



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

**ឯកសារដើម**  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ABDULHAK	English
MR. ANG UDOM	Khmer
MR. KHIEU SAMPHAN	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MR. SENG BUNKHEANG	Khmer

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

2 (Court opens at 0908H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session to continue its  
5 proceedings to hear evidence.

6 And before we commence today's session, the Chamber wishes to  
7 remind the parties that, in order for our proceedings to be  
8 conducted properly, the parties should be reminded and remember  
9 the recommendations made by the translation interpreting unit as  
10 follows:

11 One, the parties should be reminded that the Trial Chamber of the  
12 ECCC uses three languages. When parties are to refer to documents  
13 or any reference, the parties are reminded to read the ERN  
14 numbers or the document numbers slowly and precisely and, if  
15 possible, the parties are reminded to repeat those numbers. The  
16 parties should spell the names that are deemed difficult to  
17 pronounce, especially the international parties who refers to the  
18 Khmer names. They are reminded to pronounce those names  
19 precisely; otherwise, it would be difficult to be answered.

20 [09.12.01]

21 Secondly, parties are reminded to activate their mic before they  
22 speak. This is the same issue that the Chamber reminds the  
23 parties; however, we note that during our proceedings, this  
24 problem persists. The Chamber hopes that the parties to the  
25 proceedings try their best to conduct together the proceedings

2

1 properly.

2 Security guards are instructed to bring the Accused to the dock  
3 before the Chamber.

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

5 Mr. Ang Udom, we note that you are on your feet.

6 MR. ANG UDOM:

7 Thank you, Mr. President.

8 [09.13.07]

9 I would like to draw everyone attention to your observation just  
10 now. I heard that you remind everyone of us here to pronounce the  
11 Khmer name precisely. I do not think that they can do so; for  
12 instant, as we have heard from the International Co-Prosecutor,  
13 the word Khem Ngun was not pronounced properly, and there was a  
14 problem in understanding. So I would like to suggest perhaps we  
15 can let the Khmer colleagues to pronounce the name rather than  
16 trying to suggest the international colleagues to pronounce the  
17 Khmer name properly. This may expedite the proceedings.

18 [09.14.13]

19 MR. PRESIDENT:

20 Thank you for your suggestion.

21 When the Chamber says that we want everyone to try their best,  
22 the Chamber believes that parties are well prepared so when it  
23 comes to the names and the names of -- the names of the persons  
24 or the name of the places, the Chamber reminds that the parties  
25 try their best to pronounce those names properly. All parties

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1 should rehearse pronouncing the names before they are here. They  
2 may rehearse when they are in the office. They're not supposed to  
3 rehearse spelling or pronouncing the names here. It is only the  
4 suggestion, and we hope every party will try their best to  
5 pronounce the names correctly, and as we know that we are dealing  
6 with names of both persons and places.

7 [09.15.38]

8 If parties are not able to pronounce the names correctly, we will  
9 have to spend a lot of time on understanding each other when it  
10 comes to these names.

11 Before giving the floor to the Co-Prosecution, the Chamber would  
12 like to inquire the Co-Prosecutors about the amount of time that  
13 they would like to have for them to put their questions to the  
14 accused concerning the first segment of the trials. The first  
15 trial segment deals with the historical background of the regime.  
16 The Chamber intends to give the whole morning today for the  
17 prosecution to give -- to put questions to the Accused, so the  
18 Chamber would like to hear the opinions of the Co-Prosecution on  
19 this.

20 MR. LYSAK:

21 Thank you, Mr. President.

22 [09.17.14]

23 We're obviously very mindful of the need to move along as quickly  
24 as we can. I will try to cover as -- as much as I can this  
25 morning. We have covered a lot of the, I think, more difficult

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1 policy issues relating to documents about the 1960 Congress  
2 already, so perhaps if I just may start by giving you a brief  
3 overview of what the remaining areas I need -- I need to cover.  
4 We are just in the middle of talking -- finishing about the  
5 secret defence units. I'll turn at that point to the 1963  
6 Congress and events in the 1963 to 1970 period. My questions  
7 there will be more to follow up and clarify a few events rather  
8 than deal with detailed policies as I have been doing. So I hope  
9 to be able to move through that period fairly quickly.  
10 And then, similarly, there will be a heavy section related to the  
11 events post the March 1970 coup.  
12 And then, the final area will be to address the policies that  
13 were developed relating to cooperatives and movements -- movement  
14 of the population in the 1973 to '75 period.  
15 So there are a number of areas remaining to cover. We believe, as  
16 the party with the burden of proof, it's quite important. I will  
17 move along as quickly as I can; it will depend, of course, a lot  
18 -- a lot on the Accused and whether we receive direct answers to  
19 our questions; and if the Accused is cooperative, we should be  
20 able to move along fairly quickly.  
21 [09.19.00]  
22 I would anticipate that we may need a little more than this  
23 morning, but I will do my very best to move along as quickly as I  
24 can. We are here to assist the Chamber so if -- if -- I will  
25 introduce each of the areas that I'm going to question on and if

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1 the Chamber believes that -- that is not a useful area to cover,  
2 I'll be happy to move on to another at any time; so I hope that's  
3 helpful and -- and responsive to your question.

4 MR. PRESIDENT:

5 Thank you.

6 [09.19.37]

7 Mr. Nuon Chea?

8 MR. NUON CHEA:

9 Mr. President, before we continue our proceedings this morning, I  
10 have a short comment which I would like to raise concerning the  
11 documents.

12 First of all, I would like to reiterate my position, for the  
13 purpose of the record, that I cannot accept the credibility of  
14 the copied documents that are used as the basis for the questions  
15 put forward before me. And for these reasons, I would like to  
16 exercise my right not to question -- not to answer to questions  
17 that are raised on the basis of those documents by various  
18 parties or any documents that are presented before the Court by  
19 me or by any other parties. I am making this statement in  
20 general, because I would like to avoid repeating my position  
21 again and again throughout the proceedings. However, I have the  
22 -- the intentions to examine the documents the Co-Prosecutors  
23 wish to present to me.

24 [09.22.07]

25 Even though I can challenge the authenticity of the document at a



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1 later state, for the purpose of effectiveness, I would like to  
2 request the Chamber order the prosecutions to inform me about the  
3 documents that they intend to present to me in a timely manner.  
4 By so doing, I will be able to examine thoroughly the documents  
5 and to present my submissions for the purpose of the documents in  
6 this Court.

7 In the events that the documents are lengthy, I request that the  
8 prosecution pinpoint the relevant portions. As of now, I have  
9 difficulty in examining the documents that are presented to me in  
10 the Court, because I was not provided sufficient time to read and  
11 to consider the documents before I was questioned.

12 [09.23.57]

13 For these reason, I am of the view that I find it hard to  
14 understand many questions asked by the prosecution on the basis  
15 of those documents. I believe that my request will ensure my  
16 smooth explanation of the documents and to expedite the  
17 proceedings. If I intend to -- rather when I intend to elaborate  
18 on the document presented before me, it does not mean that I  
19 accept the authenticity of the document.

20 Thank you.

21 MR. PRESIDENT:

22 Thank you, Mr. Nuon Chea, for your firm position and there is a  
23 number of -- there are a number of requests that the Chamber  
24 would like to consider.

25 As for the authenticity of the documents, the Chamber recalls

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1 that it's already rendered on this issue, and the Chamber hopes  
2 that this is the last time that we will talk about this issue,  
3 and the Chamber will not rule on the issue twice unless it is  
4 overturned by a higher court.

5 [09.25.51]

6 The Chamber already informed everyone yesterday that if you do  
7 not answer the question put -- put forward by the prosecution  
8 concerning the documents in the case file, the Chamber presumes  
9 that you exercise your rights to remain silent. In this case, the  
10 prosecution can continue with another question.

11 And with regards to your question -- rather with your -- to your  
12 request for the prosecution to provide you the documents in  
13 advance, the Chamber will deliberate on this request and decide  
14 in due course. These documents have, however, been placed in the  
15 case file for three years, and you have your counsel and the  
16 counsel have their assistants so they should be able to assist  
17 you in this case.

18 [09.27.35]

19 And next, the Chamber would like to hand over to the prosecution,  
20 and the prosecutors should be reminded that they -- both the  
21 international and the national colleagues -- should try their  
22 best to expedite the proceedings.

23 Thank you.

24 MR. LYSAK:

25 Thank you, Mr. President.

8

1 Just to add an additional -- when explaining the remaining  
2 questioning, I forgot to also mention that my national colleague  
3 will have probably an hour, hour and a half of questions of his  
4 own when -- when I'm finished.

5 QUESTIONING BY MR. LYSAK RESUMES:

6 Q. Mr. Nuon Chea, when were - when we broke off yesterday, we  
7 were discussing the issue of secret defence units, and the next  
8 question I had for you is that you had stated last month to Judge  
9 Cartwright that the secret defence units had the authority to  
10 smash spies who infiltrated party meetings.

11 [09.28.48]

12 My question for you is what were done with spies or any enemy  
13 agents who were captured by the Secret Defence Units?

14 MR. NUON CHEA:

15 A. Mr. President, concerning this issue, the Democratic Kampuchea  
16 was very cautious about its revolutions and about the traitors  
17 who infiltrated into the Angkar. As a result, spies were  
18 appointed in order to gather information concerning those people  
19 before the information was reported to the superiors who will  
20 thoroughly deliberate on the issue before they handed down their  
21 measures to deal with the issue.

22 Q. I'm sorry; who is it that would deliberate on what measures  
23 would be taken against such spies?

24 A. Those people who were vested with authority to do that were  
25 those who were tasked with spying and observing people whose

1 activities were suspicious or whose activities were regarded of  
2 activities of those who infiltrated in the Party.

3 [09.31.32]

4 Q. Well, once it was determined that a person was a spy who had  
5 infiltrated party meetings, as you indicated, were they taken to  
6 security offices, were they just killed, were they allowed to go  
7 back to the enemy? What happened to the people who the Secret  
8 Defence Unit determined to be spies who had infiltrated the  
9 Party?

10 A. This had to take a long period of time to investigate the  
11 people. It may take one year to two years or so, and those people  
12 later on were rounded up and sent to S-21 where their confessions  
13 or testimonies would be taken further.

14 Q. Mr. Nuon Chea, I'm talking about the period prior to April  
15 1975 and, specifically, the period that we've been discussing in  
16 the 1960s where the Party had established secret defence units.  
17 But let me follow up your question this way; when were security  
18 offices first established by the Party? Were there security  
19 offices that were established in the 1960s or in the 1970s prior  
20 to 17 April 1975?

21 [09.33.38]

22 A. I do not know this clearly because I had never been in charge  
23 of the security. My role was to oversee the assembly affairs.

24 Q. I understand your testimony that your research on this was not  
25 your responsibility but, as the Deputy Secretary of the Party,

10

1 were you aware whether security offices were established prior to  
2 17 April 1975?

3 A. I don't know.

4 Q. Can you tell the Chamber, please, what S-39 was?

5 [09.35.02]

6 A. I don't know it either.

7 Q. You've -- you've never heard of S-39; is that your statement,  
8 Mr. Nuon Chea?

9 A. Yes, it is. The only things I knew were the tasks that I was  
10 -- I were supposed to undertake. Everyone was confined to only  
11 understand their own affairs and businesses; because I was in  
12 charge of education and, for that reason, I knew more about  
13 educational -- education affairs, and I was asked to provide  
14 education to members of the Party.

15 Q. Were you aware of the existence of M-13 prior to April 1975?

16 A. I don't know.

17 Q. Let me now turn to the second Party Congress that was held in  
18 1963, Mr. Nuon Chea. Do you recall where the second Party  
19 Congress was held?

20 A. The second party congress took place, so far as I remember, at  
21 a flat on de Gaulle Street -- Charles de Gaulle Street.

22 Q. Whose flat or apartment was this?

23 A. I don't know whose apartment it was. It was a rented apartment  
24 and I do not know who the owner of the apartment was.

25 [09.37.55]

11

1 Q. How many people attended the second Congress in 1963?

2 A. I don't know how many people were there.

3 Q. Do you recall whether it was more than the number of people  
4 who attended the first Congress or was it the same group of  
5 people?

6 A. I can say that there were more people than those who attended  
7 the first Party Congress.

8 Q. Do you recall any of the new people who attended the second  
9 Congress who had not attended the first Congress, Mr. Nuon Chea?

