



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Trial Day 24

Before the Judges: NIL Nonn, Presiding
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YOU Ottara
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. ANG UDOM	Khmer
MR. KONG SAM ONN	Khmer
MR. LYSAK	English
MR. NEKUIE	French
MR. NUON CHEA	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. PICH ANG	Khmer
MS. SIN SOWORN	Khmer
MR. SON ARUN	Khmer

1

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 For this morning's session, as per our schedule, we will continue

6 to question the accused Nuon Chea, by the Lead Co-Lawyers.

7 And before the Chamber hand over the floor to the Lead

8 Co-Lawyers, we would like to inform the parties that from

9 tomorrow, as per our schedule, the Chamber intends to hear the

10 testimony of witness, Mr. Chhang Youk, DC-Cam Director, and as

11 requested by the parties for this particular witness, the

12 Prosecution requests a one-day session and the Lead Co-Lawyers

13 participates -- anticipates that the hearing we need -- the

14 question we need is 30 minutes so the Chamber decides that the

15 Prosecution and the Lead Co-Lawyers will be allocated a one-day

16 time allocation.

17 [09.04.11]

18 As for Nuon Chea's defence, they ask for one day; for Ieng Sary,

19 for one day, and for Khieu Samphan for four hours. We therefore

20 decide to allocate two days to the three defence teams. And the

21 Chamber will not question these witness except the preliminary

22 questions.

23 And the Prosecution will have the floor first in questioning that

24 witness, that is Mr. Chhang Youk, the Director of DC-Cam.

25 Security guards, you're instructed to bring Nuon Chea to the

2

1 dock.

2 [09.05.15]

3 I notice the national Lead Co-Lawyer is on his feet. You may
4 proceed.

5 MR. PICH ANG:

6 Good morning, Mr. President. Good morning, Your Honours.

7 After having heard the instruction by Mr. President, I'd like to
8 clarify the one thing. You just said the Lead Co-Lawyer intends
9 to question the witness for 30 minutes and that half a day for
10 the Prosecution and for -- as well as for the Lead Co-Lawyers.

11 Can you clearly verify how much time you allocate for the
12 Prosecution and how much time you allocate for the Lead
13 Co-Lawyers?

14 MR. PRESIDENT:

15 Thank you for your request for clarification. One day is
16 allocated to both the Prosecution and the Lead Co-Lawyers. As you
17 request for half -- for 30 minutes, then you will be granted that
18 30 minute after the Prosecution questions that witness. So one
19 whole day will be allocated to the Prosecution and out of that
20 one day, 30 minutes will be allocated to you.

21 [09.06.48]

22 Is that clear enough?

23 MR. PICH ANG:

24 Mr. President, from my recollection, we actually requested the
25 two-hours time allocation to question Mr. Chhang Youk.

3

1 (Judges deliberate)

2 [09.08.34]

3 MR. PRESIDENT:

4 The Lead Co-Lawyer, did you have a concrete request to the
5 Chamber regarding the two hours request? As far as the Chamber
6 noticed, it is unclear regarding your request for questioning
7 that witness and, as you said, you did not have -- you will not
8 have many questions. For that reason, 30-minutes time allocation
9 is appropriate.

10 And please for future proceedings regarding time request, make
11 sure it is precise. And if you say it's likely that you don't
12 have many questions, then it is difficult for the Chamber to
13 decide the time allocation and I would like to confirm with you
14 how much time do you anticipate in questioning that Accused
15 starting from tomorrow so we can reconsider the time allocation?

16 MR. PICH ANG:

17 Thank you, Mr. President.

18 [09.10.05]

19 As when other parties clarified their time request, we actually
20 requested to the Chamber for two hours and we still maintain to
21 that request.

22 MR. PRESIDENT:

23 What about the Prosecution? Would you be able to reduce some of
24 your time so that it can be reallocated to the Lead Co-Lawyers?
25 That is, the Chamber intends to give one day to both parties;

4

1 that is, the Prosecution and the Lead Co-Lawyers to question this
2 particular witness starting from tomorrow. Can you verify that?

3 MR. LYSAK:

4 Mr. President, at the first break, I'll check with the lawyer
5 who's planning on doing the examination and see how much of the
6 day that we had requested he anticipates needing, but I suspect
7 that we -- that he probably will need more than -- more than a
8 half a day, but I will check with him at the first break and
9 report back to you after then, if that's acceptable.

10 MR. PRESIDENT:

11 Initially, the Prosecution requested a one-day time allocation.

12 [09.12.04]

13 MR. LYSAK:

14 Mr. President, I'm told that there may have been a translation
15 error. I had stated that we had requested a day, not a day and a
16 half, and I think it just got translated incorrectly. So we had
17 requested one day for the Prosecution in total and I'll need to
18 check with the lawyer who's doing the examination to see how much
19 of that time he anticipates needing.

20 (Judges deliberate)

21 [09.13.01]

22 MR. PRESIDENT:

23 Thank you for your clarification.

24 We now hand over the floor to the Lead Co-Lawyers to put question
25 to the accused Nuon Chea. You may proceed.

1 MR. PICH ANG:

2 Mr. President, the Lead Co-Lawyers would seek your permission to
3 allow Ms. Sin Soworn, the civil party lawyer, and Mr. Barnabé to
4 question the Accused.

5 MR. PRESIDENT:

6 Your request is granted. You are once again reminded that for
7 those lawyers who are allowed to question the Accused shall be
8 adhered to the guideline instructions and the context of today's
9 proceeding; that is, your questions shall be dealt with the
10 historical background of Democratic Kampuchea. You may now
11 proceed.

12 MS. SIN SOWORN:

13 Thank you, Mr. President. Good morning, Mr. President, Your
14 Honours. Good morning everyone in and around the courtroom.

15 [09.14.43]

16 QUESTIONING BY MS. SIN SOWORN:

17 Q. Good morning, Mr. Nuon Chea. I am a civil party lawyer and I
18 have a few questions for you.

19 Today is an important day and it is also an important day for you
20 to ascertaining the truth. The truth is for -- both for you
21 yourself and also for the victims and the civil parties and we
22 request your cooperation in ascertaining the truth. And here are
23 my questions for you.

24 My first question is, in 1944 you studied law at the Thammasat
25 University in Thailand; is that correct?

1 MR. NUON CHEA:

2 A. Mr. President, good morning, my compatriots, and good morning,
3 the audience.

4 [09.15.45]

5 My answer is yes.

6 Q. When you studied in Thailand you used the name Runglert alias
7 Laodi?

8 A. At that time, the Thai regulation stated that for the Khmer
9 students, they need to translate their names into the Thai
10 language and my name was then Runglert Laodi.

11 Q. Who actually assigns that name to you?

12 A. It was named by a monk.

13 Q. My second question: After you concluded your study at the
14 Thammasat University, you also participated in the movement for
15 independence; is that correct?

16 A. I did not conclude my study at the Thammasat University. I was
17 in my first year, but I had the view that there was no use of me
18 studying as then probably I would need to serve the -- those
19 authority in power, and we needed to conduct a struggle to
20 liberate the country. For that reason, I quit studying and joined
21 the struggle -- movement.

22 [09.17.17]

23 Q. During the time that you joined in the struggle with the
24 Thai's Communist Party in order to learn the method how to
25 liberate the country-- Is that correct?

7

1 A. I wanted to know what were the political lines of the Thai
2 Communist Party at the time so that I can conduct further
3 research regarding the situations in Thailand.

4 Q. During your study at the Thammasat University, you were taught
5 the experience in joining the Party. The question is, was it the
6 time in the name of trying to find the interest for the
7 Kampuchean people and as a resistant, did you have the idea of
8 sacrificing yourself for the interest of the people; that is, to
9 serve the nation, and was it the time that you joined in the
10 political movement?

