



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 14-Feb-2012, 14:44
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 February 2012

Trial Day 28

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

The Accused: NUON Chea
IENG Sary
KHIEU Samphan

Lawyers for the Accused:

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*Extraordinary Chambers in the Courts of Cambodia
Trial Chamber – Trial Day 28
Case No. 002/19-09-2007-ECCC/TC
08/02/2012*

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MR. ANG UDOM	Khmer
JUDGE CARTWRIGHT	English
MR. KHIEU SAMPHAN	Khmer
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PESTMAN	English
MS. SIMONNEAU-FORT	French

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 During this morning's session and as scheduled, the Chamber is
6 going to hear testimonies of the accused person Nuon Chea, who
7 shall be posed question from his own counsels.

8 Security personnels are now instructed to bring Nuon Chea to the
9 dock.

10 [09.02.56]

11 Counsel Ang Udom, you may proceed.

12 MR. ANG UDOM:

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

14 Our sincere apologies for being on my feet to raise this request;
15 our client, Mr. Ieng Sary, has asked that he be excused from this
16 courtroom, and that, for the time being, he has problem with his
17 feet -- swelling feet and also back pain, and for that reasons,
18 he asked that he be excused and observe the proceeding from the
19 holding cell so that he can rest his feet. He would like to
20 follow the proceeding from the holding cell for the whole day
21 today.

22 (Judges deliberate)

23 [09.04.28]

24 MR. PRESIDENT:

25 We note the request by counsel for Ieng Sary with regard to Ieng

2

1 Sary request for participating in the proceedings in - remotely,
2 from the holding cell, where audio be -- audio equipment linked.
3 And the reason for this request is that Ieng Sary has problem
4 remain sitting in this courtroom.

5 The Court -- or the Chamber, therefore, grants such request, and
6 that he will be taken to the holding cell, where he can follow
7 the proceedings remotely.

8 Counsels for Nuon Chea (sic) are asked to produce the waiver
9 immediately, the waiver which is signed or thumb printed by the
10 accused person.

11 Security personnels - rather, the AV officials are now instructed
12 to link the holding cell AV equipment to the courtroom so that
13 the accused person can follow the proceeding from the holding
14 cell.

15 [09.05.55]

16 Security personnels are now instructed to bring the accused
17 person Ieng Sary to the holding cell.

18 Before we proceed to Nuon Chea counsels for putting questions to
19 their client with regard to the context of the history of
20 Democratic Kampuchea, the Chamber would like to ask how much time
21 counsel would need to pose questions concerning this historical
22 background of the Democratic Kampuchea subject.

23 MR. PESTMAN:

24 Good morning, Your Honours. Good morning to everyone in the
25 courtroom.

3

1 I believe we are the last to ask questions to our client with
2 regard to the historical context. I have not many questions,
3 three or four, but it's difficult for me to predict how long the
4 answers to those questions will be, but normally it should not
5 take more than 30 minutes.

6 [09.07.32]

7 I have two other short procedural matters I would like to
8 discuss. I can do that either before or after the questioning of
9 my client.

10 MR. PRESIDENT:

11 You may proceed with the procedural matters that are relevant to
12 the issue before us, and that you are not allowed to make any
13 other observation.

14 MR. PESTMAN:

15 Thank you. First of all, with regards to the witnesses that have
16 been heard concerning the historical context or background of
17 this case, we think that the witnesses that have been heard have
18 been unable to give a clear and complete picture of this
19 historical background. We've heard two witnesses, somebody
20 through -- or via video link and a former district secretary who
21 was unable to say anything about the pre-1975 period.

22 [09.08.56]

23 We know that, next week, documents will be discussed, and I'm
24 taking this opportunity to announce that we will also ask to hear
25 some additional witnesses with regard to the historical context

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1 as soon as possible.

2 In any case, we assume that we will be allowed to ask some
3 witnesses who will be heard later in this case, especially the
4 experts, about the historical context, so that we'll be allowed
5 to go back and revisit this particular topic when hearing other
6 witnesses, even if those witnesses are not called or asked to
7 testify about this first trial segment.

8 That was my first remark.

9 And the second remark, I'm sure, will make you less happy. I will
10 make myself not popular with the Bench, I realize, when I raise
11 this matter again, but we think it is very important.

12 Reluctantly, we have to revisit Hun Sen's remarks made at a press
13 conference, now some time ago, in Vietnam.

14 [09.10.22]

15 MR. PRESIDENT:

16 We have already advised counsel already that you cannot really
17 take the advantage of the allocated time to put questions to your
18 client to ask questions which are not relevant or other issues.

19 The Chamber has already addressed this before.

20 And that when the Chamber has ruled on it and you are not
21 satisfied with such ruling, you can file an appeal against such
22 decision before the eyes of the law, and you are not allowed to
23 make any further statements to the subject matter that has
24 already been ruled.

25 You are now asked to pose questions to your client concerning the

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1 historical background of the Democratic Kampuchea's context. And
2 if you do not really have any questions to pose the witness -- to
3 the -- your client, then the Chamber can conclude that you have
4 no questions.

5 [09.11.50]

6 MR. PESTMAN:

7 Thank you, Mr. President. I do have questions, and we will
8 certainly appeal the decision -- or decisions we think should be
9 appealed, at the end of this case; we cannot do that before
10 judgement, certainly not this decision.

11 What I would like to explain briefly is that we maintain -- or we
12 take the position that your decision is in fact not a decision to
13 our request.

14 MR. PRESIDENT:

15 We do not allow you to make any further statement. If you wish to
16 proceed with the matter that this Chamber do not allow, then we
17 can move to the next item of agenda of the proceedings because we
18 have been doing our best to expedite the proceeding, not delaying
19 it.

20 [09.12.52]

21 MR. PESTMAN:

22 But I think I should at least be allowed to -- or given the
23 opportunity to explain why I think this is an important issue
24 that should be raised again.

25 MR. PRESIDENT:

6

1 The Chamber is very clear. The message has already been clearly
2 conveyed. The Chamber wishes not to hear more from you on this.

3 MR. PESTMAN:

4 Do I understand that I'm now forced to file a written motion
5 because you are unwilling or not able to listen to my oral motion
6 at this particular point?

7 MR. PRESIDENT:

8 We do not force -- force you to file a written complaint; it is
9 your right. And you may refer to the relevant provisions
10 applicable before this Chamber, and you can exercise your rights
11 accordingly.

12 The Chamber has already set the schedule for the expeditious
13 trial proceedings, and these have already been communicated to
14 parties to the proceedings, and you have already been well
15 informed of this.

16 [09.14.17]

17 The topic at issue here is the context of the historical
18 background of the Democratic Kampuchea regime, which is part of
19 the first trial segment -- first phase, and we also call this
20 case file Case 002/01. So there is no floor given to counsel for
21 further debate other than those relevant to the subject matter as
22 discussed.

23 MR. PESTMAN:

24 We accept, Mr. President, that the agenda, of course, is
25 determined by you, but we maintain that we are allowed to raise

7

1 oral questions and motions.

2 And I would like to know, if not today, when we will be allowed
3 to do so. I'm sure there's enough time next week to allow me for
4 five or 10 minutes to raise this issue, which I, unfortunately,
5 am unable to explain but which, I maintain, has not been answered
6 yet, that question. So please let me know when I can raise this
7 issue, and I will continue with my client's questioning.

8 (Judges deliberate)

9 [09.16.50]

10 MR. PRESIDENT:

11 Normally, the Chamber has noted that, before you submit any
12 requests or motions, you have never asked the Chamber when you
13 should file such motions.

14 Now, the Chamber will give you - or your time left is 15 minutes
15 to put questions to your client. If you fail to make the most of
16 the 15 minutes left, then you will lose the chance to put
17 questions to your witness -- to your client, rather.

18 MR. PESTMAN:

19 Yes, but I'm afraid I cannot accept that as an answer.

20 I would like to know when I can raise this particular procedural
21 issue; next week, preferably. And then I will continue asking
22 questions to my client.

