



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): 18-Jul-2017, 10:16

CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

14 June 2017

Trial Day 501

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

| Speaker | Language |
|--------------------------|----------|
| Ms. CHEA Leang | Khmer |
| The GREFFIER | Khmer |
| Mr. KOPPE | English |
| Mr. KOUMJIAN | English |
| Judge LAVERGNE | French |
| Mr. LYSAK | English |
| The President (NIL Nonn) | Khmer |
| Mr. SENG Bunkheang | Khmer |

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the closing statements in

6 Case 002/02 to be presented by the Co-Prosecutors.

7 Ms. Se Kolvuthy, please report the attendance of the parties and

8 other individuals at today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings to hear the closing

11 statements, all Parties to the case are present.

12 Mr. Nuon Chea is present in the holding cell downstairs. He has

13 waived his right to be present in the courtroom. The waiver has

14 been delivered to the greffier.

15 Thank you.

16 [09.02.04]

17 MR. PRESIDENT:

18 Thank you.

19 The Chamber now decides on the request by Nuon Chea.

20 The Chamber has received a waiver from Nuon Chea, dated 14 June

21 2017, which states that due to his health -- that is, headache,

22 back pain, he cannot sit or concentrate for long, and in order to

23 effectively participate in future hearings, he requests to waive

24 his right to be present at the 14 June 2017 hearing.

25 He advises that his counsel advised him about the consequence of

1 this waiver, that in no way it can be construed as a waiver of
2 his rights to be tried fairly or to challenge evidence presented
3 to or admitted by this court at any time during this trial.
4 Having seen the medical report of Nuon Chea by the duty doctor
5 for the Accused at the ECCC, dated 14 June 2017, which notes that
6 Nuon Chea has a severe lower back pain and feels dizzy when he
7 sits for long and recommends that the Chamber shall grant him his
8 request so that he can follow the proceedings remotely from the
9 holding cell downstairs. Based on the above information and
10 pursuant to Rule 81(5) of the ECCC Internal Rules, the Chamber
11 grants Nuon Chea his request to follow today's proceedings from
12 the holding cell downstairs via an audio-visual means.
13 [09.03.44]
14 The Chamber instructs the AV Unit personnel to link the
15 proceedings to the room downstairs so that Nuon Chea can follow.
16 That applies for the whole day.
17 And the Chamber now hands the floor to the Co-Prosecutors to
18 present the closing statements.
19 MS. CHEA LEANG:
20 Thank you, Mr. President.
21 And good morning, Mr. President, good morning, Your Honours, good
22 morning, parties, and good morning everyone in and around the
23 courtroom.
24 At these hearings, we end the second trial of Nuon Chea and Khieu
25 Samphan. While these Accused have already been convicted of

1 crimes against humanity committed in the early days of their
2 regime when millions of people were forcibly moved from the
3 cities and towns of Cambodia to the countryside, the quest for
4 justice for the victims of the Khmer Rouge could not end there.
5 [09.04.56]

6 In this second trial, we seek justice for the widespread crimes
7 suffered by the Cambodian people throughout the Democratic
8 Kampuchea regime that were not part of the first trial, including
9 many of the most serious crimes for which these two Accused were
10 indicted. The enslavement of Cambodians in cooperatives and
11 worksites at which they were subjected to starvation, overwork,
12 diseased and other inhumane acts, the persecution and genocide of
13 the Cham and Vietnamese peoples, the forced marriage and rape of
14 Cambodian women and the imprisonment, torture and murder of
15 hundreds of thousands of Khmer at DK re-education or security
16 offices.

17 For those who ask why a second trial was necessary when these
18 Accused had already been convicted and sentenced to life in
19 prison, the answer is simple. Justice must be sought for the
20 victims of the Khmer Rouge security offices, for the victims of
21 forced marriage, for the villages of exterminated Cham and
22 Vietnamese families and for the victims deprived of all basic
23 freedoms and human dignity and enslaved in CPK cooperatives and
24 forced labour sites.

25 [09.07.17]

1 The process of seeking justice for the millions of victims of the
2 Khmer Rouge atrocities was neither easy nor quick, nor should it
3 have been. A judicial investigation of the Case 002 crimes took
4 place from 2007 to 2010 in which the Office of Co-Investigating
5 Judges conducted over 1,000 witness interviews and received over
6 8,000 civil party applications and victim complaints.
7 The first trial of the Accused began in late 2011, a little over
8 a year after the issuance of OCIJ's Closing Order, and ended with
9 the closing arguments in October 2013.
10 Opening statements in this trial took place in October 2014, and
11 the hearing of witnesses began in January 2015, and was completed
12 in early January 2017. Together in the two trials, this Trial
13 Chamber has heard testimony from 278 witnesses, civil parties and
14 experts, 92 during the first trial and 186 in this trial.
15 [09.09.09]
16 You have admitted into evidence over 16,000 documents, which
17 include: contemporaneous documents from the DK era such as
18 telegrams and reports sent to the CPK leaders from the zones and
19 other DK organizations; minutes of meetings; the Revolutionary
20 Flag and Youth Party publications; and records from the S-21
21 prison and Tram Kak district; interviews, speeches and statements
22 of Nuon Chea, Khieu Samphan and other CPK leaders; witness
23 interviews conducted by OCIJ, DC-Cam and other organizations; and
24 publications by experts who have researched the Khmer Rouge
25 regime.

1 Contrary to what we have heard from the Defence, this case is and
2 always has been about the evidence, the documents that survived
3 from the DK period and the testimony from victims and former CPK
4 cadres which, together, show the truth of what took place during
5 the Khmer Rouge regime. It is this evidence, and not anyone's
6 narrative, that proves the crimes for which the Accused are
7 responsible.

8 [09.11.02]

9 It is this evidence that will be the focus of our submissions
10 over the next two days, and it is this evidence -- the evidence,
11 Your Honours, have heard over the past five years, that will be
12 the basis for your judgment in this case. Evidence, not
13 narratives. Truth, not propaganda. Facts, not conspiracy
14 theories.

15 Today I will begin by discussing the Accused's responsibility for
16 crimes committed at worksites and cooperatives, including
17 enslavement, inhumane acts and religious persecution relating to
18 Buddhists. <My colleagues> will also discuss the crimes of forced
19 marriage and rape.

20 My international colleagues will then address you on the
21 Accused's responsibility for crimes committed at security
22 centres, genocide and other key issues such as Joint Criminal
23 Enterprise, enslavement in worksites and cooperatives.

24 [09.12.40]

25 A crime that affected virtually every Cambodian who lived during

1 the Khmer Rouge regime was the enslavement of people in
2 cooperatives and worksites at which they were subjected to brutal
3 forced labour and inhumane living conditions and deprived of all
4 basic human freedoms. The impact of this crime on the Cambodian
5 people cannot be overstated.

6 For every Cambodian not already under the control of the Khmer
7 Rouge, life as they knew it ended on 17 April 1975. Your job or
8 occupation, your home, your religion, your family life and
9 friendships, virtually every defining part of the Cambodian
10 people's day-to-day lives were taken away from them by the CPK as
11 part of what was the most extreme and radical transformation of
12 any society in modern times. Whatever you were before 17 April, a
13 teacher, doctor, monk, business owner, common worker, you were
14 forced to give up that life, to leave your home, to move to a
15 Khmer Rouge cooperative or worksite and to become either a
16 peasant farming rice or a worker building dams, canals or other
17 such projects.

18 [09.14.48]

19 In this case, the Accused have been charged with crimes in
20 relation to four such sites, the Trapeang Thma and 1st January
21 Dam worksites, the Kampong Chhnang Airport worksite, and the
22 cooperatives in Tram Kak district.

23 I will discuss each of these sites, but first I will begin by
24 addressing the nature of the charged crimes and the reasons Nuon
25 Chea and Khieu Samphan are criminally responsible for enslavement

7

1 and inhumane acts in relation to those worksites and
2 cooperatives, crimes of enslavement and other inhumane acts.
3 What is the crime of enslavement? It is exercising powers over a
4 person that are akin to ownership, for example, by exploiting
5 them for economic gain through forced labour, by controlling
6 their movement and environment, by depriving them of their
7 freedom and by preventing their escape from your control.

8 [09.16.25]

9 Forced labour exists whenever it is shown that the victims had no
10 real choice as to whether or not they would work. The crime of
11 other inhumane acts includes a variety of acts or omissions that
12 cause serious mental or physical suffering or injury to victims
13 such as detaining people in locations lacking adequate food,
14 water, medical and sanitary conditions.

15 Criminal liability of Accused. Why are these two Accused
16 responsible for the enslavement of Cambodians in cooperatives and
17 worksites and the inhumane acts to which they were subjected to
18 at the charged sites?

19 First, as set out in detail in our trial brief, Nuon Chea and
20 Khieu Samphan were part of the small group of top CPK leaders who
21 decided that all Cambodians were to be forced to give up their
22 old lives, to leave their home towns and villages and to become
23 peasants or workers in the cooperatives and worksites of
24 Democratic Kampuchea.

25 These decisions were made at the Party congresses and Central

1 Committee meetings participated in by both Accused, including the
2 critical meetings held in Phnom Penh in April and May 1975 after
3 the CPK seized power. Both Khieu Samphan and Nuon Chea have
4 admitted that people were forced or coerced to live and work in
5 the cooperatives and were not free.

6 [09.18.54]

7 Please show the first slide.

8 In this courtroom, on the 31st of January 2012, in response to a
9 question as to whether people had the choice to leave the
10 cooperatives and settle elsewhere, Nuon Chea responded, and I
11 quote:

12 "If they were to live in the cooperatives, they could not go
13 anywhere else. <They had to work in the cooperatives.>"

14 Khieu Samphan admits in both of his books that coercion was used
15 to force the Cambodian people into cooperatives, and he said the
16 same in the following taped interview. Please play the first
17 clip.

18 [09.19.55]

19 (Audio-visual presentation)

20 THE INTERPRETER KHMER-ENGLISH:

21 There had to be coercion for a while, coercion to join
22 cooperatives because nobody would voluntarily take part in
23 cooperatives. Even poor peasants would not accept these high
24 level cooperatives because there was no private harvest for
25 themselves. They would still be getting issued rice from others.

1 Therefore, there had to be coercion first.

2 It was this coercion that would impact some innocent peasants.

3 However, this had to be. It was unavoidable.

4 (End of Audio-visual presentation)

5 [09.20.52]

6 MS. CHEA LEANG:

7 One of the key elements of the crime of enslavement is the
8 exercise of control over the victimized people, and the evidence
9 before, Your Honours, shows that control of the people was a
10 principal reason for the CPK leaders' implementation of
11 cooperatives.

12 The December 1975 issue of the Revolutionary Flag, in discussing
13 the organization of cooperatives and the elimination of private
14 markets and ownership, states that this measure was a turning
15 point for the revolution because the people had to depend on the
16 revolution, and the revolution was able to control them.

17 [09.22.00]

18 Please show the next slide.

19 Khieu Samphan admits in his books that cooperatives were critical
20 to the Khmer Rouge because they allowed them to control rice,
21 control the economy, control the people.

22 And please show slide number -- slide number 7.

23 And in a speech given by Nuon Chea in January 1977, that
24 discussed the Party's plan to strengthen and expand cooperatives
25 and make them iron walls throughout the country, the Accused

1 emphasized the important strategic line to control the people.

2 [09.22.52]

3 Your Honours also heard in the two trials from a number of expert
4 witnesses. Their testimony firmly supports the conclusion that
5 the CPK's policies amounted to enslavement.

6 Philip Short, on the 6th of May 2013, stated, and I quote:

7 "It was a slave state in which people had no money, had no choice
8 over their personal lives, over anything they did."

9 In his book, "Pol Pot: The History of a Nightmare", Short wrote:

10 "Like true slaves, the inhabitants of Pol's Cambodia were
11 deprived of all control over their own destinies, unable to
12 decide what to eat, when to sleep, where to live or even whom to
13 marry."

14 And Henri Locard gave the following testimony in the courtroom on
15 the 29 of July 2016.

16 "There was a dehumanization because of the facts that no one was
17 master of anything anymore. One was no longer master of the
18 choice of one's spouse or one's sentimental life, one's family
19 life. Most of all, you had no control over your timetable, what
20 you were going to spend your time doing. You had to obey the
21 "chlop", the local Khmer Rouge.

22 [09.25.10]

23 There was a gong which was sounded very early in the morning at
24 dawn. Everyone had to get up at the same time and go to work at
25 the same time, usually without eating, because the first meal was

11

1 only at mid-morning. And we did not choose, in any case, the type
2 of work we would do. So this was the complete takeover, the
3 complete militarization of the entire peasant population. It was
4 a reduction to complete slavery."

5 Ben Kiernan, in "The Pol Pot Regime", describes the CPK policies
6 as follows:

7 "DK policies deprived peasants of three of the most cherished
8 features of their lifestyle: land, family and religion.

9 Cambodia's population became unpaid indentured labourers."

10 The Accused's criminal responsibility for enslavement and
11 inhumane acts also results from their agreement with and
12 contribution to, the implementation of the CPK's "Great Leap
13 Forward" policy, pursuant to which the Cambodian people were
14 tasked to produce three tonnes of rice per hectare and to build
15 mass irrigation works throughout the country at a frantic pace.
16 What Philip Short described as "breakneck speed".

17 [09.27.15]

18 In a statement in this Court on 29 May 2013, Khieu Samphan
19 described the socialist revolution plan that was first agreed to
20 by the CPK leaders at the May 1975 Central Committee meeting at
21 the Silver pagoda.

22 In Khieu Samphan's words, Cambodia had to urgently rebuild the
23 country so as not to let Vietnam catch up. As a result, all the
24 land became the property of the cooperatives and dams and canals
25 were to be built in a speedier process.

12

1 Please show slide number 10.

2 While Khieu Samphan was a candidate member of the Central
3 Committee at that time and only became a full rights member in
4 January 1976, he was already involved in Central Committee
5 affairs as of 1975, as previously acknowledged by his fellow CPK
6 leader, Ieng Sary.

7 [09.28.42]

8 Former Central Zone secretary, Ke Pauk, one of the other CPK
9 leaders who participated in this meeting that decided to develop
10 the country quickly with the speed of "Great Leap Forward",
11 stated, and I quote:

12 "The meeting was in total agreement, and Nuon Chea admitted to
13 Thet Sambath that he had agreed with the plan to go faster."

14 The Accused knew very well what those decisions and policies
15 meant for the people, who would be forced to build massive
16 irrigation works in months and to farm three tonnes of rice per
17 hectare in order to achieve the Party's "Great Leap Forward".

18 They knew they were pushing far too hard people who did not have
19 sufficient food or adequate medical care.

20 [09.30.00]

21 They knew the extreme work quotas or the "Great Leap Forward"
22 would bring suffering among the people and difficult and inhumane
23 conditions that, in some cases, would result in death.

24 A Party circular, dated 19 September 1975, noted that people were
25 working hard, 15 hours a day, which was having an impact on the

13

1 health of our people. It noted there were still shortages of food
2 and medicine that had led to sickness and pain, malnourishment.
3 And despite that, the Party leaders continued to accelerate the
4 "Great Leap Forward".

5 They set a rice production quote of three tonnes per hectare,
6 which they later increased to three and a half tonnes. They
7 pushed a weak famished population to work even harder to build
8 yet more and bigger dams.

9 Important irrigation projects such as the Trapeang Thma and 1st
10 January Dams were designated hot battlefields. Simply put, the
11 people were made to suffer by being pushed to work too hard
12 without adequate food or medical care.

13 The two Accused played an instrumental role in this, through
14 speeches and political education sessions in which they
15 instructed cadres and workers to implement and follow the Party
16 plans as set out in detail in the Co-Prosecutors' trial brief.

17 [09.32.25]

18 Both Nuon Chea and Khieu Samphan conducted political education
19 sessions on the "Great Leap Forward" policy. They helped to
20 ensure the organization of cooperatives, the implementation of
21 the three tonnes per hectare policy and the building of dams and
22 canals at the pace expected by the Party. They demanded that a
23 famished, exhausted population work even harder to fulfil and
24 over-fulfil the Party's annual plan at the same time that they
25 imposed food rations on those workers.

14

1 At a political education session attended by civil party Em Oeun,
2 both Khieu Samphan and Nuon Chea told the Party cadres that
3 workers who pretended to be sick should be considered enemies who
4 were betraying the Party.

5 [09.33.34]

6 Khieu Samphan also instructed the cadres on how oppressive work
7 and living conditions could be used to draw out the Party's
8 enemies.

9 Slide 11. This is what Em Oeun told this Court about Khieu
10 Samphan's speech.

11 And I would like -- I still recall what he told us and the
12 political lines at the time:

13 "They wanted to uncover the enemy burrowing from within and, in
14 doing so, we had to assign much hard labour. We had to give them
15 a lot of work, little food to eat so that we could uncover the
16 enemies from within."

