



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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CMS/CFO: Uch Arun

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

10 October 2012
Trial Day 118

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

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For Court Management Section:

UCH Arun

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MS. GUISSÉ	French
MR. IANUZZI	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PAUW	English
MR. PICH ANG	Khmer
MR. SENG BUNKHEANG	Khmer

1

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

2 (Court opens at 0909H)

3 MR. PRESIDENT:

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

5 During today's session the Chamber will be conducting a hearing
6 on two separate points. First, the Chamber will give the floor to
7 the accused, Nuon Chea, to be able to make his own statement in
8 response to the paragraphs in the Closing Order, the paragraphs
9 that are relevant to Segment 3 of case file 002/1, and the
10 paragraphs that had already been read out to the parties to the
11 proceedings by the greffiers of the Trial Chamber, and by Ms. Se
12 Kolvuthy as of yesterday.

13 [09.11.05]

14 Mr. Nuon Chea will have the floor, except he waives his right to
15 do so, and that to be clear, the responses have to be relevant to
16 the paragraphs as indicated, and that Judges also will be putting
17 some questions to the Accused person if he wishes to respond to
18 the questions.

19 And the next item would be the hearing on document -- the
20 documents to be put by the Judges of the Bench, and the documents
21 to be put by the parties to the proceeding -- those of which that
22 are most relevant to the structure of Democratic Kampuchea, and
23 the documents, as stated in the decision by the Trial Chamber on
24 the 24th of September 2012. The reference is document E233, if
25 you would like to have a look at it.

1 [09.12.39]

2 The Chamber, at the same time, notes that, there are a lot of
3 documents that have been raised before the Chamber that are
4 important, but in the actual courtroom debate these documents do
5 not provide enough information to the public. And on top of that,
6 there are a lot of documents that are put by the parties during
7 the proceedings, so it is very important that the Chamber needs
8 to get some clarification from the parties with regard to the
9 numbers of documents, including the exculpatory and inculpatory
10 evidence.

11 And to make sure the public is better informed, the Chamber would
12 like to conduct today's hearing for the document hearing so that
13 parties can identify the documents they wish to be put before the
14 Chamber concerning the Democratic Kampuchea.

15 At the same time, the Accused person is allowed to make any
16 statement or responses to the submission of the documents, and by
17 doing so, the Chamber hopes that it will be able to locate the
18 relevant documents, both inculpatory and exculpatory.

19 [09.14.10]

20 And we also hope that parties will only select the specific and
21 certain relevant documents that are mainly relevant to the
22 structure of the Democratic Kampuchea that fall within these
23 segments of the trial. And the Chamber wishes to also inform the
24 parties to refrain from putting the same documents that have
25 already been debated during the proceedings so far.

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1 So this is a brief purpose of today's hearing, and we envisage
2 that this hearing will take about three to four days depending on
3 the volume of the documents to be put or proposed by the parties
4 to be put before the Chamber during the proceedings.

5 Counsel for Mr. Nuon Chea, you may now proceed.

6 MR. IANUZZI:

7 Thank you, Mr. President and good morning, everyone. Just a few
8 points this morning. I did speak to our client just before Your
9 Honours came into the courtroom and he has informed that he'll
10 need approximately five minutes to make his submission this
11 morning.

12 [09.15.35]

13 My second point is a brief request for clarification with respect
14 to something that happened yesterday, and this has to do with the
15 questioning of the witnesses.

16 In July, your Chamber ruled that we can -- we can -- we are
17 permitted to base questions on information contained in documents
18 that are not before the Chamber as long as we don't quote from or
19 refer to them. As long as we don't quote from or refer to the
20 documents.

21 Yesterday, you ruled, and correct me if I'm wrong, but you ruled
22 that all questions, every single question put to a witness, must
23 somehow explicitly relate to a document and that includes witness
24 statements, I believe that's what you said, and that we are also
25 obliged to refer to that document in Court.

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1 [09.16.26]

2 So I assume the logical disconnect between those two positions is
3 obvious to everyone on the stage; it's certainly obvious to me.

4 Perhaps your position is clearer in your collective judicial
5 minds, but I would be grateful, I would be grateful, so that I
6 know how to proceed before this Chamber, to know what is the
7 position. Can you reconcile those two points and could you please
8 do it perhaps in writing at a later stage so that it is very
9 clear, because, at the moment, I'm afraid; it's clear as mud.