11 A. Mr. President could instruct the lawyer to make the questions
12 brief as I'm already old.

13 Q. Yes, I will make my question brief.

14 [09.19.09]

15 The question is, while you were studying at a Panyasas (phonetic)
16 University, you were told so that you could use your experience
17 to serve the nation and the country and the question is, was that
18 the place where your political struggle initially first started?

19 A. That was not the time. My political tendency started since I
20 was 14 or 15 years old. Let me elaborate further.

21 At that time, I was still living in Kampuchea and I witnessed the
22 oppression made by those who served the French colonialist. They
23 beat their servants, housemaids with stabs, and I was so pitiful
24 for those people. How come people were treated like animals?

25 [09.20.30]

8

1 And when the French gave that parts of the country to Thailand --
2 that is, Battambang and Sisophon -- to Thailand, I wanted to know
3 more about the Thai way, and at that time I did not study about
4 communism in Thailand, but I studied the law, but I took my time
5 to study about the communism through various books and then I was
6 interested in the way that communism assisted those oppressed
7 countries. And I studied further, but because it seems there is
8 no point for me to study there so I returned to my country to
9 join the struggle.

10 MR. PRESIDENT:

11 Nuon Chea's Counsel, you may proceed.

12 MR. SON ARUN:

13 I'd like to clarify with the civil party lawyer. Could you
14 clarify about the university that he went to study. It is not
15 Panyasas (phonetic), it's Thammasat, so please correct your
16 statement.

17 MS. SIN SOWORN:

18 My question to Nuon Chea is Thammasat, not Panyasas (phonetic).

19 [09.22.05]

20 BY MS. SIN SOWORN:

21 Q. Let me now continue with my question: By 1950, when you
22 participated in the Indo-Chinese Communist Party, you were a
23 trainer in education; is that correct?

24 MR. NUON CHEA:

25 A. I did not receive any significant role at the time. I was a

1 candidate in charge of propaganda and writing articles for the
2 newspapers and in charge of education and by going to the
3 villages to educate people.

4 Q. In your role as an educator, my question is, which documents
5 or lessons did you use to educate the villages, all those peoples
6 in that area?

7 A. From my recollection, at that time, the struggle was under the
8 Indo-Chinese Communist Party under the control of the Vietnamese
9 so the documents were translated from the Vietnamese documents
10 into the Khmer language and then we used those documents for
11 education.

12 [09.23.34]

13 The main focus in the education is for the national solidarity
14 between Khmer, Vietnamese, and Laos in order to liberate the
15 Indo-Chinese.

16 Q. For all the documents translated from the Vietnamese language,
17 did they go through the leadership screening before you use it in
18 your education?

19 A. No, there was no screening from any level. It was the Standing
20 Committee at the zone level who decide. They were the Vietnamese,
21 but they spoke Khmer.

22 Q. My next question is that you made a statement on the 5th
23 December 2011, document E116/1; ERN in Khmer is 00758940, in
24 English 00758850, and in French 00758838. You stated that:
25 "I conducted the activities against the Thai ruling authority who

10

1 oppressed the people. I acted together with some other
2 progressive people and later on, they observed that I was active.
3 By 1950, I joined the Thai Communist Party and on the 7th August,
4 7th July, I request the Thai Communist Party to return to
5 Cambodia to conduct my struggle because I witnessed the
6 oppression by the French against my own people and the Thai
7 Communist Party allowed me to conduct struggle in Kampuchea."

8 [09.25.50]

9 The question is, when you returned to Cambodia, how many were
10 you, all together?

11 A. From my recollection, there was only myself. I was alone.

12 Q. My next question to you is that when you returned to conduct
13 struggle you were alone and once you initiated your activities in
14 Kampuchea, did you report about your activities in Kampuchea to
15 the Thai Communist Party?

16 A. No, Mr. President, because I was already separated from the
17 Thai Communist Party. I was then part of the Indo-Chinese
18 Communist Party under the controlled by the Vietnamese Party.

19 [09.27.03]

20 Q. My next question is that you stated that, after the 1954
21 Geneva Agreement -- you said there were only three or four
22 peoples amongst yourself and you organized to form a party; is
23 that correct?

24 A. Let me state it clearly that before the Geneva Agreement,
25 there were two branches remained, not just a couple of people.

11

1 They were the Tram Kak and Peam branches and there were Tou
2 Samouth, Saloth Sar, and myself who decided to organize the two
3 branches. If it did not ask, then all the members of the Party
4 will be resolved, so we needed to restructure the Party.

5 Q. My question to you is that -- it is not before the Geneva
6 Convention, it was after the 1954 Geneva Convention. You stated
7 that there were only a handful of people remaining, including
8 yourself; is that correct?

9 A. Yes.

10 Q. When there were only three or four people remaining including
11 you, how did you organize the Party and in which location?

12 A. We organized it since we were in the forest at the
13 countryside, that is, from Aoral, Roleak Kang Cheung, Prambei
14 Mom, so we started to organize from that area and then we moved
15 on to the lowland area. So we started from the poor peasant class
16 and we based our support in those rural mountainous area.

17 [09.29.29]

18 MR. PRESIDENT:

19 Civil party lawyer, you should speak slower so that the
20 interpreter could catch up with your speed.

21 BY MS. SIN SOWORN:

22 Q. My next question to you is that after you organized your --
23 the Party since the Roleak Kang Cheung (phonetic), the question
24 is, did you assign specific role to specific member at the time?

25 MR. NUON CHEA:

12

1 A. That time no roles were assigned to any specific individual.
2 There were former cadres who conducted the struggle in the past
3 and only -- there were only a handful of them. So we collaborated
4 and working together with no specific role assigned to any
5 specific individual.

6 [09.30.39]

7 Q. Thank you for your response. My next question is the
8 following: You made a statement on the 22nd November 2011 at 4.11
9 p.m. that, in August 1962, the Party decided to conduct political
10 struggle with armed struggle; is that correct?

11 A. Mr. President, in 1962, it was the time the Party's Congress
12 was firstly held. I apologize, it was the second Party's Congress
13 and the decision was made to combat both political and armed
14 struggle, but we mainly focus on the political struggle and the
15 armed struggle is secondary. And when we refers to "armed", we
16 refer only to stakes and knives for our self-defence.

17 [09.32.05]

18 Q. So your method of armed struggle involved the use of axes and
19 knife and sticks. So the revolutionary goal you have stated,
20 where did you want it to be implemented?

21 A. It was in the Northwest Zone of Cambodia.

22 Q. So who led this armed struggle?

23 A. At that time, there were only three main principle persons,
24 namely Tou Samouth, Saloth Sar, and myself.

25 Q. Where did you receive the support, for example, financial and

13

1 food support?

2 A. Well, we begged for food supply from the people -- local
3 people. And in addition to the food provided by people, we also
4 caught animals -- wild animals to feed ourself.

5 Q. What was your role specifically at that time?

6 A. Well, at that time I did not hold any particular roles, but
7 basically I merely educated people, as I have informed the
8 Chamber repeatedly about that. But at that times, of course, in
9 Cambodia in the northwestern part of the country, each home they
10 produce the gin so we had to educate them not to be alcoholic and
11 try to avoid being alcoholic.

12 [09.34.03]

13 Q. How about the clothes people wore at that times. Did they wore
14 black clothes?

15 A. Yes, mainly they wore black clothes, but mostly they did not
16 have much stuff to wear because they were too poor. They sometime
17 had only a pant without a shirt or blouse.

18 [09.34.33]

19 Q. In 19 -- March 1975, there was a request from the Vietnamese
20 Communist Party to meet with the Democratic Government. Was that
21 correct?

22 A. Well, Mr. President, could you ask the lawyer to be specific
23 on the date because I could not catch the date she mentioned.

24 Q. So in March 1975, the Communist Party of Vietnam requested a
25 meeting with the Democratic Kampuchea. Was that correct? That was

14

1 the statement you indicated with the prosecutor yesterday.