17 This is what he mentioned in the session:

18 "I was rather terrified -- myself and my colleagues were a bit
19 terrified upon hearing that statement."

20 Other witnesses described similar political education sessions in
21 which the Accused branded as enemies those who did not work hard
22 enough or were lazy. The Accused themselves have admitted how the
23 Party's extreme work plans caused hardship and suffering amongst
24 the people.

25 In an October 2007 interview with the Voice of America, Khieu

15

1 Samphan was asked to explain the reason people sent to the
2 countryside were forced into slave labour and starved to death.

3 Slide 16, please.

4 [09.35.48]

5 In response, he noted that countries like China and Vietnam had
6 produced less than one tonne of rice per hectare per year, so
7 Cambodians had to work harder in order to achieve the minimum
8 three tonnes of rice per hectare per year.

9 He then described -- describing his thinking during the regime as
10 to hardship that had to be imposed on the Cambodian people in
11 order to achieve the Party's plan. These are his words, slide 19:

12 "I realized that we would not be able to reach this goal unless
13 we fully irrigated the rice fields and transplanted the rice
14 seedling three times a year. Regarding the rice yield, we
15 anticipated that we would achieve this within three or four years
16 if we worked hard, regardless of being ill."

17 They had to work -- slide 22, please:

18 [09.37.02]:

19 "They had to work harder and run faster, often reciting 'run
20 faster and faster'. Liberation could not be successful if they
21 were late even by a day or two. Then you can imagine what would
22 have happened. I do not need to say much. They ran with
23 starvation. Let's think. Some were running with starvation while
24 some were running with less food. They lacked rice and medicines.
25 I was managing the medicines."

16

1 Nuon Chea also has acknowledged in his interviews that the CPK's
2 "Great Leap Forward" policy was too fast and that the Party's
3 requirements for the people were too high.

4 Slide 28.

5 In January 2007 interview, the Accused told a German reporter:

6 "We wanted too much too fast. We aimed too high. Our requirements
7 for the people were too high. We thought we had to develop the
8 country very quickly."

9 Slide 31.

10 And in his interviews with Thet Sambath, Nuon Chea made a similar
11 admission, stating:

12 [09.38.47]

13 "Our regime may have been destroyed because we walked too fast,
14 and the "Great Leap Forward" was very fast. We probably walked
15 faster than the people wanted. They wanted to eat with their
16 families, not in the cooperatives."

17 How have the Accused defended themselves against these charges?

18 Most often, they have claimed they did not know of the suffering
19 of the people they governed, that they did not know people were
20 starving, that they were being worked to the point of death, but
21 we have proven in this trial that they did not -- they did know.
22 They knew everything. They were Angkar, the pineapple with many
23 eyes that could see everything.

24 Both Nuon Chea and Khieu Samphan travelled throughout the country
25 and often visited worksites and cooperatives, including the

17

1 specific sites that are the basis for the criminal charges in
2 this case, as I will discuss shortly.

3 [09.40.22]

4 In this courtroom on the 13th of December 2011, Nuon Chea
5 described how, on one of his trips, he saw workers walking
6 through the rice fields at 4 a.m. in the morning. The late King
7 Father, Norodom Sihanouk, gave a number of interviews describing
8 his trips to the countryside with Khieu Samphan in which he made
9 it very clear that the enslavement of the Cambodian people in
10 miserable, inhumane conditions was readily apparent.

11 In this film clip, you will hear one of those accounts. Please
12 project video number 2.

13 [09.41.25]

14 (Audio-visual presentation)

15 UNIDENTIFIED SPEAKER:

16 At the beginning from September 1975 until April 1976, I, as head
17 of state, travelled through my country, through Cambodia,
18 together with Khieu Samphan.

19 I saw that the communes were concentration camps. I saw how work
20 went on day and night. When the moon shone, people could not
21 sleep. Sleep was not allowed. People had to work.

22 I saw what people ate, for there was no rice. The rice was mixed
23 with maize and other things, beans even leaves, the chopped up
24 stalks of banana plants.

25 The diet was very, very bad

18

1 (End of Audio-visual presentation)

2 [09.42.17]

3 MS. CHEA LEANG:

4 Your Honours, what Norodom Sihanouk saw during his trips, Khieu
5 Samphan could also see.

6 The Co-Prosecutors have also proven the regime of reporting that
7 was in effect during the DK period, pursuant to which detailed
8 written reports were regularly sent by telegram or messenger from
9 every zone and DK organization to the Party Centre leaders in
10 Phnom Penh.

11 [09.43.11]

12 Despite the efforts of the Khmer Rouge leaders to destroy all
13 documents before fleeing Phnom Penh in January 1979, some of
14 those records did survive, and they prove beyond any doubt that
15 Nuon Chea, Khieu Samphan and the other Party Centre leaders in
16 Phnom Penh were informed by zone leaders of the arrests and
17 killings in their regions.

18 They were told that the people in the countryside faced disease
19 and starvation due to insufficient food supplies and overwork.

20 As a few examples of this, on the 2nd of April 1976, Central Zone
21 secretary Ke Pauk reported that, among the people in the entire
22 <North> Zone, there has been much fever and diarrhoea due to
23 working and overheating. And he proposed reducing work hours.

24 Like other reports to the Centre, Ke Pauk's report was
25 distributed to Nuon Chea, Office 870 and the Centre's document

1 archive file. Unfortunately, it is clear from the testimony of
2 those who worked at the 1st January Dam in 1977, that the CPK
3 leaders in Phnom Penh were not sympathetic to Ke Pauk's request
4 that the work hours be reduced.

5 [09.45.24]

6 Slide 34.

7 In May 1977, the Northwest Zone reported to Angkar that there
8 were shortages in many regions and that most of the Base People
9 in that zone were only receiving thin rice soup.

10 In June that same year, the Southwest Zone reported that some
11 districts and communes had encountered shortages and that people
12 in Kampot, Kampong Speu and Takeo had cholera, and some had died.

13 Slide 36.

14 On 10 January 1978, North Zone secretary Kang Chap, alias Sae,
15 reported to Committee 870 that, this year, in Preah Vihear sector
16 in the majority of places there <was> starvation. And in a May
17 1978 report from Northwest Zone secretary Ros Nhim to Angkar 870,
18 Nhim reported that rice supplied to Sector 5 had already run out,
19 and Sectors 1 and 4 would be out by the following month.

20 [09.47.00]

21 The Accused received these reports not only in writing, but also
22 from the regular meetings held at the K-1 Party Centre leadership
23 office in Phnom Penh, at which zone and some sector leaders came
24 to report on their regions and to receive instructions from the
25 Centre.

1 Your Honours heard testimony about these meetings from the cadres
2 who worked at the K-1 office, namely, Oeun Tan, the head of the
3 inner guard unit at K-1, Saut Toeung, Nuon Chea's personal
4 bodyguard and messenger, K-1 guard Sa Vi, and Seng Lytheng, a K-1
5 guard and nephew of Pol Pot.

6 These witnesses all confirm that zone and sector leaders came for
7 regular meetings in Phnom Penh with Pol Pot, Nuon Chea, Khieu
8 Samphan and the other Centre leaders.

9 And you heard testimony from the one surviving zone or sector
10 leader who came for such meetings, namely, Sao Sarun, the former
11 secretary of autonomous Sector 105, who described his trips to
12 Phnom Penh for meetings at which he met with and reported to Pol
13 Pot, Nuon Chea, Khieu Samphan and Son Sen.

14 [09.49.00]

15 Furthermore, even amongst the small number of surviving minutes
16 of the Standing Committee meetings from the first half of 1976,
17 we have documentary evidence proving -- slide 38 -- that these
18 meetings took place. The minutes of a meeting held on 8 March
19 1976 at which the deputy secretary of the North Zone and the
20 secretaries of Siem Reap and Preah Vihear sectors came to Phnom
21 Penh to report on rice production, food supplies, construction of
22 dams and canals, the health of the people and arrests of enemies
23 in their regions.

24 Who were the Centre leaders that they met with and reported to?

25 Slide 39.

21

1 Number 1, Comrade Secretary, that is, Pol Pot; Number 2, Comrade
2 Deputy Secretary, that is, Nuon Chea; Number 3, Comrade Hem,
3 Khieu Samphan; and number 4, Comrade Doeun, that is, Sua Vasi,
4 alias Doeun, the person that Khieu Samphan admits was the other
5 member along with him on the Office 870 committee.

6 [09.50.37]

7 The minutes record that Siem Reap, Sector 106 secretary, Sot,
8 reported to Pol Pot, Nuon Chea, Khieu Samphan and Doeun on the
9 situation with the paddy dyke system on the rice harvest, on the
10 livelihood of the people and the enemy situation.

11 Slide 40.

12 The problems of the -- of many sick persons in the worksites,
13 loss of 40 percent of the labour force, and there have been
14 outbreaks of chicken pox and cholera.

15 Slide 41.

16 Preah Vihear, Sector 103 secretary, Hang, reported to the CPK
17 leaders that many of the brothers and sisters of people in the
18 worksites are ill and have fevers. He also reported that 100
19 people trying to flee had been arrested since January.

20 In response to these reports, the sector secretaries were
21 instructed to build more dykes and to ration food supplies.

22 [09.51.50]

23 Mr. President, Your Honours, based on all the evidence, it is
24 clear beyond any reasonable doubt that Nuon Chea, Khieu Samphan,
25 Pol Pot and other Party Centre leaders in Phnom Penh knew of and

1 had the ultimate control over the work and living conditions to
2 which people in DK cooperatives and the worksites were subjected
3 to.

4 I will now turn to the specific crime sites that are the subject
5 of this trial, that is, Trapeang Thma.

6 And now the Co-Prosecutor will present Trapeang Thma Dam.

7 Slide 42.

8 The Trapeang Thma Dam was built by sector and district mobile
9 work forces in Phnum Srok and Preah Netr Preah districts of
10 Sector 5 of the <Northwest> Zone. The first phase of this massive
11 dam, which included a 14 kilometre-long dyke on the east side of
12 the reservoir and a 8.5 kilometre dyke on the south side, was
13 built in a few months during the first half of 1977.

14 [09.53.24]

15 Workers were instructed by the site supervisor, Ta Val, that the
16 dam had to be completed in 1977, in order to achieve the "Great
17 Leap Forward".

18 Slide 45.

19 And at the time of the official inauguration of the dam in
20 December 1977, Northwest Zone secretary, Ros Nhim, noted that the
21 dam had been built in response to the call of the CPK Central
22 Committees to build water projects in a big way.

23 Slide 42.

24 In this courtroom on the 29 of May 2013, in response to a
25 question from a civil party, Khieu Samphan admitted that he had

1 visited the Trapeang Thma site. After describing the "Great Leap
2 Forward" policy that had been adopted by the CPK Central
3 Committee in May 1975, the Accused said, and I quote:
4 [09.54.53]
5 "We built dams and canals in a speedier process, and I, myself,
6 witnessed that in 1976. When I had the opportunity to leave Phnom
7 Penh, I saw canals and dams, including Trapeang Thma Dam and the
8 one to the west of Battambang. As for the Trapeang Thma Dam, it
9 looked like a sea in the middle of the field where there used to
10 be dry land."
11 Khieu Samphan also admitted his visit to the Trapeang Thma Dam in
12 his book "Cambodia's Recent History", in which he described
13 himself as obsessed by the dam reservoir complexes.
14 The Trapeang Thma worksite was visited by other CPK leaders,
15 including Pol Pot. It is a site whose construction was regularly
16 reported on in the Northwest Zone's reports to Office 870. It is
17 a site whose construction the Centre leaders knew well enough to
18 describe in precise detail, including the July-August 1977 issue
19 of "Revolutionary Youth".
20 [09.56.36]
21 During this trial, Your Honours heard testimony from 15 former
22 Trapeang Thma workers and cadres, including the former deputy
23 chief of the Sector 5 mobile units, a number of company chiefs
24 and one of the guards assigned to the worksite.
25 Their testimony, corroborated by numerous other witnesses, proves

1 the crimes perpetrated at this site for which the Accused have
2 been charged. As for the case with other worksites, they were
3 part of the CPK's "Great Leap Forward". The workers at the
4 Trapeang Thma Dam worked long hours morning, day and night, with
5 little rest.

6 Slide 49.

7 Sen Sophon, Sot Sophal and Sam Sak all described being woken
8 before dawn as early as 3:00 or 4 a.m. and working until 10 or 11
9 p.m. at night. Yi Laisov testified that her unit had to work
10 every single evening. And Lat Suoy, who worked as a guard at the
11 site, confirmed that people worked at night every day until the
12 dam project was completed.

13 Company chief Chhum Seng testified that during periods of intense
14 offensives, workers sometimes worked around the clock without any
15 rest for two or three days in a row.

16 The long work hours imposed on the workers was something observed
17 by Khieu Samphan on his trips to see Trapeang Thma and other
18 worksites in the provinces.

19 [09.59.01]

20 Slide 55.

21 In his book "Considerations on the History of Cambodia", Khieu
22 Samphan provided the following description of what he saw during
23 those visits:

24 "I recall the gathering up of the people to build dams and dig
25 feeder canals. They rang bells to wake up the people at 3.00 or 4

1 a.m. In the afternoon, they ate communally and the work was not
2 even finished by midnight. During their 15 plus hour work days,
3 the people assigned to the Trapeang Thma site were forced to
4 perform difficult, back-breaking work."
5 [09.59.56]
6 Slide 58.
7 Most were tasked to dig the earth using hoes, then to carry
8 baskets with 20 to 40 kilograms of dirt to the top of 10-metre
9 high dam embankments. Their usual daily quota was to dig and
10 carry three cubic metres of earth. Multiple witnesses testified
11 that they were threatened with punishment, including food
12 deprivation, if they failed to meet their work quotas.
13 The meals fed to the Trapeang Thma workers were not remotely
14 sufficient sustenance given the extreme physical demands of their
15 work. Most meals consisted of a small bowl of gruel.
16 Occasionally, they were fed cooked rice.
17 Sam Sak testified that his hunger was so overwhelming at times he
18 talked of giving up his life just for a plate full of rice and
19 cooked chicken.
20 Contrary to the argument of the Defence that local cadres were
21 responsible for the abuse of workers, the meagre food rations and
22 long work hours only got worse, not better, after the local
23 cadres were purged and replaced by Southwest cadres in mid-1977,
24 as Your Honours heard from witnesses such Lat Suoy and Mun Mot .
25 [10.02.01]

1 The workers at this site did not have access to sufficient
2 drinking water and had to quench their thirst drinking dirty
3 water from a nearby pond. Once again, the evidence shows the top
4 CPK leaders were well aware of this problem.

5 In his December 1977 public statement about the Trapeang Thma
6 Dam, Northwest Zone secretary, Nhim, acknowledged that "a drought
7 set in when we started to build the reservoir" and that the tens
8 of thousands of workers at the construction site did not have
9 enough drinking water.

10 Please show the next slide.

11 <Slide 59>.

12 The July 1977 issue of Revolutionary Youth also referenced the
13 lack of water at this worksite, stating:

14 [10.03.14]

15 "Geographically, there were rarely any lakes or ponds on this
16 plain field, and since there were tens of thousands of people
17 working at the Trapeang Thma water reservoir worksite, our male
18 and female youth had to face and fight to solve other problems
19 besides their daily core task. Obviously, they had to face the
20 problems of water shortage."

21 The same issue of Revolutionary Youth also reveals the CPK
22 leaders' knowledge of the long hours and punishing work that had
23 been imposed on the Trapeang Thma workers, noting that they had
24 dug and carried soil all day and night under the burning sun for
25 the entire dry season in order to achieve the Party's plan.

1 It is clear from this evidence, Your Honours, that the Party
2 leaders in Phnom Penh were fully informed of the conditions faced
3 by the workers tasked to build the Trapeang Thma Dam.
4 The endless workdays and inadequate meals took a severe toll on
5 the health and well-being of the Trapeang Thma workers. They
6 became skinny and weak. Sot Sophal testified that he was so
7 emaciated "it was like you were sick from AIDS or HIV".
8 The poor health and condition of the workers could not have been
9 missed by Khieu Samphan and the other Party leaders who came to
10 visit this site.
11 [10.05.33]
12 Please play -- show slide 63.
13 One of those leaders, Im Chaem, told DC-Cam what she observed
14 when she first visited Trapeang Thma after being appointed Preah
15 Netr Preah district secretary in mid-1977, and I quote:
16 "Upon my arrival at that place, I found it horrible to see youth
17 at the construction site. They were ill and thin. I saw the
18 evacuees from Phnom Penh having no food and being ill."
19 Im Chaem described people so hungry they would eat lizards and
20 poisonous leaves, and admitted that people died of food shortage.
21 Another condition that Khieu Samphan could not have missed during
22 his visit to this site was the flies that were everywhere due to
23 the non-existent hygiene and lack of proper toilets.
24 [10.06.56]
25 Witness Sen Sophon testified that:

1 "There were swarms of flies and you could actually see the
2 darkness of flies on your bowl of gruel."
3 Sam Sak described how his clothes were full of lice. The
4 malnutrition at the site also resulted in swelling of workers'
5 bodies. Sam Sak testified that his legs and feet became swollen
6 and he could barely walk.
7 Former guard Lat Suoy testified that workers became skinny, very
8 thin and weak because they did not have sufficient food to eat.
9 He described how some workers' knees were so swollen they were
10 bigger than their heads and that when they asked for medicine,
11 they were given nothing more than the rabbit drop pill.
12 [10.08.03]
13 Multiple witnesses described people being worked to the point
14 they collapsed from exhaustion, including company chief Chhum
15 Seng and former sector mobile economics chief Chhit Yoeuk, who
16 testified that he witnessed with his own eyes people fall down
17 while working, their bodies convulsing.
18 Sot Sophal saw workers collapse from overwork almost every day,
19 some of whom could not be resuscitated. He, himself, was so
20 exhausted he sometimes fell asleep leaning against the handle of
21 his pickaxe and explained as follows why he kept working despite
22 his exhaustion:
23 "We were sick, but we dare not stop working. We had to continue
24 working until we collapsed and dead, if we refused to carry out
25 the work for the days, they would accuse us of conscious

1 illness."