10 And my third point would be, just, again, with respect to
11 something that happened yesterday. I had a quick look at my
12 agenda, my diary for the coming weeks, and I will be in New York
13 at the end of this month. So if Your Honours are planning to
14 issue a written complaint, as I believe you mentioned yesterday,
15 I would be more than happy, more than happy to deliver that in
16 person to the New York Bar Association.

17 I think things have a tendency to get lost in the shuffle there,
18 and I'm speaking from experience in a previous case, so I would
19 be more than happy to hand deliver that document. I think we all
20 have an interest in having those issues aired quickly and
21 publicly, and again, I turn over the floor to my client. Thank
22 you.

23 [09.18.03]

24 MR. PRESIDENT:

25 I thank you very much, Counsel, for that, but please be informed

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1 that the Chamber has all the necessary means to channel that
2 message and we know how we can do our job on this.

3 And with regard to your application, you should have made it in
4 writing, and please made it clear that you lay out the ground for
5 such application or motion, because we believe that you would
6 like the Trial Chamber to issue a reasoned decision also.

7 So to make sure that we are fair on this, you have the reasoned
8 motion and then the decision by the Chamber will eventually be
9 reasoned accordingly, and it has to be made in writing. And you
10 have already been informed time again that you should have done
11 so in writing.

12 [09.19.07]

13 And the Chamber have already informed you as well to inform the
14 Chamber before you have the floor, for example, by briefing the
15 Chamber on a few points, the purpose of your submission or
16 application.

17 And finally, the Chamber would like to reiterate our position
18 that the motion shall always be made in writing so that we have
19 the ground for our reasoned decision, and we would like to avoid
20 any criticism for not issuing such a reasoned decision in the
21 future.

22 Mr. Nuon Chea, the Chamber has already granted your request and
23 the Chamber wishes to also remind you that you are not allowed to
24 make any statements or remarks that are straying out of the
25 paragraphs that have already been part of the Closing Order and

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1 read out by the greffiers of the Trial Chamber early last week,
2 and in the afternoon of yesterday. So please be well informed,
3 you are confined to respond to only the relevant paragraphs as
4 read out, and the -- please make sure that you comply with
5 Internal Rule 89bis(2).

6 Mr. Nuon Chea, you will now have the floor to make such remarks
7 or response; however, before ceding the floor to you, the Chamber
8 has a question.

9 [09.21.12]

10 Are you poised to respond to the questions to be put by the
11 Judges of the Bench and the parties to the proceeding concerning
12 Case File 002/1, segment 3, or not? Please respond to this
13 question first before the floor is given to you to make your
14 remarks.

15 MR. NUON CHEA:

16 Mr. President, my health is not good. I may have to exercise my
17 right not to respond or I have to exercise my right to remain
18 silent.

19 After reading the paragraphs -- hearing the paragraphs in which I
20 have been alleged to have committed the crimes, I would like to
21 now comment on the roles I played as follows:

22 In particular, with -- relevant to paragraphs 121 to 123,
23 paragraph 873 to 881, the accusations against me with regard to
24 the security centres, and I would like to reject all these
25 accusations and I would like to state very clearly that I have

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1 never been engaged in such committees before, and at the same
2 time, I played no role at all in managing S 21 Office. That's all
3 from me, Mr. President. Thank you very much.

4 [09.23.17]

5 MR. PRESIDENT:

6 Thank you, Mr. Nuon Chea, for indicating your precise waiver of
7 the right to remain silent. Indeed, it is enshrined in the
8 Internal Rule.

9 The Chamber also would like to remind parties to the proceedings
10 that Co Prosecutors will be allotted one day and a half for this
11 while the civil parties will have a half day when the defence
12 counsels will have two days for putting the documents before the
13 Chamber. And this time -- these allocated times also include the
14 time when the Accused person would also be making some comments
15 during the course of the proceedings as well.

16 [09.24.29]

17 As indicated in the instruction by the Chamber, Mr. -- or
18 counsels for Ieng Sary or Mr. Ieng Sary himself will be given
19 some opportunities to also respond to the documents if necessary.
20 We would like to also hear from the three defence counsels how
21 time is going to be divided or allocated among themselves.
22 And at the same, the Chamber wishes to inform Mr. Nuon Chea and
23 Khieu Samphan that the Chamber fully understands your rights to
24 remain silent.
25 Mr. Ieng Sary already expressly waived his right to respond to

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1 any questions, the right that he has waived for a long time.
2 Again, as the Chamber indicates, the Accused persons will have
3 opportunities to make any remarks or responses to any of the
4 documents being put before the Chamber should each of the Accused
5 wish to exercise their rights to respond. And it is not
6 obligatory for an accused person to make any remarks or response
7 at all to any of the documents, the Chamber just wishes to remind
8 them that indeed if they wish to do so they can.