2 A. Yes, there was such a request. Nguyen Van Linh requested that
3 meeting.

4 Q. So who met with the Vietnamese delegation?

5 A. At that time, I myself met with the Vietnamese delegation.

6 Q. What was the agenda of the meeting?

7 A. During that meeting, the Vietnamese counterpart wanted to know
8 the overall situation in Cambodia.

9 [09.36.21]

10 Q. On the 14th of December 2011, document E1/22.1, ERN in Khmer

11 0076, English, I'm sorry, English 00762188, ERN in French

12 00762288. In these particular documents you stated that Communist

13 Party of Kampuchea did not have any policy against Samdech

14 Norodom Sihanouk. We only had a policy to invite His Majesty to

15 be the President of State Presidium which is the highest position

16 in the state.

17 A. Yes, that was correct.

18 [09.37.32]

19 Q. So when you talk about the supreme power of the President of

20 the State Presidiums, how powerful was he? Can you inform the

21 Chamber?

22 A. The President of the State Presidium was not within my

23 responsibility. Mr. Khieu Samphan was actually -- had contact and

24 it was within his area of responsibility and I was in charge of

25 the People's Representatives Assembly.

15

1 Q. So according to your understanding, the President of State
2 Presidium has the most powerful authority in the country. Was
3 that correct?

4 [09.38.23]

5 A. I -- it was not my understanding alone, but everyone in the
6 country understood that.

7 Q. I had only a few more questions to ask. You made a statement
8 on the 30th of January 2011 with the International Co-Prosecutor
9 that in the five meetings there were an item of the agenda on the
10 evacuation of people from Phnom Penh, but you did not remember
11 the date; is that correct?

12 A. Yes, that was correct.

13 Q. The Communist Party of Kampuchea has identified certain group
14 of people as enemies. Who do you categorize as enemy?

15 A. No, it was not the Communist of Democratic Kampuchea. It is
16 the Khmer People Revolutionary Party, actually, from the
17 beginning, but I would like to correct your -- you on that. It is
18 the People Revolutionary Party of Kampuchea.

19 Q. So when you were resisting with -- within the People's
20 Revolutionary Party of Kampuchea, who did you characterize as
21 enemies?

22 [09.40.15]

23 A. The characterization of enemies are those who -- those
24 foreigners who had the ambition agreed to swallow the territory
25 of Cambodia. And other than those group of people are the

16

1 henchmen of the imperialists as well as the feudalist who
2 oppressed against the people or the traitors of the country.

3 Q. You mentioned about feudalist. How do you define "feudalist"?

4 A. When we talk about feudalist, we do not refer to the Royal
5 Family, but we refer rather to the landlords -- the landlords who
6 are oppressive, not the landlords who have small piece of land,
7 but the landlords who actually oppress and exploit its people. So
8 when we talk about feudalist, we categorize them into three, four
9 different categories.

10 Q. The Cambodian people, they are Communist Party of Kampuchea
11 which you actually identify a class as a pure class. And how do
12 you define them?

13 [09.41.56]

14 A. The terms of "pure class" is actually theoretical, but in
15 practice, there were peoples who are considered bad elements as
16 well. But the majority of them are good people.

17 So I am not trying to say that all the communist candidates
18 member or members are all good; some of them are also bad.

19 Q. When Pol Pot went for medical treatment in Hanoi, then he went
20 to Beijing, which year did he go to Beijing?

21 A. I do not remember. Immediately after he left Hanoi, but I
22 don't remember the year.

23 Q. Was it in 1965?

24 A. Maybe.

25 Q. So did you know the reason why he visited Beijing?

1 [09.43.11]

2 A. When he went to Beijing in 1965, he brought with him the
3 technical and strategic lines of the Party to introduce to the
4 Chinese Communist leadership with the hope that they understand
5 the political and tactical lines of the Party, because at that
6 time Communist Party of Kampuchea was rather small. That's why we
7 had to introduce and expose our Party to the international arena.

8 Q. Did you go alone or there were some others who accompanied
9 him?

10 A. He went alone.

11 Q. What about his subsequent visits?

12 A. On his subsequent visit, he also went alone to introduce the
13 Party lines and strategy to the Chinese leadership.

14 [09.44.28]

15 Q. When Vietnam refused to supply you arms in 1968, you
16 instructed that So Phim looted arms from the Vietnamese
17 authority; they -- the Vietnamese constructed the warehouse where
18 the weapons were stored.

19 A. Well, I did not instruct So Phim to do that, but once again, I
20 had to be precise. Those arms belonged to Cambodia, it did not
21 belong to the Vietnamese authority. It was the arms supplied by
22 the Chinese authority and it was stored in the territory of
23 Cambodia and it was the Vietnamese authority who had stolen the
24 arms from Cambodian authority.

25 Q. That brings me to my last question. Have you ever been alleged

18

1 by the mass or people of accepting money from Vietnam?

2 A. The Communist Party of Kampuchea has never ever received any
3 financial support or money from Vietnam.

4 MS. SIN SOWORN:

5 That is all from me, Mr. President. And thank you, Mr. Nuon Chea,
6 for answering my question.

7 [09.45.45]

8 MR. PRESIDENT:

9 (No interpretation)

10 MR. NEKUIE:

11 I take it, Mr. President, that I'm authorized to proceed although
12 I didn't actually hear your instructions.

13 MR. PRESIDENT:

14 You may proceed.

15 QUESTIONING BY MR. NEKUIE:

16 Thank you, Mr. President.

17 Good morning, Mr. Nuon Chea.

18 Q. Mr. Nuon Chea, following on from my colleague, I want to look
19 again at some of the points you made in a statement here on the
20 22nd of November 2011. And let me give you one or two references
21 for the document which is E1/14.1. The French ERN is 00756280 to
22 00756320, English 00756140 to 00756176, and in Khmer 00755342 to
23 00755365.

24 [09.48.28]

25 The first point, Mr. Nuon Chea, concerns the discussions you were

19

1 having with the Central Committee in 1974 on the possible
2 consequences of the cancellation of the currency. And one thing
3 you said in 0075363 (sic) in Khmer, you said, "the experience had
4 shown us that in the liberated zones we could manage without
5 money and, nevertheless, manage one's resources".

6 I'd like to know, Mr. Nuon Chea, how that actually worked out in
7 practice, how you ran those liberated zones without having any
8 money or currency?

9 [09.49.38]

10 MR. NUON CHEA:

11 A. Mr. President, on this particular issue, I would like to make
12 myself clear that it was not about the cancellation of currency,
13 but at that time, we had not produced anything sufficient to
14 support ourselves because at that times, there was a bombardment
15 by the U.S. Air Force. So there was no, you know, use of currency
16 so we simply barter in the -- in this area. And we had some stock
17 -- food stock left which we could actually barter with one
18 another. That's why we decided to establish the Rice Association
19 and Mutual Assistance Association. That is all, Mr. President, I
20 can inform you.

21 [09.50.54]

22 Q. Thank you. In this same document in which you talk about
23 experience in the liberated zones, you say that, "the enemy could
24 not attack us and take possession of the zones that we were in
25 control of. On the contrary, we were able to expand those

20

1 liberated zones and the spies weren't able to buy off our cadres
2 or our soldiers by proposing cash to them. And we felt that
3 without money, we could transform other zones to make them into
4 liberated zones as well".

5 My question is, what should one understand from those statements,
6 Mr. Nuon Chea? Doesn't it clearly say that in the liberated zones
7 you had decided to do without money so as to exert stronger
8 control over those zones?

9 A. Mr. President, at that time, certain liberated zones -- they
10 still used some money and wherever there were use of money, the
11 U.S. spies or the Vietnamese spied used money in order to buy or
12 to lure our cadres. So if we temporarily stopped the use of
13 money, then we would be able to control that situation and we
14 would be able to expand our liberated zone gradually as well.