10 MR. NUON CHEA:

11 Could Mr. President ask the Co-Prosecutor to repeat the question;  
12 I have not really got the whole message.

13 MR. PRESIDENT:

14 Can prosecutor then repeat your last question?

15 BY MR. LYSAK:

16 Q. My question was simply whether -- do you remember any of the  
17 new people who attended the second Congress who had not been  
18 present at the first Congress?

19 [09.40.23]

20 MR. NUON CHEA:

21 A. I don't remember. It was a long time ago.

22 Q. Fair enough. One of the key things that was decided at the  
23 second Congress was the election of Pol Pot as Secretary of the  
24 Party. You have previously stated that the reason Pol Pot was  
25 appointed secretary instead of yourself was because of your

12

1 relation to Sieu Heng -- referring to the former Party Secretary  
2 -- a relative of yours, who had defected to the Sihanouk  
3 government in 1958.

4 Is it correct that this is the reason that Pol Pot became the  
5 secretary and that it was because the People's group had accused  
6 you accused you of having a relation to Sieu Heng?

7 [09.41.27]

8 A. In order for someone to be recruited as the Secretary of the  
9 Party, there could have been several elements of the  
10 qualification. First, the person must have revolutionary value  
11 and that they must have been supported by the mass, and also age  
12 or seniority is part -- or was part of that criteria as well, but  
13 it is secondary.

14 Q. My question to you, Mr. Nuon Chea, is whether the People's  
15 Group Faction of the Party had made an accusation against you  
16 based on the fact of your relationship to Sieu Heng?

17 A. It was part of the clauses, but -- or conditions, but there  
18 were other elements; for example, Pol Pot had several other good  
19 qualifications as opposed to me.

20 Q. Who were the leaders of the People's group faction of the  
21 Party who were present at the second Congress?

22 [09.43.45]

23 MR. NUON CHEA:

24 Mr. President, I don't understand the terms "People Group" --  
25 "the leader of the People Group." Could you please simplify the

13

1 terms?

2 [09.44.13]

3 MR. PRESIDENT:

4 Co-Prosecutor is now advised to rephrase the question and that  
5 the case file should be referred to; for example, the hierarchy  
6 of the administration of the leadership as the terms secretary or  
7 deputy secretary or chairman and members of the Standing  
8 Committee, members of the Central Committee. Have -- if they are  
9 not well put in the questions, we do not expect that the accused  
10 person may be able to respond precisely to the intended question  
11 so could you please rephrase the question.

12 BY MR. LYSAK:

13 Yes, I'm sorry, Mr. President.

14 [09.45.22]

15 Q. By the people's group, I was referring to what has also been  
16 called Pracheachon Group which my understanding is simply the  
17 Khmer words for people. So, I'm not sure if I've pronounced that  
18 word correctly, but when I -- when I use the word "people's  
19 group" I am referring to what you've previously talked about, the  
20 Pracheachon Group; do you understand what I'm referring to, Mr.  
21 Nuon Chea?

22 [09.45.54]

23 MR. NUON CHEA:

24 A. My apologies and I think perhaps the prosecutor has mistaken  
25 the terms. The People Group was another separate group that



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1 conducted some overt activities; for example, like publishing  
2 newspapers. They conducted their activities in public, but the  
3 Party's activities had different roles. They were acting in  
4 secret so please do not mistake the People Group for the Party's  
5 group. As I already state, time and again, they should be  
6 well-distinguished.

7 Q. I am well aware of that distinction, Mr. Nuon Chea. My  
8 question to you was whether there were people associated with the  
9 people's group, such as Keo Meas who were present at the second  
10 Congress?

11 A. Keo Meas was a member of the People Group. He did not attend  
12 the second Party Congress because the two groups were clearly  
13 distinguished. The People Group was the group that acted publicly  
14 when the Party's group acted in secret so the two could not be  
15 mixed up.

16 Q. Is it your testimony then that there were no people associated  
17 with the people's group who were present at the second Congress;  
18 is that correct?

19 [09.48.23]

20 A. Yes, it is.

21 Q. And I'd just like to confirm with you, there was a new  
22 Standing Committee elected at the second Congress that consisted  
23 of Pol Pot as Secretary and yourself as Deputy Secretary? Did the  
24 Standing Committee appointed at the second Congress also include  
25 Ieng Sary and So Phim?

15

1 A. The terms "being elected" and "appointed" are two different  
2 terms. Appointed or selected normally happened without going  
3 through any election so people recruited through three means;  
4 appointed, elected secretly and publicly. So I would like to ask  
5 whether you are now referring to people being elected or  
6 appointed?

7 Q. Mr. Nuon Chea, you were the one who was present at the second  
8 Congress. Were the members of the Standing Committee elected or  
9 were they appointed?

10 A. At that time, the latter term would be best. They were  
11 appointed.

12 Q. And is it correct that the Standing Committee that was  
13 appointed at the second Congress consisted of Pol Pot as  
14 Secretary, yourself as Deputy Secretary and Ieng Sary and So Phim  
15 as members; is that correct?

16 [09.50.59]

17 A. Yes, it is.

18 Q. And were there any other persons who were appointed either as  
19 full-rights or alternate members of the Standing Committee at the  
20 second Congress?

21 A. I find it difficult to understand your question because you  
22 used the terms "appointed", "elected." I would like you to be  
23 precise; which term do you refer to? If people cannot be at the  
24 same time appointed, elected, and assigned; for example. So they  
25 are very confusing.

16

1 MR. PRESIDENT:

2 International Co-Prosecutor is now advised to rephrase the final  
3 -- the last question he may put.

4 BY MR. LYSAK:

5 Q. Perhaps it is a translation issue. I thought I'd used the word  
6 "appointed" as you had indicated, Mr. Nuon Chea. My question is  
7 simply whether there were any additional persons, other than the  
8 four I've already mentioned, who were appointed as full-right or  
9 alternate members of the Standing Committee at the second  
10 Congress?

11 [09.53.18]

12 MR. NUON CHEA:

13 A. People including So Phim and Ta Mok and Son Sen were also part  
14 of the people appointed during that time. I don't remember the  
15 rest of the other people who were also appointed, I'm afraid.

16 Q. Other than the appointment of a new Standing Committee and  
17 Central Committee, do you recall any other matters that were  
18 decided at the 1963 Congress?

19 [09.54.05]

20 A. I don't know whether I'm mistaken, but if I remember  
21 correctly, at that time, the other matters that were decided was  
22 also on the changing of name of the party from the Labour Party  
23 to the Communist Party of Kampuchea.

24 Q. Thank you, Mr. Nuon Chea. I'd now like to turn to the 1963 to  
25 1970 time period and I wanted to start by seeking to clarify the

17

1 location or locations to which Pol Pot and the other party  
2 leaders were moved when they fled from Phnom Penh in March or  
3 April of 1963.

4 Khieu Samphan has written in his book "Considerations on the  
5 History of Cambodia" that Pol Pot, Ieng Sary, and Son Sen were  
6 initially located at a Vietnamese base area at Chambak in Tay  
7 Ninh Province and near the base of the South Vietnamese National  
8 Liberation Front. Is that correct, Mr. Nuon Chea; was that the  
9 initial location to which Pol Pot, Ieng Sary, and Son Sen were  
10 first moved?

11 [09.56.53]

12 MR. PRESIDENT:

13 Mr. Nuon Chea, have you understood the last question put to you?

14 MR. NUON CHEA:

15 A. So far as I remember, they were located at the border of  
16 Vietnam and Cambodia; they were in Cambodian soil although it was  
17 close to the border area.

18 [09.57.32]

19 BY MR. LYSAK:

20 Q. My question is, was the location at or near a South Vietnamese  
21 National Liberation Front military base?

22 MR. NUON CHEA:

23 A. I think it was part of the secrecy and I may not know the  
24 details.

25 Q. Is it not true that you're the one who took Ieng Sary and Son

1 Sen to that location, Mr. Nuon Chea?

2 A. No, I was not the one who took them there; however, it was  
3 part of the decision that made collectively by Pol Pot, and  
4 people were assigned to bring these people to the location, and I  
5 did not know the details although I knew that the people could  
6 have been taken there.

7 Q. Khieu Samphan has also written that:

8 "By early 1964, Saloth Sar persuaded the Viet Cong to let the  
9 Cambodians set up their own location in order to avoid political  
10 complications and so that the Cambodians might prepare the  
11 revolution and steps by themselves. It was this base area that  
12 they called Office 100. Office 100 was on Vietnamese territory  
13 under strict Viet Cong control."

14 [09.59.43]

15 I'm reading from document D213.2 at English ERN 00498238, French  
16 ERN 00643842, and Khmer ERN 00380380.

17 My question, Mr. Nuon Chea, is I wanted to confirm whether Pol  
18 Pot, Ieng Sary, and Son Sen were initially moved to one location  
19 near the Vietnamese base, but then by early 1964 had moved and  
20 established Office 100 at a different location in that area; is  
21 that correct?

22 A. As I remember, it is not correct because in 1974, as I  
23 remember, the base was changed to Rattanakiri province. They no  
24 longer lived there because the enemies kept attacking.

25 Q. Mr. Nuon Chea, I'm going to get to the period when the Office

19

1 100 was relocated to Rattanakiri. I'm asking you now about the  
2 period that I understand to be from 1963 through 1966 when Office  
3 100 was located near the Vietnamese border.

4 [10.01.45]

5 Do you recall that during that time period Office 100 was located  
6 near the Vietnamese border?

7 A. As I remember -- the point is I did not live with them so I  
8 couldn't know, but I went to work there once -- once with Pol  
9 Pot. The Office -- I don't know whether the Office was located  
10 near or far; I was not very good at the geography. But what I  
11 know is that Pol Pot did not like to live near Vietnam or the  
12 Vietnamese because he did not want to have any confusion among  
13 the Khmer and the Vietnamese people; he wanted the Khmers to live  
14 in the Khmer area and the Vietnamese to live in the Vietnamese  
15 area. But they may have some kind of communication; I am not  
16 sure. But as -- for one thing I know is that they do not live  
17 together.

18 Q. In your discussion with Khem Ngun, you told him -- you told  
19 him that in relation to Office 100 when it was located near the  
20 Vietnamese border the following:

21 "I went back and forth. I took cadres to work; took them from Koh  
22 Kong, the Southwest. Lots of Ta went."

23 I'm reading from IS 20.28 at Khmer ERN 00078197, English ERN  
24 00184668, and French ERN 00596190.

25 Was it not the case that you made frequent trips to Office 100

20

1 during the period; it was at the -- near the -- near the  
2 Vietnamese border?

3 [10.04.34]

4 A. Mr. President, as I remember, I went there occasionally; I do  
5 not go there frequently. The Office was located very far away.  
6 The Offices were located far away from one another and they were  
7 not near Vietnam; let me make this clear.

8 Q. Mr. Nuon Chea, Khieu Samphan has written about three meetings  
9 of the Central Committee that occurred during that period when  
10 Office 100 was located near the Vietnamese border in 1964, 1965,  
11 and 1966. I'd like to quickly ask you a few questions about each  
12 of those.

13 [10.06.04]

14 The first in relation to 1964 -- well, first, let me start by  
15 asking you this. Did you attend meetings of the Standing or  
16 Central Committee at Office 100 between 1963 and 1966?

17 A. Mr. President, in 1964, 1965 or in 1966, Pol Pot, Ieng Sary,  
18 and Son Sen moved out of Office 100 near Vietnam to Rattanakiri  
19 province, as I have said earlier. At that time, in October 1965,  
20 Pol Pot travelled to Hanoi and Beijing.

21 Q. Mr. Nuon Chea, is it not correct that it was not until 1966  
22 that Office 100 was moved to Rattanakiri? Is that correct?

23 A. As I recall it, they moved to Rattanakiri before 1966.

24 Q. I'll come back to the Central Committee meetings, but while  
25 we're talking about the move to Rattanakiri, what was the reason

21

1 that Office 100 was moved from its previous location near the  
2 Vietnamese border to Rattanakiri?

3 A. As I remember, Rattanakiri was a good location which could be  
4 used as a revolutionary base and no enemy could arrive there.

5 [10.09.11]

6 That was the reason why the Northeast zone was used as the bases  
7 for the Central Committee.

8 Q. How often did you travel to Rattanakiri during the period that  
9 Office 100 was located there?

10 A. Mr. President, I went there only once, because the road was  
11 very difficult to travel. It could not, at that time, accommodate  
12 cars. We went there on foot. It took us one month to go and come  
13 back.