23 (Judges deliberate)

24 [09.18.17]

25 MR. PRESIDENT:

8

1 The Chamber notes that counsel has an attitude that is -- that
2 shows that counsel doesn't respect the Chamber -- the Bench.
3 So your time is already running out.

4 Please be seated.

5 May I know whether Judges of the Bench wish to put questions to
6 the Accused?

7 Judge Lavergne, you may now proceed.

8 QUESTIONING BY JUDGE LAVERGNE RESUMES:

9 Thank you, Mr. President. I have a few questions to raise to Mr.
10 Nuon Chea in the light of what has been said in prior debates.
11 A few questions, firstly, about what the Accused said to us about
12 the abolition of the currency in the liberated zones, starting in
13 the 1970s, more particularly in 1973.

14 [09.19.56]

15 Q. Could the Accused please tell us what actually happened, in
16 practical terms, with the bank notes that were in circulation?

17 Could the Accused tell us if-- As far as he was aware, were the
18 bank notes issued by Lon Nol's Khmer regime -- republic, rather?

19 Were they replaced by bank notes that were issued by the FUNK?

20 Did the Accused answer -- understand my question, and is he able
21 to answer, please?

22 MR. NUON CHEA:

23 A. Good morning, my fellow citizens, Your Honours, the President.

24 This issue happened a long time ago. My memory is not good

25 enough, and at that time we did not circulate the bank notes that

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1 were just issued to replace the Lon Nol bank notes. The situation
2 was still confusing to introduce these new bank notes.

3 [09.21.55]

4 There were -- there were plans, for example, in exchanging goods
5 at cooperatives, and only we wait until things were
6 well-organized before we introduced the new circulation of the
7 bank notes. However, the war was still going on between the
8 Socialist Republic of Vietnam and the Democratic Kampuchea, since
9 1975, to introduce these new bank notes.

10 Immediately after 1975, on early May, the Vietnamese troops
11 invaded Cambodian territory along the coastal line, near Kampot
12 province.

13 If the President allows, I will be -- I will explain in details
14 this accounts.

15 MR. PRESIDENT:

16 You have already explained to the Court these events, so you
17 should not talk about these further.

18 [09.23.29]

19 BY JUDGE LAVERGNE:

20 Q. Mr. Nuon Chea, my question was a little bit more precise. I
21 wanted to know what actually happened to the bank notes that were
22 held by individuals and what happened to the foreign currencies,
23 as well, that were also in possession of individuals, and,
24 finally, if the Communist Party of Kampuchea used monetary units
25 of some kind to meet its own requirement. In particular, were

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1 there purchases of weapons and munitions? And how were they
2 funded. Here again, was it just a matter of barter? In which
3 case, what was bartered? Thank you.

4 MR. NUON CHEA:

5 A. Mr. President, so far as I recollect, there was no form of
6 assistance in currency -- financial assistance. At that time, the
7 -- China helped us with weapons, and weapons could be sent to us
8 through the assistance of Vietnam who transported them for us.

9 [09.25.30]

10 Q. How could the local population meet its needs for food and
11 clothing and medicines; was it given all of these things or was
12 the population bartering, as well?

13 A. Mr. President, the practice depended on different locations in
14 the country. In locations close to the Thai border, we would use
15 Thai bahts as the monetary unit for trading. However, in the
16 whole country, in cooperatives, they exchanged goods that had
17 been purchased at the Thai border with the products or produce
18 that already produced by the local people here, in cooperatives.

19 Q. Who had the Thai baht? Everybody or local officials or Party
20 officials? How were things organized?

21 A. Mr. President, the administration section was in charge of
22 these matters. I was involved only in education only, that I
23 cannot know much about these money things.

24 [09.28.02]

25 Q. Who was responsible for these matters within the

11

1 administration? This is the day-to-day life of the population
2 we're talking about.

3 A. Mr. President, I do not quite understand the last question.
4 Could you repeat?

5 Q. Mr. Nuon Chea, you told us that the administration was in
6 charge of these issues; in particular, purchases or bartering, in
7 order to provide for the needs of the population. And I'm asking
8 you who, within the administration, was responsible for these
9 particular matters. These are things that seem to me to be
10 absolutely crucial because they relate to the day-to-day life of
11 the population.

12 A. Mr. President, I was involved in the education section, and
13 that matters were more relevant to the governmental sections, so
14 I am afraid I do not understand much about this.

15 [09.29.43]

16 Q. And you, personally, Mr. Nuon Chea, did you have to barter to
17 provide for your own consumer needs? How did you manage to clothe
18 yourself? How did you manage to eat? How did you get medicines?

19 A. Mr. President, I stated there were some currency units. Goods
20 were exchanged with the Thai people, and those goods or
21 commodities would be traded with the people in cooperatives. And
22 we also received some aids from the -- from China.

23 Q. Now, who was in charge of distribution of materials among the
24 people at the level of the cooperative? How did you receive what
25 you needed to meet your needs?

12

1 A. Your Honour, this is the responsibility of the cooperative.
2 Each cooperative set up what they need, and the cooperative is
3 responsible for distributing those stuff and materials among
4 members of each cooperative.

5 [09.31.51]

6 Q. Mr. Nuon Chea, you have told us that you were in charge of
7 training. That is what you have told us practically since the
8 beginning.

9 When you carried out training sessions, did you have to go to
10 zones, districts, and cooperatives? And were you interested in
11 finding out how the needs of the people were met? Did you ask
12 questions? Did the situation appear to be satisfactory to you?
13 Did you try to obtain information?

14 A. Mr. President, I do not go down to village regularly. Before I
15 went to each zone, it depends on the -- I had to seek approval
16 from the secretary of each zone, and I have not been to every
17 zone myself. But when I went to visit the zone, I also witnessed
18 that certain places were, of course, short of stuff and
19 materials, but other places, they had moderately sufficient stuff
20 for them.

21 Q. What type of shortage are you talking of? What did they lack?

22 A. Your Honour, we did not have much problems with, for example,
23 food supply. If we were short of food, then we would try to
24 cultivate in order to supply ourselves with food.

25 [09.34.11]

13

1 So, as I mentioned earlier, the situation was rather chaotic at
2 that times, and there were infiltration by the Vietnamese
3 soldiers, and Vietnam waged war. And they were also engaged in
4 the war against the American bombardment as well, and then they
5 evacuated people from one place to another. So the situation was
6 quite chaotic. And cooperative as well have to be on the move, as
7 well, so the situation was not at all in order and security was
8 not ensured.

9 Q. Mr. Nuon Chea, I will put my question to you again.

10 You have told us that you observed that there was a shortage of
11 supplies and stuff. You talked about shortages.

12 What exactly was in short supply? What are you talking of?

13 A. Your Honour, we found that we, at times, are short of food as
14 well, for example rice, but we barter with one -- with one
15 another. For example, if one cooperative was in short of food,
16 then they would barter from other cooperatives, as well. So we
17 had mutually assisted each other in time of shortage. But as I
18 informed Your Honour earlier, in terms of sufficient, it is not
19 sufficient, but we have to live and let live together.

20 [09.36.41]

21 Q. You talked of shortage of stuff. What exactly are you
22 referring to? What did such shortage consist of?

23 A. Your Honour, in terms of a human being, human capital, we did
24 not have sufficient human resource because many people have been
25 guided to join the army, so labour force to cultivate or to

14

1 produce any production is not sufficient.

2 Q. You also said a while ago that you received assistance from
3 China, and in particular, you said that weapons were supplied to
4 you through Vietnam.

5 Can you tell us a bit more about such assistance? Was it
6 completely free of charge or was this military equipment sold to
7 you? Was it donated or was it loaned out to you? What is the
8 significance of the equipment that was provided to you? Can you
9 give us an idea of the estimates -- the amounts of money
10 involved?

11 [09.38.33]

12 A. Your Honour, as I informed you earlier, I was not in charge of
13 military affairs. And as for the detail of the matters, I did not
14 have any knowledge of, but, as far as I know, the assistance --
15 the military assistance by China was quite confusing, as well,
16 and then there has been some irregularities in the process of
17 transferring the weapons from China.