15 [09.52.56]

16 And if we continue to use money, then it posed danger to our
17 liberated zone. Of course, when we use money, basically it was
18 good but, for example, a person has a good principle, but when
19 the factor of money came in, then the person might be influenced
20 so that was not a good sign for us.

21 Q. Thank you. Mr. Nuon Chea, does that mean that in the
22 liberated zones you imposed the system of cooperatives
23 everywhere?

24 [09.53.56]

25 A. We did not force people to establish the cooperatives, but it

21

1 was on voluntary basis. We tried to explain to the people so that
2 they understood the benefits of having cooperatives. Without
3 cooperatives, then those oppressive landlords would take the
4 opportunity -- they would impose high interest on the loans and
5 they would charge higher fees on the land rented as well. For
6 example, if they lend the farmers, then they will take back as
7 much as 50 percent of the principle loan they made to the people.
8 So people at that time did farming actually to support the rich.
9 Q. Mr. Nuon Chea, does that mean that we can conclude that this
10 collectivization system was an essential part of your political
11 and strategic line at the time?

12 MR. NUON CHEA:

13 Could you please elaborate your question? I do not quite catch
14 it.

15 MR. PRESIDENT:

16 Counsel, you may repeat your question because the Accused does
17 not understand clearly your question, so it may be hard for him
18 to answer your question.

19 MR. NEKUIE:

20 Yes, of course, Mr. President.

21 BY MR. NEKUIE:

22 Q. Mr. Nuon Chea, I was asking you if it can be said that the
23 system of cooperatives or collectivization of the land was a
24 vital part of the CPK's political strategy.

25 [09.56.29]

1 MR. NUON CHEA:

2 A. The cooperative is not the most important, but the most
3 important thing is the Party's political and tactical lines. This
4 is the most important, the essence of the Party and cooperative
5 is only a -- an element in that, but the most important is the
6 political and tactical as well as strategic lines of the Party.

7 [09.57.15]

8 Q. Mr. Nuon Chea, do you recall in these liberated zones where
9 you say that you encouraged cooperatives to set themselves up
10 that at the time, the markets were distorted by Vietnamese
11 intervention which caused speculation which in turn, led to food
12 shortages?

13 A. If we did not establish the cooperatives, the Vietnamese would
14 collect all the produce made by the people because at that times,
15 the Vietnamese soldier were widespread across Cambodia, so people
16 may produce something and in turns they give them to the
17 Vietnamese forces. That's why the leadership of the Communist
18 Party of Kampuchea set out the strategy in order to cope with the
19 situation. We had to establish cooperatives so that our people
20 have stocks to feed themself.

21 [09.58.41]

22 Q. Do you recall that at that time, you talked to with Mr. Nguyen
23 Van Linh, who was the leader of the Vietnamese Party, about these
24 questions of Vietnamese intervention?

25 A. Not Chen Van Linch (phonetic), but Nguyen Van Linh.

1 So you ask me what I discussed with Nguyen Van Linh. Actually,
2 there were many things that we discussed. One of them is the
3 aggression of Vietnam against Cambodia. They oppressed Cambodian
4 people. So Nguyen Van Linh and I discussed with each other in
5 order to compromise the situation. And of course, Cambodian
6 people did not like the Vietnamese from the early day, but
7 Communist Party of Kampuchea tried to compromise and forge a
8 friendship with them at that time. And Pol Pot advised that we
9 had to shrink the conflicts because people, so far, have said
10 that Vietnamese was the "life-and-death enemy" or "heredity
11 enemy" of Cambodia, but it was not right to use that term, and
12 Pol Pot advised that we had to shrink conflicts with Vietnam.
13 [10.00.54]

14 Q. Thank you very much, Mr. Nuon Chea. Is it therefore accurate
15 to say that aside from resolving the conflict with Mr. Nguyen Van
16 Linh, you sought to put an end to the incidents between Koy
17 Thuon's troops and Vietnamese troops based in Kratie?

18 A. To end the conflict by mobilizing the people with force, not
19 by weapon. People disliked the Vietnamese who entered the
20 Kampuchean territory and did not give them any supply.

21 So the Vietnamese needed to respect the local authority because
22 in the negotiation they agreed to one thing, but in reality they
23 behaved differently. So the diplomatic negotiation with the
24 Vietnamese, the district authority clearly stated the
25 misbehaviour by the Vietnamese side because they said one thing

1 and they did different thing.

2 [10.02.38]

3 Q. Is it, therefore, accurate to say, Mr. Nuon Chea, that at the
4 decision to oppress the presence in those liberated zones was a
5 way of implementing the orders to abolish Vietnamese intervention
6 and presence in those areas?

7 A. That is correct.

8 Q. And at the same time, you were intensifying the struggle
9 against the oppressing classes. Is this correct?

10 A. Are you referring to the class struggle? Which class are you
11 referring to?

12 Q. Mr. Nuon Chea, you answered to my esteemed colleague that you
13 were fighting against feudalists. Were you not also conducting
14 the struggle against those same feudalists?

15 A. When you are referring to the feudalists, that is not entirely
16 correct. It was against the barbaric feudalists who oppressed the
17 people, and our opposition is not to kill them, but we demand for
18 the reduction of the interest on the loans. That is a form of the
19 opposition that we conducted at the time.

20 Q. Thank you for those clarifications, Mr. Nuon Chea. Now, once
21 those cooperatives were established in the liberated zones, Mr.
22 Nuon Chea, can you please tell the Chamber if those who were
23 living in the cooperatives, and who wanted to continue using
24 currency, had the choice to leave the cooperatives and settle
25 elsewhere?

1 [10.05.37]

2 A. If they were to live in the cooperatives they could not go
3 anywhere else. They would stay and lived and worked in the
4 cooperative. Money could be used to buy -- exchange goods with
5 the Thai because we were close to the Thai border.

6 Q. Thank you very much.

7 Mr. Nuon Chea, I wish to quote another passage from the statement
8 you made before this Chamber. It was made on the 22nd of November
9 2011; I am referring to the ERN number in Khmer 00755363.
10 You were talking about the conclusions drawn during the meeting
11 of May 1974 regarding the evacuation of Phnom Penh, and you
12 specified that "all of the items on the agenda of that meeting
13 were being elaborated and that there was a need to reinforce the
14 sense and feeling of solidarity amongst the New People and the
15 Base People and to not discriminate against the New People or the
16 Base People".

17 [10.07.41]

18 Mr. Nuon Chea, can you please elaborate and tell us exactly which
19 segment of the population you considered as part of the Base
20 People and those who constituted the New People?

21 A. The New People were those who were evacuated, and the Base
22 People were the local people. The Party's Standing Committee and
23 the -- even the commune district levelled educated the people not
24 to discriminate the New People because we are all Khmer; we can
25 share what we have, including food. And don't take the view that

26

1 they were Base People or they were New People. Of course, there
2 were bad elements who incite the hatred between the base and --
3 the Base People and the New People. The situation was
4 complicated.

5 [10.08.59]

6 Q. Are we to gather, then, Mr. Nuon Chea, this was a
7 classification that was devised by the Party or the Central
8 Committee of the CPK?

9 A. There was no distinction in that sense. Once people
10 understood, then, regardless whether they were Base People or New
11 People, they acted together; they consider themselves all Khmer.

12 (Technical problem)

13 [10.13.05]

14 MR. PRESIDENT:

15 Can you hear us? The system is now back online.

16 The time is now appropriate for a break. We will take a 20-minute
17 break and we shall resume at 10.30.

18 I notice that the defence counsel is on his feet. You may
19 proceed.

20 MR. ANG UDOM:

21 Thank you, Mr. President. Due to his health issue and back pain,
22 Mr. Ieng Sary request permission to participate the proceeding
23 from the holding cell, downstairs, and to waive his right to
24 directly participate in this proceeding.