14 Q. And, because it took so long to travel to Rattanakiri, is it  
15 correct, then, that the number of meetings that you held with the  
16 other leaders, during the period Office 100 was located at  
17 Rattanakiri -- that the frequency of meetings was much less? Is  
18 that correct?

19 A. Mr. President, yes it is correct.

20 Q. Okay, let me return to the 1964 Central Committee meeting that  
21 Khieu Samphan has written about.

22 [10.11.05]

23 In his book, he described a meeting of the Central Committee, in  
24 October 1964, that lasted weeks and took place "in the middle of  
25 the forest on Cambodian territory near the border".



22

1 [10.11.20]

2 This is a cite to D213.2, at Khmer 00380380, French ERN 00643842,  
3 and English ERN 00498238. Were you present at the meeting --  
4 October 1964 meeting of the Central Committee?

5 A. Mr. President, I did not attend the meeting.

6 Q. Khieu Samphan has also written about a January 1965 Central  
7 Committee meeting, at which the committee decided to reject the  
8 doctrine of peaceful transition to socialism, and confirmed that  
9 the use of revolutionary violence was absolutely necessary. Do  
10 you recall attending that meeting of the Central Committee, Mr.  
11 Nuon Chea?

12 A. Mr. President, I could not recollect that.

13 Q. And last, Mr. Khieu Samphan has also described in his book a  
14 1966 Central Committee meeting, at which he says three decisions  
15 were made: first, to change the Party name to the Communist Party  
16 of Kampuchea; second, to move the Party headquarters to a remote  
17 location in Rattanakiri; and third, for each zone to make ready  
18 to join in armed struggle. And this is a reference to document  
19 D213.2 at Khmer ERN 00380389 through 380390, English ERN  
20 00498243, and French ERN 00643847. Do you recall being present at  
21 that meeting of the Central Committee in 1966?

22 A. Mr. President, in 1966, as I remember it, the movement became  
23 intense.

24 [10.14.54]

25 As a result, I also attended the meeting to decide on combining

23

1 the political struggle with the armed struggle, but by  
2 maintaining the political principle. And the armed conflict was  
3 used as only the supplement.

4 Q. Was this a meeting of the Central Committee?

5 A. Mr. President, the question seems to be so dense. We had a  
6 number of meetings. We had a number of meetings of the Central  
7 Committees.

8 [10.16.14]

9 I'm not sure whether -- which Central Committee meeting the  
10 Co-Prosecutor is referring. It is hard for me to answer this  
11 question.

12 MR. PRESIDENT:

13 Could the international Co-Prosecutor rephrase the question to  
14 make it easy to understand, so that the Accused can respond to  
15 it?

16 BY MR. LYSAK:

17 Yes, thank you, Mr. President.

18 Q. You had just described a meeting you recalled, where a  
19 decision was made regarding the use of armed violence, because  
20 the movement had become intense in 1966.

21 [10.17.05]

22 So my question is -- was the meeting that you were referring to,  
23 where this decision was made -- was this a meeting of the Central  
24 Committee, a meeting of the Standing Committee, or some other  
25 meeting?

1 MR. NUON CHEA:

2 A. Mr. President, the decision was made by the Standing Committee  
3 meeting.

4 Q. Who was present at this meeting, Mr. Nuon Chea?

5 A. During that time -- I could not really recall it -- but there  
6 were Pol Pot, Son Sen, and a number of cadres. But as I can  
7 recall it, Pol Pot, during that time, went abroad. After the  
8 meeting, Pol Pot travelled abroad.

9 Q. Was Mr. Ieng Sary present at this meeting?

10 A. Mr. President, Mr. Ieng Sary was not at the meeting. He was  
11 also abroad.

12 Q. What was Mr. Ieng Sary doing abroad in 1966?

13 A. Mr. President, I am not clear about that.

14 [10.19.23]

15 He was the representative of the Communist Party of Kampuchea to  
16 position in Vietnam and China, but as to his detailed work, I  
17 could not recall them.

18 Q. Where was it that this meeting of the Standing Committee was  
19 held?

20 A. Mr. Co-Prosecutor, what do you mean by the meeting at that  
21 time? When? Because there were a lot of meetings. Could you, Mr.  
22 Co-Prosecutor, specify that?

23 Q. We've just been discussing a meeting of the Standing Committee  
24 in 1966. Where did that meeting take place, Mr. Nuon Chea?

25 A. Mr. President, I could not recall about the meeting in the

1 jungle.

2 Q. Do you recall whether this meeting was held in Rattanakiri, or  
3 was it held at Office 100 -- the area of Office 100 when it was  
4 located near the Vietnamese border?

5 A. As I said, it was confusing at the border. But I'm confident  
6 that it was on the Cambodian soil and not the Vietnamese soil.  
7 Because, as you may know already, Mr. President, we may not be  
8 clear about the border. Our Khmer agents may not have been  
9 arrived at the exact border line.

10 Q. I wasn't asking -- I understand your testimony regarding the  
11 issue of whether it was located on Cambodian or Vietnamese  
12 territory.

13 [10.22.25]

14 What I'm trying to clarify, Mr. Nuon Chea, is whether this  
15 meeting of the Standing Committee in 1966 -- did this take place  
16 while the Party Headquarters was still at that location? It's  
17 original location? Or did it take place after the Party  
18 Headquarters had moved to Rattanakiri?

19 A. Mr. President, the meetings were held in different place. For  
20 one time it was in this place and the other time it was in the  
21 other place.

22 So for me to determine whether -- where the meeting was held, it  
23 is very difficult. Because at that time, the B-50 planes bombed  
24 -- rather the B-52 planes bombed day and night, and we were not  
25 able to position in one place. The situation -- that is, we had

1 to understand the situation clearly. Otherwise we can't tell  
2 clearly where the meeting was. I cannot tell where the -- in  
3 which village the meeting was held. And this is my answer, your  
4 Honour.

5 Q. Thank you. At the time that Office 100 was moved to  
6 Rattanakiri, is it correct that Ieng Sary was appointed secretary  
7 of the Northeast zone?

8 A. Mr. President, I do not remember this.

9 Q. And after the time that Pol Pot, Ieng Sary, Son Sen, and other  
10 leaders moved to Rattanakiri, how was the responsibility for the  
11 country divided as between you and the leaders who were located  
12 in Rattanakiri?

13 A. Mr. President, the distribution of the leadership in the  
14 country was in two.

15 [10.25.41]

16 One is for the Northeast zone, and this include Rattanakiri,  
17 Mondulkiri, and perhaps Kratie and Stung Treng. And for the other  
18 part, it is the part that I was responsible for when it comes to  
19 the leadership. But it was the zone secretaries who were  
20 immediately supervising the areas. And these include Southwest  
21 and Northwest.

22 Q. How many zones were there, during this time period that you're  
23 discussing, Mr. Nuon Chea? You've mentioned the Northeast zone,  
24 the Southwest, the Northwest. Were there any other zones in  
25 existence at this time?

1 A. I do not remember that for sure. There may be five or six  
2 zones. But let me say this. The division of these zones was not  
3 very clear. It depended on the leadership purpose.

4 [10.27.43]

5 Wherever it allowed good leadership, the area would be divided  
6 into zones. For example, for Kampong Chhnang, it was located in  
7 isolation, and it was connected to Pursat, so we could not be  
8 fixed. It is very difficult to tell. It depended on the exact  
9 situation of the fighting.

10 Q. So during this period that Office 100 was located in  
11 Rattanakiri, and you were responsible for the entire country  
12 except for the Northeast zone, were there other leaders of the  
13 party located with you in Phnom Penh?

14 A. Mr. President, I was not responsible for the overall  
15 leadership. Those who had immediate supervision were the zone  
16 secretaries. Besides these, there were also cities committees.

17 MR. PRESIDENT:

18 It is appropriate to adjourn for now.

19 Before we adjourn, the Chamber would like to inform the lead  
20 co-lawyers for civil parties that they should prepare the names  
21 of those civil party lawyers who you give authorities to put  
22 questions to witnesses, civil parties, or experts, and to provide  
23 the list of those names to the Chamber well in advance to avoid  
24 the case that the lawyer that receives the authorization may wish  
25 to lodge any objection and the Chamber has not yet recognized the

1 lawyer.

2 The Chamber would like adjourn for 20 minutes, and will be back  
3 after that. The Court is now adjourned.

4 (Court recesses from 1031H to 1051H)

5 MR. PRESIDENT:

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

7 We'd like to proceed to the Co-Prosecutor to continue putting  
8 questions to Nuon Chea.

9 BY MR. LYSAK:

10 Q. Thank you Mr. President.

11 [10.52.42]

12 Mr. Nuon Chea, when we left off you were discussing the  
13 organizational structure that existed during the period that Pol  
14 Pot, Ieng Sary, and Son Sen and Office 100 was located in  
15 Rattanakiri, and you had described the zones that you recalled  
16 and also mentioned that there were city committees.

17 I'd like to follow up on that and my first question would be who  
18 was on the Phnom Penh City Committee during the period from 1966  
19 to 1970 when Office 100 was in Rattanakiri?

20 MR. NUON CHEA:

21 A. The city committees were independent. I only assisted them  
22 with managing. I generally oversaw the committees, but people of  
23 respective committees would be managing the actual affairs of the  
24 committees.

25 [10.54.37]

1 Q. My question was who was on the Phnom Penh Committee during  
2 this time period we've been discussing from 1966 to 1970?

3 A. They were Vorn Vet.

4 Q. And do you recall anyone other than Vorn Vet who was on the  
5 Phnom Penh City Committee during that period?

6 A. I don't remember other people, let alone their names, because  
7 it was their secret affair that not anyone else could know.

8 Q. Is it correct that during the period that Office 100 was  
9 located in Rattanakiri because of the difficulty and length of  
10 time to travel there that there were no meetings of the Central  
11 Committee during that time period?

12 A. Yes, it is correct.

13 Q. Did you have any contact or communications with Khieu Samphan  
14 prior to April of 1967, Mr. Nuon Chea?

15 A. I have never had any contact with Mr. Khieu Samphan.

16 [10.57.38]

17 Q. Yeah, I'd like to ask you just a few questions regarding the  
18 April 1967 period which was the time that Khieu Samphan and Hu  
19 Nim were -- fled Phnom Penh.

20 In his 2004 book "Cambodia's Recent History and the Reasons  
21 Behind the Decisions I made", Khieu Samphan has stated that in  
22 fleeing Phnom Penh, quote:

23 "We accepted the proposal of the CPK to allow us to take shelter  
24 in the countryside."

25 And he also indicates that that proposal was sent to him in a



1 letter delivered by a messenger that he knew and trusted. This is  
2 a reference from document IS 4.23 at Khmer 00103820 through  
3 103821; English ERN 00103733 through 103734; and French ERN  
4 00595394 through 595395.

5 My question to you, Mr. Nuon Chea, were you -- did you assist in  
6 helping Khieu Samphan and Hu Nim to escape from Phnom Penh in  
7 1967?

8 A. No, I don't know anything about this.

9 [10.59.43]

10 Q. Do you know who wrote the letter described by Khieu Samphan  
11 proposing that the Party would take him to the countryside?

12 A. No, I don't know anything about this either, because it was  
13 none of my assigned duties. As I indicated, people minded their  
14 own business.

15 Q. So is it your testimony, Mr. Nuon Chea, that you were  
16 completely unaware that the Party had removed Khieu Samphan...  
17 helped remove Khieu Samphan, and helped him take shelter in the  
18 countryside? Were you completely unaware of that in 1967?

19 A.I do not know about this at all.

20 Q. And do you recall that because of the difficulty of travelling  
21 to Rattanakiri and communicating with the leaders there, that in  
22 late 1967 a meeting was held in Phnom Penh at Vorn Vet's house  
23 between yourself, So Phim, Ta Mok, Mey Mann, Vorn Vet, and Kong  
24 Sophal to discuss the commencement of armed struggle? Do you  
25 recall that meeting, Mr. Nuon Chea?

1 [11.01.44]

2 A.I don't recollect it.

3 Q. Do you recall telling Mr. Khem Ngun about that meeting when  
4 you had your discussion with him in 1998?

5 And the reference, Your Honours, to this would be document IS  
6 20.28 at Khmer ERN 00078198; English ERN 00184669; and French ERN  
7 00596192.

8 Do you recall describing a meeting to Mr. Khem Ngun regarding the  
9 decision to start the armed struggle in 1968 being made, that  
10 decision being made at a meeting in late 1967 in Phnom Penh?