18 For example, sometimes, those weapons were supposed to send to
19 the Democratic Kampuchea, but it was instead sent to the National
20 Liberation Front and to other places as well. Sometime, one third
21 of the weaponry supplied were taken by others, so it was quite
22 confusing.

23 And we were short of people to manage this affair, as well, and
24 we had to, from time to time, run away from the bombardment --
25 aerial bombardment, as well. We once had insisted that Vietnam

15

1 transfer the weapons sent from China to us, a certain truck of
2 weaponries, but when we were transferring certain -- I'm sorry,
3 certain truck of weaponries, but it was actually bombarded, and
4 all the weapons were destroyed.

5 [09.40.18]

6 Q. Mr. Nuon Chea, I do understand that you do not understand, in
7 detail, the equipment that was supplied to you, but I believe it
8 is possible for you to tell us whether those weapons were
9 donated, whether they were sold or part of a loan provided by the
10 People's Republic of China. Or would you be able to tell us
11 whether such matters were never discussed during the meetings you
12 may have had with other officials of the Communist Party of
13 Kampuchea?

14 A. Your Honour, as far as I know, the assistance from China,
15 whether it be military, or clothes, or garment assistance, are
16 the assistance without any -- borne without any condition
17 whatsoever.

18 Q. Do you mean, therefore, that they were donations given to you
19 free of charge?

20 A. Yes, that's correct, Your Honour.

21 [09.42.14]

22 Q. And was that always the case? What I mean is this: the - the
23 People's Republic of China always supply military equipment to
24 you free of charge, or was such military equipment sold to you by
25 the People's Republic of China?

16

1 A. Your Honour, part of the military assistance was provided by
2 China free of charge, but part of the weaponries that we have
3 obtained are from the seizures of weapon from the Lon Nol regime,
4 when we conquers in the fighting. As for the exact number of
5 weaponries we possess, I do not know because I was not in charge
6 of military affairs, so I did not have detailed knowledge of
7 that.

8 Q. There may well be a problem of translation understanding. But
9 this was my question: Did China, at any point in time, sell
10 military equipment to you instead of donating it? That was the
11 main thrust of my question.

12 [09.44.14]

13 A. Your Honour, China has never sold weapons to the Democratic
14 Kampuchea. Those assistance was free of any bond, or it is
15 without any strings.

16 Q. Apart from any material assistance you may have received, did
17 you receive any assistance in terms of technical or military
18 assistance by the Republic of China -- the People's Republic of
19 China?

20 A. Yes, Your Honour. There have been technical assistance in
21 railway operation because, back then, we was restoring the
22 railway. But there was no political assistance, there was only
23 technical assistance provided by the People's Republic of China.

24 Q. Mr. Nuon Chea, regarding the military equipment received from
25 China, what kind of weaponry are you talking of? Were they

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1 cannons, tanks, grenades or rocket launchers? What type of
2 military equipment or military materials did you receive?

3 [09.46.13]

4 A. Your Honours, as far as I know, majority of them were the hand
5 guns. And as for tanks and other rocket propeller or launcher, I
6 do not have knowledge of, and they have so far -- but they had
7 provided, as far as I know, some rocket launchers as well. But I
8 am not at all an expert in this area, so I don't know much of it.

9 [09.46.49]

10 Q. My question to you is as follows: Did the FAPNK (sic) have all
11 the technical and military resources or skills necessary for
12 deploying the equipment provided by the People's Republic of
13 China, or was it necessary in some cases to obtain training? And
14 who provided such training?

15 A. Your Honours, we actually did not need any technical training
16 in using those weaponries because they are conventional
17 weaponries and they are actually not difficult to use, unlike the
18 rocket launcher, or missile, or something. So those are
19 conventional, indeed, so we can use, we did not require any
20 technical training.

21 JUDGE LAVERGNE:

22 Mr. President, I have no further questions for the Accused.

23 However, I would like to present a number of documents.

24 I don't intend to put any questions to Mr. Nuon Chea, but I would
25 like him and the other Accused to react to the documents I will

18

1 present before the Chamber. But maybe this can be done
2 subsequently.

3 I do not know whether other colleagues or the Bench have any
4 questions for the Accused.

5 MR. PRESIDENT:

6 Your Honours, members of the Bench, do you have any questions to
7 put to Nuon Chea?

8 [09.49.10]

9 It appears that there is no question from members of the Bench.
10 So, again, I hand over to Judge Lavergne to put documents before
11 the parties and the Accused.

12 BY JUDGE LAVERGNE:

13 Thank you, Mr. President.

14 The first document I would like to present is titled "Message by
15 Comrade Pol Pot, Secretary General of the Communist Party of
16 Kampuchea, at the Meeting Commemorating the 17th Anniversary of
17 the Founding of the Communist Party of Kampuchea and on the
18 Occasion of the Official Programming of the Communist Party of
19 Kampuchea", dated 17th of September 1977, and bearing the title
20 "The Grandest Victories of Democratic Kampuchea Under the Just
21 and Farsighted Leadership of the Communist Party of Kampuchea".

22 [09.50.27]

23 Now, this is a very long document which has the following
24 references: IS 4.40; and the ERN in French is as follows,
25 S00012471 to 00012528; and the ERN in English is as follows,

1 S00012560 to 00012698; and the ERN in Khmer is as follows:

2 00019250 to 00019392.

3 What is of interest to me, at this stage, is pages 48 to 51 of
4 the document in French. And to be more specific, in this speech
5 we are talking of different forms of the revolutionary struggle
6 as determined by the Communist Party of Kampuchea during its 1960
7 Congress. And it is stated as follows:

8 [09.52.00]

9 "The First Congress of our Party determined the following
10 revolutionary forms: one, recourse to political revolutionary
11 violence and armed revolutionary violence; and, secondly, the
12 forms of legal, semi-legal, and illegal struggles; thirdly, open,
13 semi-open, and clandestine forms of the struggle."

14 In this regard, I will read a passage -- and it states as
15 follows:

16 "Similarly, the Party made sure work was properly shared out
17 among the cadres. To some comrades, open work was assigned; to
18 others, work as members of Parliament was assigned in their
19 capacity as members of government under the former regime, in
20 their capacity as State employees, open work in various mass
21 organizations, press work. These are the different forms used for
22 agitation of the masses, and this is how we shared out work
23 amongst ourselves.

24 "However, there were sections for clandestine work to cause
25 agitation among the population. Secretly, in Phnom Penh there

1 were sections for open work and sections for clandestine work.

2 Similarly, in the rural areas there were sections for open work
3 and sections for clandestine work.

4 "Clandestine work was fundamental; it allowed for the defense of
5 revolutionary forces and it also allowed for uprisings among the
6 people. If a large number of us or all of us had worked openly,
7 the enemy would have punished many of us or hurt all of us."

8 [09.54.56]

9 This is the first excerpt from this speech.

10 Mr. Nuon Chea, do you, par chance, remember this speech that was
11 delivered by Pol Pot on the 27th of September 1977? Does what I
12 have read out to you ring a bell?

13 A. Your Honour, how can I remember the whole story? Particularly
14 the speech you mentioned, because it has been such a long time.

15 But according to what you read out, I understand part of -- part
16 of it, but, if I try to dwell on that subject, I think it's going
17 to be longwinded. But I try to be brief on that matter.

18 When we talk about militia -- militia war, it is not the official
19 war or so. Following the Geneva Conference, we established the
20 people's group -- in other words, those groups work openly in
21 society and, for example, they publish newspapers. But there are
22 others undergrounds groups. They have some clandestine operation,
23 for example those people would endeavour to build up the Party.

24 [09.56.28]

25 And those who work openly, they operated normally, openly, but

21

1 those who were in the clandestine operations, they move it
2 underground. But those who operated openly, sometime, we also try
3 to incorporate the revolutionary ideas.