2 Your Honours, there can be no doubt that this was slave labour.

3 The people ordered to work at Trapeang Thma had no choice. They

4 could not refuse to work at that -- at the site, and they were

5 not free to leave even to visit their families.

6 As you heard from Nhip Horl:

7 "We tried to work, but physically we could not endure it. But we

8 had to do it out of our fear for our life. We dared not protest

9 against Angkar."

10 [10.10.27]

11 Mun Mot testified that, "workers were treated as if we were

12 cattle", explaining:

13 "When one project here was concluded, we moved on to work on

14 another project over there without knowing when it would stop."

15 The Trapeang Thma worksite was patrolled by guards armed with CKC

16 rifles, one of whom appeared before Your Honours. Lat Suoy

17 testified that the guard unit was assigned to make sure that no

18 workers attempted to flee. When workers did try to escape, the

19 guards were assigned to catch them and return them to their

20 respective unit.

21 Your Honours, the evidence from this site is clear. Emaciated

22 workers forced to do back-breaking physical labour from dawn

23 until 10 or 11 at night, expected to survive on small portions of

24 gruel, pushed to work until they collapsed and hunted down by

25 armed guards if they tried to escape.

1 [10.12.03]

2 This was how the CPK leaders sought to achieve their "Great Leap
3 Forward". The crimes of humanity of enslavement and other
4 inhumane acts have certainly been proven beyond a reasonable
5 doubt.

6 The evidence from Trapeang Thma also proves the crime of
7 political persecution.

8 Former company chief Chhum Seng testified to this Court about a
9 meeting held by the site supervisor, Ta Val, at which company and
10 battalion chiefs were instructed to monitor and search out
11 persons in their units who were former Lon Nol soldiers or
12 intellectuals.

13 Chhum Seng admitted that the chiefs were given authority to
14 execute anyone who fell into these categories. These -- the
15 enemies subject to execution, including former soldiers,
16 individuals who opposed Angkar.

17 MR. PRESIDENT:

18 Actually, I would like to have a break, but probably you should
19 come to an end of this paragraph. Then we would have a break.

20 [10.13.53]

21 (Short pause)

22 [10.14.14]

23 MS. CHEA LEANG:

24 Allow me to finish this paragraph, Your Honour. Allow me to
25 repeat this whole paragraph again.

1 The evidence from Trapeang Thma also proves the crime of
2 political persecution. Former company chief Chhum Seng testified
3 to this Court about a meeting held by the site supervisor, Ta
4 Val, at which company and battalion chiefs were instructed to
5 monitor and search out persons in their units who were former Lon
6 Nol soldiers or intellectuals.
7 Chhum Seng admitted that the chiefs were given authority to
8 execute anyone who fell into these categories. The enemies
9 subject to execution included former soldiers, individuals who
10 opposed Angkar and "Yuong" or CIA agents.
11 I'd like to stop here for now, Mr. President.
12 [10.15.21]
13 MR. PRESIDENT:
14 Thank you.
15 And I'd like to ask the International Co-Prosecutor -- and for
16 this morning session, the National Co-Prosecutor projects some
17 slides, but there is no reference to those slides, so this may be
18 problematic later on.
19 And when you show material or evidence, you need to make a
20 reference to it, for example, the page number and the document
21 number. And that is to base your presentation on the documents
22 that have been put before the Chamber. And I don't think these
23 slides have been distributed to the Chamber or to parties to
24 view.
25 For example, there is an instance that video clip referred to

1 King Sihanouk, who spoke in French, and there is no Khmer
2 translation for us to understand, so I do not know how you
3 prepared your presentation.

4 [10.16.40]

5 So these are the points. The two points are for you to reconsider
6 for your presentation, and I believe other parties would have the
7 same observation because what you are doing now is a little bit
8 away from our previous practice, that is, to identify the
9 document number or the ERN number in your presentation, that is,
10 your slide or your video clips.

11 And also, the slides shall be provided to the Chamber and the
12 concerned parties as well.

13 MS. CHEA LEANG:

14 I will provide the document that I referred to in the slides that
15 I will present. As for the video clip of the former King, we only
16 have one clip for that particular segment and I, myself, did not
17 listen to it in Khmer as well. And if Your Honour would like it
18 have to be translated into Khmer, then please let us know.

19 [10.17.54]

20 MR. PRESIDENT:

21 Of course the King is Khmer, but he spoke French. And I believe
22 the audience could not understand it because it was not
23 interpreted.

24 And if you need to refer to certain documents from the evidence,
25 then you should refer to it. Otherwise, it will be difficult for

33

1 the Chamber to include it in our verdict.

2 MR. KOUMJIAN:

3 Your Honour, just on that issue of the translation, we will play
4 various video clips in English or sometimes French or in Khmer,
5 and we expect the translators -- our understanding, they will
6 translate it simultaneously if you are on the channel of your own
7 language.

8 The video clip from the King Father Sihanouk is E3/3113R
9 beginning at 29.32 of that clip. We'll try to provide references
10 to all of these slides, the E3 numbers. We just thought that
11 since the audience would not have any knowledge of what these E3
12 numbers meant that it would not be necessary, but we have those.
13 It'll be a question of whether we can get them to my
14 Co-Prosecutor in time for the next session.

15 [10.19.25]

16 MR. PRESIDENT:

17 Yes, Defence Counsel Victor Koppe. You have the floor first.

18 MR. KOPPE:

19 Yes, Mr. President.

20 That is, indeed, an issue that we would like to address as well
21 because we have prepared our closing arguments without really
22 many references to the various E3 numbers in order to promote a
23 good flow of the argument, also considering the fact that, in our
24 closing brief, we, of course, do refer to all relevant E3
25 numbers.

1 [10.20.03]

2 If it's now the wish of the Chamber that whenever we quote
3 someone or whenever we cite some document we will actually have
4 to present you with an E3 number, that would not only
5 considerably slow down our argument, but presumably also that of
6 the Prosecution.

7 So that's why we didn't stand up when the clip was shown or when
8 the quotes were given because we knew that they were in the brief
9 and we knew where they are coming from.

10 So maybe it's an issue that we could decide upon now.

11 MR. PRESIDENT:

12 Judge Lavergne, you have the floor.

13 JUDGE LAVERGNE:

14 Yes. Just a remark because it appears to me that each time that
15 images <were> screened, there <were> E3 references and possibly
16 ERNs <at the bottom of the images, though this wasn't very
17 visible> E3 references and even references to the ERNs. <Maybe>
18 it's a bit late, but it would <perhaps> be useful to make sure
19 that these references are <much> more visible.

20 What's important to the Chamber is to be sure that the documents
21 that are used are documents that have indeed been put before the
22 Chamber and, therefore, admitted.

23 [10.21.30]

24 MR. KOUMJIAN:

25 Thank you.

1 Your Honour, perhaps one solution that I -- occurs to me, is that
2 we could provide -- I don't think we can do it over the next
3 break, but certainly by the end of the day, we could provide all
4 parties with all of the audio-visual materials we intend to use
5 over the next two days with the E3 numbers, with the source, so
6 if we could put that possibly on a shared drive and all parties
7 could do that, provide their audio-visual materials with an email
8 listing what the sources are, then perhaps there would not be a
9 need to be citing E3 numbers during the presentations.

10 MR. PRESIDENT:

11 Thank you for your clarification.

12 It is now appropriate time for a short break. We'll take a break
13 now and return at 20 to 11.00 to continue our proceedings.

14 (Court recesses from 1022H to 1040H)

15 MR. PRESIDENT:

16 Please be seated.

17 The Court is now back in session.

18 Before the Chamber gives the floor to the National Co-Prosecutor,
19 what I addressed before the break is already addressed, and the
20 Co-Prosecutors may continue your presentation, but I would like
21 to inform all parties, including the Co-Prosecutors, that all
22 parties should adhere to the instruction in E457/7. And the
23 Chamber reminded the parties already yesterday about the use of
24 <document> as well.

25 You may now continue, Co-Prosecutor.

1 [10.41.54]

2 MS. CHEA LEANG:

3 Thank you very much, Mr. President, regarding the issue, and we
4 will abide by the instruction by the Chamber regarding the
5 matter.

6 May I continue now?

7 Both Chhum Seng and Chhuy Huy, another company chief, identified
8 former Lon Nol military in their units who were taken away and
9 disappeared. Lat Suoy, who had been a Phnum Srok district soldier
10 before his assignment to Trapeang Thma, testified that the CPK
11 screened those who had relatives who were former Lon Nol soldiers
12 and took them away to be executed. And he identified a former Lon
13 Nol soldier who worked at Trapeang Thma who was arrested and
14 disappeared.

15 [10.42.59]

16 The persecution of former regime soldiers in this sector was also
17 testified by -- testified to by Sen Sophon, who found, on
18 returning to his home village, that his parents and siblings had
19 been killed because of his father's former position as a Lon Nol
20 lieutenant.

21 As with all other DK regions and organizations, the arrests of
22 soldiers and officials of the former regime were reported to the
23 CPK leaders in Phnom Penh. For example, this May 1977 report from
24 the Northwest Zone described ongoing efforts to arrest former
25 soldiers with the ranks from second lieutenant, first lieutenant,

1 captain, and major who were hiding in the cooperatives.
2 The Court also heard testimony on arrests and killings of workers
3 at this site. Yi Laisov testified that she witnessed the arrest
4 of 15 men and women and described how she heard their cries for
5 help, as they were beaten until there was only silence.
6 [10.44.25]
7 Sot Sophal witnessed militia beat workers to death, on two
8 occasions, and participated in burying the bodies of those
9 workers in the dam embankment.
10 Two other witnesses, Tak Boy and company chief Chhum Seng, also
11 described how they helped to bury bodies of their fellow workers
12 killed at the site.
13 Chhum Seng testified that many people fell sick and many were
14 taken away for executions because they were accused of conscious
15 illness. He described the killing of 11 workers tested for night
16 blindness, a matter that was also testified to and corroborated
17 by 3 other witnesses.
18 And both Chhum Seng and Lat Suoy testified to arrest and
19 execution orders that came from the Trapeang Thma site
20 supervisor, Ta Val.
21 Next, I would like to present evidence regarding the 1st January
22 Dam, slide 68.
23 The 1st January Dam was a 60-kilometre-long dam, built on the
24 Chinit River in Baray and Santuk districts of the Central Zone in
25 1977. Like Trapeang Thma, the 1st January Dam was designated to a

1 hot battlefield site which Meas Layhuor testified the workers
2 often had to work through the night and until the night -- until
3 midnight and run while carrying earth.
4 This film clip authenticated by Meas Layhuor and civil party Chao
5 Lang, during the trial, show the 1st January Dam construction
6 site. I would like to project video number 3 now, Mr. President.
7 [10.46.40]
8 (Audio-visual presentation)
9 (End of Audio-visual presentation)
10 [10.49.08]
11 Your Honours, you can see, in this film, the steep embankment on
12 which the people worked and the baskets of earth constantly being
13 carried by the workers across this enormous site. The 1st January
14 Dam worksite was visited by Nuon Chea, Pol Pot, and other CPK
15 leaders.
16 Central Zone secretary Ke Pauk oversaw the construction of the
17 dam, visited the site on almost a daily basis, and reported to
18 the Party Centre leaders in Phnom Penh on the worksite.
19 Nuon Chea's visits to the 1st January Dam worksite was confirmed
20 in this courtroom, both by his personal bodyguard, Saut Toeung,
21 who accompanied him on trips to the provinces every two or three
22 months, and by Sou Soeun, the former district secretary and wife
23 of Ke Pauk.
24 [10.50.21]
25 Saut Toeung testified that Nuon Chea inspected the dam site close

1 enough to see that it was not constructed very well and that he
2 gave instructions to the persons responsible for the project. He
3 also testified that Nuon Chea visited dam worksites; I quote,
4 "very frequently".

5 In this next film clip, you will see Nuon Chea inspecting a
6 worksite at which a dam or canal is being built. While this is a
7 fairly short clip, you will see that Nuon Chea was not watching
8 the workers from afar. He's right there amongst them as they
9 <were> carrying soil.

10 I would like to screen video number 4, Mr. President.

11 [10.51.17]

12 (Audio-visual presentation)

13 (End of Audio-visual presentation)

14 [10.51.38]

15 Your Honours, as was the case with Khieu Samphan, Nuon Chea had
16 ample occasions where he was able to observe the reality of the
17 CPK's forced labour sites.

18 The 1st January Dam on the Chinit river was also known to Khieu
19 Samphan, who referred to the dam in a speech he gave to thousands
20 of cadres and workers on 15 April 1977, that was broadcast on the
21 DK radio. In that speech, Khieu Samphan clearly showed his
22 knowledge of the conditions under which workers were building
23 dams at the Chinit river and other sites.

24 Slide 69, he said, and I quote:

25 "Across the nation, all construction sites will fulfil the 1977

1 plan by the end of May. These projects include dams for watering
2 the fields all the year round and containing the water of Preak
3 Thnot, Chinit, and other streams. Each construction site of a
4 reservoir, canal, or dam is manned by as many as 10,000, 20,000,
5 or even 30,000 workers. We have no machines. We do everything by
6 mainly relying on the strength of our people. Though barehanded,
7 they can do everything."

8 [10.53.19]

9 This same speech also demonstrates how Khieu Samphan contributed
10 to the implementation of the Party's, "Great Leap Forward" plan,
11 through statements endorsing the Party's plan to build massive
12 dams like Trapeang Thma and the 1st January in mere months.

13 Slide 75, he said, "Many reservoirs, canals, and ditches that we
14 have now completed would have taken years to finish if we had
15 waited for the so-call agricultural experts of the previous era
16 to build them for us. Look at the Preak Thnot dam. Last year, we
17 spent only one single month to contain the Stung Preak Thnot
18 stream. Whether the dams or reservoirs that we have built last
19 only 5 or 10 years does not matter."

20 [10.54.23]

21 This is a remarkable statement. Khieu Samphan was willing to
22 accept the human sacrifice necessary to build dams in a single
23 month, even if those dams were constructed so recklessly they
24 only lasted five years. He and the other Party leaders had no
25 hesitation to exploit and abuse the work forces of Cambodia for

41

1 short-term gain. For the CPK leaders, the suffering of the people
2 did not matter.

3 Slide 81: Khieu Samphan ended his April 1977 speech be
4 reiterating the call for people to continue to work at a feverish
5 pace in order to fulfil or over-fulfil the Party's 1977
6 production plan.

7 Mr. President, Your Honours, this speech reflects what Khieu
8 Samphan, Nuon Chea, and the other CPK leaders wanted, what they
9 planned, and what they directed to build dams faster than anyone
10 ever had before, regardless of the human costs.

11 [10.55.48]

12 As was stated by the former deputy chief of the Sector 5 mobile
13 forces, "We supervised the mobile unit like we were supervising
14 troops. We would determine a win over it by completing it in a
15 certain number of months and we had to supervise the forces to
16 make sure it was finished as planned. It was impossible if you
17 could not finish it; therefore, the people had to suffer
18 extremely."

19 What were experienced by workers at the 1st January and Trapeang
20 Thma Dams was the direct result of the decisions, plans, and
21 orders of the CPK centre leaders as described in this very speech
22 by Khieu Samphan.

23 The crimes suffered by these people were not due to excesses or
24 failures of local leaders; they were the result of leaders in
25 Phnom Penh who were willing to enslave; to deprive people of

1 their basic freedoms; to force them to engage in hard labour in
2 the most inhumane conditions; and to take their lives when
3 necessary to achieve the Party's goals.

4 Your Honours heard testimony from 13 former workers and cadres
5 from the 1st January Dam worksite. The over 30,000 workers, at
6 this site, including children such as civil party Seang Sovida,
7 who, as she testified, was only 12 years old when she worked
8 building that dam. The children, at this site, did the same work
9 as the adults; that is, carrying soil and the use of child labour
10 was known to and approved by the top CPK leaders.