11 A. No, I don't.

12 Q. All right. I want to turn now, Mr. Nuon Chea, to the period  
13 after the March 1970 coup, and I have some questions related to  
14 the 1970 to '72 period to start with.

15 [11.03.54]

16 My first question relates to the alliance between the Party and  
17 the King Father Sihanouk, the FUNK or GRUNK Alliance. Can you  
18 tell us who it was that negotiated that Alliance following the  
19 March 1970 coup?

20 A. Could the prosecutor repeat the question?

21 Q. Yes, my question was: Following the coup in March 1970, who  
22 was it that negotiated the alliance between the Party and the  
23 King Father?

24 MR. PRESIDENT:

25 Counsel for Khieu Samphan, you may proceed.

1 MR. KONG SAM ONN:

2 Thank you, Mr. President. I heard that through the interpretation  
3 that the year was referred to as 1975; is that so?

4 [11.05.47]

5 MR. PRESIDENT:

6 Interpreters are advised to be very careful with rendition  
7 concerning the term and the dates, and when you refer to the  
8 Norodom Sihanouk Party, for example, it is not understood which  
9 party is referred to.

10 It is now important that the dates are precisely rendered and the  
11 Co-Prosecutor is also advised to be precise when it comes to  
12 dates, so that interpreters can also be precise when rendering  
13 the dates in the questions being put to the Accused.

14 Misinterpretation of a rendition of the question would be  
15 difficult to respond, for example, if 1970 has been mistaken for  
16 1975, then the response would not be possible because there could  
17 have not been any coup d'état in 1975.

18 The Co-Prosecutor is now advised to rephrase the question and  
19 interpreters are advised to be precise.

20 BY MR. LYSAK:

21 Thank you, Mr. President.

22 Q. Yes, I am, of course, referring to the coup d'état of 18 March  
23 1970 and the question is that following the coup d'état, who was  
24 it that was responsible for negotiating the alliance, the FUNK  
25 and GRUNK alliance between the Party and Sihanouk?

1 MR. NUON CHEA:

2 A. I have no knowledge of this. I was in Cambodia when the King  
3 was in China.

4 [11.08.20]

5 Q. Could you tell the Chamber what the National Liberation Armed  
6 Forces were?

7 A. How am I supposed to describe about this? I was not in charge  
8 of the army or the military.

9 I would like to say this time and again that I have no knowledge  
10 of anything about military because the military was the affairs  
11 of people who managed the zones.

12 Q. Did you have any role or positions in either FUNK or GRUNK?

13 A. I do not have any roles in those.

14 Q. Do you know whether FUNK, the FUNK organization, held  
15 congresses or meetings during the period between March 1970 and  
16 April 1975?

17 A. No, I don't know.

18 Q. Were there any representatives of the Party who were assigned  
19 to take positions with either FUNK or GRUNK?

20 A. No, I don't know. I don't know anything with regard to  
21 administrative affairs.

22 [11.10.59]

23 Q. I take it then that you would be unable to tell the Chamber  
24 what Khieu Samphan's role was in FUNK or GRUNK?

25 A. Indeed, I don't know what Khieu Samphan's roles could have

1    been.

2    Q. I want to ask you now some questions regarding the period when  
3    the Party headquarters were moved from Rattanakiri to the Chinit  
4    River region.

5    Is it correct that following the March 1970 coup d'état that the  
6    Party headquarters were moved from Rattanakiri to the Chinit  
7    River area; is that correct?

8    A. I don't remember.

9    [11.12.32]

10   Q. Did you spend any time at offices, Party offices, located at  
11   the Chinit River during the period from 1970 to 1975, Mr. Nuon  
12   Chea?

13   A. I had never been in one place long. I could have moved places  
14   -- very frequently.

15   Q. I understand that you frequently changed locations, Mr. Nuon  
16   Chea. My question is whether there were Party offices located at  
17   the Chinit River where you spent time in the 1970 to 1975 period.

18   A. Since I changed places, I sometimes moved to -- at the zones  
19   to educate people. I would never stay put in one place for a long  
20   period of time.

21   For that reason, I indeed also came to provide educational  
22   courses or sessions to people at the Chinit River.

23   Q. Is it correct that the Party established a school for  
24   political training at the Chinit River in 1970 or 1971?

25   [11.15.06]

1 A. There was no political school, ever established.

2 Q. When you conducted political training or political education  
3 at the Chinit River in the 1970-75 period, where did you do that?  
4 What offices did you use?

5 A. Sometimes we had to ask for the assistance of the Zone  
6 Committees or chiefs to assist us with the locations.

7 Q. Were you aware of an office called S-71 that was located in  
8 the Chinit River region during the 1970-75 time period?

9 A. No, I don't recollect it.

10 Q. In his interview with the Co-Investigating Judges, Mr. Khieu  
11 Samphan stated that he first met you and Pol Pot in September  
12 1970 at the Chinit River.

13 And the reference, Your Honours, is Case File Number D46 at  
14 English ERN 00156744; French ERN 00156667; and Khmer ERN  
15 00156614.

16 My question, Mr. Nuon Chea, is do you recall meeting Khieu  
17 Samphan at the Chinit River in September of 1970?

18 [11.17.40]

19 A. No, I don't.

20 Q. Do you have any knowledge as to where Khieu Samphan was  
21 located during the period from March 1970 to April 1975?

22 A. No, I don't, because it was part of the secret affairs.

23 Q. I want to read to you now from a "Revolutionary Flag" issue,  
24 Mr. Nuon Chea, but before I do that, you've already indicated  
25 that during the period Office 100 was located in Rattanakiri,

1 that there were no meetings of the Central Committee.

2 Is it correct that in 1970 or 1971 meetings of the Central  
3 Committee resumed? Is that correct?

4 A. I think I already stated clearly that I do not recollect it;  
5 the things happened a long time ago.

6 Q. Well, Mr. Nuon Chea, when the Central Committee had meetings  
7 in the period between March 1970 and April 1975, where did it  
8 meet?

9 [11.20.01]

10 A. As indicated, we met in the jungle. I did not remember the  
11 locations we met from 1970 to 1975, locations of the meeting or  
12 other the locations could be changed from time-to-time.

13 Q. Well, were those meetings held in the jungle in Rattanakiri or  
14 were they held in the jungle near the Chinit River?

15 [11.20.53]

16 A. So far as I recollect, the meetings were held when the office  
17 moved to Stung Chinit or Chinit River.

18 Q. I'd like to read to you now a -- direct you to a statement  
19 made by Pol Pot in a 1975 speech to the Revolutionary Army of  
20 Kampuchea, which is in the Case File at D243/2.1.1 at Khmer ERN  
21 00063334; English ERN 00401496; French ERN 00538971.

22 Mr. President, apparently we have some problem today with showing  
23 documents on the screen, so I'm simply going to read the  
24 statement to the witness -- to the accused and then ask him a  
25 question.

37

1 The statement I want to ask you about, Mr. Nuon Chea, is as --  
2 reads as follows:

3 "Immediately after the coup in 1970, the leadership organization  
4 in the various zones found it very difficult to communicate with  
5 one another, but it was imperative to have meetings of the  
6 Central Committee of the Party to assess the situation after the  
7 coup and bring up the measures of waging war and estimate how the  
8 war would go."

9 My question to you, Mr. Nuon Chea, is: is it correct that,  
10 following the coup, Central Committee meetings resumed and that  
11 one of the key issues discussed in those meetings was the armed  
12 struggle against the Lon Nol regime?

13 [11.23.29]

14 MR. NUON CHEA:

15 Mr. President, if you allow, I would like to have access to the  
16 document if available?

17 MR. LYSAK:

18 Mr. President, I have a copy to provide, and let me just turn to  
19 the -- the Khmer page is 63334.

20 [11.25.05]

21 MR. NUON CHEA:

22 These documents are the copied documents. Can I have access to  
23 the original document?

24 MR. PRESIDENT:

25 The Co-Prosecutor may proceed to the next question because the



1 Chamber has made it very clear that when the accused person  
2 intends not to respond to questions, then it is presumed by the  
3 Chamber that he exercises his right to remain silent on that  
4 question.

5 BY MR. LYSAK:

6 Q. Do you recall discussing issues concerning the armed struggle  
7 against the Lon Nol regime in meetings of the Central or Standing  
8 Committee between March 1970 and April 1975?

9 MR. NUON CHEA:

10 A. From 1970 to 1975, it was five years period already, and I  
11 just would like to know in which particular meeting the  
12 Co-Prosecutor is referring to, so that I can respond.

13 Q. How often did the Central Committee meet during the period  
14 from 1970 to 1975?

15 [11.27.14]

16 A. There is no way we can determine how the meetings could be  
17 held regularly. It was based on the actual situation back then.

18 Q. Is it not correct that there were annual meetings of the  
19 Central Committee during that time period in addition to any  
20 extraordinary meetings based on the situation?

21 A. Sometimes there were regular meetings, sometimes there were  
22 extraordinary meetings, and we were flexible enough to  
23 commensurate with the practical situations.

24 [11.28.28]

25 Q. And can I ask you, during the same time period between March

1 1970 and April 1975, were there separate meetings of the Standing  
2 Committee?

3 A. I don't recall it.

4 The Standing Committee worked on a daily basis. For example, when  
5 the meetings were needed then they would convene the meetings, so  
6 there is no way to determine whether the meeting is -- were  
7 regular or not.

8 Q. Where was it that meetings of the Standing Committee took  
9 place in the period between March 1970 and April 1975?

10 A. Mr. President, I will not answer to this question, I have  
11 answered several times already.

12 There were a lot of mobile guerrilla attacks.

13 Q. You're saying that the locations of the meetings changed; is  
14 that correct?

15 A. Mr. President, yes, it is correct.

16 Q. You have made a -- testified earlier that how prior to 1975  
17 the military forces consisted of zone armies.

18 Is it correct though that there was a Joint Battlefield Committee  
19 that was responsible for co-ordinating the activities of the  
20 various zone armies?

21 A. Mr. President, I do not understand the question by the  
22 Co-Prosecutor.

23 [11.31.21]

24 Q. My question, Mr. Nuon Chea, is that you've indicated that  
25 there were separate zone armies. I'm asking you this: How was it

1 that military strategy and tactics were co-ordinated between  
2 those zone armies in the period between March 1970 and April  
3 1975?

4 A. Mr. President, as I have said, I was not responsible for the  
5 army, so I do not know how they did it. It was up to each zone to  
6 do according to their situations.

7 [11.32.12]

8 Q. Mr. Nuon Chea, was there not an entity called the Joint  
9 Battlefield Committee that included representatives from the  
10 zones as well as representatives of the Party Centre leaders that  
11 was responsible for co-ordinating military activity? Is that  
12 correct?

13 A. Mr. President, if there were study sessions, yes, there were,  
14 there were the joint sessions. There were cadres along with  
15 soldiers. Here I'm talking about study sessions. But if there  
16 were no study sessions, I cannot comment on that.

17 Q. Are you saying that as the Deputy Secretary of the Party, Mr.  
18 Nuon Chea, you were unaware during the period of the existence of  
19 the Joint Battlefield Committee that was responsible for  
20 co-ordinating military strategy?

21 A. Mr. President, I do not understand the question by the  
22 Co-Prosecutor. What do you mean by the strategies and tactics?

23 Q. Let my question be very simple, Mr. Nuon Chea.

24 Were you or were you not aware of the Joint Battlefield Committee  
25 during the period between March 1970 and April 1975?

1 A. I told you again and again that I was not responsible for the  
2 military, so I do not know about that.

3 Q. In your testimony on the 14 December 2011, in discussing the  
4 period that Ieng Sary was abroad, located in China, you stated  
5 that he came back to Cambodia -- and I quote -- "every five or  
6 six months". I'm quoting here from E1/22.1, at page 7.

7 My question is: When Ieng Sary returned from China every five or  
8 six months during the 1971 to '75 period, did he participate in  
9 meetings with other Party leaders?

10 [11.35.37]

11 A. Mr. President, I never said the phrase "five or six months".

12 Q. Well, the record will reflect what you said, Mr. Ieng Sary  
13 (sic). Let me ask you another question.

14 Is it correct that, when Ieng Sary came back from China to  
15 Cambodia during the 1971 to '75 time period, that he came back  
16 and participated in meetings of the Standing and Central  
17 Committee?