4 So there was a combination of opened operation as well as the
5 underground operation, and when we talk about the reliable fair
6 or so, it takes different forms. Of course, we endeavour to get
7 many things done. Sometimes, we also indoctrinated people with
8 political lines, and sometimes we had to do other stuff as well.
9 So it is a very longwinded story if I have to dwell on that
10 matter.

11 [09.57.39]

12 Q. Mr. Nuon Chea, would you be able to tell us whether you agree
13 with the sentence I read out, that is, to some comrades, open
14 work was assigned, and to others, work as members of Parliament
15 was assigned, and other work was assigned to others as members of
16 the former regime? Was this, in fact, part and parcel of the
17 decisions on political line as defined by the Communist Party of
18 Kampuchea?

19 A. Your Honour, as I informed you earlier, I was in charge of
20 education, and the details of the clandestine operation or the
21 open work in the national assembly, they had their own task to
22 do. They follow the Party's political line and they many -- they
23 had some kind of manoeuvring of the political line. And there
24 were some progressive groups who actually applied political
25 parties in their operation.

22

1 Q. And who were the members of those groups?

2 A. Your Honour, Mr. President, I don't remember them. I think I
3 stated time and again that, once, Pol Pot called me to meet with
4 him. When I was told that I should not be worried about
5 intellectuals, what I needed to do was focus on education because
6 my knowledge of how I managed intellectuals was not adequate,
7 that Pol Pot asked me to do something else.

8 [10.00.25]

9 JUDGE LAVERGNE:

10 Very well. I do not know whether accused Khieu Samphan would like
11 to react. If he has a means of doing so, would he be ready to
12 react?

13 MR. KHIEU SAMPHAN:

14 Good morning, Your Honours. Good morning, Mr. President. I have
15 nothing to comment here. Thank you. Because this had something to
16 do with events that happened all the way from 1960s, and it is
17 beyond my knowledge.

18 I already indicated in my intervention how I entered the Party. I
19 joined the Party at Aural Mountain, in 1969. It was close to the
20 date when the coup d'état was staged. Events before that was out
21 of my knowledge. Thank you, Your Honours.

22 [10.01.42]

23 BY JUDGE LAVERGNE:

24 Q. Let us look at a different series of documents that concern
25 population movements, cities that were evacuated from the combat

1 zones, in particular Oudong, when it was taken, in 1974. The
2 Co-Prosecutors have already submitted the document, but we have
3 not heard comments from Khieu Samphan. It is E3/25; it's
4 "Revolutionary Flag" special number of -- that is entitled
5 "Extract from the Speech of the Representatives of Angkar at the
6 Occasion of the Ninth Anniversary of the Revolutionary Army of
7 Kampuchea, the Bravest and Most Revolutionary That Can Be". And
8 ERN in French is S00504049-00504050, pages 36 and 37, in the
9 French version. And we are told:
10 "We have won a victory because we have managed to put into effect
11 the most perfect combat line.
12 "Fighting the enemy in the political sphere: we want to take one
13 single example in the area of popular victories. In the history
14 of our planet, nobody has ever overcome any population, but our
15 political approach consisted in winning over the population. The
16 number of people does not matter, even one person would have
17 counted, two people, we would have won them all over. And it was
18 important to conquer everybody, right up to the point of
19 conquering the population of Phnom Penh. The political line that
20 consisted in doing this was perfectly judicious. Throughout the
21 world, such an approach had never, never existed before. And if
22 the enemy had the population in hand, they also controlled the
23 military, they also controlled the economy. But if they could not
24 control the inhabitants, then they had no military strength or
25 economic force. Our arguments were entirely right. And our

1 political line was entirely right. Everywhere, without exception,
2 we had to conquer the inhabitants without fail."

3 [10.05.40]

4 And a little further on, it goes on to say:

5 "For example, we liberated Oudong in 1974. And then we deported
6 all of the inhabitants. When the region was conquered, they were
7 without any force. There was no human force within the
8 population, there was no economic power, and no military power.
9 As a result, we were able to overcome them. In fact, we didn't
10 even need to fight. When we made the final assault on Phnom Penh,
11 then we left them on one side for a moment. After that, we fought
12 on the front.

13 "This was a strategic line which was of prime importance. It was
14 essential to gain control of the population so as to grasp the
15 population. And that's why the members of our Party, our
16 combatants, men and women, and the base powers have to understand
17 today that anything that relates to the population is strategic
18 in nature. And in other words, the camp where you find the
19 population is the one that is going to win, whether they are
20 strategic population or tactical population. If they have
21 tactical value and they are in our camp, then they will serve our
22 purpose. If the tactical population is in the enemy camp, then it
23 will serve the enemy. In matters of defense of the country, in
24 the present and in the future, it is vital that we totally
25 control the population."

1 [10.08.12]

2 MR. NUON CHEA:

3 A. Your Honours, the message as was read to me, and I think my
4 response would be that, in the war, we needed to grasp the
5 population because if we control the people, when people were
6 sided with us, then they supported us; if they were in the enemy
7 hands, then they would help the enemy so in the guerrilla
8 warfare. That was the strategy. That had to be the strategy.
9 People had to be conquered, controlled; the more, the better. We
10 need to deprive the people of the enemies so as to leave the
11 enemy with no people under their control.

12 Q. If I understand what you're telling us, Mr. Nuon Chea, from
13 the standpoint of guerrilla warfare and revolutionary struggle,
14 the population was considered to be a strategic stake. Whoever
15 controlled the population had an advantage in the struggle; is
16 that correct?

17 [10.10.26]

18 A. Your Honours, I think sometimes the theory comes into only one
19 form, but interpretation could vary. But my view is that, when --
20 the more people we had, the more successful we were. So it
21 depends on how people view the situation.

22 And I cannot say exactly whether it should be a yes or no answer.
23 But frankly, on any side that were crowded with people, there was
24 a tendency that they would win, and those who lacked population
25 support or people tend to lose.

1 Q. Mr. Nuon Chea, when you were talking about conquering a
2 population, in your view, what kind of degree of freedom is left
3 to the population? And what kind of force is needed to conquer
4 the population?

5 [10.12.03]

6 A. I think I don't understand your question clearly; could you
7 repeat it?

8 Q. Mr. Nuon Chea, the question I'm asking is this one: When you
9 are talking about conquering a population, then how much freedom
10 does that population have? And to what extent is force used in
11 conquering a population?

12 A. Mr. President, this method is very practical. People need not
13 to be demobilized -- or mobilized, rather, or conquered, because,
14 after severe aerial bombardments, people could move to a more
15 secure place, coming to our site in other words.

16 Back then, B42 bombers dropped carpet bombs. The crater of each
17 bomb could be as big as a pond. In Kampong Cham, in one village,
18 half population of the village perished because of the bombing.
19 The remainders, the rest of the population had to move to other
20 places. So we did not need force to mobilize, to move those
21 people. The inhabitants had to evacuate from those location,
22 seeking refuge in another.

23 Q. Mr. Nuon Chea, certainly, Cambodia was heavily bombed, and a
24 good part of the population had to flee, but in the extract I was
25 reading out, we're talking about people who were in combat zones,

27

1 in areas where the struggle was going on between the Khmer Rouge
2 forces, the FAPLNG and the forces of the republic and their
3 allies. And in those places, there were inhabitants who, as I
4 understand it, had to be won over, had to be conquered. So I'm
5 not talking about the people who were running away from the B-52
6 bombing.

7 These people who were living in the combat zones, how much choice
8 did they have in following or staying put, being evacuated or
9 staying where they were? Is that clear?

10 [10.16.34]

11 A. Mr. President, it is difficult to talk about how situation --
12 people were in the war. Those who could not stand the
13 bombardments had very little choice. They were between the hard
14 place and a rock, so they were caught between crossed fires. And
15 I have to apologize to say these people need to be in the actual
16 warfare or the battle zones to experience this situation.