11 In his 15 April 1977 speech, as you have seen before, Khieu
12 Samphan praised the use of child labour stating that the children
13 of Cambodia were very happy collecting natural fertilizer and
14 helping to build dams and embankments and dig reservoirs and
15 ditches.

16 And Pol Pot's nephew, Seng Lytheng, testified, in this trial,
17 that children were seen working at the 1st January Dam worksite
18 when he visited there with Pol Pot.

19 [10.58.47]

20 Your Honours, the witness who testified regarding the 1st January
21 Dam described enslavement, inhuman condition virtually identical
22 to the experiences of the Trapeang Thma workers. As at Trapeang
23 Thma, the work started before dawn and most units worked until
24 10.00 or 11 p.m. at night.

25 As you heard from civil party Chao Lang, on the 1st September

1 2015, "By the time we arrived at the sleeping quarter, it was
2 almost midnight already. I was so exhausted; I just fell on to
3 the floor and I was not yet in my deep sleep and I was woken by
4 the whistle blowing."

5 Workers had daily quotas ranging from 1 to 4 cubic metres of soil
6 which they carried in baskets weighing 30 kilograms from the
7 bottom of canals to the top of the dam. Those who were often sick
8 or perceived as lazy or who failed to meet quotas were punished.

9 [11.00.09]

10 As testified by Uth Seng, some workers were punished by
11 assignment to a special unit that worked longer hours, received
12 smaller food rations, and in which they were beaten by whips.
13 Like Trapeang Thma workers, the 1st January Dam were fed meagre
14 meals, usually just gruel or watery soup. Many were emaciated or
15 had swollen bodies. They were regularly ill with fever,
16 dysentery, malaria, or cholera, but received only rabbit drop
17 <pills> and no effective medicine.

18 Zone secretary Ke Pauk's son, in an interview with OCIJ before
19 his death, described seeing sick people at the worksite and
20 admitted some died because of the lack of medicines.

21 Former site supervisor, Ieng Chham, also admitted that people
22 died as a result of the insufficient food and lack of sanitation
23 and trained medics.

24 [11.01.33]

25 As at Trapeang Thma, hygiene at the 1st January Dam was

1 non-existent and flies were everywhere. District secretary Sou
2 Soeun admitted there were no toilets and that tens of thousands
3 of workers had to relieve themselves in the bushes.
4 Former worker Un Ron testifies that his body was sometimes
5 covered with lice and Hun Sethany described how every ladle of
6 soup they were fed contained many flies.
7 Ke Un, the nephew and driver of zone secretary Ke Pauk, described
8 as follows what he saw when he drove his uncle to the worksite.
9 "At the time, there were tens of thousands of people working
10 there. They were working hard in harsh conditions, especially the
11 women. When they were having a menstrual period, they did not
12 have any water to clean up themselves, so they had -- their
13 buttocks were followed and surrounded by flies. At the worksite
14 there were normally flies which looked like bees." This is what a
15 driver saw when he came to the site came to the site and it is
16 also what Nuon Chea and other Party leaders who came to see this
17 site would have seen. You can't hide tens of thousands of flies.
18 You can't hide the smell that results from 30,000 workers having
19 to defecate on the ground around the worksite.
20 [11.03.09]
21 The particular indignity faced by female workers was testified to
22 by a number of sources -- please, slide <84> -- including civil
23 party Nuon Narom, who described how she and other workers at the
24 1st January Dam were treated more like chattel than human beings.
25 "I witnessed that some of my colleagues were mistreated, although

1 they were really sick and these colleagues were not allowed to
2 take rest. They verbally challenged or refused the assignment and
3 they were beaten at that time. So for me, I had to try my best to
4 work. I could not say anything, but it was painful in my heart. I
5 was doing my utmost at the time. I had to work. Women had periods
6 and they had cramps in their abdomen; they needed sanitation, but
7 we were deprived of all this. We were treated as animals."

8 [11.04.25]

9 As at Trapeang Thma and the other worksites and cooperatives of
10 Democratic Kampuchea, the workers at the 1st January Dam were
11 enslaved. They had no choice in working there and every aspect of
12 their lives was absolutely controlled by the Party. They were not
13 free to leave the site or even to walk around freely.

14 As you heard, both from witnesses, who worked at the site, and
15 from visitors such as Pol Pot's nephew, Seng Lytheng, militiamen
16 and soldiers carrying AK rifles patrolled the worksite in order
17 to prevent workers from evading work or escaping.

18 Om Chy, who was the chief of a mobile unit of 500 workers,
19 testified to a meeting he attended at which the leaders of Sector
20 42 and Baray district made clear the fate for workers who did not
21 abide by Angkar's plans.

22 "Anyone who did not follow the regulations would be considered
23 enemy. Regarding the fate of those people, I heard that they
24 would be smashed as they were blocking the progress of their
25 construction."

1 [11.06.00]

2 You also heard district secretary, Sou Soeun, admit that she
3 received reports from each of her commune chiefs concerning
4 workers being taken away and disappearing.

5 The next worksite I will address is the Kampong Chhnang Airport
6 construction site, slide 87. This was a tempering site used to
7 discipline and refashion soldiers who came from purged military
8 divisions. It was operated by RAK Division 502 and established by
9 the CPK Standing Committee in meetings participated in by Nuon
10 Chea and Khieu Samphan

11 Like the other worksites we have discussed today, it was visited
12 by most of the top CPK leaders including Khieu Samphan and other
13 members of the Standing Committee.

14 The Court heard testimony from 10 witnesses and civil parties
15 regarding the work conditions at this site established by the CPK
16 Standing Committee.

17 [11.07.16]

18 The workers sent there for tempering were primarily soldiers who
19 came from divisions or regions <distrusted> by the Party
20 leadership such as IAK Division 310 and 450 and the North and
21 East Zones. They were persons accused of having bad biographies
22 or links to cadres who had been arrested.

23 Witness Keo Kin was sent to this site because his father had been
24 a deputy commune chief in the prior regime. The people forced to
25 work there also included injured or handicapped soldiers such as

1 trial witness Keo Loeur.

2 The Kampong Chhnang Airport workers built two runways that were
3 2.4 kilometres long and a massive, underground command centre of
4 tunnels and rooms blasted out of the side of a mountain. Work
5 began at dawn and continued into the night under lights installed
6 at the site. There were no days off. The meals, provided only
7 twice a day, were insufficient to sustain the workers who became
8 thin and sick.

9 [11.08.51]

10 In stark contrast, the Chinese technicians, at the site, had an
11 abundance of food to eat including bread and noodles and weekly
12 banquets where they drank beer, as you heard from Chan Morn, an
13 assistant to the site supervisor.

14 The witnesses who testified before, Your Honours, described their
15 extreme exhaustion from the work they were forced to do at the
16 airport site. Keo Loeur testified, and I quote:

17 "At that time, I felt that I was like a dead person, that I
18 already died and I never thought that I would survive. I thought
19 that I would die from overwork or <malnutrition>."

20 He also testified that people had to continue working even when
21 sick or they would be accused of being the enemy, and described
22 seeing workers collapse and become unconscious.

23 [11.10.13]

24 Civil Party Kong Siek, one of the female workers at the site,
25 gave the following evidence to, Your Honours, on 17 June 2015:

1 "We had to work even though we could hardly hold a hoe anymore
2 due to the overwork, but we dare not stop; we had to continue
3 working."

4 She also described the condition and appearance of her and other
5 workers and I quote:

6 "We were rather bony. The only big thing that you could see was
7 the head and the two kneecaps. We walked unsteadily and we tried
8 to work hard for fear of being killed. Even when our fingers and
9 toes hurt or even when we were sick, we had to try our best to
10 work. We were thin and fatigue, but we still kept working."

11 Another female worker at the airfield, civil party Chum Samoeurn,
12 also described the deplorable conditions at this site, how she
13 and others workers were infected by lice, "both on our head and
14 our skin", and how they had to drink unclean water out of the
15 same creek in which they bathed.

16 [11.11.45]

17 Your Honours, also heard about the dangerous work using
18 explosives that fell upon those tasked with blasting the tunnels
19 out of the <north> side of the <Ta Reach (phonetic)> hill. Four
20 witnesses testified to workers being seriously injured or killed
21 by rock fragments because they could not run fast enough after
22 the explosives were ignited.

23 Him Han testified that, because of the dangerous nature of the
24 work, the site supervisors assigned East Zone forces to handle
25 the explosives. Under questioning by defence counsel, he said --

1 Slide 91:

2 "It was a method of execution and we could not protest or refuse
3 the assignment. It was not easy to install the explosive into the
4 rock and they did not care how many people died, at the time, and
5 it was dangerous work. After the rock blasted, the rock fragments
6 would hit the one who was tasked with that kind of work. He or
7 she would die or got injured and I understand that this kind of
8 assignment was tasked to people because they wanted them to die."

9 [11.13.17]

10 The evidence before Your Honours also proves the enslavement of
11 the Kampong Chhnang Airport workers who were not free to leave
12 the site and constantly monitored by squads of guard units. Him
13 Han testified that the workers were not allowed to move freely
14 and that the worksite was, in his words, "a prison without
15 walls".

16 He also described the absolute control exercised by the site
17 leaders stating, and I quote:

18 "They regarded us as traitors and they controlled us. We were not
19 allowed to protest or to refuse, otherwise, we would be
20 disappeared. For that reason, none of us dared to express our
21 protest or objection. Even if we could not complete the work
22 quotas during the daytime, we had to do it during the afternoon,
23 the evening, or sometimes, we had to work throughout the night to
24 complete the work quota."

25 [11.14.38]

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1 Your Honours, some of the most powerful or compelling evidence,
2 proving that people were enslaved at these sites, is what
3 happened to those who tried to flee or escape. In the case of the
4 Kampong Chhnang Airport site, we have a surviving document that
5 answers that question and confirms, beyond doubt, the testimony
6 you heard from the witnesses.

7 Slide 94. I -- my apology; <Slides 94 - 98>: This is the West
8 Zone's monthly report for July 1978 and I quote. It describes how
9 sector troops found three enemies trying to escape from the
10 Kampong Chhnang Airport location.

11 "At 1.30 in the morning on the 24th of July 1978, the zone
12 reports that the troops fired shots at those people and captured
13 them and that one of the captured workers had been sent to the
14 re-education place for further interrogation."

15 The West Zone report from the prior month contained an entire
16 section title, "Escaping from Cooperatives".

17 Slide 99 and this is a May <1975> report from the Northwest Zone
18 to Angkar relating to Sector 5, the same sector in which the
19 Trapeang Thma Dam was located. It describes the action taken
20 against nine people who had escaped from the cooperatives in that
21 sector.

22 [11.16.38]

23 "In Region 5, nine enemies, six males and three females, fled
24 into forest of Prey <Daun Khiev (phonetic)>, north of <Kambour
25 (phonetic)>. They were the ones who escaped from the collective

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1 and we investigate and pursue them every day. We met them once;
2 they were taking a rest, then fired at them causing them to run
3 unharmed, though with their foodstuffs missing along the way. We
4 are still in pursuit of them. Besides, there was a movement of
5 people fleeing to Thailand, but the number of escapees, if
6 compared to the last month, is much less than <the previous time
7 and> most of them <were> smashed by us."

8 [11.17.25]

9 Different zones in different years, but identical responses to
10 persons who tried to flee from their cooperative or worksite
11 reported to the Party centre leaders in Phnom Penh. If the
12 cooperatives and worksites were not prisons without walls, as the
13 Defence claims, why were those who sought to leave hunted down,
14 shot at, and smashed?

15 Your Honours, also heard the testimony regarding the large number
16 of Kampong Chhnang Airport workers who were arrested and taken
17 away from the site. Keo Kin, who worked close to the office of
18 worksite supervisor Lvey, personally witnessed the arrest. He
19 described how workers, called to Lvey's office, were tied up by
20 guards at gunpoint, tossed on to trucks belonging to the
21 division, and driven away from the site. These arrests took place
22 while Lvey, the deputy commander of Division 502, was present.

23 One of the workers arrested and taken away from Kampong Chhnang
24 Airport was Yim Sam Ol, alias Nhor, who entered S-21 on the 19th
25 of December 1978. He is number 14,693 on the OCIJ S-21 prisoner

1 list and his S-21 biography confirms he was arrested and sent
2 from the Kampong Chhnang Airport.

3 [11.19.26]

4 Evidence related to Tram Kak district cooperatives, slide 102:

5 Tram Kak was one of the three districts in the Democratic
6 Kampuchea that Nuon Chea, Khieu Samphan, and the CPK Central
7 Committee recognized and praised as a model district, an example
8 for all others.

9 Slide 104: In 1977, the Central Committee awarded Tram Kak the
10 honorary red flag for building socialism and fulfilling the
11 Party's mission to achieve 3 tonnes of paddy per hectare. And in
12 resolutions adopted at the end of a speech given by Khieu Samphan
13 on 15 April 1978, Tram Kak was again held out as an example or
14 model for production core throughout the country.

15 In early 1977, Nuon Chea and Khieu Samphan visited the Leay Bour
16 cooperative in Tram Kak district with Pol Pot and Ta Mok, as was
17 testified at trial by two civil parties and confirmed by former
18 district secretary Pech Chim.

19 [11.20.50]

20 Your Honours, heard four months of testimony, at the very start
21 of this trial, from the people and cadres who lived in this CPK
22 model district during the DK regime. That testimony came from
23 Base People, New People sent to Tram Kak and assigned to work in
24 its cooperatives, three former commune chiefs, a cadre who worked
25 as deputy chief of the district hospital, surviving detainees and

1 guards from the district re-education office, Krang Ta Chan, and
2 two of the former secretaries of that district.
3 In addition, hundreds of contemporaneous records from Tram Kak
4 are in evidence that document the crimes committed in that
5 district during the Khmer Rouge regime and corroborate the
6 witness testimony as to what took place in this model district.
7 In this CPK model district, the Party exercised absolute control
8 over every aspect of the peoples' lives; their work, their home,
9 their meals, their family life. Their every thought and movement
10 was controlled by Angkar.
11 In a diary kept by civil party Oum Suphany, during the regime,
12 she wrote:
13 "I could not dare to sing, dance, speak, laugh loudly. Our
14 regular, routine activities were sleeping, working, and eating."
15 [11.22.50]
16 Civil party Ry Pov testified that even to go to the bathroom, he
17 and others in his mobile unit had to get permission from their
18 unit chief and to tell him how long it would take.
19 To ensure their absolute control, the CPK confiscated all
20 personal property from the people. Permission from Angkar was
21 required even to pick a mango from a tree or to catch a frog in
22 the fields. You heard the consequences for those who were hungry
23 and dared to eat the plentiful food that <grew> in this country.
24 Civil party Chou Koemlan described how her 13-year-old son was
25 tied up and taken away to be killed because he had uprooted some

1 potatoes to eat.

2 Beng Boeun testified about the fate of an in-law who dared to
3 take a coconut from a tree.

4 "As I was tending cows, my <younger> brother-in-law on my wife's
5 side climbed up a coconut tree and he saw me and he threw a
6 coconut to me from the top of the tree and when he climbed down,
7 he was taken away. And when I arrived at the cooperative, I saw
8 him all tied up in the burning sun."

9 [11.24.43]

10 You heard from Civil Party Thann Thim and other witnesses about
11 how families were broken up in the CPK's model district with
12 husbands placed in male units, wives in female units, and their
13 children taken away and assigned to child units.

14 You also heard from some of those children, Meas Sokha and Oum
15 Vannak, who were beaten when they were caught trying to sneak out
16 from their units to see their parents.

17 In this model district, as in every other worksite and
18 cooperative in Democratic Kampuchea, the people were worked very
19 hard from early in the morning into the night and even pregnant
20 women were forced to engage in hard labour.

21 Slide 101: You heard, in this trial, from a number of those women
22 including Cheang Sreimom who gave the following testimony
23 describing her experience and I quote:

24 "About three or four months into my pregnancy, I was ordered to
25 collect cow dung to use as fertilizer in the rice fields and they

1 would weigh the cow dung that I collected and if there was not
2 enough, then I would be criticized. And due to morning sickness,
3 I could not eat well. I became very emaciated and everyone would
4 criticize me of pretending to be sick and of being lazy in
5 working and that put pressure on me. I was so worried. On one
6 hand, I could not work and on the other hand, the food was not
7 sufficient. The work started at 4 o'clock in the morning and was
8 very hard."

9 [11.27.01]

10 As in other regions, the food rations in Tram Kak district were
11 inadequate to sustain people. You heard about the reality of the
12 model cooperatives at Leay Bour from civil party Chou Koemlan,
13 who described her hunger from only being fed a spoonful of rice,
14 and testified that even her baby did not have enough to eat.
15 Bun Saroeun testified how the people had to get up early in the
16 morning and work very hard all in exchange for one bowl of rice
17 porridge.