18 [11.36.24]

19 A. I do not recall that.

20 Q. I want to now ask you some questions regarding the Third Party  
21 Congress held in 1971.

22 Were you present at the Third Party Congress that was held in  
23 1971, Mr. Nuon Chea?

24 A. In 1971, yes, I did.

25 Q. Where was that congress held?

1 A. I do not remember the place, Mr. President.

2 [11.37.38]

3 Q. Do you remember how many people attended the Third Party  
4 Congress?

5 A. Mr. President, I do not remember the number of those who  
6 participated the congress either.

7 Q. Do you recall what matters were discussed and decided at the  
8 1971 Party Congress?

9 (Short pause)

10 A. Mr. President, I do not remember it.

11 Q. Can you identify for the Chamber anyone, other than yourself,  
12 who was present at the Third Party Congress in 1971?

13 A. Mr. President, I do not remember that.

14 Q. Do you recall a meeting of the Central Committee in 1972,  
15 where it was decided to close the markets in the liberated zones?

16 [11.40.16]

17 Do you recall that meeting, Mr. Nuon Chea?

18 A. Mr. President, I do not recall that because it was the  
19 administrative issue.

20 Q. Let me read to you now, Mr. Nuon Chea, a statement from the  
21 September to October 1976 "Revolutionary Flag" to see if that  
22 refreshes your recollection regarding the 1972 meeting. I'm  
23 reading from -- we'll read from document D243/2.1.7, at Khmer ERN  
24 00063072, English ERN 00450510, and French ERN 00491878. That  
25 issue of "Revolutionary Flag", Mr. Nuon Chea, contains the

1 following statement:

2 "The party made an assessment, and saw that the situation was  
3 like this, and decided to close the markets in the liberated  
4 zones in 1972. Closing the markets was no minor matter. It was a  
5 very mighty revolutionary moment that struck right at the  
6 economic foundations of the capitalists and feudalists. We did  
7 not use military force to kill them. We got control of the  
8 important products like rice, oil, salt, cloth, and medicine.  
9 When we were able to control the strategic products, we gained  
10 strategic control over the entire economy. We did not let various  
11 merchandise enter or leave the liberated zone. Therefore, in just  
12 a short time, the markets had nothing at all to sell."

13 [11.42.40]

14 Does this refresh your recollection, Mr. Nuon Chea, that the  
15 party decided, in 1972, to close the markets in liberated zones?

16 A. Mr. President, I do not remember that. But I don't think there  
17 was closure of markets in 1972.

18 Q. When is it that you recall that the markets were closed in  
19 liberated -- in the liberated zones?

20 A. Mr. President, it was up to the zone committees.

21 Q. How much of the territory of Cambodia had been liberated as of  
22 1971 or 1972?

23 A. Mr. President, I do not understand the question.

24 Q. Let me ask you about one specific area.

25 [11.44.27]

44

1 Do you recall when it was that Kratie was liberated?

2 A. Yes. The Kratie province was liberated.

3 Q. When was it that Kratie province was liberated?

4 A. As you said, it was probably in 1971 or 1972.

5 Q. And is it correct that, when Kratie province was liberated in  
6 1971 or '72, that the residents were allowed to continue to live  
7 in the towns and that markets were allowed to continue to be  
8 open? Is that correct?

9 A. Mr. President. It remains the same.

10 Q. And do you recall that a time came when the party decided that  
11 it was unhappy with the behaviour of people in Kratie, and  
12 therefore decided to close the markets and to evacuate the people  
13 to cooperatives?

14 [11.46.22]

15 Do you recall that, Mr. Nuon Chea?

16 A. Mr. President, I do not recall that, because I was in a  
17 different area and Kratie province was in another location. It  
18 was located in -- it was under the control of other people.

19 Q. Can you explain to the Chamber what the term "seizing the  
20 people" means?

21 A. Mr. President, I never heard of the word "seize people".

22 MR. PRESIDENT:

23 Could the Co-Prosecutor put the question again? The word, in  
24 Khmer language, "to seize people" is hard to understand.

25 MR. PESTMAN:

45

1 Your Honour. Maybe it's more helpful to quote the original Khmer  
2 text, or ask the National Co-Prosecutor to quote the original  
3 version of the statement.

4 MR. PRESIDENT:

5 Yes, thank you.

6 MR. LYSAK:

7 Yes, Mr. President, I'm happy to do that.

8 [11.48.14]

9 So at this time, what I would like to do then is to show to the  
10 witness the December 1976 to January 1977 "Revolutionary Flag",  
11 which is issue D243/2.1.9. And the questions that I'm going to  
12 ask come from page Khmer 00063040, English page 00491424, and  
13 French page 00504049.

14 And we can also put part of this on the screen.

15 Number 25? The whole page. Oh, it's not working? Oh, okay.

16 Mr. President, I understand that our screen is still not working  
17 to be able to show things, so--

18 MR. PRESIDENT:

19 Can the court officer put the document on the screen?

20 (Short pause)

21 MR. NUON CHEA:

22 I demand the document for me to read.

23 [11.50.21]

24 I insist again and again.

25 MR. PRESIDENT:



1 The Chamber does not require that.

2 Now we are working on the content of the document on which the

3 Co-Prosecutor raises his question. Could the International

4 Co-Prosecutor read the page? Because, through the translation,

5 there may be misunderstanding of the purpose of the question, and

6 so the answer is not possible.

7 MR. LYSAK:

8 Mr. President, what I'd suggest is that we have either the

9 Chamber or my national colleague can read the Khmer version, the

10 original language, so that the original language is read to the

11 witness. I could read - alternatively, I can read the English

12 parts that I have, but it may be better for the witness to hear

13 the original Khmer.

14 MR. PRESIDENT:

15 Could a national colleague or the National Co-Prosecutor read the

16 document in Khmer?

17 MR. SENG BUNKHEANG:

18 Thank you, Mr. President.

19 [11.52.20]

20 I will read the document in Khmer after it is printed.

21 (Short pause)

22 MR. LYSAK:

23 My apologies, Mr. President. It's taking us a few minutes. We

24 weren't expecting the screens not to be working today, so we'll

25 find the Khmer original page for that, but it could take us just

1 another minute.

2 (Short pause)

3 MR. NUON CHEA:

4 Can I have the document for me to read?

5 MR. PRESIDENT:

6 The Chamber already informed you on this.

7 [11.54.42]

8 There are thousands of thousands of pages of the documents  
9 available in the case file. And to manage these documents for the  
10 case file, we apply the measures that have been applied in other  
11 international tribunals as well. And again, the Chamber has  
12 already ruled on this issue. Parties are entitled to put  
13 questions -- rather, put documents before the Chamber and the  
14 Accused is entitled to exercise his right to remain silent -- to  
15 respond to the question. This is what the Chamber ruled on  
16 yesterday.

17 (Short pause)

18 Counsel Ang Udom, we note you are on your feet.

19 MR. ANG UDOM:

20 May I assist on this issue? Because we have obtained the Khmer  
21 document.

22 [11.57.10]

23 I'm not sure whether I can hand over this document to the  
24 prosecution.

25 MR. PRESIDENT:

1 Yes, please.

2 MR. SENG BUNKHEANG:

3 Thank you, Mr. President.

4 [11.57.47]

5 We have now obtained the document, and I would like to read in  
6 Khmer language, at ERN number 0006340, beginning with the phrase  
7 which read:

8 "One, we took him, two we took them, 100 we took them, 1,000 we  
9 took them, and so on until we fought for and seized the people  
10 from Phnom Penh too. When the enemy has the people, the enemy has  
11 a military, an economy. When the enemy has no people, the enemy  
12 has no military and no economic strength. Our reasoning is  
13 correct, thus our line is very correct. We fight to conquer the  
14 people at every location.

15 "An example: the fighting in Banam in 1973. We took everyone in  
16 Banam town, expelling the ethnic Vietnamese, the ethnic Chinese,  
17 the military, the police. We took everyone, trying up the people  
18 from the enemy.

19 "An example: the fighting on Highway 6, Chenla II, 1971. The  
20 enemy intended to take everything from Taing Kouk to Kampong  
21 Thom. They cut off everything from Kampong Thmâ to Kreung, and  
22 used this triangle to capture the people and round up the people  
23 for use as a political force and economic force, to seize the  
24 North Zone adjacent to Kratie so that the contemptible Thieu's  
25 forces could attack from the South and take Kratie.

1 [12.00.28]

2 "However, they were defeated. Why was that? Because we pulled out  
3 the people. When all the people were pulled out, they gained no  
4 additional forces. They had no additional strength in terms of  
5 economics or manpower. They grew even weaker. We attacked and cut  
6 them in pieces, cutting off the heads and tails of their main  
7 force units, and creating the preconditions for the decisive  
8 attack. The decisive factor in the victory -- we pulled out  
9 people.

10 [12.01.04]

11 "For example, we liberated Oudong in 1974. We pulled out all the  
12 people. When they took it back, they had no forces. They had no  
13 forces of the people. They had no economic or military strength.  
14 We were able to fight them, and we did not even have to fight  
15 them. When we made the decisive attack on Phnom Penh, we let them  
16 be, and we attacked to the front instead.

17 "This is a very important strategic line. Control the people, and  
18 conquer the people. That's why our party members, our combatants,  
19 the state power in the base areas, do anything that impacts the  
20 people. They must understand the strategic meaning of the people  
21 in this way. Whatever side has the people, that side wins,  
22 whether they are strategic people or tactical people. When the  
23 tactical people are with us, they help us. But when the tactical  
24 people are with the enemy, they help the enemy."

25 I finish my reading here, Mr. President.

1 MR. PRESIDENT:

2 Thank you, Mr. Co-Prosecutor. And Mr. International  
3 Co-Prosecutor, you may continue now on the Accused.

4 MR. NUON CHEA:

5 I do not understand what we mean by the phrase "to improve", "the  
6 people from the enemy". I heard it twice. What do we mean by  
7 that?

8 [12.03.13]

9 How do we mean by -- what do we mean by "to improve people from  
10 the enemy"? This is the reason why I demand the document, to read  
11 it clearly, so that I understand what it means. You say we were  
12 to improve people from the enemy -- I don't understand it at all.

13 MR. PRESIDENT:

14 You now wait for the question from the Co-Prosecutor.

15 [12.03.43]

16 The last question for this morning, and just listen to the  
17 question and see whether you can answer this question.

18 BY MR. LYSAK:

19 Q. My first question to you, Mr. Nuon Chea, is: Can you explain  
20 to the Chamber the party line of seizing or controlling the  
21 people that was described in this document?

22 MR. NUON CHEA:

23 A. I would like to exercise my right not to respond to that  
24 question.

25 MR. LYSAK:

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1 Mr. President, if you would like me to give you an update as to  
2 how much additional time I'm -- at this point, I'm happy to do  
3 that. My estimate is that I probably have an additional half hour  
4 to an hour, depending again on how things proceed with the  
5 Accused.

6 [12.04.55]

7 My colleague probably has about an hour and a half of questions,  
8 so I would anticipate we would need one more half-day session, at  
9 the most, to finish our examination.

10 MR. PRESIDENT:

11 Since it is now appropriate time for lunch adjournment, the Court  
12 will take the lunch break and resume by 1.30.

13 We note that Nuon Chea is raising his hand.

14 MR. NUON CHEA:

15 My health is weaker. I'm afraid that I may not be able to attend  
16 the session in the afternoon.

17 MR. PRESIDENT:

18 May we know for sure what request it is? Because, if the request  
19 is not clear, the ruling will be ambivalent as well.

20 [12.06.08]

21 The Chamber has to understand your clear purpose of this before  
22 we can determine on the case.

23 MR. NUON CHEA:

24 Mr. President, I will proceed to produce the request at -- by my  
25 counsel in due course.

1 MR. PRESIDENT:

2 Is it correct to say that you would like to be excused from  
3 participating directly in this courtroom and that you would  
4 follow the proceedings from the holding cell? Is that what you're  
5 saying? Like you did yesterday?

6 MR. NUON CHEA:

7 Yes, it is, your Honours. I would like to follow the proceedings  
8 from the holding cell.

9 MR. PRESIDENT:

10 Your request is granted, but the Counsel has to submit this  
11 document concerning your request for following the proceedings  
12 through remote participation to the Chamber as soon as possible,  
13 and that the request shall be signed or thumb printed by the  
14 Accused.

15 [12.07.50]

16 MR. ANG UDOM:

17 My client also shares the same concern. He has been sitting in  
18 this courtroom for the whole morning and he complains that he has  
19 a back pain and he would like to be excused from this courtroom  
20 and be allowed to observe the proceedings from his holding cell  
21 instead.