25 MR. PRESIDENT:

1 After having heard the request by Mr. Ieng Sary through his
2 defence counsel to waive his right to participate directly in the
3 proceeding and to follow it through the remote communication in
4 the holding cell, downstairs, the Chamber grants the permission
5 to Mr. Ieng Sary request so that he can follow the proceeding in
6 the holding cell, downstairs.

7 The defence counsel of Mr. Ieng Sary to hand to the Chamber
8 immediately the letter -- the waiving letter with his signature
9 or thumbprint.

10 And the AV unit, you are instructed to connect the communication
11 to the holding cell, downstairs.

12 And security guards, you're instructed to take Mr. Ieng Sary to
13 the room, downstairs.

14 We now take a break.

15 (Court recesses from 1015H to 1033H)

16 MR. PRESIDENT:

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

18 Security guards are instructed to bring Mr. Nuon Chea to the
19 dock.

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

21 The International Co-Prosecutor is on his feet. Do you have any
22 issue to raise? You may proceed.

23 [10.34.39]

24 MR. LYSAK:

25 Yes. Thank you, Mr. President. I just wanted to respond to the

1 question you had asked earlier.

2 I did check with my colleagues at the office, and I'm told that
3 they do need -- will need most of the day to do their
4 questioning, which I think is reasonable if the Defence is going
5 to be given two days.

6 So we could work if the civil parties were to be assigned half an
7 hour of the day, but I think it would be hard for us to complete
8 our questioning if they were assigned more than that. So we would
9 need to look at them being -- if they're going to be assigned
10 additional time, it would have to come somewhere else. Thank you.

11 (Judges deliberate)

12 [10.36.09]

13 MR. PRESIDENT:

14 Mr. Pich Ang, you may proceed.

15 MR. PICH ANG:

16 Good morning, Mr. President. Good morning, Your Honours.

17 I had discussions with my esteemed colleagues and a
18 representative from the Prosecution, but the civil party Lead
19 Co-Lawyers would like to inform the Chamber that we may wish to
20 ask for a one hour and a half. However, if the -- if it is
21 possible, then we can ask for one hour, Mr. President.

22 MR. PRESIDENT:

23 Yes. You will be allotted one hour so the Prosecution should
24 reuse their time. In other words, they allot 30 minutes to the
25 civil party lawyers.

1 Now, I hand over to the civil party lawyer to continue putting
2 questions to the accused Nuon Chea. You may proceed.

3 [10.37.50]

4 MR. NEKUIE:

5 Thank you, Mr. President.

6 BY MR. NEKUIE:

7 Q. Mr. Nuon Chea, before we broke, you were telling us about the
8 distinction you made between the Base People and the New People.

9 Am I right in what I am suggesting here?

10 MR. NUON CHEA:

11 A. What is your question, really?

12 Q. Mr. Nuon Chea, I simply wanted to be sure that I had
13 understood what you were saying about the difference between the
14 Base People and the New People. At the time that we had a break,
15 you were giving explanations on that subject. Please just confirm
16 that I am correct in this understanding.

17 A. What did I say? What particular issue did I raise before we
18 broke? I forgot what we were talking about before we broke. Can
19 you please elaborate your question?

20 Q. Yes, Mr. Nuon Chea. I simply don't want to misapprehend the
21 explanations you were giving us, and I would like, therefore, to
22 ask you if you could elaborate upon the differences you were
23 drawing between the Base People and the New People.

24 I read out, in fact, something from your previous statement that
25 you had made on the subject. So what I'd like to ask you to do

30

1 now is elaborate on that and explain the difference you make
2 between these two categories.

3 A. Your Honours, there was no clear-cut distinction. We do not
4 mind new or old people, but most importantly, we had to usually
5 help each other. New people are those who were evacuated to live
6 in the base, so we encouraged them to establish solidarity, they
7 love one another; they share with each other what they have.
8 However, we cannot avoid bad elements, those who actually spoil
9 the harmony of the people. Those who were good people, for
10 example, they would buy stuff from Thailand and then they share
11 with people in the locality they live.

12 We are Khmer people and we were in the time of war, so we had to
13 help each other, so that's what I advised and educated people at
14 that time.

15 Q. Thank you, Mr. Nuon Chea. Could you tell the Chamber, now, if
16 the inhabitants of the town of Oudong who were evacuated in March
17 1974 and moved to the special zone and southwest zone
18 cooperatives, were these people labeled as "New People"?

19 A. Your Honours, there were no old people or New Peoples, but
20 those who were newcomers, we called them the New People merely
21 because they were the newcomers because Oudong in the place we
22 are in, we indicated were not too far from each other. They
23 interact with one another and they go back and forth from that
24 place to communicate with people over there.

25 Q. Could you tell us, Mr. Nuon Chea, what criteria allowed you to

1 decide if this or that person was a good element in those days?

2 [10.43.35]

3 A. Your Honours, the good people are those who live by their
4 virtue. They have a good morality. They have a sense of
5 solidarity. They are not alcoholic. They are not cruel or
6 aggressive, so those people are considered good people. And
7 peasants are generally good people.

8 If you talk about the peasant class, they are good, but if you
9 talk about individual peasants, there are certain peasants who
10 are alcoholics and some of them are not good people, but of
11 course, there is only a minority of them are good if you talk
12 about individual personality trait.

13 Q. Continuing with this period before 1975, was the expression
14 "to seize the people" part of the language of the CPK?

15 A. We do not use the word "forced evacuation". We simply use
16 "evacuation".

17 We evacuate the people because there was a threat of bombardment
18 as well as the attack by the Vietnamese forces. And there were
19 many other elements, for example, Dap Chhuon clique or Kao Tak
20 clique, and other cliques are considered bandits and they remain
21 from the previous regime.

22 [10.45.49]

23 Q. Thank you.

24 Let us come back, Mr. Nuon Chea, to the Vietnamese leader who you
25 spoke with which we were -- who we were talking about earlier,

1 Nguyen Van Linh -- I apologize for not doing due justice to the
2 name.

3 But my question is: What kind of personal rapport did you have
4 with this gentleman?

5 A. His name is Nguyen Van Linh. Compared to other Vietnamese in
6 general, he is a good -- a rather good person. Even though there
7 is Vietnamese policy to expand or swallow the territory of
8 Cambodia, but Nguyen Van Linh is a person whom we can talk to.
9 Normally, we can discuss matters with him.

10 [10.47.18]

11 Unlike Pham Hung, who got mad very easily, Nguyen Van Linh is a
12 better person. When Hong asked me my -- for my viewpoints about
13 the situation in Cambodia and at that time I told him that
14 Cambodian people would not subordinate the Vietnamese because, of
15 course, Cambodian people did not seek sanctuary in Vietnam, but
16 instead, the Vietnamese who sought sanctuary in Cambodia. And
17 they were stationed in the Cambodian territory.

18 And Nguyen Van Linh actually, personality-wise, he is a good
19 person, but he was indoctrinated by his political line.

20 Q. Mr. Nuon Chea, would it be accurate to say that it was through
21 that person that you, personally, maintained the link between the
22 CPK and the Vietnamese Communist Party?

23 A. That's correct.

24 Q. And, Mr. Nuon Chea, you are thus able to settle incidents
25 through negotiation which occurred between Khmer Rouge soldiers

1 and Vietnamese troops; is that correct?

2 [10.49.15]

3 A. Yes, that's correct. Negotiation with Nguyen Van Linh was
4 good. He acknowledged the mistake he made. Those who defected
5 from the Vietnamese forces because they got very tired of being
6 with the forces in Vietnam, he asked us to tolerate those people.
7 And I told him that we actually tried to educate people. We have
8 to have a sense of tolerance.

9 Actually, he was a good negotiation partner, but in depths what
10 he thought, I cannot see what was actually behind his
11 personality.