18 [11.27.50]

19 As a result of the malnutrition and overwork, the people of Tram
20 Kak became sick and when they became sick, they were treated even
21 worse by the leaders of this model district. As described by
22 Thann Thim:

23 "Some people got sick and we could see that they were bony and
24 their knees were as big as their heads. Some people were accused
25 of being psychologically sick, but they were truly sick and they

1 adhered to the slogan that 'keeping is no gain, taking away is no
2 loss'. So they took those -- these people away. For those who
3 were not able to work, the food ration was reduced. They were
4 sick and their food ration was reduced and they said that if
5 people did not do any labour, they should have only a little food
6 to eat."

7 You also heard from Riel Son, the former deputy chairman of the
8 Tram Kak district hospital. He described the sick with swollen
9 bodies sent to the hospital, people suffering from malnutrition
10 and dysentery. He testified that the death from malnutrition only
11 got worse as the regime progressed, stating that in the last
12 month -- and I quote: "Every day we had to dig pits to cover
13 those patients who died, maybe 10 to 20 pits every day".

14 [11.29.54]

15 Riel Son also described a meeting with the district committee in
16 which he was asked why there were so many sick people in the
17 hospital. When he told the CPK leaders of this model district
18 that it was because people did not have enough food to eat and
19 suffered from malnutrition, he was accused of attacking the
20 cooperatives and his request to increase food rations denied.
21 In this CPK model district, many of the people who dared to
22 complain about the lack of food or difficult work conditions were
23 arrested as enemies, sent to re-education offices, and never seen
24 again. This included a number of co-workers of civil party Chou
25 Koemlan, who were arrested and disappeared mere days after the

1 visit of Nuon Chea and Khieu Samphan to Leay Bour cooperative.
2 [11.31.09]
3 The arrest of persons who complained about the inhumane
4 conditions is confirmed by the surviving records from the
5 district. Slide 109. Krang Ta Chan prison list include persons
6 whose alleged offence was complaining of only being fed thin
7 porridge.
8 <Slide 111>, in a 17 January 1978 letter from Tram Kak commune
9 chief <Tun> (phonetic) to Krang Ta Chan, commune chief <Tun
10 (phonetic)> wrote:
11 "We have arrested a new resident named Sok Se (phonetic) in Tram
12 Kak village, Tram Kak commune. This person argued that on 14
13 January, he was instructed to work like animal and that store was
14 full of rice while food ration was very little; therefore, the
15 district committee decided to instruct us to arrest and send him
16 to your place."
17 Next slide, 112. And in this 6 October 1977 document, Nhaeng
18 Nhang commune <chief> reported four women to the district Party
19 because those women complained about the revolution and said --
20 and I quote:
21 "Not a thing to eat can be seen. Eating gruel morning and
22 evening, what kind of revolution is this thing of theirs? Nothing
23 can be found to eat. It's not like it was in the old society. The
24 old society was very happy. If you wanted to eat noodle or eat
25 bread, there was plenty. It was not like this so-called

1 revolution of theirs."

2 [11.32.48]

3 Your Honours, this was the reality of life in the CPK's model
4 district. The crimes of enslavement and inhumane acts have
5 clearly been proven beyond a reasonable doubt.

6 MR. PRESIDENT:

7 Thank you. It is now appropriate time for our lunch break.

8 The Chamber will take a break now and resume at 1.30 this
9 afternoon, so parties please be informed.

10 And security personnel, you are instructed to take Khieu Samphan
11 to the waiting room downstairs and have him returned to attend
12 the proceedings this afternoon before 1.30.

13 The Court is now in recess.

14 (Court recesses from 1133H to 1330H)

15 THE PRESIDENT:

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

17 And the floor is given to the National Co-Prosecutor to resume
18 the presentation.

19 MS. CHEA LEANG:

20 Mr. President, Your Honours, Parties and the public, good
21 afternoon. I am now turning to the persecution of Buddhists.
22 As the Accused are also charged in Tram Kak district with
23 religious persecution in relation to Buddhists, before turning to
24 forced marriage, I would like to briefly address the CPK policy
25 banning Buddhism and the evidence as to what happened in regards

1 to the pagodas, monks and the practice of Buddhism in Tram Kak
2 during the DK regime.

3 [13.31.28]

4 There can be no serious doubt that one of the policies
5 implemented by the CPK leaders during the DK regime was the
6 closing of pagodas and disrobing of monks and prohibition of the
7 practice of the Buddhist religion. The evidence is not based on
8 rumours, as argued by the Defence, but on the personal
9 experiences of the Cambodian people who lived through and
10 survived the Khmer Rouge regime and who suffered the profound
11 change in a cornerstone of Cambodian life. When their local
12 pagodas were closed, the monks <defrocked> and they were no
13 longer allowed to worship and practice their religion.
14 Mr. President, Your Honours, you have heard hundreds of witnesses
15 in this courtroom and thousands more have been interviewed and
16 there is simply no credible evidence disputing that Buddhism was
17 eliminated from Cambodian society during the Democratic Kampuchea
18 regime.

19 We have filed with our trial brief a list of the witnesses from
20 each zone and region of Democratic Kampuchea who have provided
21 evidence proving the elimination of Buddhism in their area, which
22 is Annex E to our brief.

23 [13.33.35]

24 The Defence would seem to have you believe it was just a
25 coincidence that every pagoda was closed and every monk defrocked

1 in every corner of the country after the DK took power on 17

2 April 1975. It was not.

3 It was a decision made by Pol Pot, Nuon Chea, Khieu Samphan and

4 the other top CPK leaders at the meetings they held in Phnom Penh

5 after their 17 April victory, which policy was then communicated

6 by the two top leaders at the mass meeting of CPK cadres held

7 from the 20th to the 25th of May 1975.

8 Your Honours heard from one of the few surviving attendees at

9 that meeting -- that is, former Sector 105 secretary Sao Sarun,

10 who confirmed that both Pol Pot and Nuon Chea talked about the

11 closing of pagodas.

12 Your Honours also heard how the CPK leaders' directive was

13 implemented in Tram Kak district, as testified by Pech Chim, one

14 of the local leaders who attended the 20th and 25th May 1975

15 meeting in Phnom Penh, was the then secretary of Tram Kak

16 district, Yeay Khom, the daughter of Ta Mok.

17 [13.35.44]

18 When she returned from that meeting she convened a meeting of

19 Tram Kak cadres at which she convened to the commune chiefs, the

20 CPK leaders, on what was to happen with pagodas, monks and

21 Buddhism. Multiple witnesses from Tram Kak testified to that

22 meeting and to the ensuing implementation of the order as at

23 least one hundred of the monks from throughout Takeo province

24 were gathered at the Angk Roka pagoda in Tram Kak district and

25 forced to <defrock>.

1 You heard from two of those monks, that is His Reverence, Em
2 Phoeung , the head monk of Kampot province and Khiev Neou. Both
3 confirmed that they and together -- and the other gathered monks,
4 were forced to leave the monkhood.
5 Slide 115.
6 [13.37.15]
7 In Em Phoeung's words -- allow me to quote: "We were told that
8 you cannot be staying as the monk. Any monk should leave the
9 monkhood or be defrocked and they will not allow anyone to be in
10 the monkhood. I was told I should not have any conflict with
11 Angkar or Angkar instruction and that we all should be patient
12 and follow their instructions. Otherwise, we would be killed."
13 This event was also confirmed by local cadres and residents
14 including, Riel Son, and former district messenger and Krang Ta
15 Chan guard, Van Soeun, alias San.
16 The evidence is clear that CPK cadres did implement this policy
17 both in Tram Kak district and throughout Cambodia. The CPK
18 leaders themselves announced in 22 September 1975 Party circular,
19 that 90 to 95 percent of the monks and Buddhists' practices no
20 longer existed.
21 At a September 1978 study session, led by Pol Pot and Nuon Chea,
22 that was attended and testified to by S-21 Chairman Duch, Pol Pot
23 announced that the Party had successfully eliminated Buddhism by
24 making monks build dams and blend in with the popular masses.
25 <They would then want to join the front battlefield, would be

1 armed with weapons and would have honour.>

2 Contemporaneous documents from Tram Kak district also confirmed
3 the elimination of Buddhism.

4 [13.39.35]

5 For example, a 31st August 1977 report from Leay Bour commune,
6 reports the arrest of a local youth who complained, I quote,
7 "There is no Buddhism, monks, schools, teachers or markets.
8 Instead of places of peaceful worship, many pagodas became CPK
9 security centres and killing sites."

10 Mr. President, Your Honours, you have heard evidence on some of
11 those present during this trial; Wat Au Trakuon in Kang Meas
12 district where thousands of Cham and New People were sent to
13 their death and Wat Baray Choan Dek next to the 1st January Dam.
14 His Reverence, Em Phoeung, testified that the majority of the
15 pagodas in his region were turned into prisons.

16 [13.40.49]

17 And Ian Harris, the leading researcher of Buddhism under the
18 Khmer Rouge, found that 15 of the 21 district <> education
19 centres in the Southwest Zone were housed in a pagoda.

20 In the face of this overwhelming evidence the Nuon Chea Defence
21 claims there was no policy prohibiting religion and, in support
22 of this incredulous assertion, cite former Tram Kak district
23 secretary Pech Chim.

24 So let me end this section of our arguments by showing you what
25 the witness -- the Defence relies on -- actually testified in

1 this courtroom. Please project slide 118.

2 Pech Chim, the witness relied on by the Defence, testified, and I

3 quote:

4 "Buddhism was eliminated because it was too gentle." He testified

5 as regards to the monks. "What I can tell you is that they were

6 defrocked. My idea at the time was that they should be kept but I

7 did not dare to say it loud enough to be heard for fear -- I did

8 not dare to talk loudly."

9 And he testified -- allow me to quote: "Khom who was the

10 chairperson of the Party gave the instructions on the demolition

11 of Buddhist statues and communes implemented it."

12 Your Honours, the Accused are guilty of religious persecution of

13 Buddhists.

14 Now, I will -- I will address the crimes of -- I will ask the

15 permission from the President to allow my colleagues to address

16 the crime of forced marriage.

17 THE PRESIDENT:

18 Yes, please. You can now proceed.

19 [13.43.19]

20 MR. SENG BUNKHEANG:

21 Thank you, Mr. President. Good afternoon, Mr. President, and Your

22 Honours, everyone in and around the courtroom.

23 Now, I am presenting the crime of forced marriage.

24 The CPK's belief, that they could treat ordinary Cambodians as

25 property, that the leaders could use as they pleased, is further

1 shown in the policy to force individuals to wed spouses chosen by
2 the regime and to consummate the marriage. These policies
3 constitute two separate crimes that are legally testified as
4 crimes against humanity of other inhumane acts, first, for the
5 forced marriage and, secondly, rape, in those cases where the
6 couple were coerced to have intercourse without the consent of
7 one or both individuals.

8 [13.44.37]

9 The evidence in this trial has shown that the accused and other
10 Khmer Rouge leaders sought to rapidly increase the population of
11 Cambodia for agricultural and defence purposes by arranging
12 marriages of people without their consent.

13 They would form revolutionary families that would be loyal only
14 to Angkar. Men and women who often had not even met before were
15 forced to wed and consummate those marriages against their will.

16 The evidence has shown that this policy was implemented in every
17 <sector> and autonomous <zone> of the country as well as in the
18 RAK Centre military divisions.

19 Both Nuon Chea and Khieu Samphan promoted this forced marriage
20 policy. Both Accused affirmed that the CPK intended to increase
21 the Cambodian population frantically from approximately 8 million
22 persons to 15 to 20 million persons within 5 to 10 years.

23 And I would like to screen slide 128.

24 [13.46.14]

25 In his own book, Khieu Samphan noted that Philip Short was

1 correct when he wrote -- allow me to quote:

2 "Pol Pot did not intend to reduce the population. To the
3 contrary, his aim was to increase the population by a factor of
4 two or three. Specifically, he wanted the population of Kampuchea
5 to rise to 15 to 20 million within 10 years." Close quote.

6 In 1978, Khieu Samphan spoke to 20,000 individuals, including
7 representatives of the Revolutionary Army of Kampuchea, imploring
8 the cadres -- allow me to quote, "To grasp firmly and implement
9 well the plan to increase the size of the population to its
10 maximum so as to have 15 to 20 million people in the next 10 to
11 15 years." Close quote.

12 [13.47.37]

13 Nuon Chea admitted in a 1981 interview that, I quote:

14 "Democratic Kampuchea has pursued a policy of increasing its
15 population. Since 1975, Democratic Kampuchea has always required
16 a rapid increase in its population. Thus, the four-year plan of
17 1977 and 1980 aim that increasing our population to at least 15
18 million within 5 to 10 years." Close quote.

19 The Party magazine, "Revolutionary Flag", which Nuon Chea has
20 admitted he played a leading role in producing, also endorsed the
21 rapid increase in the population to 15 to 20 million people.

22 This "Revolutionary Flag" reproduced a speech by Pol Pot that
23 stated, quote:

24 "Our population has increased beyond what it was before the coups
25 but this speed is not yet sufficient when compared to the

1 objective of the Party, the aim to increase the population to 15
2 to 20 million within 10 to 15 years." End quote.

3 The "Revolutionary Flag" elsewhere stated, quote: "We need from
4 15 to 20 million people to meet the needs of our plan." End
5 quote.

6 [13.49.51]

7 To achieve this goal of doubling a population that was
8 systematically being starved, overworked and killed would require
9 an unprecedented increase in the birth rates. In pursuit of these
10 unrealistic goals, marriages would be arranged and approved by
11 the CPK.

12 Nuon Chea admitted to his chosen biographer, Thet Sambath, that,
13 quote: "The man always want to choose a beautiful girl so that's
14 why we force them to get married. And Angkar chose the wife."
15 Close quote.

16 The Centre's forced marriage policy was implemented throughout
17 Democratic Kampuchea and that marriage ceremonies were presided
18 over by officials from various echelons including unit
19 chairpersons, village or cooperative chiefs, commune chiefs,
20 district officials, sector officials and zone and military
21 officials.

22 [13.51.39]

23 Any claim that this policy was not emanating from the centre is
24 wholly belied by the fact that it was carried out by individuals
25 at the highest echelons of the Party.

1 The Court heard from civil party, Chea Dieb, who worked in the
2 Ministry of Commerce, which Khieu Samphan had authority over. She
3 testified that Khieu Samphan made a speech to her and other
4 female workers in the Ministry of Commerce.

5 Now, I would like to play a clip of what she said. Please screen
6 video number five.

7 [13.52.31]

8 (Audio-visual presentation)

9 THE INTERPRETER KHMER-ENGLISH:

10 "Q. You told the Chamber that you met Khieu Samphan twice, once
11 at the meeting in Ounalom pagoda. I want to ask you that during
12 the meeting at Ounalom pagoda what did he talk about?

13 A. He said that all female cadres needed to work for the state
14 and those with the age above 19 from all ministries needed to be
15 arranged to get married. We should not keep them unmarried.

16 Q. When he said that male and female youths needed to be arranged
17 to get married, did he say that from what age that they should be
18 arranged to get married?

19 Did he say that they should be married voluntarily without any
20 force? Did he mention about this issue?

21 [13.53.44]

22 A. He did not say about whether the marriage was based on love or
23 not but he just simply said they should be arranged to get
24 married for the female youth with the age of above 19 and the
25 male youth with the age of 25 years old. He asked all ministries

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1 to arrange marriage for all female and male youths and we should
2 not keep them all without marriage. Only those who were still
3 young should be kept unmarried. He said that.

4 Q. When he said that older male and female youths should be
5 arranged to get married, did he explain the reason why they
6 should get married?

7 A. He said that they should be -- they should get married so that
8 they would produce children to defend the country. That is what
9 they said."

10 (End of Audio-visual presentation)

11 [13.54.50]

12 MR. SENG BUNKHEANG:

13 Chea Dieb testified that shortly after Khieu Samphan made those
14 remarks the women in her group were married. Indeed, the evidence
15 shows multiple reports of mass weddings occurring in the Ministry
16 of Commerce.

17 Another example is Phan Him a female commerce cadre who testified
18 and that there were 21 couples in her wedding and that -- I
19 quote. This is slide 139.

20 "I was told that despite my refusal Angkar would assign to me to
21 have a husband and if I violated the discipline then I had to be
22 careful." Close quote.