22 MR. PRESIDENT:

23 The request is granted and that the request in writing shall be  
24 submitted to the Chamber, in which the accused person shall give  
25 the thumb print or signature.

53

1 Security personnels are now instructed to bring the accused  
2 persons to the holding cells and have them kept there, except  
3 Khieu Samphan, who shall be returned to the courtroom. Nuon Chea  
4 and Ieng Sary are permitted to observe the proceedings from the  
5 holding cells, and AV officers are instructed to connect the AV  
6 equipment and the footage of the courtroom to the cell so that  
7 they can follow the proceeding. Thank you.

8 (Court recesses from 1209H to 1335H)

9 MR. PRESIDENT:

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

11 During this afternoon's session, the Chamber will hear Khieu  
12 Samphan.

13 Security personnels are now instructed to take Khieu Samphan to  
14 the dock.

15 Counsel Kong Sam Onn you may now proceed.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. I would like to ask for clarity whether  
18 Khieu Samphan is now heard on the historical background or the  
19 administrative structure and work relations.

20 [13.36.49]

21 MR. PRESIDENT:

22 Security personnels are instructed to bring the Accused to the  
23 dock first before we address the question by the counsel. Bring  
24 him to the dock.

25 (Short pause)



1 This is the order by the President of the Chamber. It must be  
2 followed immediately.

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

4 [13.37.41]

5 May we inform national counsel for Mr. Khieu Samphan that the  
6 Chamber has already indicated very clearly the facts for the  
7 first segment of the hearing. We hope that counsel is well  
8 informed and that -- prepared -- because we have already made it  
9 clear what matters are to be discussed during the first segment  
10 of the trial proceedings.

11 Please also be informed that since Mr. Khieu Samphan's situation  
12 is different from that of Mr. Ieng Sary, Mr. Ieng Sary indicates  
13 very clearly that he will exercise his right to remain silent  
14 from the very beginning of the trial proceedings until the  
15 conclusion of the trial proceedings with regard to this severed  
16 facts, as stated in this first segment.

17 However, with regard to Mr. Khieu Samphan, we have already  
18 informed him about his rights and he has not indicated clearly  
19 yet whether he would like to exercise his right to remain silent  
20 although we have been informed by the accused person that  
21 whenever any inculpatory evidence being presented in the  
22 courtroom against him, it is the moment that he would be  
23 responding to the questions to challenge such evidence.

24 That is why, today, we ask him to be here before us, to indicate  
25 his position precisely. Indeed, if the Chamber had learned that

1 he would like to exercise his right to remain silent as Mr. Ieng  
2 Sary did, then the Chamber would have not called him to clarify  
3 this position.

4 [13.40.57]

5 So we would like him indeed, to clarify the position.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. Through me, Mr. Khieu Samphan has  
8 maintained his position that he would not respond to the  
9 questions as he's already did -- said so on the 13 of December  
10 2011. Thank you.

11 MR. PRESIDENT:

12 Thank you, Counsel. The issue is clear. Mr. Nuon Chea counsel,  
13 you may now proceed.

14 MR. PESTMAN:

15 Thank you very much. Just very briefly, I would like to inform  
16 the Trial Chamber that my client was very tired after this  
17 morning's session and that he is currently downstairs, sleeping.  
18 So he's not actively participating in the procedure. The telly  
19 has been turned off. Thank you.

20 (Judges deliberate)

21 [13.42.53]

22 MR. PRESIDENT:

23 I would like to hand over to Judge Lavergne to proceed -- or to  
24 put questions to the accused person, Mr. Khieu Samphan.

25 Mr. Khieu Samphan, please proceed.

1 MR. KHIEU SAMPHAN:

2 Mr. President, could you please inform to me what kind of  
3 questions that I shall be put? If the questions are relevant to  
4 the historical background of Democratic Kampuchea I perhaps may  
5 not respond to such questions. I made it clear already that I  
6 would not be responding to questions; only I had to wait after  
7 the prosecutors have put all their questions and I believe that  
8 such position has already been clear and my counsel already  
9 echoed my position. I have already indicated in the statements  
10 before the Court in details with regard to the historical  
11 background of the Democratic Kampuchea.

12 So I have nothing else to add on top of this. If this session is  
13 about the administrative structure, then I think perhaps it is  
14 not yet time to discuss this matter.

15 [13.44.38]

16 I refer to document E155. It is only after the historical  
17 background of the Democratic Kampuchea has been concluded that  
18 the second portion, which is about the administrative structures  
19 of the Democratic Kampuchea or the regime, could have been  
20 brought before this Chamber; and I reserve my right to only  
21 respond to issues with regard to the administrative structure  
22 when the relevant matters being put before this Chamber.  
23 Otherwise, I would not respond and I will not be responding to  
24 questions with regard to the historical background of the  
25 Democratic Kampuchea.

1 MR. PRESIDENT:

2 Thank you, Mr. Khieu Samphan, for your current position which  
3 clarifies things. We have noted that you have been clear with  
4 regard to your position that you would not respond to questions  
5 relevant to the historical background of the Democratic  
6 Kampuchea.

7 We do not know whether Judge Lavergne still wishes to put any  
8 further questions to Mr. Khieu Samphan at this time.

9 [13.46.06]

10 JUDGE LAVERGNE:

11 Thank you, Mr. President. Before dealing with the problem  
12 regarding Mr. Khieu Samphan, I would like to focus on Mr. Nuon  
13 Chea's absence.

14 I'd like to know what the defence is submitting. Is the defence  
15 submitting that Nuon Chea is not able to partake in these  
16 proceedings or is it simply saying that Nuon Chea is waiving his  
17 right to participate in this hearing? And if he is so doing, did  
18 they file any kind of motion to that effect? What is the exact  
19 status of this situation?

20 [13.46.51]

21 MR. PESTMAN:

22 Before the interval I waived -- I filed a document in which Nuon  
23 Chea waived his right to be present.

24 JUDGE LAVERGNE:

25 In order to clarify things, he is not objecting -- you're not

1 saying that your client is not fit to attend the Hearing; he is  
2 simply waiving his right to partake in this Hearing, is that what  
3 you are saying?

4 MR. PESTMAN:

5 Well, I kept it brief on purpose. I do not want to wake him up  
6 and I have filed a document in which he waives his right to be  
7 present during the remainder of today's Hearing. He signed it and  
8 I gave it in both Khmer and English to the Registrar.

9 [13.47.46]

10 JUDGE LAVERGNE:

11 Thank you for this clarification. Mr. Khieu Samphan, I believe  
12 everyone has understood your position. However, you should hear  
13 the position of the Bench as well. You made a certain number of  
14 statements on 13 December last, statements that we could say are  
15 willful and in which you made a certain number of comments  
16 pertaining to paragraph in the Closing Order regarding the  
17 historical context which is the part that we are focusing on  
18 right now; and in the case -- or on the case file we have a  
19 certain number of documents that regards you and that regards the  
20 historical context of Democratic Kampuchea; so the objective of  
21 today's hearing, or this afternoon's, is twofold.

22 [13.49.02]

23 First of all, having heard your comments, we would like to obtain  
24 some clarification in relation to the comments that you made in  
25 December. Then, in relation to the documents that may regard you,

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1 I find it important that you know what the Chamber's questions  
2 might be in relation to these documents and it's important also  
3 for us to know whether you believe these documents are relevant.  
4 This is why these documents will be tendered to you and maybe  
5 there will be -- maybe excerpts will be read to you and we will  
6 give you the opportunity to provide comments.

7 [13.49.53]

8 But if you intend not to answer or to respond to these documents,  
9 you will be free to do so as well. But you should understand,  
10 today you are given an opportunity.

11 Does this make the Chamber's position clearer to you or do you  
12 want things to be clarified further? Would you like us to tell  
13 you what kind of questions we may ask you?

14 MR. PRESIDENT:

15 Counsel, you may proceed.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. After having observed the remarks made  
18 by Judge Lavergne, I have two points to raise in my request.  
19 First, we would like to confirm that Mr. Khieu Samphan has waived  
20 his rights to respond to any questions relevant to the historical  
21 background and it has been made clear; and Judge Lavergne has  
22 already indicated that he has fully understood this. So, my  
23 suggestion is that we shall not have any further questions to be  
24 put to Mr. Khieu Samphan with regard to historical background.

25 [13.51.27]

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1 And with regard to point number two concerning the intention to  
2 seek clarifications relevant to the statement Mr. Khieu Samphan  
3 made earlier on, may I ask that I be given some time to discuss  
4 with my client before we address the Court on this?

5 MR. PRESIDENT:

6 International Co-Prosecutor, you may now proceed.

7 MR. ABDULHAK:

8 Thank you, Mr. President. Good afternoon. If I may, just by way  
9 of a brief clarification, I believe back in December Mr. Khieu  
10 Samphan indicated that he was not exercising his right to remain  
11 silent, as the President just indicated, but that at a later  
12 point in the trial, once he has heard the evidence, he would  
13 respond. We took that to mean "testify", answer questions both  
14 from the Judges and from the parties.

15 [13.52.31]

16 If I understood correctly my learned friends' submissions and,  
17 indeed, Mr. Khieu Samphan's position as it stands now, it appears  
18 that Mr. Khieu Samphan does not wish to answer questions at all,  
19 but rather to simply make statements. I may be misunderstanding  
20 that position -- I think there's a little bit of confusion.

21 But certainly we are nearing the end of this portion of the first  
22 phase of the trial, and if Mr. Khieu Samphan's position is that  
23 he will first hear the evidence and then respond, then we would  
24 submit that the appropriate time, as regards to historical  
25 background, is now or before the conclusion of this segment. And

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1 so our position is that Mr. Khieu Samphan should be asked to  
2 clarify.

3 Is he refusing to testify and simply taking the position that he  
4 will make statements as the trial proceeds? If that is the case,  
5 then the prosecution would make submissions in relation to the  
6 negative inferences that may be drawn from such a position. Thank  
7 you.

8 (Judges deliberate)

9 [13.55.34]

10 MR. PRESIDENT:

11 The Chamber will indeed offer some time for Mr. Khieu Samphan and  
12 his counsel to consult one another but before that, since Judge  
13 Lavergne has indicated that he would like to put questions to Mr.  
14 Khieu Samphan with regard to the clarifications concerning the  
15 Democratic Kampuchea and a few issues respectively, then I would  
16 like Judge Lavergne to proceed.

17 [13.56.28]

18 Mr. Khieu Samphan, we note that you raise your hand.

19 MR. KHIEU SAMPHAN:

20 Mr. President--

21 MR. PRESIDENT:

22 Mr. Khieu Samphan, you can remain seated while speaking. The  
23 Chamber allows you to do that.

24 MR. KHIEU SAMPHAN:

25 Mr. President, I indicated on the 13 of December clearly this



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1 position that I would not yet respond to any questions and I  
2 would not have anything else to add on top of my statement that I  
3 made on the 13 of December. I hope this latest position is clear  
4 to the Bench and to Judge Lavergne.

5 I think we should not waste the time of the Court to put further  
6 questions to me on that, because I have already expressed clearly  
7 that I would not have anything else to add on top of what I made  
8 on the 13 of December. Thank you very much.

9 MR. PRESIDENT:

10 Thank you for this, but the matter doesn't end here, because  
11 documents are put before this Chamber and-

12 We have noted that your counsel has requested the Chamber some  
13 time to consult with you before you respond to any questions by  
14 the Judge of the Bench.

15 [13.58.28]

16 And we have noted that both you and your counsel would like to  
17 address the Court or to be heard. That's why we allowed your  
18 counsel to address the Court -- and that you also be allowed to  
19 make some statement. And the Chamber has informed you very  
20 clearly, -- and every accused person before this Chamber -- the  
21 rights -- the right to be informed of the charges, the right to  
22 remain to remain silent, and other rights. And hopefully you have  
23 already been informed. I would like now to hand over to Judge  
24 Lavergne to proceed.

25 JUDGE LAVERGNE:

1 (No interpretation)

2 MR. PRESIDENT:

3 Counsel for Khieu Samphan, you may proceed.

4 MR. KONG SAM ONN:

5 Mr. President, I think it is really important that I have an  
6 opportunity to meet with Mr. Khieu Samphan first, before Judge  
7 Lavergne proceeds to put questions to him.

8 [13.59.54]

9 Because Mr. Khieu Samphan has made it very clear that he would  
10 not be responding to any questions, and I'm afraid that, by that,  
11 any questions put to him would be rejected.