9 [09.26.44]

10 Mr. Nuon Chea and Mr. Khieu Samphan, can you tell the Chamber
11 please whether you would wish to make any comments or remarks
12 with regard to the documents going to be put before the Chamber?
13 Starting from Mr. Nuon Chea first.

14 MR. IANUZZI:

15 Thank you, Mr. President. We are still in the process of
16 discussing with our client and amongst ourselves whether our
17 participation in this exercise, I'm not quite sure I understand
18 what it is, quite frankly. We're still debating whether it's in
19 the interests of our client to submit documents, to make comments
20 on documents. As I said, we don't really understand what's going
21 on with these next four days.

22 MR. PRESIDENT:

23 Counsel for Mr. Khieu Samphan, you may proceed.

24 MS. GUISSÉ:

25 Yes, good morning, Mr. President. Good morning everyone. Mr.

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1 Khieu Samphan does not intend to make any comments now, and we
2 also said that given the limited character of what we may do,
3 because we cannot plead when evidence is being tendered, we do
4 not intend to present any documents in this hearing. Thank you,
5 Mr. President.

6 [09.28.27]

7 MR. PRESIDENT:

8 Thank you, Counsel.

9 It is too bad that the Chamber already issued the instruction and
10 the memorandum, document E233, dated on the 24th of September
11 2012, on this. Nonetheless, counsel for Nuon Chea was on his feet
12 and indicated that he had no idea what the debate would be about,
13 so I would not wish to elaborate further on this because we
14 already believe that the counsels were already well informed.

15 MR. IANUZZI:

16 If I could just clarify something you said. I didn't understand
17 your memorandum. That's what I didn't understand, E233. It's not
18 that I have no idea what this is about. I don't understand what
19 the Chamber wants. Thank you.

20 [09.29.55]

21 MR. PRESIDENT:

22 Thank you, Counsel.

23 We have never heard so far from the date when the memorandum had
24 been issued, and should you wish to state that you did not
25 understand the memorandum you should have already indicated that

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1 already before the hearing today.

2 (Judges deliberate)

3 [09.32.02]

4 How about the Office of Co Prosecutor? Have you made all the
5 documents ready for the presentation to the Court? Have you done
6 your part in relation to our memorandum, E233?

7 MR. LYSAK:

8 Yes, Mr. President. We've provided to the Senior Legal Officer
9 and the other parties lists of the documents that we intend to
10 present over the day and a half.

11 [09.32.50]

12 MR. PRESIDENT:

13 How about the Lead Co Lawyer for the civil parties?

14 MR. PICH ANG:

15 Mr. President, good morning. Your Honours, good morning. I
16 apologize; I am a bit late due to the traffic jam. We have
17 already prepared all the documents.

18 MR. PRESIDENT:

19 Thank you.

20 Now, I hand over to the Prosecutor to present the documents
21 before the Chamber.

22 You may proceed.

23 [09.33.30]

24 MR. LYSAK:

25 Thank you, Mr. President. Good morning to everybody. Your

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1 Honours, I am going to start today by giving just a quick
2 overview of the presentations that will be made today and the
3 next day that we resume by the Co Prosecutors. Our presentation
4 will consist of documents relevant to the key allegations in the
5 Closing Order, in the administrative structures and
6 communications sections, and will be divided into three parts.

7 [09.34.07]

8 The first part, which my colleague and I will begin this morning,
9 will focus on the roles of the Central and Standing Committee of
10 the Communist Party of Kampuchea, including their decision-making
11 authority and their communication of Party lines and policies by
12 various means to the organizations that formed Democratic
13 Kampuchea.

14 The second presentation that will be done by my other colleague
15 here today, will focus on documents relating to the structure of
16 the Democratic Kampuchea government, including the functions and
17 operations of four ministries, Foreign Affairs, Commerce,
18 Propaganda, and Social Affairs, and how those ministries reported
19 to the party leaders and implemented policies established by the
20 Centre.