23 She then described the night she was informed she was to be
24 married. Allow me to quote.

25 "One night the chief of female unit from his ministry came to my

1 ministry at about 9 p.m. and I was called and asked, 'Comrade,
2 Angkar wanted to marry you. What did you have to say about it?
3 The one who proposed to marry you was <Rat (phonetic)> from
4 ministry in charge of international commerce.'"
5 [13.56.35]
6 "And I replied that, 'I was not mature yet. I wanted to work. I
7 did not want to marry any man.' And the female chief said that,
8 'No matter what you said, you have to agree with Angkar and
9 Angkar will organize the marriage for you. You have to respect
10 Angkar and adhere to the principles or direction set by Angkar.'"
11 Close quote.
12 Ruos Suy a deputy chief of state warehouses in the Ministry of
13 Commerce provided evidence that beginning in 1977, the ministry
14 received a plan of -- allow me to quote -- "strict measures",
15 close quote, requiring that 100 couples be married each month.
16 Ruos Suy himself was forcibly married and he was required to
17 facilitate additional forced marriages of hundreds of couples.
18 Some marriages were even conducted by Commerce Minister Van Rith
19 and his deputy Nget You, alias Hong.
20 [13.58.15]
21 Forced marriages were, likewise carried out at a ministry under
22 Nuon Chea's oversight, that is, the Ministry of Social Affairs. I
23 would like to screen slide 142.
24 Thuch Sithan testified, quote: "People my age who were in their
25 twenties either from the hospitals or the Ministry of Social

1 Affairs, they were arranged to get married by Angkar. It was
2 Angkar who was the one deciding who -- whom to marry whom." Close
3 quote.
4 Forced marriages were personally arranged and celebrated by other
5 CPK leaders who were members of the accused joint criminal
6 enterprises, including Southwest Zone Secretary and Standing
7 Committee member Ta Mok, Central Zone Secretary Ke Pauk, Minister
8 of Social Affairs Ieng Thirith and her deputy Sin Phal Kun, alias
9 Sou as well as a number of military leaders at the divisional
10 level.
11 [13.59.39]
12 Moreover, the CPK's central policy document on family buildings
13 pronounced that in regard to families -- allow me to quote, "No
14 matter the outcome of the organization and the collectives
15 assessments and decision they must be absolutely respected."
16 Close quote.
17 There is therefore no question that the forced marriage policy
18 was one that emanated from the Centre.
19 The evidence shows that the policy was implemented across
20 Cambodia. It is striking to consider the sheer volume of
21 testimonial evidence on the case file concerning forced marriages
22 across Cambodia. In Case 002 a total of 54 trial witnesses and
23 131 witnesses who gave a written record of interviews, provided
24 evidence of forced marriages and rape within them. In particular,
25 27 witnesses testified in Court that they personally were forced

1 to marry, while 59 people provided this same evidence to the
2 OCIJ.

3 [14.01.34]

4 In addition, 22 people testified to personally witnessing other
5 forced marriages and an additional 52 people provided evidence to
6 the OCIJ that they personally witnessed a forced marriage. We
7 have covered this evidence extensively in our final brief.
8 This and other evidence concerning forced marriages on the case
9 file shows a detailed picture of how the forced marriage policy
10 was implemented.

11 Among other points, it shows that matched couples who often had
12 never met each other before were sometimes married in mass
13 ceremonies of 50 couples or more. It shows that marriages were
14 arranged on short notice or with no notice at all and that family
15 members, particularly parents, were rarely, if ever, allowed to
16 attend the weddings. It shows that during the ceremonies couples
17 were often required to make a resolution to serve Angkar.

18 [14.03.44]

19 And it shows that there were rules regarding who could marry whom
20 so that persons of identical political class, ethnicity and
21 background were paired.

22 Moeng Vet, a Khmer Rouge cadre, testified, and I quote -- that is
23 slide 145:

24 "Yesterday I spoke about the Base People, that he was my
25 commander although the instruction did not exist on a document

1 but the unit held a meeting that the Base People had to marry the
2 Base People and not marry the 17 April People because of their
3 unclear biography. He was afraid that those people might be
4 implicated with affiliation with the KGB or CIA.
5 If that was the case it means that cadres will be removed and
6 that we would be implicated, because this matter was of essence
7 in the unit and it was reiterated in the meeting that they
8 emphasized that we had to strengthen the Base. And about the
9 youth, the progressive people, the candidates or the Party and
10 that's what they raised in the meeting. But as I said, there was
11 no document. It was only mentioned during the meeting.
12 And you can say that that was a form of coercion. For example, if
13 I were to fall in love with a 17 April woman I could not marry
14 her because I would be forced to marry another woman." End of
15 quote.
16 [14.06.45]
17 Recommendations of couples to be paired often had to be approved
18 by higher-level CPK authorities and reports were made up through
19 the hierarchy regarding the marriages in order to show that the
20 policy was being implemented.
21 In this slide, for instance, we can see the West Zone office
22 reporting to the Centre that 42 couples were married in July
23 1978.
24 The evidence also shows that the CPK in forming marital unions to
25 produce children for Angkar, at the same time was concerned that

1 any family bonds that resulted should not rival the individual's
2 loyalty to the CPK.

3 [14.08.03]

4 As I have mentioned, the wedding ceremony often involved pledges
5 to serve Angkar and sometimes instructions to, and I quote, "have
6 children for Angkar".

7 Following marriage couples were often only allowed to see each
8 other for a few days every month, sufficient for pregnancy but
9 not for extensive family bonding. Strong personal bonds through
10 others was forbidden under the regime as constituting prohibited,
11 and I quote, "spiritual private property".

12 Khieu Samphan lectured a group of returning intellectuals that
13 such forbidden spiritual private property included, and I quote,
14 "your parents, your family, your wife", close quote.

15 King Father Norodom Sihanouk, kept under house arrest in Phnom
16 Penh, recounted a similar interaction with Khieu Samphan. And
17 this is in the upcoming video clip, that is, clip number six.

18 [14.09.55]

19 (Audio-visual presentation)

20 "I did not see the Killing Fields. I was practically a prisoner
21 of the Khmer Rouge in the royal palace. I was completely
22 isolated. I saw only one man, Khieu Samphan, from time to time.
23 He came to the royal palace just to say, 'Hello, how are you?'
24 And I tried to get his permission and Pol Pot's permission to
25 have, for instance, on the occasion of my birthday, and it was

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1 really -- I would like to have my children and my grandchildren.
2 But he said 'No, no, no. Now they are far from Phnom Penh. They
3 are in good health but please don't -- don't have a family life
4 anymore because now this is our new communist -- communism. We
5 have to think of the country, the homeland only, no more family
6 life.' "

7 (End of Audio-visual presentation)

8 [14.11.17]

9 MR. SENG BUNKHEANG:

10 Chea Dieb who worked in the Ministry of Commerce, similarly
11 recalled Khieu Samphan instructing that, quote: "We should not
12 have any feelings towards our parents and that we should detach
13 ourselves from our parents. <We only need to focus on working for
14 the Party or State.>" Close quote.

15 And she continued that she was told, quote: "We were under the
16 supervision of Angkar and that we should not look for the parents
17 because Angkar was the parents." Close quote.

18 While, broadly speaking, the details of how couples were paired,
19 the process of the wedding ceremonies and what came after had
20 many similarities nation-wide. Given the widespread application
21 of the policy across Democratic Kampuchea over a number of years,
22 the evidence of course recalled some variation.

23 [14.12.36]

24 I also want to be clear that it is not the Prosecution's position
25 that every partner in every marriage during the Democratic

1 Kampuchea regime was forced into their marriage. Indeed, the
2 evidence has shown that some fortunate cadre or favoured persons
3 were allowed to marry a partner of their choice. However, almost
4 universally those married did not have a choice of whether to
5 marry, regardless if they were high-ranking cadres or vulnerable
6 New People.

7 Moeng Vet, himself a military cadre, provided evidence that some
8 couples were paired because the male cadres selected a partner
9 whereas others were, and I quote, "randomly selected for
10 marriage".

11 [14.14.55]

12 He was clear, however, that once a male cadre had selected a
13 woman, quote, "The women could not refuse".

14 The Prosecution also recognizes that while many couples who were
15 forcibly married, parted ways after the fall of the Khmer Rouge,
16 some did not for a variety of reasons. Those decisions are
17 personal to the individuals involved and irrelevant to the guilt
18 of the Accused for these crimes.

19 Victims were coerced throughout the pairing, marriage and
20 consummation process but implicitly and explicitly to such a
21 degree that they lacked real choice as to whom to marry, whether
22 to marry and whether to consummate that marriage.

23 Coercion occurred explicitly through threats, punishment and
24 execution for those who resisted marriages or consummation.

25 Coercion happened implicitly through the fearful environment

1 created by the Khmer Rouge, whereby most persons told, they were
2 to be married and found it impossible to refuse, for to do so
3 meant punishment in an environment where they were already barely
4 surviving or dead.

5 [14.16.26]

6 This implicit coercive environment was created through a variety
7 of methods, including warnings not to question Angkar, harsh
8 punishments for refusing any order no matter how small, or
9 committing any minor real or perceived transgressions such as
10 picking up a mango or breaking a spoon. Total dependence of a
11 population with no rights or avenues of redress on the state,
12 which was all-powerful, and knowledge that others who resisted or
13 refused had been punished or killed.

14 In this environment, genuine individual consent to a marriage
15 proposed by Angkar was impossible. Those who were instructed to
16 marry legitimately feared that a refusal would brand them an
17 enemy and could result in severe punishment for disrespecting
18 Angkar such as being sent for refashioning, re-education or
19 execution.

20 [14.18.11]

21 The large majority of those chosen by Angkar to marry did not
22 take the risk of voicing their objection and were therefore
23 forced into conjugal relationships. Those who hesitated or
24 refused the order to marry were often expressly threatened or
25 punished.

1 Civil party Seang Sovida described how the coercive atmosphere
2 created by the CPK operated in relation to her sister's forced
3 marriage, in this portion of her testimony. Please play video
4 clip number 7.

5 [14.19.17]

6 (Audio-visual presentation)

7 THE INTERPRETER KHMER-ENGLISH:

8 And my elder sister later on was forced to marry. At that time
9 she was around 15 to 16 years old and she didn't consent to the
10 marriage.

11 And my mother also didn't want my sister to get married since she
12 was young and she already had a fiancé. But we did not have any
13 choice and we were afraid that we would be mistreated. So we
14 quietly consented to the instruction.

15 (End of Audio-visual presentation)

16 [14.19.52]

17 MR. SENG BUNKHEANG:

18 Nget Chat in this next clip remembers internally questioning the
19 vows that she was forced to make in a new marriage mere days
20 after her first husband -- a Khmer Krom -- had been taken to be
21 killed.

22 Please play video clip 8.

23 [14.20.20]

24 (Audio-visual presentation)

25 THE INTERPRETER KHMER-ENGLISH:

1 I was told to consummate the marriage and that we had to commit
2 to one another and to produce as many children as possible. And
3 how could I do that because I was so skinny and only had gruel to
4 eat? I did not have any strength inside me. However, I did not
5 dare to say anything. I just came making commitment saying the
6 words that I was told to say or to clap my hands."

7 (End of Audio-visual presentation)

8 [14.20.48]

9 MR. SENG BUNKHEANG:

10 Muol Eng a cadre, described how he was himself forced to marry
11 and then how he was instructed to forcibly marry others. He
12 originally opposed his own marriage.

13 Please show slide 150 to 151.

14 "I opposed it because I did not love my future-to-be wife but my
15 opposition was taken for granted. I was told that if I did not
16 agree to get married, I was opposing the Angkar and I was warned
17 of the consequences if I still wished to challenge it. I would
18 risk being killed if I disrespected the Angkar's decision. We had
19 to consummate our marriage because they kept observing our
20 relationship to see if something was out of the ordinary."

21 [14.21.44]

22 Muol Eng then became a district secretary in the Northwest Zone
23 where he was instructed to arrange marriages for others.

24 He recounted an instance where two women objected to their

25 marriage and he was instructed to inform them that: "It was their

1 patriotic duty to marry the disabled soldiers who had been
2 selected by the Party as their husbands. After that they had
3 reluctantly agreed to marry them." Close quote.
4 Ruos Suy stated, and I quote: "Some people who were assigned to
5 be married did not dare to refuse the assignment because of fear
6 from being mistreated. They just answered in agreement because of
7 fear, although from outside it seems that it was not a forced
8 marriage. In fact, they forced people to accept, including
9 myself. Among the 20 couples married at the same time I was, only
10 my couple still presently lives together." End quote.
11 Cheang Sreimom echoed this exact sentiment in her testimony to
12 the Court in this next clip. She too did not want to be married
13 but was forced to agree out of fear.
14 Please play video clip number 9.
15 [14.23.44]
16 (Audio-visual presentation)
17 THE INTERPRETER KHMER-ENGLISH:
18 Whoever was selected by Angkar to marry, we could not oppose it.
19 We had to decide to follow and to agree and to be together
20 regardless whether there was love in between the couple.
21 Although we physically stayed together as a husband and wife, but
22 inside our feeling was different. But because of the fear we
23 decided to follow the instruction of Angkar. Otherwise, we would
24 be in danger. That is fatal danger.
25 (End of Audio-visual presentation)

1 [14.24.46]

2 MR. SENG BUNKHEANG:

3 <Peou Koeun>, a cadre, was ordered to arrange marriages many
4 times. Asked if anyone ever refused he stated, and I quote:

5 "No one dared to refuse. After the wedding anyone, either man or
6 woman who did not get along with each other would be sent to
7 study. I do not know where they were sent." Close quote.

8 One of those who did not dare to refuse was civil party Kul Nem
9 who testified before the Court. Kul Nem told the Court how he was
10 already engaged voluntarily to another woman before he was
11 partnered by the Khmer Rouge for a marriage with <another> girl.
12 Please play video clip number 10.

13 [14.26.03]

14 (Audio-visual presentation)

15 THE INTERPRETER KHMER-ENGLISH:

16 And they said that where I was taken there were women living
17 there, if I noticed any women there and I said I did not. And
18 then they let me think for a while.

19 Next day I was sent to thresh rice at the K-11 with other people.
20 Then they teased me. They made a joke out of me to other women
21 and they asked me again, and they said that I did not know what I
22 thought. They gave me three days to think about it, and if I did
23 not give an answer that I should be responsible for myself in the
24 future.

25 During the three-day period I became so worried I could not eat

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1 because I did not know what to do since I had a fiancé at my
2 village.

3 So after the three-day period they asked me again and I replied
4 that I agreed to the arrangement for the marriage, despite my
5 unsettling feeling since I had a fiancé at my village.

6 I did that in order to survive so that I could see the open sky
7 again and see what happened to the country. And that's how I
8 felt.

9 (End of Audio-visual presentation)

10 [14.27.40]

11 MR. SENG BUNKHEANG:

12 As Moeng Vet stated succinctly, and I quote, "I never saw someone
13 daring to refuse because everyone followed the policy of the
14 Party. Everyone was afraid." Close quote.

15 The ultimate goal of the marriages was, as mentioned, to increase
16 the population by creating the children and this could only occur
17 if the marriages were consummated. In this way, for many, the
18 marriage ceremony only served as a way for the CPK to attempt to
19 legitimize rape.

20 Say Naroeun testified at her marriage ceremony -- and I quote:

21 "The Angkar called out each couple to make a commitment. They
22 instructed us that we had to obey what Angkar assigned us to do
23 and had to repeat what is said and we had to love each other from
24 that time onward and had to work hard to produce the rice from
25 this quota to that quota and to produce -- and to produce babies,

1 as many as possible in order to meet the targets of Angkar in
2 order -- because Angkar needed more people to defend our country
3 better. So that was the instruction from the upper level people.
4 We had to repeat those words." Close quote.
5 Preap Sokhoeurn recounted a similar announcement at her ceremony,
6 stating, and I quote: "Before starting the wedding, Sau announced
7 to the meeting participants in general, 'Angkar needs more
8 forces'. So they needed young men and women to get married to
9 produce more children to add to the revolutionary forces." Close
10 quote.
11 To ensure that this consummation occurred, the couples were
12 typically made to spend a few nights together after the marriage
13 and they were monitored to ensure that they had sex.
14 Kol Set, a <cadre>, stated that he was ordered to, and I quote:
15 "Go around and listen and investigate the new married couples and
16 then I had to report to them. They wanted to know who talked
17 about Angkar and who refused to sleep together after their
18 marriage. He also said that those who refused to marry or sleep
19 together would be taken for re-education and then disappeared."
20 Close quote.
21 [14.31.21]
22 Couples consummated marriages under a variety of scenarios where
23 consent was not freely given by one or both partners and
24 therefore constituted rape.
25 Both men and women were victims of rape as both sometimes felt

1 coerced to have intercourse without their free consent.

2 Many engaged in intercourse because they knew they were being
3 monitored. And a failure to do so could result in harsh
4 punishments or death.

5 [14.32.25]

6 As Cheang Sreimom testified, I quote, "At the time I knew that
7 there was a militia man so I submitted myself to be a wife. I
8 slept quietly." Close quote.

9 In other instances men threatened to report their wives if they
10 did not consummate the marriages, knowing that a refusal to do so
11 was punishable and some other men forced themselves on their
12 wives. When couples were found not to have consummated their
13 marriages they were re-educated, threatened, punished or
14 executed.

15 Once again, the evidence in Case 002 of this practice is
16 extensive. Ten people testified to being a victim of enforced
17 consummation while 19 provided evidence to the OCIJ in this
18 respect. Six people testified to witnessing enforced consummation
19 while three provided evidence to the OCIJ in this respect.