17 [10.17.30]

18 Q. And were you on battlefields, Mr. Nuon Chea?

19 A. No, I have never been in the battlefields before. I was in the
20 rear, in education section, educating people, at the back.

21 Q. So, as far you're concerned, the fighting was something very
22 abstract.

23 You've never seen people who had been evacuated?

24 A. I have never been to any battlefields. I had always been in
25 the back line. Sometimes, people who could not stand no more had

28

1 to evacuate themselves voluntarily without being forced to move,
2 and those inhabitants were barehanded. The enemies discriminated
3 no one; those who were not armed were also the target of their
4 attacks.

5 [10.19.34]

6 JUDGE LAVERGNE:

7 Does the accused Khieu Samphan wish to react to the document
8 submitted, or would you rather refrain from making any comment?

9 MR. KHIEU SAMPHAN:

10 I have already been firm on that position and I would like to
11 refrain from responding to the question.

12 [10.20.13]

13 BY JUDGE LAVERGNE:

14 Q. In that case, let's turn to a different document, these are
15 articles and speeches that were published by the Kampuchea
16 Information Agency, which, as I see it, appears to be the
17 official information organ of the FUNK and the GRUNK. The first
18 document is IS 12.5, this is the "New Kampuchea Review" published
19 by the Kampuchea Information Agency, number 699. There's a
20 dispatch from April '74, entitled "The Troops and Traitors of
21 Phnom Penh Are in Full Disarray and Push Back Into Defensive
22 Postures on Every Front While the FAPLNK Still Retains the
23 Initiative and Is Attacking the Enemy Without Respite". It's page
24 7 of the document, and it's French version-- The French ERN is
25 S00093 to 000094 (sic); in English, 00280556 to 00280557; and in

1 Khmer, S00662257 to 0062259 (sic).

2 [10.22.08]

3 It says -- it's on the 15th of March, and this is 1974 -- that
4 "the FAPLNK attacked Oudong a surprise attack. And on the 18th of
5 March 1974, they fully liberated Oudong. An enemy division was
6 annihilated, and 30,000 inhabitants of the city and the
7 surrounding area successfully reached the liberated zone. It's
8 only after destruction by FAPLNK of the entire military position
9 and of the administrative power and the detention camps and the
10 pacification centre in Oudong that the traitors sent in
11 reinforcements to retake the town of Oudong."

12 There is another article from the same review. It's IS 12.7. It
13 is the speech by the Deputy Prime Minister, Khieu Samphan, that
14 was delivered on the 5th of April 1974, during the FUNK and GRUNK
15 visit to North Korea, page 15 in the French version, and the
16 French ERN is S0000120 to 122; in English, 00280584 to 86; and in
17 Khmer, 00596138 to 41.

18 Mr. Khieu Samphan said the following in the speech:

19 "Last 18th of March, the forces of our national army - Army for
20 National Liberation liberated another town, Oudong, eliminating
21 all the puppet soldiers who were there and their reinforcements;
22 in other words, more than 5,000 enemies eliminated, and 1,500
23 taken into captivity."

24 [10.24.53]

25 So, Mr. Nuon Chea, have you heard about the capture of Oudong?

30

1 And do you know what happened to the population of Oudong after
2 that?

3 A. Your Honours, I have heard of it, but I don't recollect how
4 many people were killed, because this was many years ago.

5 Q. Do you know what happened to the people who were living in
6 Oudong and in the surrounding areas, after the combat?

7 A. No, I don't, because I have never been at the battlefields.

8 Q. Can you tell us where you were in March 1974, please?

9 A. Sir, I'm sorry, I don't remember, because these events took
10 place in many places.

11 JUDGE LAVERGNE:

12 Very well.

13 Once again, I don't know if the accused Khieu Samphan wishes to
14 refrain from any comment or if he wishes to make a comment on the
15 document in question.

16 [10.26.54]

17 MR. KHIEU SAMPHAN:

18 Your Honours, as stated, I would like to exercise my right to
19 remain silent at this time. And I will change this position when
20 time fits. Thank you.

21 BY JUDGE LAVERGNE:

22 Very well.

23 Q. Let's come back, now, to the first document that I presented
24 this morning, which is the speech that was made at the
25 commemoration of the 17th anniversary of the founding of the

1 Communist Party of Kampuchea, delivered by comrade Pol Pot. And
2 in French, it is page 71; it's document IS 4.40, the document.
3 So, it's an extract from the second part of the speech entitled
4 "The Democratic Revolution Under the Direction of the Communist
5 Party of Kampuchea".

6 I quote:

7 "Our Party has defined its line of struggle, struggling on the
8 military level, on the political level by taking the population
9 away from the enemy, and at the economic level by cutting off all
10 supplies, and at every other level by dismantling their espionage
11 networks and opposing the movements within the enemy."

12 [10.29.18]

13 If-- I see here that the Party defined a line of struggle that,
14 politically speaking and militarily speaking, consisted of
15 removing the population from the enemy. Does-- I think that ties
16 in with what I have already said, which was contained in the
17 article of the "Revolutionary Flag".

18 Would you agree, or are we talking about something entirely
19 different, here?

20 A. Mr. President, I don't remember; there are several articles,
21 too many to remember. And on top of that, I say time and again,
22 if the prosecutors put questions on the ideology, education,
23 training, I think I am in the good position to respond, but when
24 the attention is turned to military issues, I'm afraid not,
25 because I never been at any battlefields. I may say that I have

1 heard of such incidents.

2 [10.30.58]

3 MR. PRESIDENT:

4 Thank you.

5 Since it is now an appropriate time for adjournment, the Court
6 will adjourn for 20 minutes. The next session will be resumed by
7 10.50.

8 Security personnel are now instructed to take Nuon Chea to his
9 seat behind his counsel and return him to the dock before the
10 next session. Thank you.

11 (Court recesses from 1032H to 1053H)

12 MR. PRESIDENT:

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

14 [10.53.59]

15 The Chamber hands over the floor to Judge Silvia Cartwright to
16 respond to the request made by the defence counsel for Nuon Chea.
17 The international defence counsel for Nuon Chea, please rise.

18 JUDGE CARTWRIGHT:

19 First, Mr. Pestman, would you please make sure you are correctly
20 attired before the Judge convenes? We've let it go this long, but
21 you seem unable to be back in Court on time, unlike your
22 colleagues.

23 Secondly, the President has asked me to indicate in response to
24 your earlier request concerning the opportunity to examine
25 experts and other witnesses concerning this historical segment of

1 the trial, experts who are called later, who have relevant
2 information concerning this segment may of course be questioned
3 by you or any other party on this segment of the trial.

4 The Chamber is unsure what other witnesses you refer to.

5 Could you put that request in writing, please, so that -- with
6 your justification for wishing to call any additional witnesses
7 concerning the historical segment of the trial? And please have
8 that to us by tomorrow morning because this segment is almost
9 concluded. Thank you.

10 MR. PRESIDENT:

11 Now, I hand over the floor to Judge Jean-Marc Lavergne to
12 continue presenting documents to the Accused and putting further
13 questions.