12 MR. PRESIDENT:

13 The Chamber does not proceed to put any questions, as yet. We are  
14 now discussing about documents being put before the Chamber, and  
15 the facts at issue -- the facts that are being debated during  
16 this first segment that are relevant to the accused person Khieu  
17 Samphan.

18 [14.00.34]

19 This discussion session has to be explained in advance before the  
20 proceedings commence, and counsels and parties are advised to  
21 listen to what the Bench would be saying and that, only after you  
22 have grasped the full context of this explanation, that you can  
23 proceed to consult with your client what to act next.

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I think there is still a problem.

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1 Perhaps my client, Mr. Khieu Samphan, does not understand whether  
2 he is expected to hear the questions or issues to be addressed by  
3 Judge Lavergne, and perhaps he has not fully understood the  
4 situation here. That's why I wish that I be given some -- like,  
5 10 minutes to consult with him first.

6 MR. PRESIDENT:

7 We, the Chamber, would like to make it clear first, before we  
8 allow you to discuss with your client -- whether we hear from you  
9 -- your client will exercise the right to remain silent or not --  
10 but let the Chamber explain to you first.

11 [14.02.12]

12 Judge Lavergne, you may proceed.

13 JUDGE LAVERGNE:

14 Right. Here we're talking about making explanations. Right now  
15 I'm not going to be asking any questions. What I do want to point  
16 out is that the Chamber, whatever the case, is going to be  
17 looking at a certain number of documents that are in the file.  
18 Those documents are ones that the Chamber believes may be  
19 relevant. They are going to be aired in the hearing, they are  
20 going to be presented to Mr. Khieu Samphan.

21 [14.02.56]

22 Mr. Khieu Samphan has an opportunity to react to them, and, if he  
23 wishes, to make comments on them. That is what we are planning to  
24 do now. Let me also say that a good number of these documents  
25 concern statements made in the past by the Accused, or they're

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1 writings that he is allegedly the author of. And they're in the  
2 file too. These texts contain a certain number -- amount of  
3 information and it's very important for the Chamber to know if  
4 that information is water-tight and viable.

5 That is the purpose of this afternoon's hearing. I hope that  
6 makes the objective clearer, thank you.

7 (Judges deliberate)

8 MR. PRESIDENT:

9 The Chamber now allows some time for the counsel for Khieu  
10 Samphan and the Accused to discuss.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President.

13 (Short pause)

14 [14.07.22]

15 Thank you, Mr. President. Upon my consultation with my client, he  
16 indicated to me that he will not answer any questions regarding  
17 the historical background. Thank you, Mr. President.

18 QUESTIONING BY JUDGE LAVERGNE:

19 Thank you, Mr. President. Perhaps what is going to be read out  
20 will give Mr. Khieu Samphan a chance to change his mind and to  
21 understand the purpose of this session.

22 [14.08.13]

23 Q. The Judges have before them elements that are both inculpatory  
24 and exculpatory. Within the file, the first elements are records  
25 of statements made by Mr. Khieu Samphan himself, in particular in

1 D46 and D47 of the file. These were made before the  
2 Co-Investigating Judges in December 2007.

3 As an example, I could read one passage from document D46. It's  
4 on page 4 in the French version. And in this paper, Mr. Khieu  
5 Samphan, you can see that you are asked questions about the  
6 duties that you held. You say that, while you were still hiding,  
7 you went into the Aoral Mountains with Ta Mok around September  
8 1970.

9 "We crossed the Tonle Sap to reach the Stoeung Chinit River, and  
10 that is where we met Pol Pot and Nuon Chea. It was the first time  
11 I had seen them. Before that, Pol Pot was in the Rattanakiri  
12 region, and he only re-appeared after the 1970 coup d'état.

13 "On the occasion of that meeting, I understood that Pol Pot, who  
14 I only knew under the name of Saloth Sar, was the Party  
15 secretary. He asked us to provide our identity and to supply our  
16 social origins. I responded to him that I was an intellectual,  
17 and Pol Pot responded that 'you are a son of the ruined feudal  
18 class.'

19 [14.10.42]

20 "I was surprised because my family was poor. I also remember that  
21 Nuon Chea asked Mr. Pok De Koma why he joined the revolution. He  
22 responded, because he hated the monarchy. And Nuon Chea said  
23 that, 'no, you are a feudalism from Sisowath dynasty, and you are  
24 against the Norodom family'. Pok Deu Koma was very angry at Nuon  
25 Chea."

1 [14.11.22]

2 I noted that in the next one, D47, that was recorded the next  
3 day, the same expression, "son of the ruined feudal class", was  
4 used again by Mr. Khieu Samphan. And in his second statement, on  
5 page 6, he said: "My role was pure protocol. Everybody knows that  
6 Pol Pot saw in me a son of the ruined feudal class, a patriotic  
7 intellectual who had no influence."

8 [14.12.14]

9 These are, Mr. Khieu Samphan, two of the first documents that the  
10 Chamber feels are pertinent. It would be interesting for us to  
11 have some comment from you on what I've read or to understand  
12 what being a son of the ruined feudal class actually signifies  
13 for you.

14 Do you wish to make any comments on this, or do you feel that you  
15 are not going to do so -- or do you refuse to do so?

16 MR. KHIEU SAMPHAN:

17 A. What have I said before the Judges -- before the  
18 Co-Investigating Judges and what has read out by the -- by Judge  
19 Lavergne reflected what I stated on the 13th of December. That  
20 refers to the conditions that I was admitted to the Central  
21 Committee. I was tolerated. I was -- actually should -- not  
22 supposed to be members of that, because I was from the feudal  
23 class and I was not in line with the views of the party, so again  
24 that reflected in my statements back in December last month, so I  
25 will not have anything to comment on that further.

1 [14.14.14]

2 And I hope that the statement that I made the other day and my  
3 answers before the Co-Investigating Judges are beneficial for the  
4 Judges to elaborate and adjudicate and to decide whether I was a  
5 senior leader in the party. I hope that these documents are  
6 useful for your considerations, your Honours. Thank you.

7 Q. I think what would be useful would be if you responded to  
8 requests for clarification that may be put to you.

9 And let me repeat what I have already said: What does it mean to  
10 be a son of the ruined feudalist class?

11 [14.15.32]

12 Why were you a son of the ruined feudalist class? Is this  
13 something to do with your family? Is it more connected with your  
14 studies? What is he referring to here?

15 MR. PRESIDENT:

16 Counsel, we note that you are on your feet.

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. May I reiterate Mr. Khieu Samphan's  
19 position? He indicated that he will not answer any question, and  
20 he just indicated just now that he will not answer any further  
21 questions.

22 May I suggest that, if Judge Lavergne wishes that Mr. Khieu  
23 Samphan to answer any questions, may we have or obtain the  
24 questions in advance for him to study the questions? Thank you.

25 JUDGE LAVERGNE:

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1 Do you -- are you referring to the provisions of the internal  
2 regulations which stipulate that I should communicate my  
3 questions in advance to your client?

4 [14.17.03]

5 I have other issues to raise connected with these interviews that  
6 I will come back to. For example, the date when Mr. Khieu Samphan  
7 says he first met Pol Pot and Nuon Chea. There are documents that  
8 would bear comparison in that regard. But I will point out that,  
9 in that interview of the 13th of December, Mr. Khieu Samphan did  
10 say some things about the dates on which the Kampuchea Communist  
11 Party Congresses took place. Let's be clear, I do understand that  
12 at this stage Mr. Khieu Samphan does not wish to make further  
13 comments.

14 MR. PRESIDENT:

15 Counsel, you may proceed.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President.

18 [14.18.08]

19 May I make a short observation in response to Judge Lavergne's  
20 observation? He asked whether there is any provision that a  
21 Judges could communicate or provide the questions to my client,  
22 Mr. Khieu Samphan. May I clarify that the reason why we are  
23 requesting for the questions is that Mr. Khieu Samphan indicated  
24 already that he would not answer any questions, and if questions  
25 are kept being put before him, this could be considered as



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1 disturbance or intrusion to his rights. So, in case the questions  
2 are provided to Mr. Khieu Samphan in advance and he could study  
3 the questions and understand that he could answer to a certain  
4 extent, he could then decide whether he would answer the  
5 questions or not. These rights are stipulated both in the  
6 constitution of this country as well as the law of this Court.  
7 Thank you, your Honours.

8 MR. PRESIDENT:

9 It appears that the Accused has already provided a firm position.  
10 In accordance to the law, this can be taken as the fact that the  
11 documents be placed before the Court.

12 [14.20.19]

13 And Judge Lavergne, you may proceed.

14 BY JUDGE LAVERGNE:

15 Q. Another document that the Court might consider relevant is a  
16 published work entitled "Cambodia's Recent History and the  
17 Reasons behind the Decisions I Made". This document is in the  
18 file under IS 4.23. In the French, the ERN is 00595365-00595529,  
19 in English, 00103717-00103801, and in Khmer, 00103802 to  
20 00103899.

21 This book is supposed to have been written by Mr. Khieu Samphan.  
22 It contains some points of information that are interesting. For  
23 example, page 27 in the French version, 00595388 in the French  
24 version. In English, it's 00103729 to 00103730, and in Khmer,  
25 00103815 to 00103816. This excerpt concerns the end of Mr. Khieu

1 Samphan's activity as secretary of state for trade. He says that:

2 [14.23.10]

3 "After a series of unfortunate events, I was unable to put my  
4 plan to work. A few months earlier, during the student protests  
5 in Siem Reap, Lon Nol drew up a list of 34 individuals, including  
6 me, who were to be arrested. But the Prince interceded, and the  
7 affair went no further.

8 "Then another problem arose. The National Congress, citing a rise  
9 in the price of beef, withdrew its confidence in me. Of course,  
10 the National Assembly could not contravene the wishes of  
11 Congress."

12 [14.23.52]

13 I don't know, Mr. President, if I can ask Mr. Khieu Samphan if he  
14 is indeed the author of this excerpt, if he has any comments  
15 about it, or if I have to withhold from asking any questions at  
16 all.

17 MR. KHIEU SAMPHAN:

18 A. My respects to Mr. President. I would like to answer the  
19 question asked by Judge Lavergne. I did write -- I did write  
20 that. And what I wrote there is in line with what I put in my  
21 statement on the 13 of December. And again, I do not have  
22 anything to add to that.

23 Q. Thank you. On pages 33 and onwards, French ERN 00595393 to  
24 00595395, in English 003732 to 00103733, and in Khmer up to  
25 001039. This concerns events that occurred in 1966, relating to

1 the coup d'état as well.

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. If it pleases the Court, may I request  
4 that Judge Lavergne not put any other questions to Mr. Khieu  
5 Samphan as he already indicated that he would not answer any  
6 questions? Therefore, any attempt to put questions to him may  
7 confuse him and will infringe his rights. Thank you.

8 (Judges deliberate)

9 [14.27.23]

10 BY JUDGE LAVERGNE:

11 Q. I'd like to read out another excerpt from the book:

12 "Ironically, Lon Nol, while covering the trafficking and probably  
13 participating it, worked to rally not only powerful social groups  
14 which were not concealing their nostalgia for the days of the  
15 fatted calf and their fondness for American aid, but also  
16 high-ranking government officials and the intellectual elite who  
17 were becoming more frustrated by the widespread corruption inside  
18 the country.

19 "They declared underground war against the Prince. They spread  
20 rumours throughout the capital about the Prince and scandalous  
21 stories about corruption inside the Royal Family. Meanwhile,  
22 national elections to select a new parliament were approaching.  
23 The Prince was besieged with hundreds of letters from people  
24 urging him to appoint them as candidates of Sangkum Reastr Niyum  
25 and others asking him not to intervene in the appointment of any

1 candidate. This time the Prince refrained from intervening and  
2 left the list open to all members of the movement.

3 "Was he exasperated by his critics? Did he want to avoid  
4 alienating some of his faithful supporters in such a situation?  
5 Choosing some candidates was tantamount to rejecting others who  
6 would then join the adversary.

7 "Whatever his reasons, he made a grave error that would later  
8 cause serious consequences for him and the country. Indeed, under  
9 the pretext of fighting communism and without the knowledge of  
10 the Prince, Lon Nol had already plotted his own rise within  
11 Sangkum Reastr Niyum and had enlisted the support of the majority  
12 of the provincial leaders and the heads of districts and  
13 communes.

14 "Actually, the assembly that resulted from the 'free' elections  
15 of 1966 was an instrument in Lon Nol's hands. Four years later,  
16 this Assembly voted to depose the Prince as Head of State."