20 [14.34.20]

21 Twenty-nine witnesses testified to the -- to consummation after
22 marriage being prescribed or monitored while 41 provided evidence
23 to the OCIJ in this respect.

24 Preap Sokhoeurn testified that after refusing to consummate her
25 wedding with her disabled husband, she was taken by an ox cart to

1 another house where she was repeatedly told that she would be
2 killed if she did not have sex.

3 She described for the Court what occurred later in the night and
4 we have a video of that testimony. I would like to screen video
5 clip 11.

6 [14.35.31]

7 (Audio-visual presentation)

8 THE INTERPRETER KHMER-ENGLISH:

9 I went up into the house and then my husband convinced me to
10 sleep. He convinced me and I did not have sleep for a few nights
11 so I slept very tiredly in the night. And when I woke up I saw
12 his hands on my body. I tried to resist him. At the time he tore
13 my clothes, my shirt, my trousers and took off my bra and then he
14 raped me. I cried and shouted, but he told me not to cry and
15 shout. And he threatened me that we were husband <and wife>. That
16 was the first day that he raped me.

17 (End of Audio-visual presentation)

18 [14.36.20]

19 MR. SENG BUNKHEANG:

20 Preap Sokhoeurn described how after her husband raped her he
21 apologized, telling her that he, quote, "followed Angkar's
22 direction." Close quote.

23 Likewise, Pen Sochan recounted for the Court how she was tied to
24 a pillar by members of the militia and her husband raped after
25 she had resisted for two nights.

1 She testified that she bled for more than a month following the
2 rape.

3 Say Naroeun testified that she saw militiamen arresting couples
4 from the huts they were staying in and concluded that it was
5 because they had not gotten along well with one another. For fear
6 of being arrested herself, she decided to have sex with her
7 husband.

8 And I would like to quote from slide 159.

9 [14.37.34]

10 Let me quote: "I felt difficult to breathe in my heart because in
11 my whole life I have never encountered such an incident. As a
12 Khmer woman nothing is more important than my body. Although I
13 was fearful and trembled, I thought to myself that I had to give
14 my body to my husband in order to fill the requirement of
15 Angkar."

16 You Vann, who was a commune secretary in the Central Zone,
17 testified that she remembered the district secretary telling her
18 that the sector secretary had made a rule that husbands and wives
19 had to sleep together for national progress.

20 You Vann also testified that people who refused to sleep together
21 following their marriage -- allow me to quote from slide 162 to
22 164: "Would be refashioned for one and for two times and then
23 they would agree to do so." Close quote.

24 She continued shortly thereafter, quote, "When they -- after the
25 re-education they agreed to sleep with one another. Then they did

1 not disappear." Close quote.

2 [14.39.25]

3 I will now turn to address more specifically of some of the
4 arguments the Accused raised in their briefs in regards to forced
5 marriages and rapes within marriages.

6 While the Defence acknowledged a desire by the CPK to increase
7 the population, and that marriages were arranged by the CPK, they
8 argue that the marriage policy of the CPK required the mutual
9 consent of both partners.

10 They base a major part of their argument on a statement in a list
11 of so-called "revolutionary moral precepts" that others -- that
12 both parties should agree to a marriage. They claim that this
13 so-called 6th precept accurately reflected the intentions of the
14 CPK.

15 Not only is such a view completely refuted by the mass of
16 evidence before this Court of forced marriage and consummation
17 including forced marriage at the highest levels of the CPK, but
18 looking at some of the other precepts in the same list exposes
19 the insincerity of these propaganda statements. They were wholly
20 different from the reality of the Khmer Rouge policy.

21 [14.41.24]

22 For instance, another ostensible imperative in that same list is,
23 quote: "Do not do anything at all that impacts the people, not
24 even one chili pepper or one word". Close quote.

25 The evidence shows that these precepts, whatever their purpose

1 when they were distributed in 1978, did not reflect the reality
2 under which the Cambodian people suffered at the direction of the
3 Accused.

4 Indeed, if there is any truth to the statement that both parties
5 must agree to the marriage, it is in the superficial sense that
6 partners were forced to indicate agreement in the marriage
7 through fear and intimidation. Disagreement resulted most often
8 in punishment or death.

9 THE PRESIDENT:

10 Thank you very much, Mr. Co-Prosecutor.

11 It is now the appropriate time for a break. The Chamber will take
12 a break from now until 3 p.m.

13 The Court is now in recess.

14 (Court recesses from 1442H to 1500H)

15 MR. PRESIDENT:

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

17 Again, the floor is given to the <> National <Deputy>

18 Co-Prosecutor to continue with the presentation of the Closing
19 Statement.

20 MR. SENG BUNKHEANG:

21 Thank you, Mr. President. Again, good afternoon, Mr. President,

22 Your Honours, Parties and everyone who is present here.

23 I'm going to continue with my presentation of the Closing

24 Statement.

25 [15.01.45]

1 Nuon Chea claims that there are no specific examples or objective
2 reasons why genuine and free consent was impossible. We have
3 provided this evidence extensively in our brief and I have
4 touched on a couple of instances already here, but let me just
5 briefly point to some additional illustrative examples.
6 Nop Ngim was a district deputy secretary, a trusted CPK cadre
7 with a good peasant biography, so she enjoyed a high degree of
8 privilege in Democratic Kampuchea.
9 Nevertheless, when Ta Mok paired her to marry a handicapped
10 soldier whom she had never met, she cried but dared not refuse.
11 She testified that disabled Khmer Rouge soldiers had been sent to
12 her area so that they could be married and that she was wed along
13 with 40 other couples.
14 In her testimony, she described her feelings about her marriage
15 to a soldier who had been blinded in fighting named Preab Kab and
16 that is in the following video clip number 12.
17 [15.03.40]
18 (Audio-visual presentation)
19 THE INTERPRETER KHMER-ENGLISH:
20 "A. I got married in Samlout among other 40 couples. The wedding
21 ceremony was held in three hours and those people were put in a
22 group to get married. Some of them even cried during the wedding,
23 some ran away -- two people ran away.
24 Q. Were you one of those that cried during or before or after the
25 wedding?

1 A. I also cried. I was disappointed, very disappointed, since I
2 had never seen my would-be husband before the marriage day
3 although we were in the army, but if I had refused I would have
4 been killed so I had to bear the situation."

5 (End of Audio-visual presentation)

6 [15.04.41]

7 MR. SENG BUNKHEANG:

8 Nop Ngim's husband, Preab Kab, was interviewed by the
9 Investigating Judges and he described the wedding from his
10 perspective. He stated that he only learned that he was to be
11 married the morning of the wedding when Ta Mok told him.

12 He stated, and I quote:

13 "No-one asked me whether or not I wanted to get married, but we
14 had to follow the orders and instructions otherwise we would have
15 problems."

16 In regards to forced consummation of marriages, Chhuom Savoeun, a
17 labourer in the Northwest Zone, stated to investigators, and I
18 quote:

19 "After marriage, the militia monitored us at home. For example,
20 in my case, after my marriage they question me as to whether we
21 got along or not. I told them that we lived together and got
22 along because the woman was my cousin, but if the male party said
23 the female party refused to get along, the Khmer Rouge would
24 order the couple to have intercourse and the militia would
25 eavesdrop on their activity. If the woman still refused, they

1 would take the woman to be killed.

2 There was another instance where the husband forced the wife to
3 have intercourse, but the wife refused. Then the unit chief
4 called the wife to be educated, telling her to have intercourse
5 with her husband. The wife then agreed to live with her husband,
6 but after 1979 the husband and wife divorced." End quote.

7 [15.06.54]

8 Similar stories, far too numerous to list here, are found
9 throughout the evidence.

10 <Thang Thoeuy> stated that from her group that was married
11 together, and I quote:

12 "There were two or three women taken by the militia to be killed
13 because they did not agree to consummate."

14 Mao Kroeurn told investigators that, and I quote:

15 "The Khmer Rouge threatened that people who refuse to have sexual
16 intercourse after being married would be taken to the prison."

17 According to Theresa de Langis' study, "Like Ghost Changes Body",

18 on the impact of forced marriage under the Khmer Rouge regime,

19 106 civil parties in Case 002 reported that they were asked to

20 marry during the regime with 103 of them reporting that they did.

21 Seventy-two respondents reported being forced to marry due to

22 verbal threat, that is 75 percent; 18 out of fear of punishment

23 which is 18.8 percent, and 5 due to physical violence.

24 A majority of the respondents reported threats or punishment for

25 refusing to marry; 48 reported being threatened verbally for

1 their refusal, 5 being imprisoned and 2 being tortured, 42.8
2 percent of respondents reported being forced to consummate the
3 marriage out of fear of survival.

4 The Defence seek to downplay the CPKs forced marriage and
5 consummation policy arguing that in the cultural context of
6 Cambodia, these policies were not harmful or out of the ordinary.
7 They liken the marriages that occurred to the process of parents
8 being involved in arranging marriages for their children.

9 [15.10.08]

10 Khieu Samphan further cites evidence claiming that Cambodian
11 traditional marriages were not primarily based around love. In
12 making these arguments, the Defence fundamentally misunderstand
13 the criminality of forced marriage. It is not the absence of love
14 that makes a forced marriage criminal nor does the involvement of
15 one's parents in the process of choosing a partner make a
16 <forced> marriage criminal.

17 What does make a forced marriage criminal, however, is when the
18 state usurps the role of choosing marital partners and forces
19 upon persons a partner, punishes them harshly if they refuse
20 choice and forces individuals to consummate such marriages
21 without their consent resulting in severe mental and sometimes
22 physical harm and suffering to the victims.

23 [15.11.44]

24 The Khmer Rouge forced marriages and rapes have no more in common
25 with traditional Cambodian weddings than slavery has to gainful

1 employment. One can say that both involve work but the
2 similarities end there and one is a crime while the other is not.
3 Unfortunately, the preposterous comparisons from the Defence, in
4 an attempt to diminish the harm that this policy inflicted on the
5 victims does not end there.
6 Nuon Chea, in his brief, likens the forced and rape program to
7 efforts countries have taken to increase population growth
8 through providing fertility centres and match-making services and
9 states that the CPKs policy complied with the International
10 Convention on the Consent to Marriage. He describes the mass
11 forced weddings as a "practical, economical decision" and on pure
12 speculation determines that the militia monitoring couples to see
13 if they consummated marriages were just an ordinary police force
14 trying to protect the village.
15 [15.14.05]
16 Kol Set, who was a "chlop", was certainly not performing ordinary
17 police functions when, as I have mentioned earlier, he told
18 investigators that he was instructed to report on couples who
19 refused to sleep together. Nor was Ry Pov when he testified that
20 he and other members of his unit were, and I quote:
21 "Instructed to monitor the activities of the newlywed couples,
22 whether they got along well or they actually consummate their
23 marriage."
24 In regards to the Convention on the Consent to Marriage, it
25 requires that, and I quote:

1 "No marriage shall be legally entered into without the full and
2 free consent of both parties."

3 A standard that the CPK's policy came nowhere near.

4 Khieu Samphan, for his part, claims that forced marriages were an
5 improvement over traditional marriages and that the forced
6 marriages were an insignificant shift from parents' participation
7 in choosing partners for their children to the government playing
8 that role.

9 The testimony this Court has heard and the other evidence
10 concerning forced marriages on the case file shows that the
11 victims did not consider the forced marriages an improvement over
12 traditional marriages. Just the opposite. Most felt robbed of one
13 of the most important chapters in a young person's life, the
14 right to choose a life partner and celebrate the wedding along
15 with family and friends, observing the traditions that have
16 marked Cambodian weddings for generations.

17 [15.16.43]

18 Both Nuon Chea and Khieu Samphan misrepresented the evidence of
19 the experts that appeared before the Chamber. They state that
20 Kasumi Nakagawa testified that there wasn't a policy of forced
21 marriage, which is a clear distortion of her testimony.

22 What expert Nakagawa in fact stated in that regard was that she
23 did not specifically investigate whether there was a policy of
24 forced marriage and therefore she did not have sufficient
25 evidence to determine if there was a policy or not. She was,

1 however, able to make the conclusion that there was a, and I
2 quote, "serial pattern of forced marriages during the Khmer Rouge
3 times."

4 She also testified that her evidence showed that forced marriages
5 occurred in most provinces in Cambodia, and that in, and I quote:
6 [15.18.11]

7 "Late 1977, 1978 many mass weddings were organized among only
8 forced-marriage couples."

9 Nuon Chea argues that expert Peg LeVine testifies that there was
10 no policy of forced marriage and Khieu Samphan cites Peg LeVine
11 for the idea that the couples did not consider the marriages
12 forced.

13 But this is an unsurprising conclusion from someone who
14 considered in court that the question of whether couples felt
15 their marriages were forced was one. LeVine's view on that
16 question therefore not fully informed by her own purposeful and
17 admitted design.

18 By way of comparison, it is interesting to note Katrina Natale's
19 study on gender-based violence during Democratic Kampuchea in
20 Battambang and Svay Rieng provinces. She interviewed 104
21 respondents in September and October 2010, who were age between
22 42 and 84 years-old, and even though they were not questioned on
23 forced marriage she found that, and I quote:

24 "Nearly 20 raised this issue on their own initiative. They
25 emphasized the lack of choice individuals had in selecting their

1 spouse and the fear that led many people to acquiesce to the
2 marriages. They also complained of the improper way that marriage
3 ceremonies were conducted and reported rape within forced
4 marriage. Notably, many respondents identified the practice of
5 marriage under the Khmer Rouge as an important aspect of the
6 violence perpetrated against the population during Democratic
7 Kampuchea."

8 [15.21.34]

9 Both Accused point to statements indicating that some individuals
10 had a degree of choice in their marriage and statements from
11 others who were in a position of authority who claimed that
12 forced marriages did not occur under their watch.

13 As I have already mentioned, it is not the Prosecution's position
14 that all marriages during the period of Democratic Kampuchea were
15 necessarily forced for all partners involved.

16 What is our position is that there was a forced marriage policy
17 under which many were forcibly married. The instance therefore of
18 certain marriages that were not forced does nothing to diminish
19 the mass of evidence of those that were. Moreover, it is hardly
20 surprising that certain witnesses who had a role in organizing
21 the forcible marriages were sometimes inclined to minimize their
22 own roles in what they realized were serious crimes against
23 fellow Cambodians. It is not unexpected that these cadre who were
24 themselves involved in the crimes would downplay the severity of
25 the forced marriage policy or claim to interpret statements of

1 commitment and consent as genuine.
2 [15.23.44]
3 Nevertheless, others in the positions of authority were more
4 forthcoming to a degree about what they assisted in perpetrating.
5 I have already mentioned Muol Eng and Peou Koeun. Both cadres
6 mandated to organize marriages and who admitted that the couples
7 in those marriages were forced. Likewise, Sou Soeurn, a district
8 secretary and wife of Centre Zone secretary Ke Pauk, acknowledged
9 that, and I quote: "The man and the girl dared not complain".
10 And when asked if any of the girls in her group refused the
11 marriages, she stated, and I quote:
12 "No, they did not. They rarely refused although they did not like
13 the man and these people got divorced after the fall of the Khmer
14 Rouge."
15 Nuon Chea claims that no evidence was heard of the forced
16 marriage policy in the East Zone, West Zone and Northeast Zone.
17 This is demonstrably untrue. Five witnesses testified to forced
18 marriages occurring in the East Zone, Em Oeun, Sos Romly, Sieng
19 Chanthy, In Yoeung and Mey Savoeun. Two testified to forced
20 marriages in the West Zone, Prak Doeun and Khin Vat, and four in
21 the Northeast Zone, Phan Van, Kul Nem, Chin Saroeun and Sun Vuth.
22 In addition, 12 people provided evidence to the OCIJ concerning
23 forced marriages occurring in the East Zone, two in the West Zone
24 and two in the Northeast Zone.
25 Indeed, in relation to the Northeast Zone, Nuon Chea appears to

1 have even forgotten about a witness that he, himself, requested,
2 Chin Saroeun. As shown in this video clip, Chin Saroeun provided
3 the following evidence about marriages arranged in Mondolkiri.
4 And please play video clip 13.

5 [15.27.08]

6 (Audio-visual presentation)

7 THE INTERPRETER KHMER-ENGLISH:

8 "Q. My last question to you is about your marriage. You told the
9 National Co-Prosecutor that you were married in around 1977. Did
10 you know your wife before marriage or just at the time of
11 marriage?

12 A. For me, we knew each other before our marriage. The story is
13 like this. My commander loved me as his brother so he recommended
14 me to her and he asked me whether I loved her. And as for other
15 couples they were not treated like me. They were simply invited
16 and they were asked to commit to the marriage.

17 [15.28.09]

18 Q. So it means that you were luckier than others, and as for the
19 others they were forced to get married. Is that correct?

20 A. Yes, that is correct.

21 Q. You said earlier that you were given favours because it seemed
22 to you that the director liked you very well. Did the other men
23 who got married that day, did they love the women they were
24 marrying?