14 [10.56.25]

15 BY JUDGE LAVERGNE:

16 Yes. Thank you, Mr. President.

17 Q. I have another document which still has to do with the problem
18 of the policy of evacuation of the people -- the population. It
19 is the following document: "Message of Congratulation", by Mr.
20 Khieu Samphan, dated 22nd of April 1975. This document can be
21 found under the -- under the following reference: D359/1/1.1.37
22 ERN in French is as follows: 00537478 to 00537481. The document
23 in question is in the process of translation in Khmer and in
24 English. However, let me point out that this message is also
25 contained in another document, which is the following document,

1 E3/118, and it is specifically an excerpt of that document, and,
2 to be more precise, it is a radio broadcast of a statement
3 registered by the FBIS, The Foreign Broadcast Information
4 Service. And ERN in English is as follows: 0016 -- I beg your
5 pardon -- 00166994, 001689 (sic); ERN in Khmer is 00700267 to
6 00700288. So this is a message of congratulation dated the 22nd
7 of April 1975 -- that is shortly after the fall of Phnom Penh.
8 And the part of the document that is of interest to me is as
9 follows:
10 "Elle--" That is a victory of the FLNPNK (sic).
11 "It is to the most farsighted and judicious leadership of the
12 FAPLNK in leading the most powerful and effervescent war
13 attacking the enemy in all domains: military, political,
14 economic, and from the standpoint of the evacuation of
15 inhabitants out of areas that are provisionally under the control
16 of the enemy. It has foiled all the maneuvers of the enemy,
17 causing it to lose all military, political, economic, and
18 financial resources up until the total stifling agony and death
19 of those people."
20 I do not know whether any of the Accused would like to react to
21 what I have just read out, but the part that is most interesting
22 has to do with the line that guided the FAPLNK in the war,
23 particularly the evacuation of the population out of territories
24 that were provisionally under the control of the enemy.
25 [11.00.46]

35

1 Mr. Nuon Chea and Mr. Khieu Samphan, would any of you like to
2 react to what I have just read out? Were you able to hear me?
3 Should I interpret your silence in answering as a refusal to
4 comment? Or, put simply, do you have nothing to add or say?

5 Very well, I think we will move on to another document. I wish to
6 refer you to a series of documents that pertain to the
7 composition of the GRUNK, the Royal Government of the National
8 Union of Kampuchea, and policy lines.

9 Firstly, I wish to refer you to document IS 18.1 entitled -- with
10 ERN in French and English as follows -- the same document exists
11 in both languages: 00068101 to 00068169 (sic), pages 1 and 2 in
12 English (sic), and 25 and 26 in English. The ERN in Khmer is
13 0029197 to 0029198 (sic). So I believe that there should be a
14 complementary translation; that is only a partial translation for
15 which I do not have the references. The document is entitled
16 "Cambodia's Seat in the United Nations".

17 [11.04.10]

18 I refer you to the political program of FUNK, and the document
19 that is dated 19th of June 1973, with respect to the visit of the
20 GRUNK delegation to New York, which was considered the only
21 legitimate representative of Cambodia and who took the seat that
22 was allocated for Cambodia. This may be somewhat lengthy, but
23 certainly of interest:

24 "The Government of the - the Royal Government of the National
25 Union of Cambodia has guaranteed freedoms of democracy, freedom

1 of press, freedom of belief, and the right to private property.
2 Its external and foreign policy is one of non-alignment and
3 neutrality. The government considers the interests of its sons
4 and daughters and recognizes them for their patriotism, the
5 majority of whom possess vast expertise in the management of
6 State affairs to prevent the conspiracy of 1978 (sic): ministers,
7 ambassadors, etc. Many are concerned with National Defence,
8 National Security, and Propaganda. They have fulfilled their
9 duties within Cambodia. The Royal Government of the National
10 Union of Cambodia--"

11 MR. PRESIDENT:

12 Could Judge Lavergne repeat the question and be slower for the
13 interpreter?

14 BY JUDGE LAVERGNE:

15 Q. I won't start from the very beginning, but perhaps I can
16 repeat that:

17 "This government is comprised of sons and daughters who have been
18 devoted to the peoples' cause. The majority of them have very
19 vast knowledge and experience in the management of State affairs,
20 and are thus conferred responsibilities that were quite
21 significant prior to the conspiracy of 1978 (sic): presidents of
22 councils, ministers, deputies, members, ambassadors, etc. Eleven
23 ministers and deputy ministers who held important portfolios,
24 including National Defence, Interior and Domestic Affairs,
25 Defence, and Propaganda, have been fulfilling their duties in

1 Cambodia. The Royal Governments of National Union of Cambodia is
2 consolidating its control over 90 percent of the national
3 territory, which constitutes the liberated zone. This government
4 is waging the struggle of the people who are living in zones that
5 are now occupied by traitors. They've been given effective
6 authority through a very well-structured administrative body.
7 This is the case in villages, communes, districts, and provinces.
8 A true democracy is being established. The people are choosing
9 the representatives; they are actively involved in the management
10 of State affairs."

11 [11.09.03]

12 Mr. Nuon Chea, do you have any comments with respect to what I
13 have just read to you? Does this political program, which
14 outlines the respect of freedoms -- freedom of religion, the
15 right to private property, amongst others -- does this appear to
16 you as consistent with the political line of the CPK and
17 consistent with the measures that were implemented in 1973,
18 particularly in the liberated zones?

19 MR. NUON CHEA:

20 A. I have no knowledge of the administration, Your Honours. I was
21 attached to the Party on education part only.

22 Q. Well, Mr. Nuon Chea, during the educational sessions,
23 therefore, did you teach your students about the respect of one
24 another, respect of freedom of religion, freedom of press, and
25 the right to private property?

1 [11.10.36]

2 A. Your Honours, the education focused on the elimination of
3 privatization, individualism, corruption, building the stands,
4 loving the Party, the country, educating people to be determined,
5 abandoning personal interest, focusing on the benefit of
6 collective interest. These are -- these were part of the Party's
7 principles being educated to people, and I was tasked with
8 educating people to abolish the individualism. The gambling and
9 womanize -- you know, indecent acts like immoral conduct toward
10 women were also part of the education I provided to people so
11 that they could be cautious and stop them.

12 Q. Mr. Nuon Chea, is the abolition of individualism compatible
13 with the compliance with the right to private property and
14 individual freedom of speech?

15 A. Your Honours, I think we should not misunderstand. To abolish
16 individualism is to abolish the private ownership. We tried to
17 educate people not to cling on -- to individual power rather than
18 the collective ones. And we educated people to follow the
19 political lines.

20 [11.12.58]

21 And I think there were still plenty of these, if you allow me to
22 elaborate. We tried to educate people not to be -- to resort to
23 freedom, in our sense the -- the act that people performed
24 arbitrarily without respecting the principles of the Party's
25 line.

1 Q. Perhaps I'll rephrase my question for you, Mr. Nuon Chea: Is
2 the respect for the -- of the right to private property a value
3 that you taught?

4 A. Education came into various forms. The respect of private
5 property, here, refers to the respect of the right of people to
6 express -- the right of people to propose ideas, to challenge any
7 opposing ideas, for example.

8 Q. Therefore, when I read that democracy is being established and
9 the people are electing their members and representatives to
10 manage their state affairs, you, who were in power, what does
11 democracy mean for you? What does true democracy signify?

12 [11.15.32]

13 A. Your Honours, democracy is more about the decentralized -- or
14 democratic decentralization. It doesn't mean that we listen
15 mainly to the minority. I can put it in other words. We also need
16 to listen to the small voices. If it is the 50 against 41 voices,
17 for example, we cannot really abandon the 49 taking hold only the
18 50.

19 Q. Mr. Nuon Chea, to your mind, the political line as defined in
20 this document that was presented to the UN in 1973, consistent
21 and compatible with the CPK's political line - or was it
22 compatible with the CPK's political line?

23 A. Your Honours, I have never seen such document before.

24 Q. Did you seek to understand what the political line of the
25 Royal Government of National Union was, or were you completely

1 unaware of it?

2 A. Your Honours, FUNK and GRUNK were relevant to the
3 Administration, and I was involved in the Party other than those
4 sections. I have heard of it, but I have never been deeply
5 engaged in those sections because I dedicated myself to educating
6 people, educating people on the political stance – Party stance,
7 for example.

8 [11.18.27]

9 Q. And in your opinion, Mr. Nuon Chea, in the liberated zones,
10 who held power? Who exercised control? Was it the representatives
11 of the CPK, or was it the Peoples' Armed Forces of National
12 Liberation of Kampuchea, or was it the Royal Government of
13 National Union of Cambodia?

14 A. It depends. If it was something to do with the Administration,
15 then the Administration would hold power. But when it comes to
16 the Party, then the Party would be in control.