17 [14.30.04]

18 So I'm not asking any questions here again. I just would like to  
19 ask if Mr. Khieu Samphan wishes to comment on that text.

20 [14.30.24]

21 MR. KHIEU SAMPHAN:

22 A. Mr. President, Your Honours. I do not wish to make any further  
23 comments on top of that.

24 Q. So a bit further down, the following is written:

25 "Many, many different signs indicated that the Prince was

1 beginning to lose control of the government. Already in small  
2 groups people were speaking about Suharto and about Nassusson,  
3 Cambodian, by alluding to the bloody coup d'état that occurred in  
4 March 1966 in Indonesia.

5 [14.31.14]

6 "Under such circumstances, Hou Youn was accused of being at the  
7 origin of this revolution and threatened to bring him before a  
8 military tribunal and this threat could not be taken lightly.

9 "We no longer felt safe in Phnom Penh. This is how we accepted  
10 the proposal by the Communist Party of Kampuchea to take shelter  
11 in the countryside. This proposal was made to us in a letter that  
12 included a rather detailed analysis of the situation, leaving no  
13 room for doubt as to who sent it.

14 "The messenger who delivered the letter was well-known to both of  
15 us. He was a man respected for his age and his comportment. He  
16 often attended meetings organized by the Association of Former  
17 Students of Sisowath High School, a group to which we also  
18 belonged.

19 "On the agreed-upon night, he led us on National Route 3 to spot  
20 just east of Ang-Tasomm. A group of peasants waited for us  
21 there."

22 [14.32.34]

23 So it's the same question: Do you wish to react?

24 MR. PRESIDENT:

25 Counsel for Khieu Samphan, you may proceed.

1 MR. KONG SAM ONN:

2 Thank you, Mr. President.

3 Once again, may I reiterate that Mr. Khieu Samphan is exercising  
4 his right to remain silent and this right shall be respected  
5 since it is set forth in the Rules.

6 Judge Lavergne suggests that Mr. Khieu Samphan give his comments,  
7 although it is not a questions to me, it is not different from  
8 putting questions, although Judge Lavergne is asking -- or is  
9 proposing that Khieu Samphan gives clarification of comments.  
10 So, I'm afraid his right to remain silent has not been fully  
11 respected by way of putting more questions to him like this. So  
12 this makes us feel that Khieu Samphan is compelled to respond to  
13 questions although he is not willing to do so.

14 May we ask that the Chamber reconsider this and that Mr. Khieu  
15 Samphan shall not be forced to respond to any further questions  
16 from the Bench?

17 (Judges deliberate)

18 [14.35.42]

19 MR. PRESIDENT:

20 Judge Lavergne, you may now proceed, and the Chamber has noted  
21 the position by the Accused and Counsel for the Accused with  
22 regard to the documents -- the questionings. But even when it  
23 comes to documents being put before the Chamber, Mr. Khieu  
24 Samphan also shows that he is not willing to respond to the  
25 filing -- to the documents being put here.

1 So may I suggest that Judge Lavergne proceed with only providing  
2 the identification of the documents and that no further questions  
3 are being put to the accused person to clarify on it because we  
4 understood clearly that the accused person at the very beginning  
5 said that he would not respond to questions.

6 But now he has even gone further to say that he would not even  
7 respond to any requests asking him for clarifications on the  
8 documents being put before the Chamber. So, in light of this, may  
9 I suggest that Judge Lavergne proceed with only the  
10 identification of the documents that the Chamber would wish to be  
11 put before the Chamber.

12 [14.37.31]

13 JUDGE LAVERGNE:

14 Thank you, Mr. President. I think we may also say that the  
15 Accused does not wish to use the opportunity given to him to make  
16 whatever comment on the documents tendered here.

17 So I would like to return to this book entitled "The Recent  
18 History of Cambodia". Other passages are relevant, in particular,  
19 page 46 in the French version and page 53, which regards Mr.  
20 Khieu Samphan's departure to Aoral Mountain after the coup  
21 d'état.

22 And another document is D213.2, which apparently is a book by Mr.  
23 Khieu Samphan himself called in English "Elements of the History  
24 of Cambodia From the Very Beginning to Democratic Kampuchea". And  
25 in this book, there is an excerpt, on page 10 in the French

1 version, regarding the training the young recruits of the  
2 Communist Party of Kampuchea received; and on page 42 and 43,  
3 there's interesting information regarding the coup d'état and the  
4 reactions of King -- of the King Father and of Pol Pot and  
5 another document is D58.

6 And this document is annexed to a letter that was -- that had  
7 been sent by Mr. Khieu Samphan's lawyer at the very beginning of  
8 the investigation and in which Mr. Khieu Samphan said that he was  
9 going to provide a certain number of explanations to the  
10 Investigating Judges and, in particular, he attached to this  
11 letter a translation of the previously mentioned book, that is to  
12 say the books on the elements of the history of Cambodia from its  
13 very beginning to the period of Democratic Kampuchea.

14 [14.40.03]

15 So the ERN in French is the following: 00157640, 00157704; and in  
16 English, 00170881, 00170884; Khmer, 00157632 to 00157639.

17 [14.40.36]

18 And another document that seems relevant here and that is indexed  
19 as IS 18.1 and this document is titled "The Cambodia Seat at the  
20 United Nations Organization", French ERN and in English as well  
21 is the following: 00068101, 00068129. And there is only a partial  
22 translation of this document into Khmer, which is under ERN  
23 00290197, 000290198.

24 And I'd like to specify here that a translation request is now in  
25 -- has been made, and I'd like also to let you know that this



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1 document was drafted by the FUNK when the FUNK and the GRUNK were  
2 trying to determine that they were the only legitimate  
3 representatives of Cambodia, in particular before the United  
4 Nations.

5 And there are also other documents. The document D243/2.1.1,  
6 "Revolutionary Flag" issue number 8 from August 1975, and also at  
7 D243/2.1.9, again an issue of "Revolutionary Flag" special issue  
8 of December 1976 to January 1977, and in particular the segment  
9 that was read this morning by the Co-Prosecutor regarding the  
10 evacuation of the city populations.

11 And I will also provide you later on with other references,  
12 references to articles or excerpts from a review called  
13 "Nouvelles du Cambodge" - "Cambodia News" -- which was published  
14 by the Cambodian Information Agency and, in particular, I would  
15 like to refer to lists of government members of the GRUNK, as  
16 well as excerpts from Mr. Khieu Samphan's speeches upon various  
17 occasions, in particular when he travelled to China, to Korea, or  
18 to Vietnam.

19 So, I think that I have been relatively clear, Mr. President,  
20 here.

21 [14.43.53]

22 MR. PRESIDENT:

23 Thank you, Judge Lavergne.

24 (Judges deliberate)

25 [14.44.49]

1 MR. PRESIDENT:

2 International Co-Prosecutor, you may now proceed.

3 MR. ABDULHAK:

4 Thank you, Mr. President. Very briefly, perhaps, at this stage,

5 and just returning very quickly to my comments earlier, as we

6 near -- come towards the end of this segment of the trial -- and

7 obviously we're moving on to the administrative structures --

8 this might be an appropriate time to inquire from Mr. Khieu

9 Samphan and his counsel as to whether or not he will be answering

10 questions in that part of the trial. I think that will assist

11 both Your Honours and the other parties if we have that notice

12 now, as that segment, I believe, will come very shortly.

13 (Judges deliberate)

14 [14.46.42]

15 MR. PRESIDENT:

16 Counsel, you may now proceed.

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. In response to what raised by the

19 Co-Prosecutor, I would like to indicate that only after the

20 session on the historical background of the Democratic Kampuchea

21 that we proceed to the next topic. If witnesses have not yet

22 given testimonies with regard to this relevant portion, the

23 hearings on the administrative structure of the Democratic

24 Kampuchea shall not be convened, as yet, because in accordance

25 with the instruction by the -- by the Trial Chamber, document

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1 E155, that only after the first phase of the trial segment  
2 concludes that we may proceed to another segment.

3 [14.48.11]

4 MR. PRESIDENT:

5 Thank you, Counsel.

6 Perhaps what the Co-Prosecutor would like to know is not that; it  
7 is more about the fact that the hearings on the historical  
8 background of Democratic -- of Democratic Kampuchea has almost  
9 coming to an end and that we are now proceeding closer to the  
10 hearings on the administrative structure of the Democratic  
11 Kampuchea. That is why the question is to Mr. Khieu Samphan by  
12 the prosecutor whether we know he will remain silent to  
13 questions, again, when it comes to that portion or not.

14 And if he would like to remain silent, Mr. Khieu Samphan is  
15 advised to tell the Chamber to know this and if he is willing to  
16 respond to questions, indeed, he should also indicate so, so that  
17 he, himself, can be prepared to respond to questions.

18 [14.49.41]

19 The Chamber would also wish to know from the counsel and Mr.  
20 Khieu Samphan on this.

21 MR. KONG SAM ONN:

22 Thank you, Mr. President, and thank you, my learned friend who  
23 advises us on that.

24 Indeed, it is our role to be prepared to address the questions  
25 and I am convinced that by then Mr. Khieu Samphan will be ready

1 to respond to questions.

2 MR. PRESIDENT:

3 Mr. Khieu Samphan, may we know your position? The following facts  
4 at issue is on the administrative structures of the Democratic  
5 Kampuchea.

6 May you tell the Court about your position? Are you choosing to  
7 remain silent again or have you changed your mind to respond to  
8 questions to parties with relation to these indicated facts?

9 [14.51.29]

10 Counsel, you may proceed.

11 Counsel Kong Sam Onn, you should seek to understand the issue now  
12 before you respond. We understand that Mr. Khieu Samphan has  
13 expressed his intention not to respond to questions being put to  
14 him with regard to the current issue; however, the Chamber is not  
15 going to put questions to him again during this afternoon's  
16 session, but only when the first topic has come to a conclusion,  
17 the Chamber will proceed to the next topic.

18 And we have already communicated the message to the party  
19 concerning this sequence of the facts to be debated so we  
20 understand that Khieu Samphan has exercised his right to remain  
21 silent now, but will he remain silent in the second phase when it  
22 comes to the facts on the administrative structures of the  
23 Democratic Kampuchea when the sessions on that portion is on?

24 [14.53.06]

25 So this case is still relevant to Case File 002/1 and we should

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1 not discuss the same issues again and the Chamber would like to  
2 know from the counsel and, in particular, from Mr. Khieu Samphan  
3 so that we can be well-informed in our preparation for the proper  
4 management and conduct of the future proceedings.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. Actually, I have fully understood the  
7 issues, but may we ask the Chamber for two minutes to consult  
8 with Mr. Khieu Samphan before he can respond to the Bench and the  
9 Court?

10 MR. PRESIDENT:

11 You are allowed two minutes to consult with him.

12 [14.56.21]

13 MR. KHIEU SAMPHAN:

14 Mr. President, Your Honours, and ladies and gentlemen, with  
15 regard to the question or request, as indicated by the  
16 Co-Prosecutor, I am afraid -- and my sincere apologies that I  
17 will not be able to address it now. Please allow me some time to  
18 consider this.

19 MR. PRESIDENT:

20 Thank you, Mr. Khieu Samphan.

21 According to the schedule for today's session and as expected, we  
22 would be questioning Mr. Khieu Samphan during this afternoon's  
23 session and that Mr. Khieu Samphan has exercised his rights to  
24 remain silent; the afternoon session has been more expeditious  
25 than expected so the Chamber will adjourn today hearing session.

1 [14.58.00]

2 Before adjourning, the Chamber wishes to inform parties to the  
3 proceedings and the public that next week from Monday the 16th --  
4 through the 16th of January 2012, Judge Silvia Cartwright has  
5 another commitment that she may be excused from attending the  
6 trial proceedings and I, myself, have been consulted with the  
7 Judges of the Bench, consider having Judge Claudia Fenz to be in  
8 the -- her place when Judge Silvia Cartwright is absent. She will  
9 replace her during the period when she's absent and that -- until  
10 she comes back.

11 Also, with regard to the future hearing, the sessions will be  
12 dedicated for the oral arguments concerning the documents being  
13 put before the Chamber and the whole week will be dedicated for  
14 that particular topic.

15 So this week hearing sessions now are adjourned, and the  
16 following sessions will be convened on Monday the 16th.

17 Security personnels are now instructed to bring all the accused  
18 persons back to the detention facility and have them return to  
19 the courtroom on Monday the 16th of January 2012, before 9 a.m.

20 The Court is adjourned.

21 (Court adjourns at 1500H)

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