones~~ Central Committee's meeting was an
21 extraordinary one.

22 [10.24.59]

23 When they -- they also held a meeting to make that decision in an
24 extraordinary session. They decided to choose that date for the
25 final attack in 1975. The Party Central Committee instructed the

1 [14.05.20]

2 Q. You went to France. What was the subject of your study from
3 1953 to 1958?

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

7 Mr. President, actually, there was a series of events and stories
8 which I could elaborate in details in accordance with the
9 paragraph extracted from the Closing Order which you read out on
10 <5 Decemberthe first day.>

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

13 [14.06.16]

14 MR. PRESIDENT:

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

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

25 [14.07.12]

1 achieve independence.

2 He lured me again and again, and I did not want him to see me as
3 a coward, so I eventually accepted <it>. But I, at that time,
4 observed the overall situation in Paris. It was politically
5 motivated so I had to ~~<withdraw myself, I had to remain keep~~
6 ~~ertain-my>~~ distance ~~<in order to examine, observe from them so~~
7 ~~that I could see from far away and I could contemplate->~~ and
8 consider <itthis>.

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

13 [14.22.41]

14 When I was studying in that city, I <continued my pursue> law
15 ~~<school study->~~ and I also ~~<I am also>~~ registered for
16 business class as well.

17 During a summer break, I came to Paris. I attended a meeting
18 organized by the Circle of Marxists, then they <organized a
19 camping an incursion or the ~~--- sorry, the->~~ excursion <for, which
20 included-> students and members of the Marxists <Circle>. We
21 ~~<have a camped~~ ~~--- camping->~~ along the beach.

22 [14.23.32]

23 By joining this excursion, I could <keep my distance from the
24 Circle and-> understand as to what the Circle of Marxists
25 actually did, and three years afterwards, I came to Paris to

1 prepare my dissertation on economics.

2 At that time, I had to attend the regular meeting of the Circle
3 of Marxists.

4 But the historical context back then changed very swiftly because
5 the Geneva Conference recognized Cambodia's independence, so it
6 was not like the ~~<era of situation when Salot Sa, Yun Soeun,
7 and Pol Pot, >~~ Rath Samoeun ~~<., who were trying to demand for
8 independence for the country.>~~

9 At that time, ~~<Saloth Sar and those people they>~~ were trying to
10 join the resistance forces against the French
11 ~~<colonization colonialism>~~. At that time, they emphasized on ~~<the>~~
12 patriotism, but when I came to Paris ~~<myself>~~, they ~~<emphasized>~~
13 on patriotism and in order to protect Cambodia's independence.
14 But the Circle of Marxists ~~<continued>~~ to push its member to join
15 the ~~<French Communist Party Communists of France>~~.

16 [14.25.33]

17 Before I returned to Cambodia -- before returning to Cambodia,
18 Ieng Sary handed over the role to me and I believe that probably
19 at that time there was no other choice for him.

20 Those who were strong believers and active, such as Ok Sakun and
21 Son Sen, all returned to Cambodia.

22 Other senior members -- like In Sokhan graduated from his medical
23 college in Reims city. And, in addition, he was an outgoing
24 person and he had a lot of girlfriends there and he enjoyed
25 French dancing back then, so there was nobody to take over, so

1 there was only me, myself at that <times>, and I agreed to accept
2 it because I thought to myself that I <would-could-> do something
3 <useful-that was beneficial-> in this circle; that is to spur the
4 national <patriotisms among students who were members of the in
5 this Circle of Marxists.>

6 [14.27.02]

7 Back then, I thought that Prince Norodom <Ranariddh Sihanouk->
8 was very firm with his neutralism <-as he dared reject the
9 unilateral declaration by, and he wanted Cambodia to join the
10 SEATO which was the Southeast Asia Treaty Organization to include
11 Cambodia under its defence. Instead and> he initiated a very
12 courageous diplomatic mission by establishing contacts with <the>
13 socialist <blocs>. So I thought that probably he could undertake
14 the economic reforms in the country towards an independent
15 economy as what they have done in other countries, namely, in
16 Japan, but it was on a smaller scale in Cambodia.

17 [14.28.22]

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

22 So the main problem question in my dissertation was that why the
23 - then, the economic structure did not allow for economic
24 development in Cambodia? The answer to that problem question was
25 the industrial commodities from France competed with the

1 handicraft in Cambodia and small and -- productions in Cambodia.
2 And, consequently, businesses or production-based in Cambodia is
3 squeezed and we could not compete. And, as a result, Cambodia
4 live on the subsistence agricultural economy.