17 Q. And who controlled the army?

18 A. I'm not quite sure about this, but for the military, there was
19 a committee led by Commander Pol Pot.

20 Q. And were you, yourself, a member of that committee?

21 A. No I was not.

22 [11.20.15]

23 Q. And did you know whether or not Mr. Khieu Samphan was Minister
24 of National Defence or Vice Prime Minister of the GRUNK?

25 A. I have heard of this, but I have not known what he did

1 actually.

2 Q. Therefore, Mr. Nuon Chea, for your information, since you do
3 not seem to be very familiar with the Royal Governments of
4 National Union of Kampuchea, I will make some references to the
5 annexes to the documents I've just cited and that concern the
6 Royal Government of National Union of Cambodia: Prime Minister,
7 Mr. Penn Nouth; Vice-Prime Minister and Minister of National
8 Defence, Mr. Khieu Samphan; Mr. Sarin Chhak, Minister of Foreign
9 Affairs; do you know what happened to Mr. Sarin Chhak during the
10 time of Democratic Kampuchea?

11 A. I have never known him.

12 Q. Mr. Hou Youn, Minister of the Interior Responsible for Reforms
13 in Communes and Co-Operatives; did you know Mr. Hou Youn? Do you
14 know what happened to him during the period of Democratic
15 Kampuchea?

16 [11.22.51]

17 A. I have known him, but our relation was not very close.

18 Q. Then what happened to Mr. Hou Youn during the period of
19 Democratic Kampuchea?

20 A. I have heard that he had contradiction or argument with his
21 bodyguards.

22 Q. And then what happened?

23 A. I heard that there was fighting, and his bodyguards, who were
24 minority group, escaped.

25 Q. And what was the outcome of that dispute?

42

1 A. I did not follow up these incidents because it was none of my
2 business; it was part of the Administration, rather.

3 Q. I don't fully understand, Mr. Nuon Chea. I'm referring to the
4 altercation between Mr. Hou Youn and his bodyguard.

5 Did Mr. Hou Youn pass away following that altercation? What does
6 the Administration have to do with anything?

7 A. I have heard of this through reports. And I heard that there
8 was a dispute, and he was shot by his bodyguard.

9 Q. And did he die as a result?

10 A. I don't know. Again, the Administration could take hold of the
11 detailed information of these incidents, and I only heard a
12 little bit about it.

13 [11.26.10]

14 Q. Another member of the government, Mr. Hu Nim, Minister of
15 Information and Propaganda; did you know Mr. Hu Nim; do you know
16 what happened to Mr. Hu Nim?

17 A. I have known Hu Nim, but I don't know what happened to him.

18 Q. And what about Mr. Chau Seng, minister in charge of special
19 missions? Did you know Mr. Chau Seng?

20 [11.27.18]

21 A. I have never met this person. I have heard of him.

22 Q. And do you know what happened to him during the period of
23 Democratic Kampuchea?

24 A. No, I don't.

25 Q. Mr. Chan Yourann, Minister of Public Education and Youth; Mr.

1 Ngo Hou, Minister of Public Health, Religious and Social Affairs;
2 and Mr. Thiounn Mumm; did you know Mr. Thiounn Mumm, Minister of
3 the Economy and of Finance?

4 A. I have heard of his name, but I never met him. He was on the
5 administration side.

6 Q. Duong Sam Ol, minister responsible for Military Equipment and
7 Arms?

8 A. I have never known this person, frankly not.

9 Q. Mr. Huot Sambath, Minister of Public Works, Telecommunications
10 and Reconstruction; do you know what happened to Mr. Huot
11 Sambath, during the era of Democratic Kampuchea?

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

13 Q. Mr. Chea San, Minister of Justice and Judicial Reform?

14 A. Your Honour, I have never known this person either.

15 Q. Mr. Keat Chhon, minister delegated to the Presidency of the
16 Council of Ministers?

17 A. I have known him, but I have not been very close; I've known
18 his face.

19 Q. Mr. Thiounn Prasith, minister responsible for the
20 Co-ordination of Efforts for the Struggle for National
21 Liberation?

22 A. Your Honour, I know this person, but I have never worked or
23 spoken to this person.

24 [11.31.06]

25 Q. His Royal Highness Norodom Phurissara, minister without a

1 portfolio?

2 A. Your Honour, I have heard of this name, but I have never had
3 any contact -- direct contact with him.

4 Q. Mr. Kong Sophal, Vice-Minister of National Defence?

5 A. Your Honour, I do not know this person.

6 Q. Mr. Pok Deuskomar, Vice-Minister of Foreign Affairs?

7 A. Your Honour, I have known this person, but rarely have I
8 talked to him because we have different portfolios.

9 [11.32.26]

10 Q. Mr. Van Piny, Vice-Minister of Foreign Affairs; do you know
11 what happened to Mr. Van Piny?

12 A. Your Honour, I have never known this person. As I said, I do
13 not know the affairs of the government. Anything that they would
14 allow me to learn, then they would let me know. Other than that,
15 I do not know anything about their functioning, generally.

16 Because it is the principle embodied in the Party that we have to
17 mind our own business in the Party, so we cannot interfere in
18 other people's affair or business. So this is what has been set
19 as the principle in the Party.

20 Q. Mr. Sok Thuok, Vice-Minister of Interior in charge of communal
21 reforms and co-operatives?

22 A. Your Honour, I have never known this person.

23 Q. Mr. Tiv Ol, Vice-Minister of Information and Propaganda?

24 A. Your Honour, I know him, but we are not close because he was,
25 of course, member of the Royal Government.

1 [11.34.33]

2 Q. And, Mr. Nuon Chea, would you perchance know what happened to
3 Mr. Tiv Ol during the period of Democratic Kampuchea?

4 A. Your Honour, I do not know anything about him because we have
5 not been in contacts for a long time.

6 [11.35.00]

7 Q. The next person is someone you would probably know, that is
8 Ms. Ieng Thirith, Vice-Minister of People's Education and Youth?

9 A. Your Honour, I know her.

10 Q. The next person is Mr. Chou Chet, Vice-Minister of Public
11 Health and Religious and Social Affairs.

12 Do you know what became of Mr. Chou Chet during the period of
13 Democratic Kampuchea?

14 A. Your Honour, I know him, but I don't know what happened to him
15 afterwards.

16 Q. And the last on the list is Mr. Koy Thuon, Vice-Minister of
17 Economy and Finance.

18 Do you know -- did you know Mr. Koy Thuon?

19 A. Yes, Your Honour, I know this person.

20 Q. Do you know what may have happened to Mr. Koy Thuon during the
21 period of Democratic Kampuchea?

22 A. I did not know it myself, but I have overhead it that he was
23 killed because of the love affairs, because I think he was killed
24 because of the involvement in love affairs.

25 [11.36.46]

1 Q. Where was he killed?

2 A. I did not know exactly.

3 JUDGE LAVERGNE:

4 Let me point out that list of the GRUNK government was changed
5 several times, and we will not go into all the changes today.

6 I do not know whether Mr. Khieu Samphan and Mr. Ieng Sary --
7 since he has been following the proceedings from the holding cell
8 -- I don't know whether the other Accused will have anything to
9 say in light of the documents I have just presented.

10 Would they be in a position to make any remarks? Do they have
11 problems regarding memory, or do these names ring a bell to them?

12 [11.38.02]

13 MR. KHIEU SAMPHAN:

14 May it please the Court, I have nothing to comment at this point
15 in time. Thank you.

16 JUDGE LAVERGNE:

17 Well, then, let us proceed with another document, and this time
18 it is document 108/43/3 (sic).

19 It is a letter dated the 20 March 1975. It was sent to the
20 Secretary General of the United Nations by the Permanent
21 Representative of China to the United Nations, and it contains a
22 telegram from Sarin Chhak, Minister of Internal Affairs of the
23 GRUNK. And it requests that information contained in the telegram
24 should be disclosed and circulated to all members of the UN. And
25 it is that of -- a letter of the 20th Congress of GRUNK, and it

1 was -- the meeting was held in between 4th and 5th February 1975
2 under the auspices of Mr. Khieu Samphan.