12 Q. Mr. Nuon Chea, I'd like to look at a final excerpt from the
13 statement that you made on the 22nd of November last year -- or
14 perhaps my penultimate question. It's not actually the final one
15 that I will put to you. The Khmer reference is 00755348. And, in
16 that excerpt, you say that in 1968 the Communist Party was
17 divided in two, with one part based in Rattanakiri, with Pol Pot
18 as secretary, which is called the Northeast Zone, and another
19 part in Phnom Penh -- including the Northwest, Southwest, East,
20 North -- and the Phnom Penh party was with Nuon Chea, the deputy
21 secretary in charge.

22 [10.51.42]

23 My question, here, is if you can tell us about the leadership
24 tasks that you, yourselves, had in this division of tasks that
25 was allocated, as you said, to Nuon Chea.

1 A. Your Honours, I had the overall supervision, but technically,
2 I was not involved because at that time I was in charge of the
3 People Representative Assembly. But at the base level, there was
4 a structure there, so the communication line was good and there
5 was no any difficulty or problems.

6 Any issue raised then there was a committee headed by Vorn Vet.

7 Q. I'm sorry, Mr. Nuon Chea. I have to interrupt you here. Mr.
8 Nuon Chea? I have to interrupt you because it seems to me that
9 you're telling us about the period after 1975, but the way the
10 tasks were broken down between yourselves and Pol Pot goes back
11 to 1968. And I want you to tell us what your leadership tasks
12 were in the zone that you were allocated since 1968.

13 [10.53.38]

14 A. From 1968 I was in charge of education, and once in a while, I
15 went to the base in order to inspect the construction of them, so
16 that was in 1968. But most importantly, I was in charge of
17 education and training. I opened a training session because I was
18 in charge of education and academic affairs.

19 Q. Is one to understand, Mr. Nuon Chea, that the leaders of the
20 Northwest, Southwest and North zones were not under your
21 authority at that time, although you were, nevertheless, the
22 person in charge?

23 A. I was not the secretary. I was the deputy secretary in charge
24 of education. I have to make myself clear on that. Pol Pot was
25 the secretary and he was stationed in the Northeastern Zone.

1 Q. But Mr. Nuon Chea, from what you, yourselves, said, it does
2 seem that Pol Pot decided to take charge of the Northeast Zone
3 and put you in charge of the leadership of the other zones. Isn't
4 that what one is supposed to understand from your statement?

5 [10.56.18]

6 A. Even though it was divided into two, but we established
7 communication through messenger and we follow the solidarity line
8 because we have agreed on the tactical and strategic lines of the
9 party, so there is nothing that we can do to deviate from those
10 lines, so there was no conflict in communication.

11 Q. Mr. Nuon Chea, nonetheless, since the year 1968 does coincide
12 with the start of the armed struggle launched by the CPK, would
13 it not be fair to conclude that your leadership duties included
14 the supervision of armed operations in the zones under your
15 authority?

16 A. Mr. President, I did not supervise military affairs. It was
17 under the sole responsibility of each zone secretary. For
18 example, in the eastern zone they have military committee
19 supervising military affairs, and the same is true for the
20 Northwestern Zone or the Southwestern Zone. I did not have any
21 military power in hand.

22 Q. Mr. Nuon Chea, I'd like to take you to a final point you made
23 in your statement which concerns King Sihanouk's visit in 1973.
24 The Khmer reference is 00755353. And you tell us that: "Pol Pot,
25 the Party's Secretary, appointed, me, Nuon Chea, the person who

1 would prepare the Kampong Krom route near Preah Vihear to Angkor
2 Wat for that visit."

3 [10.59.15]

4 I'd like to ask you why it had to be you, personally, who was
5 entrusted by Pol Pot with such a sensitive mission.

6 A. This is one of the most important task to ensure that the
7 visit of his Majesty to Siem Reap is safe and secure so I was
8 entrusted by Pol Pot to prepare the route from Kampong Krom to
9 Preah Vihear Temple. And Pol Pot waited for His Majesty, who was
10 on his route from Stung Treng. So we had our responsibility in
11 different places so Pol Pot found the person whom he trusted the
12 most because if there was anything which went wrong, then it
13 would jeopardize everything.

14 Q. Thank you, Mr. Nuon Chea. And since this whole mission was
15 taking place against the backdrop of war, you accept, Mr. Nuon
16 Chea, that a mission like that could not really be put into
17 effect without you having control over the whole defence system
18 in the area you were going through; do you accept that?

19 [11.01.34]

20 A. There was a different system by the zone -- military zone as
21 the military personnel were deployed along the road. Without the
22 protection by the military, the mission would not have been
23 impossible - possible, rather.

24 Q. Therefore, Mr. Nuon Chea, one can conclude that Pol Pot had
25 entrusted a person of greatly trusted and you were given these

1 responsibilities over the Revolutionary Army of Kampuchea; is
2 this correct?

3 A. That is not correct because I was not in charge of the
4 military. Pol Pot was in charge of the military committee and I
5 was in charge of education. So, once again, let me repeat: I was
6 in charge of education.

7 Q. Very well, Mr. Nuon Chea.

8 To conclude, let us talk about the evacuation plan of Phnom Penh
9 which was a subject of discussion in 1974.

10 I have the following question for you Mr. Nuon Chea: Had you
11 foreseen that the monks who were being - or were to be evacuated
12 from Phnom Penh would be sent to the cooperatives or to pagodas?

13 [11.04.00]

14 A. Monks were not sent to the cooperatives. Monks could be sent
15 to other pagodas or to the forest.

16 Q. Do you, therefore, confirm, Mr. Nuon Chea, that you had
17 oversight over the pagodas during the time of Democratic
18 Kampuchea? Is that what you're saying, Mr. Nuon Chea?

19 A. Since people were already in the cooperatives, there were only
20 a few "achar" or clergymen at the pagoda. The pagodas were not
21 abandoned. There were still "achar" who maintains the places.

22 Q. Mr. Nuon Chea, today, you are 86 years of age. You are in a
23 physically weak state which we can all observe, and I greatly
24 appreciate your cooperation to answering our questions.

25 Nonetheless, I wish to put to you my final question.

38

1 In May 1974, when you decided to evacuate Phnom Penh, had you
2 considered that citizens of the same age that you are today --
3 those who were in their 80s -- represented bad elements or
4 infiltrating enemies in Phnom Penh to the extent that they posed
5 as a security threat to your regime?

6 [11.06.41]

7 A. No, we never thought of that. And even if they went to the
8 countryside, they not engage in any intensive labour, they worked
9 best on their strength. They did not work as hard as the young
10 ones.

11 MR. NEKUIE:

12 Thank you very much for your answers, Mr. Nuon Chea.

13 Mr. President, thus concludes the examination of the Accused by
14 civil party counsel.

15 MR. PRESIDENT:

16 The Lead Co-Lawyers, you -- any further question?

17 [11.07.53]

18 QUESTIONING BY MS. SIN SOWORN RESUMES:

19 Thank you, Mr. President.

20 Q. Mr. Nuon Chea, I have two more questions for you.

21 In the written statement that you wrote and presented by the
22 Prosecution yesterday, that on the 1st of January 1968, the Party
23 of the Central Zone held a branch - Party's branch meeting. And
24 also, in that record, in 1968, there was armed clash.

25 Can you tell us, regarding that meeting at a Central Zone, what

1 was the subject of the armed clash in that meeting-- Was it
2 discussed?

3 MR. NUON CHEA:

4 A. It was in regards to the oppression by the Lon Nol authority.
5 At that time, it was not a pure armed struggle. We focus more on
6 the political struggle, and armed struggle is our secondary
7 option, and the purpose is to protect our cadres. So I'd like to
8 draw a distinction here: one is a pure armed struggle, and the
9 other one is a political and armed struggle with the main focus
10 on the politics and the armed is a secondary option.