25 A. Yes, they knew each other, but they were not aware of who

1 would be their spouse. They found out only on the exact day that
2 the commander called the two of them for the marriage and the
3 commander started to ask, 'Mr. A. do you love Ms. B?' They did
4 not dare refuse the request, so they had to agree and then if
5 they said yes in the evening they got married the next morning."

6 (End of Audio-visual presentation)

7 [15.29.13]

8 MR. SENG BUNKHEANG:

9 Mao Phat likewise provided evidence regarding forced marriages in
10 the Northeast Zone. He told the investigators, and I quote: "As
11 for marriages, they were coerced not voluntary on the part of
12 both parties."

13 The East Zone is another one of the zones from which Nuon Chea
14 states that there was no testimony regarding forced marriages.

15 Civil party Mey Savoeun provided testimony regarding forced
16 marriages in the East Zone as well as how it affected him.

17 Please play video clip number 14.

18 [15.30.04]

19 (Audio-visual presentation)

20 THE INTERPRETER KHMER-ENGLISH:

21 "A. There was a woman in charge of four women's groups. Each
22 group consisted of 100 women and there were only 100 men in the
23 male mobile unit. As for me, my name was on the record that I was
24 a former prisoner and for that reason I was subject to constant
25 surveillance by the security force. And I had no idea about my

1 names being indicated in my biography. However, somehow a
2 marriage was organized at Prey Chhor cooperative in Prey Veng
3 province. I was amongst the <61> couples who were organized for
4 that marriage and I learnt that information one day before the
5 ceremony took place. They announced that my would-be partner was
6 Kung Sophat (phonetic). However, I did not know who she was
7 because she was amongst the hundreds of women in the four women's
8 groups, and by the time we were called to present ourselves at
9 the marriage ceremony in the kitchen hall near Preah Theat
10 pagoda.

11 Q. Can you tell the Chamber whether you made a proposal to the
12 Khmer Rouge to marry that woman, Sophat (phonetic)? Did you fall
13 in love with her?

14 A. No, I did not. How could I have such feelings at the time? I,
15 myself, was so exhausted I was forced to overwork. For that
16 reason, I did not have any feeling regarding this matter, let
17 along marrying a woman. However, it was their plan that I had to
18 get married and, of course, I was targeted to be imprisoned. For
19 that reason, I did not dare to protest against any assignment. I
20 would do whatever I was asked."

21 (End of Audio-visual presentation)

22 [15.32.55]

23 MR. SENG BUNKHEANG:

24 Later that afternoon, Mr. Mey Savoeun described what happened
25 after his marriage as in the following video-clip.

1 Please pay clip number 15.

2 [15.33.11]

3 (Audio-visual presentation)

4 THE INTERPRETER KHMER-ENGLISH:

5 "When the company chief or the mobile unit's chief organized such
6 a wedding, they would deploy militiamen to monitor the newlywed
7 couples. They actually had a list of those militiamen to go and
8 monitor the newlywed couples. If the newlywed couples did not
9 consummate the marriage then they would take measures, although I
10 did not know what measures they would take."

11 (End of Audio-visual presentation)

12 [15.34.13]

13 MR. SENG BUNKHEANG:

14 Finally, against the weight of evidence, Nuon Chea argues that
15 militia monitoring newlywed to see if they consummated marriages
16 could not have happened because it would run against the cultural
17 norms concerning sex. It is sufficient to note in response to
18 this that violating cultural norms was the norm for the CPK. For
19 instance, it also violated cultural norms to disrobe Buddhist
20 monks and force them to marry and to work. However, that did not
21 stop the CPK. Indeed, the whole marriage process instituted by
22 the CPK violated the cultural norms.

23 Your Honours, the evidence in regards to these crimes is weighty,
24 extensive, painful and irrefutable. It is untouched in any
25 meaningful way by the argument of the Defence in their briefs.

101

1 We ask you to find Nuon Chea and Khieu Samphan guilty of the
2 crime against humanity, of other inhumane acts in regards to
3 forced marriage and rapes within those marriages.

4 I will now turn the floor over to Senior Assistant Prosecutor,
5 Dale Lysak, to address the security centres.

6 MR. PRESIDENT:

7 Thank you. Yes, counsel, you may proceed.

8 [15.36.43]

9 MR. LYSAK:

10 Good afternoon, Your Honours, Counsel.

11 The subject that I will address -- or will start to address today
12 and mostly tomorrow morning -- is the crimes that were committed
13 at the four security or re-education offices that are part of
14 this Trial; the Tram Kak district prison known as Krang Ta Chan,
15 the Division 801 military prison in Ratanakiri known as Au
16 Kanseng, the Sector 105 prison -- sector prison located in
17 Mondolkiri known as Phnom Kraol and, of course, the S-21 prison
18 in Phnom Penh.

19 [15.37.38]

20 These were just 4 of 196 security offices that were identified by
21 DC-Cam in its mapping project that were in operation during this
22 regime.

23 And if we can show slide 1.

24 This map shows the locations of some of the prisons and execution
25 sites identified throughout this country. Hundreds of thousands

1 of people murdered at these sites. Killings that left a hole in
2 an entire generation of Cambodians that is still felt today in
3 this country.

4 A few months ago I was struck by something that speaks to the
5 importance of this part of the case and why we are here today. In
6 April, Amnesty International issued its annual report on the
7 total number of executions worldwide last year. And in 2016,
8 excluding China for which there is not reliable data, there were
9 a total of 1,032 executions reported by Amnesty International,
10 worldwide. The largest number by far was from Iran, which
11 executed 567 people, followed by Saudi Arabia with 154. Those who
12 advocate the cause of international human rights are rightfully
13 alarmed by those numbers.

14 For me, it was also a reminder of the enormity of the crimes that
15 we have been entrusted with prosecuting. In one month alone, the
16 month of May 1978, at least 1,074 prisoners were executed at
17 S-21. More than the entire worldwide total for 2016.

18 Five-hundred-and-eighty-two of those executions occurred on a
19 single day, 27 May 1978. More than the yearly total for the
20 largest country on Amnesty International's list. In one day at
21 one prison.

22 [15.40.34]

23 The execution numbers from S-21, I remind you, represent just one
24 of almost 200 security offices throughout Democratic Kampuchea.
25 The scale of killings is an unimaginable atrocity. Anyone --

1 anyone -- who would say that the prosecution of the Khmer Rouge
2 leaders is winners justice is either in utter denial or simply
3 oblivious to the reality and scope of the atrocities that took
4 place here.

5 There were no trials when those prisoners from S-21 were walked
6 out to the mass grave pits of Choeung Ek in May 1978, clubbed on
7 the head and their throat slit. No trials, no appeals, no
8 lawyers, no law. Many of those victims that month were people
9 from the East Zone brought to S-21 barely long enough to have
10 their names registered, then hauled by the truckload to Choeung
11 Ek for execution, as we have have heard from Duch all under the
12 orders of one of the men on trial, Nuon Chea, the Brother Number
13 2, the former deputy secretary of the Communist Party of
14 Kampuchea.

15 [15.42.19]

16 I'd like to show you just a few of the faces of the over 1,000
17 victims killed that month at this one prison.

18 This is Doeuk Saban, a 24 year-old woman who was the head of a
19 mobile unit in Chheu Teal commune, Svey Rieng district, sent to
20 S-21 on 17 May 1978 and killed that same day.

21 Kauv Vanna was a 25 year-old clerk from the Romeas Haek district
22 office, executed on 5 May.

23 Chea San was the former GRUNK Ambassador to the Soviet Union and
24 he was one of the over 580 prisoners killed on the 27th of May
25 1978.

1 And this photo is Vin Thingok, a 13 year-old Vietnamese girl from
2 Svey Rieng who entered S-21 on 6 May 1978 and was executed a week
3 later on the 14th of May. Her 8 year-old brother -- 8 year-old
4 brother and her father were executed later that same month during
5 the mass killing of 27 May.

6 Although I will talk only about the four DK security offices that
7 are part of our case, make no mistake, the same thing was taking
8 place throughout this country, this entire country, in every
9 zone, every military division, every ministry, pursuant to a
10 party line or policy generated, directed, by the leaders in Phnom
11 Penh.

12 [15.44.38]

13 This document here, E3/1094 for your reference, is the monthly
14 report from the West Zone for the month of July 1978. It is
15 lengthy, a 14-page document, and it contains an extremely
16 detailed report for the Party Centre leaders on purported enemies
17 who were being arrested, imprisoned, interrogated and smashed in
18 each sector and district of that zone.

19 On the first page begins a section titled "The Activities of the
20 Hidden Enemy Burrowing From Within". This section consumes well
21 over half of the report. It starts by referencing "Elements of
22 the 17 April including former civil servants and some Chinese and
23 'Yuon' aliens", and it then makes a clear statement of the Party
24 policy the zones had been instructed to implement with regard to
25 such enemy elements, and I quote:

1 "We have had plans in place to apply the Party's assignment line
2 to routinely remove, screen and sweep clean them."

3 What then follows, Your Honours, in this lengthy report are many
4 pages identifying people considered to have engaged in enemy
5 conduct.

6 [15.46.34]

7 The report includes people who criticize the party's marriage
8 policy, including a worker at his own factory who told young
9 women "If you love your parents, don't get married with cadres".
10 Also, a woman who worried in the future Angkar will arrange
11 marriage for one man to marry five women.

12 The report includes people who dared to complain, to complain of
13 having to work too hard, not having enough food to eat, or that
14 Angkar had broken up their families and separated them from their
15 children.

16 It reports a man who was sent to a re-education office merely
17 because it was discovered he was a French national, who during
18 the former regime was a musician who sang and played music for
19 foreigners. And as in almost every such report that we have seen,
20 there are numerous people identified as soldiers from the former
21 regime.

22 [15.47.55]

23 And a section you have heard that is of immense importance when
24 we get to the report for Sector 37 of the West Zone. It is
25 reported in the sector and I quote:

1 "Smashed 100 ethnic 'Yuons', including small and big, adults and
2 children. Smashed 60 persons who had been from the ranking group
3 as well as the CIA of the American imperialist who were hiding in
4 the units and cooperatives."

5 It then discussed elements who were lazy, opposing Angkar,
6 cursing at people, being implicated in many confessions and
7 refusing to work.

8 And it concludes by describing the measures the zone planned to
9 take in regard to these enemy activities, that is, and I quote:
10 "Continue to search for all kinds of networks of the hidden enemy
11 burrowing from within and sweep them clean continuously and
12 absolutely from the bases, units, offices and various
13 departments."

14 [15.49.27]

15 Your Honours, one other important point about the timing of this
16 report. It was sent in early August 1978, and that is about four
17 months after the Centre had purged and sent to S-21 the former
18 secretary of the West Zone, Chou Chet. So this is a report that
19 is coming from the new leader that was put in place by the
20 leaders in Phnom Penh, Pol Pot, Nuon Chea, Khieu Samphan and
21 others, trusted to take control of the zone and implement the
22 Party Centre's policies.

23 And this is just one report from one zone for one month in a
24 regime that lasted three-and-a-half years.

25 The Accused, Your Honours, were well aware of what was going on

1 in this country. The National Co-Prosecutor talked about that
2 today. She brought to your attention a very important document,
3 the 8 March 1976 Standing Committee meeting, E3/232.

4 [15.51.00]

5 And the importance of this is, as we know, Standing Committee
6 meetings were attended not only Nuon Chea but also by Khieu
7 Samphan, a fact he admitted to OCIJ and which is also shown by
8 the surviving Standing Committee minutes. And in this very
9 critical surviving record, any doubt, any doubt is removed that
10 both of these Accused attended meetings at which they received
11 reports from regional leaders on the enemy situation in their
12 territories. It is plainly documented in those minutes in which
13 the sector and zone leaders came to Phnom Penh that they reported
14 on enemies who had been arrested. They asked for instructions
15 from Angkar and they were given, in this case, specific
16 instructions to conduct further interrogations and report the
17 responses to the upper echelon.

18 [15.52.26]

19 There is no doubt, Your Honours, that the Accused, both of them,
20 knew and were involved in these matters.

21 We are very, very fortunate that some of these reports and
22 telegrams survived the effort of the CPK leadership to destroy
23 the paper trail of their crimes. This evidence refutes any claim
24 that they did not know what was taking place. They knew and they
25 knew in excruciating detail. These documents end any argument

1 that the zones were operating autonomously and contrary to the
2 wishes of the Centre. You can see from the numbering sequence in
3 the telegrams that reports, telegrams, were sent from the zones
4 to the Centre on almost a daily basis. For anyone who wants to
5 know the truth of this regime, read these documents, they are
6 telling.

7 We are also fortunate that of the 196 security centres in
8 operation during the Khmer Rouge regime, there were two that
9 failed to destroy at least all of their records before the
10 Vietnamese arrived; S-21 and Krang Ta Chan. It is in significant
11 part because of the survival of records from those two prisons
12 that there is no serious dispute about the crimes that took place
13 there. And we also have critical evidence that corroborates the
14 accounts of survivors from other Democratic Kampuchea prisons.
15 Indeed, one of the two defence teams, the Khieu Samphan team, has
16 conceded in its Trial Brief that the evidence from S-21
17 establishes murder, extermination, enslavement, imprisonment,
18 other inhumane acts, torture, and political persecution.

19 [15.55.10]

20 In my submissions continuing tomorrow, I will address the Crimes
21 Against Humanity that I believe are most closely associated with
22 the security offices. That will be the crimes of imprisonment,
23 other inhumane acts against human dignity, torture and, last but
24 not least, murder and extermination. I will discuss the evidence
25 from these security centres that most -- the evidence that most

1 convincingly proves these crimes. And I will make some
2 submissions on the two Accused's responsibility for these crimes.
3 Let me now start with the crime of imprisonment. Your Honours,
4 the crime against humanity of imprisonment means this. It means
5 the deprivation of an individual's liberty arbitrarily, that is,
6 without a justifiable legal basis the due process of law. There
7 is little dispute based on the evidence you have heard that
8 thousands of victims were deprived of their liberty and forcibly
9 detained at Krang Ta Chan, Phnom Kraol, Au Kanseng, and S-21.
10 [15.56.51]
11 Amongst the hundreds of witnesses you have heard, not a single
12 person claims there were any courts, judges, judicial bodies or
13 criminal laws and procedures in place in Democratic Kampuchea,
14 not even the most loyal, diehard, former Khmer Rouge cadres. It
15 was the Party leaders and the Party leaders alone who decided who
16 would be arrested, sent to security offices and smashed. What
17 took place was the very definition of arbitrary and ex-judicial
18 imprisonment and execution.
19 In addition to the witnesses who have testified there were no
20 courts, the victims who were arrested and detained without any
21 opportunity to defend themselves -- often without even receiving
22 any reason for their arrest -- there are also surviving documents
23 that show us the reality of how so many people were branded
24 enemies by the Party, deprived of their freedom and, in many
25 cases, their lives.

110

1 [15.58.25]

2 At Au Kanseng, you heard from two survivors of the Au Kanseng
3 prison, Phon Thol and Moeurng Chandy. They were workers at the
4 Northeast Zone rubber plantation, who in mid-June 1977, were
5 arrested, along with 10 other workers from the rubber union, and
6 taken to Au Kanseng. Moeurng Chandy was pregnant at the time.
7 They were not told the reason for their arrest, just that they
8 were going to study with Angkar. Why were these rubber plantation
9 workers arrested? Let me show you a telegram that was sent by
10 Northeast Zone secretary Vy, to the Party leaders in Phnom Penh
11 on 15 June 1977, around the very time these workers were
12 arrested. In this telegram, the zone secretary writes:
13 "It is decided that Comrade Thi take secret measure to take out
14 the contemptible persons burrowing within rubber and cotton
15 plantations as well as mobile units."
16 The target of this purge, if you read the telegram, was to be a
17 number of "networks" of persons who were identified as
18 contemptibles.

19 [16.00.08]

20 Your Honours, it is not legally justifiable to arrest and
21 imprison people because they are part of someone's network or
22 because of who they worked for or who they are related to. That
23 is not due process, that is guilt by association. Phon Thol and
24 Moeurng Chandy are just two of the many thousands of victims who
25 were caught-up in a CPK witch-hunt for enemies burrowing from

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1 within, a witch-hunt that consumed the regime in 1977 and 1978.

2 I can break here, Mr. President.

3 MR. PRESIDENT:

4 Thank you, Mr. Co-Prosecutor.

5 It is now time for the adjournment.

6 The Chamber will resume its hearing on Thursday, 15 June 2017 at

7 9 a.m. Tomorrow the Chamber will continue to hear the

8 presentation regarding the Closing Arguments. Please be informed.

9 Security personnel are instructed to bring Khieu Samphan and Nuon
10 Chea back to the detention facility of the ECCC and have them

11 returned into the courtroom tomorrow morning before 9 a.m.

12 The Court is now adjourned.

13 (Court adjourns at 1601H)

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