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

10 In my dissertation, I did not mention anywhere that we would
11 eliminate currency; <nor-I did not> propose <the an
12 eliminations> of private ownership <as well>, and there was
13 nowhere that I <mentioned an elimination of cities the evacuation
14 of people from the city.> The economic <forms>, which I suggested
15 was <similar to like> the industrial model that was adopted in
16 Europe, but the only difference was the context -- the social-
17 economic context.

18 [14.31.37]

19 And I joined the <Communist Party of France> in 1955, because
20 this <Party was against colonialism and> worked in conjunction
21 with the citizen from the other <colonized> countries and they
22 encouraged people around the world who were living under
23 colonialism to be -- to harmonize and join forces against
24 colonialism. And this Party also supported the effort against the
25 Vietnamese war as well, and they also organized other

1 arrest at his own will. And that led to my allegation in that I
2 was accused in broad daylight, as well as a number of threats
3 against myself. As a result, I became an expensive commodity for
4 the Communist Party of Kampuchea. The fact that I forced myself
5 to flee Phnom Penh was a good opportunity for them so that I
6 could be brought along with them.

7 [15.42.36]

8 D: After the 1970 coup d'état, paragraphs 25 and 1129 of the
9 Closing Order, I would like to provide details regarding the
10 organizations of the United Front of Kampuchea and the Royal
11 Government for National Reconciliation of Kampuchea; in
12 particular, in regards to the appeal made on the 23rd of March
13 1970 by Samdech Sihanouk.

14 In fact, the appeal was not entirely written by the King. His
15 proposal was given to Mr. Zhou Enlai who was the first premier of
16 China and Zhou Enlai presented to Saloth Sar. Saloth Sar made
17 some changes; in particular, he removed the parts concerned the
18 socialism. However, Saloth Sar did not go and meet Sihanouk as
19 requested by Zhou Enlai. However, instead, he wrote a letter to
20 support the ~~<FUNKpersonalities—the high personalities by>~~
21 including my name, Hou Yuon, ~~<and->~~ Hu Nim, and he said that the
22 letter was sent from a base of resistance inside the country.

23 [15.45.05]

24 Sihanouk was not informed that, at that time, Saloth Sar was
25 still in Beijing. I, myself, at that time, I was at the Aural

1 Mountain; that was the headquarters of Ta Mok together with Hou
2 Yuon, Hu Nim, and Pok Deuskomar. <Later,-> I heard the appeals by
3 King Sihanouk and the <declarations> of <the-> organization of
4 the <GRUNKUnited Government was> through <they-> listening to
5 <the-radio-> broadcast only, and in that United Government, I was
6 appointed by Saloth Sar as the Deputy Prime Minister and Minister
7 of Defence. I only heard all this information only via the radio
8 broadcast.

9 Allow me to bring another important events to you.

10 One, the reason Pol Pot refused to meet with King Sihanouk is
11 that he was the Secretary of the Communist Party of Kampuchea
12 which was the peasants' party; the party for the workers. In
13 order to struggle to defeat the feudalist regime where King
14 Sihanouk was the leader, for that reason, he would not be able to
15 go and pay respect to King Sihanouk, nor he would come under the
16 leadership of the king.

17 [15.47.49]

18 Point number two, the king himself, who was the reign of the
19 territory, who was the king's father, who was the king of the
20 nation -- his position is above everyone else -- so he had to be
21 the leader of the United Front. It can be viewed that the
22 obstacle or the barrier between the two could not be removed. For
23 that reason, I was tasked to be a bridge between the CPK and the
24 king, in order to pave the way for the reconciliation of all the
25 forces throughout the world regardless of their political

1 tendencies or belief to form a struggle to liberate the country
2 which was under the flame of war by Vietnam plus the coup d'état
3 by Lon Nol. Is that a crime? Of course, it is not. Clearly, it is
4 not.

5 [15.49.35]

6 In addition, as I stated earlier, it is clear that it was Pol Pot
7 who appointed me to hold a position that I was not even aware of;
8 that is, a Deputy Prime Minister, a Prime Minister of Defence of
9 nothing or the Military Commander of nothing. It was then the CPK
10 who led the struggle since the militia -- since the guerrilla war
11 in 1968-'69 until the proper division of war in 1970-1975. Based
12 on this, ~~<could though>~~ they still ~~<have~~ alleged that I had the
13 superior power for this or for that ~~<? Of-ef>~~ course not. It's
14 not possible. If I was only Deputy Prime Minister for nothing or
15 the Minister of Defence for nothing or the Military Commander for
16 nothing, how could I have the power?