11 [11.09.35]

12 Q. Thank you. And I have another question. What was the course of
13 the armed struggle? Why did it happen in 1968?

14 A. Because of the oppression, of course. The oppression by the
15 authority like Kou Roun or the Lon Nol clique, the Sirik Matak,
16 etc.

17 Q. And the - the next question is: How did it happen? Which area
18 it was started first?

19 A. It was started from Samlaut, as I recall.

20 Q. Thank you. Another question, which is my last: Is that in the-
21 In your discussion between you and Khem Ngun, you said that both
22 the Chinese and the Vietnamese did not agree on the option of
23 armed struggle in 1968.

24 And my question is: As both the Chinese and the Vietnamese
25 opposed to the armed struggle that you commanded against the

1 other parties including against His Majesty Sihanouk, what was
2 your view on that?

3 A. Mr. President, only the Vietnamese opposed because they sought
4 assistance from Lon Nol to transport arms from Kampong Thom
5 through the territory of Kampuchea in order to use in their fight
6 in the south.

7 [11.11.34]

8 The Chinese, on the other hand, as I recall, did not express
9 their opinion on that because this is the internal affair of a
10 Kampuchean people and Party.

11 Q. My next question is that the Vietnamese and the Chinese: Did
12 they oppose of your armed struggle against His Majesty King
13 Sihanouk? Is it a yes or a no?

14 A. Vietnamese did not agree with us because it sought assistance
15 from the government. As for the Chinese, they did not make or
16 express any comment.

17 Q. It means they did not have any comment on the agreements to
18 oppose His Majesty Sihanouk?

19 [11.12.31]

20 A. I would not know whether they agree or disagree to that.

21 Q. Thank you. My next question: Nguyen Van Linh informed you that
22 you should not initiate armed struggle; and why you still
23 insisted against Nguyen Van Linh's advice as you told us Nguyen
24 Van Linh was one of the powerful people on the Vietnamese
25 government?

41

1 A. The Communist Party of Kampuchea, at that time, was not under
2 the order or the command of the Vietnamese. We were independent,
3 self-reliant, and self-mastery, and the Vietnamese was separate.
4 The reason why the Vietnamese did not Kampuchea to engage in
5 armed struggle because they were afraid that they could not
6 transport their weapons from Kampong Thom to Vietnam.

7 [11.13.55]

8 Q. Why did you attempt to block or to cut up the road at the
9 border between Kampuchea and Vietnam?

10 A. Of course I did not cut off any road.

11 Q. You just said that Nguyen Van Linh requested not to cut off
12 the road.

13 A. Yes, there was a previous request.

14 Q. And did you cut the road -- cut off the road?

15 A. No.

16 Q. And did you follow the request by Nguyen Van Linh?

17 A. Yes.

18 MR. PRESIDENT:

19 We now hand over to Ieng Sary's defence team to examine the
20 accused Nuon Chea.

21 [11.14.46]

22 MR. ANG UDOM:

23 Thank you, Mr. President. Thank you, Your Honours. Good morning,
24 everyone in and around the courtroom.

25 In regards to the facts being examined before the Trial Chamber

42

1 today, the defence counsel of Mr. Ieng Sary maintains our
2 position not to examine the accused Nuon Chea.

3 Thank you, Mr. President.

4 MR. PRESIDENT:

5 Thank you, Defence Counsel, for clearly expressing your position
6 in exercising your right not to examine the accused Nuon Chea
7 regarding the historical background of Democratic Kampuchea. We
8 now hand over to Khieu Samphan's defence counsel to examine Nuon
9 Chea in regards to the facts within the historical background of
10 Democratic Kampuchea or the CPK.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. Good Morning, Your Honours. Good
13 Morning, everyone.

14 The defence counsel for Khieu Samphan, at this stage, do not have
15 questions to be put to the accused Nuon Chea. Thank you.

16 MR. PRESIDENT:

17 Thank you, Defence Counsel. We now have the clear view of your
18 status in regards to examining the accused Nuon Chea.

19 As for the Nuon Chea's defence team, you now have the floor if
20 you wish to do so to examine your client, Nuon Chea.

21 MR. PESTMAN:

22 Thank you, Mr. President. We do have some questions, but I can
23 tell my client is very tired, and I would like - prefer to ask
24 those questions when I get clear answers. And I would like to ask
25 for permission to pose my questions at a later date, in the early

1 morning, so that my client is more able to express his answers
2 correctly.

3 [11.17.32]

4 MR. PRESIDENT:

5 Mr. Nuon Chea, can you indicate to the Chamber if you are able to
6 respond to the questions by your defence counsel from now until
7 the lunch break, that is about 48 minutes more?

8 MR. NUON CHEA:

9 I am exhausted. Actually, I have tried my best to fulfill my
10 responsibility before this Chamber. My strength is not that
11 strong, and I see my memory is at its full use now. If there is -
12 if there are only a few questions, maybe I'm able to answer. This
13 is my willingness in joining everyone to ascertaining the truth
14 before this Court.

15 MR. PRESIDENT:

16 The questions will be posed to you by your very own defence team
17 and not by any other parties, as other parties have already
18 examined you regarding the historical background of the Communist
19 Party of Kampuchea. Can you do that?

20 [11.18.57]

21 MR. NUON CHEA:

22 (No interpretation)

23 MR. PRESIDENT:

24 As we have heard that he will try to respond to the questions,
25 so, now, the Defence Counsel, you can proceed.

1 QUESTIONING BY MR. PESTMAN:

2 Q. Mr. Nuon Chea, I will start asking my questions, but if you
3 feel too tired to answer them, please let me know.

4 I would, first of all, like to ask you some questions about your
5 childhood, about the period before you decided to go to Thailand.

6 I would like to discuss several events which, maybe, determined
7 the choices you made in later life and, specifically, the choice
8 you made to join the Communist Party in Thailand.

9 [11.20.40]

10 So can you, first of all, explain to the Court what the situation
11 was at home? And I'm talking about the period before you went to
12 Thailand?

13 MR. NUON CHEA:

14 A. I'd like to briefly mention my background.

15 My mother was a seamstress, and my father traded in rice
16 production, and sometimes he borrowed money from other people,
17 and sometimes, when people come to demand the money, my mother
18 cried and my father hid himself somewhere, and I felt so pitiful
19 for my family.

20 My family was in debt, and also the business was not well, but my
21 mother tried her best to give me an education. And, by 1941, when
22 France gave Battambang and Siem Reap to Thailand, I went to
23 Thailand to study in order to know how they manage their country.
24 And the reasons I went to study in Thailand were that, in my home
25 village, there were - there was Khmer public officer, Hak Srey

1 Nal (phonetic), who was the greffier of the district office. He
2 had housemaids and a "cyclo-pousse" kart.

3 [11.23.13]

4 At that time, the Cambodian society was half colonialist, half
5 under the status of slavery. As the patrons or the people who
6 hired the housemaids really mistreated them, beaten -- beat them
7 with a stab, etc., it was miserable, and I witnessed all these
8 events, even if the housemaids begged for pitiness. This Srey Nal
9 (phonetic), he was only a greffier, but he was so barbaric.
10 And another family behaved in the same way; that family belongs
11 to Kuch (phonetic), and the other one was a public defender also
12 ordered another housemaid to beat another housemaid up, and when
13 the housemaid tries to flee, that housemaid was arrested and
14 beaten up again. I witnessed all that and I was so shocked. But
15 at that time I did not have any particular interest in the social
16 situation.

17 [11.24.54]

18 One day, I walked to the pagoda and I saw the cremation of a
19 corpse. I was shocked. I came home; I told my mother and my
20 grandmother that I wanted to become a monk. And then my grandma
21 said: If you wanted to be a monk then you can do so; so I did. I
22 became a novice, a novice monk.