3 It is a very long document, and I will not read all of it; I will
4 quite simply try to sum it up.

5 It is a statement that was adopted unanimously by all
6 participants at the congress; these included ministers of the
7 GRUNK, representatives of mass organizations, representatives of
8 women, and members of Democratic Kampuchea, representatives of
9 peasant organizations, trade unions, representatives of patriotic
10 organizations, the Association of Intellectual Patriots,
11 representatives of patriotic poets, representatives of the
12 FAPLNK. And this statement lays down in eight points the main
13 lines of the internal and external policy of the GRUNK.

14 Point Number 1. The seven super-traitors -- that is Lon Nol,
15 Sirik Matak, Son Ngoc Thanh, Cheng Heng, In Tam, Long Boret, and
16 Sosthène Fernandez -- sentenced to death. The workers, officers,
17 and soldiers were officers and police officers, people
18 representing self-defence, politicians, and other figures living
19 in areas under the control of the enemy are invited to abandon
20 these seven super-traitors and to join the GRUNK to carry out
21 resistance actions.

22 [11.41.58]

23 Point Number 2. Point number 2 is to ensure the cessation of all
24 interference and direct or indirect interference by American
25 imperialists against Kampuchea, as well as the immediate

1 departure of all American military advisors.

2 Point Number 3. Point number 3 has to do, on the one hand, with
3 internal policy, and in it, it stated that it pursues a
4 broad-based national system of all peoples without any
5 distinction on the basis of political leanings, religious
6 leanings, and without taking into account the past of anyone,
7 nevertheless with the exception of the seven super-traitors.

8 [11.43.05]

9 Regarding external policy, it recalls the policy of neutrality
10 and independence -- that is to say -- that is the policy to
11 follow -- the refusal of the presence of all military bases that
12 are aggressive, the establishment of diplomatic relations with
13 all near and far-off countries without any distinction as to
14 social or political systems, insofar as those countries respect
15 the principle of equality, mutual respect, and mutual interests,
16 non-aggression, and non-interference in the internal affairs of
17 other countries.

18 [11.43.59]

19 The document also asserts as follows: "The nation and the people
20 of Kampuchea will accept all forms of assistance from all
21 countries, provided that no conditions are attached."

22 Point Number 4. Point number 4 is a call for a general uprising,
23 general armed uprising, and it's an appeal to the population of
24 Phnom Penh to engage in violent actions.

25 And Point Number 5 is a call for the abandonment of the riel

1 issued by the threat that is the Long Nol regime, since the riel
2 no longer has any value and has to be replaced a new riel issued
3 by the GRUNK.

4 [11.45.07]

5 It also states as follows: "In the liberated zones, the use of
6 the riel issued by the enemy has been abolished and replaced by
7 the establishment of a system of trade by barter."

8 It also states as follows: "In future, trade by barter will
9 continue as is the case now, and the new riel issued by FUNK and
10 GRUNK will gradually be placed in circulation."

11 And, lastly: "This is information for all compatriots from all
12 social classes living in Phnom Penh as well as all headquarters
13 or regions under the control of the enemy."

14 So this information is for compatriots and it calls on them to
15 abandon the ranks of the traitors to join the liberated zones of
16 the FUNK.

17 And it states as follows: "Don't be concerned about your means of
18 existence and work, which will be fully guaranteed."

19 "Point Number 6. This is a call on all embassies and
20 international organizations accredited before the regimes of
21 traitors that they should withdraw forthwith their families from
22 regions under the control of the enemy in order to avoid any
23 incidents that would occur to them.

24 The FUNK and the GRUNK declined all responsibility for such
25 accidents."

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1 Point Number 7. Under this point, "the in-depth recognition or
2 gratitude of the FUNK and GRUNK to friendly peoples and countries
3 for their support in the struggle for national liberation".

4 [11.47.35]

5 Point Number 8 is an appeal to the three categories of the FAPLNK
6 to intensify combativeness and their attacks against the enemy
7 without any respite in the view of the total liberation of the
8 nation and the people.

9 Now, would you like to react my reading of this document? Mr.
10 Khieu Samphan, would you like to make any comments?

11 [11.48.59]

12 MR. KHIEU SAMPHAN:

13 I have no comment whatsoever for the time being. thank you.

14 JUDGE LAVERGNE:

15 Well, then, if there are no comments, Mr. President, I have
16 presented the documents I considered pertinent at this stage. I
17 have no further documents to present.

18 (Judges deliberate)

19 [11.52.55]

20 MR. PRESIDENT:

21 Now, the hearing concerning the history of the Democratic
22 Kampuchea and their account by Mr. Nuon Chea is coming to an end.
23 And this afternoon we are going to present documents to parties.
24 And the Chamber wishes to note that Nuon Chea's defence team did
25 not take the opportunity to put questions to his client.

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1 And as for the presentation of the document, Judge Lavergne has
2 already presented documents to parties.

3 And the Chamber wishes to remind parties that, if parties wish to
4 place documents before the Chamber, the Chamber will decide when
5 those requests are placed before the Chamber tomorrow.

6 So the hearing, today, is adjourned. And this afternoon the
7 Chamber will not resume because we, the Chamber, have the
8 internal meeting to discuss. And tomorrow we are going to
9 continue the proceedings, and this serves as the notification for
10 the parties. And we will resume tomorrow morning, before 9 a.m.

11 [11.55.08]

12 The defense counsel is now on his feet. You may proceed if you
13 have any issue to raise.

14 MR. PESTMAN:

15 I understand that this afternoon there is not going to be a
16 hearing; but what exactly is going to happen tomorrow morning?
17 Because I am not completely clear about that. I understand the --
18 the presenting of the documents has finished.

19 MR. PRESIDENT:

20 The proceedings for presenting documents before parties are to be
21 continued. And documents to be presented before the other
22 co-accused, we have not yet done that, and the proceeding is to
23 be continued. And this is going to be the proceeding that we will
24 resume tomorrow. And if we will not be able to conclude it by
25 tomorrow morning, we will continue into the afternoon session.

1 [11.56.43]

2 And the Chamber will continue the proceedings on the first
3 segment on the historical background of the Communist Party of
4 Kampuchea for two days, two more days, next week, and we are
5 going to hear the evidence and facts concerning the structure of
6 the Democratic Kampuchea and the communication of this regime.

7 And we are going to also hear the roles of the Accused in
8 relation to the administration of this regime. And this issue has
9 already been notified to parties by our senior legal officers.
10 And as for-- The formal notification to parties will be served
11 after we conclude the hearing this morning, and we will serve
12 this notification to parties afterwards.

13 [11.58.25]

14 MS. SIMONNEAU-FORT:

15 Yes, Mr. President. The senior legal officer has sent a mail to
16 us, suggesting that it will be possible for documents to be
17 presented next week, and we responded in the affirmative. As far
18 as we are concerned, we will be in a position to present these
19 documents as from Monday. In any case, we will not be able to
20 present them tomorrow, because we are not yet ready.

21 I just wanted to point this out to the Chamber in light of the
22 instructions we have received thus far.

23 MR. PRESIDENT:

24 The Chamber has made it clear that tomorrow the Chamber will hear
25 the evidence put before parties concerning the other Accused.

1 However, if any party who is ready to put the document before the
2 Chamber, and if the time is left for that purpose, then party can
3 do so. However, if the party is not ready, then they will follow
4 the schedule that has been set by the Chamber, in which the
5 Chamber has set aside two days, next week, to hear those
6 documents concerning the historical backgrounds as well as the
7 structure of the Democratic Kampuchea and its communication. And
8 there will be additional facts concerning the roles of the
9 Accused in the administrative structure as well as communication
10 of the Democratic Kampuchea.

11 I think I have made myself clear, at least in Khmer language.

12 [12.00.30]

13 The Court is now adjourned.

14 And the security guards are instructed to bring the Accused to
15 the holding cell, downstairs - to the detention facility, and
16 bring them back to the courtroom before 9 a.m., tomorrow morning.

17 (Court adjourns at 1200H)

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