17 In fact, I had no influence whatsoever for the military. I did
18 not even have smallest unit of soldiers under my command. On the
19 contrary, I sacrificed my ~~<professionexistence,>~~ my honour, so
20 that I could perform tasks for my motherland, which ~~<was in grave~~
21 ~~dangersuffered greatly>~~.

22 At that time, my feeling, my feeling was similar to that
23 mentioned by Nuon Chea on Monday, the 5th of December. I would
24 not allow my country, which only gained independence from the
25 French grip and that it would clearly be liberated from the

1 Americans in the near future, but likely to fall in the hands of
2 the -- of the Communist Vietnam.

3 [15.53.17]

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

6 A) Becoming a member of the CPK.

7 In -- up to 1969 and at the Phnom Aoral Mountain, I joined the
8 party with Hu Nim, Pok Deuskomar, where Ta Mok, on behalf of the
9 CPK, introduced us. In the first of the CPK, my membership in the
10 French Communist Party means nothing because the conditions in
11 the CPK ~~<here>~~ were ~~<more>~~ stricter than that in the French
12 Communist Party, namely: one, we must be active in combat and
13 must have gone through experience in the <revolutionary>
14 struggles ~~<, movement of the revolution>~~ repeatedly.

15 [15.54.52]

16 Number 2, I must have a clean social status. Personally, I did
17 not have a clean social status because I was a senior
18 intellectual. I studied in France. A clean social status referred
19 only to the peasants, and not just any peasant; it refers to the
20 poor peasant class.

21 [15.55.23]

22 ~~<I did not even try myself repeatedly in the struggle or~~
23 ~~tempering~~ Even through my ~~refreshing my engagement in the~~
24 ~~revolutionary movement repeatedly was only one of the conditions~~
25 ~~so>~~, as a result, I did not fulfil the two criteria. In addition,

Corrected transcript. Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript.

1 I did not join the struggle with my own belief. It was only
2 because I had to force myself to do so due to my personal safety,
3 so I fled and came and seek assistance under the CPK leadership.
4 I did not volunteer to abandon my parliamentary seat
5 voluntarily; I was forced to. This is not what we call
6 participation in the revolutionary struggle, and that point is
7 the main point that was marked constantly in my personal
8 biography.

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

11 I became a candidate member of the Central Committee in 1971. As
12 a candidate member, I did not have the right to make any
13 decision. The fact that I was allowed to become a candidate
14 member of the Central Committee is that because I had the task of
15 acting as a bridge to liaise between the CPK and King Sihanouk,
16 therefore, they needed to show to the people that I was a leader
17 of the resistance inside the country. And if I was only an
18 ordinary member, it would be unlikely for that reason.

19 [15.58.35]

20 So they promoted me. They promoted me to a certain extent in
21 order to ~~project~~protect my image in the party. For that reason,
22 Pol Pot and the CPK still considered me as a front person, not a
23 person belonging to the party. Let me give you a real example:
24 All other members of the Central Party were given the
25 responsibility to be in charge of a zone, a sector or major unit,

1 Before I conclude my speech, if it pleased the Court, I would
2 like to move on to talk about another issue. It is of my view
3 that I need to explain why the majority of Cambodian supported
4 today struggle movement under the leadership of the CPK.
5 From what I understand, because those people were hopeless about
6 the Lon Nol regime -- a corrupt regime who was a slave of the
7 America. But if you looked at the movement itself, those people
8 were clean people who protect the independence and sovereignty of
9 the nation. Those people were tired of the ~~<erueltydelinquent,~~
10 ~~vagranterimes>~~, and anarchic activities ~~<during in->~~ the Lon Nol
11 time. They ~~<have had->~~ heard that there was strict discipline in
12 the struggle movement, but they were prepared to abide by those
13 restrictions. That was because they were hungry for a society
14 with moral and clean behaviours.

15 Mr. President, Your Honours, ladies and gentlemen who are present
16 here, the venerable monks, my fellow citizens, I have informed
17 you all about what I want to say today. Thank you.

18 MR. PRESIDENT:

19 Thank you for your statement, with very comprehensive
20 descriptions, Mr. Khieu Samphan.

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

22 But before this, the Chamber would like to inform the parties and
23 the public, as well as the Office of Administration of the ECCC
24 who are tasked to provide administrative support to the Chamber,
25 that this Chamber intends to continue hearing -- to hear