23 By that time, the French returned Battambang to Kampuchea, so I
24 stayed in the pagoda, and it was also difficult for me because my
25 family was poor. While staying in the pagoda, I again noticed the

1 oppression by the Thai authority of killing innocent people. And
2 during the coup d'état in Thailand, a few public officers -
3 officers were shot dead.

4 At that time, when I stay in the pagoda in Thailand, I studied
5 law at the Thammasat University. Then I question myself: What
6 will be the purpose of my study if the situation was like that?
7 So I believed it was pointless for me, so I quit.

8 [11.26.33]

9 At that time, I also worked for the Ministry of Public Affairs of
10 Thailand. After that, I returned to Kampuchea to join the
11 resistance. I also worked in the propaganda and education after I
12 return. At that time, there was a contact with the East. Heng
13 Samrin was the one who guided me from Phnom Penh to meet with the
14 Vietnamese counter-part, Nguyen Van Linh, in the Vietnamese
15 territory.

16 Heng Samrin was poor. At the time, he did not even have a buffalo
17 to work in the rice paddy. He only wore a short, but he was a
18 good person with good morale and he was courageous. And he was in
19 the hardship together with me. And later on he became a military
20 commander. That was after the liberation, so my life and Heng
21 Samrin's life was interconnected. We fled together when we were
22 chased by the enemy, and he was extremely poor. He did not have a
23 plot of lands to farm. The life was miserable for him as well.
24 As in regards to Chea Sim, Chea Sim used to study with me. He
25 was, at the time, the district of committee in Tboung Khmum. He

1 was also poor. He was in the middle class peasant. Sometimes, he
2 needed to borrow people's money as well, but after the liberation
3 I didn't know what role he played. I never met him since.

4 [11.28.59]

5 So that was the events related to my early life, and the struggle
6 that I engage in was mainly resulted in conflicts with the
7 Vietnamese counterpart. The Vietnamese counterpart categorically
8 opposed any armed struggle by the Kampuchean side because it
9 could have a dire consequence on the Vietnamese side, as Lon Nol
10 was assisting the Vietnamese in transporting weapons to the South
11 Vietnam. But I responded to the Vietnamese that the Communist
12 Party of Kampuchea was not a party subordinate to the Vietnamese.
13 At that time, his face became red. But we still went on with our
14 struggle.

15 Vietnam conducted their armed struggle in 1960, and they were
16 bombarded by the U.S. bombers. They did not have a place to stay,
17 so many of them took refuge in Cambodian territory. Many of the
18 civilian -- Vietnamese civilians did not have a place to stay as
19 there was no place for them to hide in the rubber plantation.

20 [11.30.41]

21 So, in hindsight, you can say both the Vietnamese and Kampuchean
22 are either friend or enemy. We cooperated, but we also fought one
23 another. But Vietnamese were regarded as enemy because they had
24 the ambition to swallow Kampuchean territory.

25 We, on our side, we have high morality, self-reliance, mastery

1 and independence. We decide our own fate.

2 So, from the outset, these two countries seem to go well
3 together, but in essence, they were just ready and prepared to
4 swallow us. Even at present -- even if I cannot provide the
5 exact number, a large number of Vietnamese people influx into
6 Cambodia, and that is a history nobody can deny.

7 And this is just my brief description of what happened and the
8 hardship that I faced in my struggle -- our struggle against the
9 U.S. bombardment for 200 days and night and probably 2 million
10 tonnes of bombs were dropped in Cambodia.

11 [11.32.17]

12 So, if we compare the Vietnamese and the U.S., Vietnamese seem
13 even more barbaric than the United States. As they invaded into
14 our territory, they erected their own administrative structure.
15 The U.S. did not have any personnel entering or invading
16 Kampuchean territory; instead, they dropped bombs.

17 As far as I know, there were at least 250,000 Vietnamese residing
18 in Kampuchean territory at the time, so it was difficult for us.
19 We had to counter-attack both the Vietnamese and the U.S. and, at
20 present, and I think everybody is aware of it. That is the
21 reality, and that is the truth, because this Court wants the
22 truth and justice so that the young generation know of what
23 happened.

24 We can compare the current situation to a snake which tries to
25 suffocate a rabbit. For me, I don't mind about my own safety or

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1 that I will be imprisoned, but I am very concerned about my
2 country, about the future Kampuchean generation.

3 [11.33.59]

4 MR. PRESIDENT:

5 Mr. Nuon Chea, please respond to only the question to be asked,
6 and in particular in regards to the historical background of the
7 Communist Party of Kampuchea and the facts mentioned in the
8 Closing Order -- that is, in regard to the beginning of the
9 subsequential facts.

10 Defence Counsel, you may proceed with your next question.

11 BY MR. PESTMAN:

12 Q. Mr. Nuon Chea, you were interrupted. You said: "I'm concerned
13 about the situation."

14 Is there anything you want to add to the answer you were giving
15 to my question?

16 [11.34.49]

17 MR. NUON CHEA:

18 A. I am very concerned of the future fate of Cambodia. I don't
19 know what the future will hold for this country.

20 (No interpretation)

21 MR. PRESIDENT:

22 The Chamber has already advised the Accused that the Accused will
23 remain in the confines of the first mini trial in the context of
24 historical background, so the Accused should not expand their
25 answer to the outside parameter of the discussion now.

1 BY MR. PESTMAN:

2 I believe my client said something, and I can – it was not
3 translated. And maybe you can repeat, Mr. Nuon Chea, what you
4 just said; it was not translated.

5 MR. PRESIDENT:

6 The Chamber, once again, directs the Accused not to answer the
7 question outside the scope of the historical context of the
8 Communist Party of Kampuchea, which was clearly set out in the
9 Closing Order determined by the Chamber, and we should stay
10 within the confines of this context, particularly in the first
11 mini trial of Case 002/01.

12 [11.36.52]

13 BY MR. PESTMAN:

14 Q. I saw my client -- it's the only reason I raised -- I saw my
15 client saying something. I don't know what he said. I'm just
16 wondering whether he wanted to repeat what he said so that we all
17 -- can all hear also the translation. I didn't catch the answer.
18 So, Mr. Nuon Chea, the last thing you said, could you just please
19 repeat it so that it can be translated? And then I'll go to my
20 next question.

21 MR. PRESIDENT:

22 Yes, Counsel for Khieu Samphan, you have anything to raise?

23 MR. KONG SAM ONN:

24 Good morning, Mr. President. And just now the counsel would like
25 to hear the last word Nuon Chea said, but unfortunately Nuon Chea

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1 mic was not activated. So, I heard from it, Mr. -- actually, Mr.
2 Nuon Chea did answer the question already.

3 [11.38.04]

4 MR. PRESIDENT:

5 Mr. Nuon Chea?

6 MR. NUON CHEA:

7 Mr. President, I would like to ask for leave to have a break.

8 MR. PRESIDENT:

9 Thank you for making clear your status of health to respond to
10 question.

11 Counsel, please be seated.

12 [11.39.01]

13 The hearing is now coming to an adjournment a bit early this
14 morning due to the health reason of the Accused. Considering his
15 old age, we understand his health reason. Therefore, the hearing
16 this morning will be adjourned earlier -- early.

17 And according to the schedule, this afternoon we are to hear the
18 testimony by witness Prak Yut, but according to yesterday, our
19 confirmation by parties, particularly the Defence, they did not
20 have any question to put to this witness. So we conclude this
21 testimony hearing of this particular witness early.

22 So the Chamber wishes to advise the party that, this afternoon,
23 there won't be hearing, and the hearing will resume tomorrow
24 morning, starting from 9 a.m.

25 Court officers are now instructed to bring the three Accused to

1 the detention facility and bring them back to the courtroom

2 tomorrow morning, before 9.

3 The Court is now adjourned.

4 (Court adjourns at 1140H)

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