21 The third and last presentation will focus on documents relating
22 to communications, including the detailed telegrams and reports
23 that were sent from the zones and autonomous sectors to the
24 Centre, pursuant to a regime of reporting that was mandated by
25 the Standing and Central Committees.

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1 And as part of that presentation, you will also see some examples
2 of reports from the commune, district and sector levels by which
3 information was communicated up the hierarchy until eventually
4 reaching the leaders in Phnom Penh.

5 [09.35.50]

6 Together, the documents that will be presented by the Co
7 Prosecutors will show how the key organizations that formed the
8 Democratic Kampuchea regime functioned, how information was
9 communicated up to the leaders in the Centre, and how policies
10 and directives were disseminated down from the Centre to the base
11 for implementation.

12 And I will now turn the floor to my national colleague who will
13 start a presentation of documents on the Standing and Central
14 Committees.

15 MR. PRESIDENT:

16 You may proceed.

17 MR. BUNKHEANG:

18 Thank you, Mr. President. And good morning, Your Honours, and
19 good morning to everyone.

20 [09.36.56]

21 As my esteemed colleague indicated, I am going to make a
22 presentation on the roles and composition of the Central
23 Committee and the Standing Committee of the Communist Party of
24 Kampuchea.

25 With your leave, I would like to project certain documents on the

13

1 screens, as I go along making this presentation. My first
2 document is E3/130 entitled the Statute of the Party -- the
3 Statute of the Communist Party of Kampuchea.

4 MR. PRESIDENT:

5 You may proceed.

6 MR. BUNKHEANG:

7 Thank you, Mr. President. This document outlines the roles and
8 authorities of the Central Committee of the Communist Party of
9 Kampuchea, and Article 7 provides that: from one General Assembly
10 to another Assembly there was the supreme organ of the Party,
11 which is the Central Committee.

12 And Article 8 of the Party Statute also provides that: for any
13 regions or organization that was unique in nature, both in
14 military or economics, cultural or social cultural section may
15 assign in a separate division under the direct -- in direct
16 leadership of the Central Committee.

17 [09.38.53]

18 The precise role of the Communist Party of Kampuchea, as provided
19 for in Article 23, also provides that:

20 The roles and responsibility of the Central Committee was:

21 One, implement the Party line and the Statute of the Party;

22 Two, give direction to all Party branches and cells across the
23 country so as to ensure that they comply with the political lines
24 of the Party;

25 And third, organize the Party members as well as core members by

1 controlling the biographies as well as the appointment of those
2 members.

3 [09.40.00]

4 In Article 25 of the Party also provides that:

5 The Central Committee shall convene a General Assembly every six
6 months in order to monitor the progress of the Party as well as
7 to set direction for all sections.

8 At the same time, Mr. Khieu Samphan also testified before the
9 Office of Co Investigating Judges by providing necessary
10 information in relation to the role of the Central Committee as
11 well as the Standing Committee of the Communist Party of
12 Kampuchea.

13 Document E3/27, which is the record of the interview of Mr. Khieu
14 Samphan, dated the 13 of December 2007; and ERN in Khmer 00156618
15 to 20. Relevant ERN in English 00156749 to 51; and in French
16 00156671 to 72.

17 Mr. Khieu Samphan stated that, Communist Party of -- Democratic
18 Kampuchea was a Communist state led by the Party, and he also
19 said that, as a principle, the main organ of the Party is the
20 Central Committee, but in real practice, the Standing Committee
21 was the supreme organ, and the decision of the direction of the
22 Party was decided by the Standing Committee.

23 [09.42.09]

24 And Mr. Khieu Samphan also mentioned that, the Central Committee
25 meets every six months, from 1970, and the Central -- Standing

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1 Committee meets on regular basis, approximately every seven to 10
2 days or even more frequent as necessitated by the circumstances.

3 In response to the question in relation to the composition of the
4 Standing Committee as well as the Central Committee, Mr. Khieu
5 Samphan stated that, the Standing Committee comprised of seven
6 members, namely, Pol Pot, Nuon Chea, Vorn Vet, So Phim, Ta Mok,
7 Son Sen, and Ieng Sary.

8 And I would like to reiterate that in this Committee it was not a
9 requirement that everyone had to be present, but as for the
10 Central Committee, there were 30 members, but he did not recall
11 all the names of members of the Committee, but he -- those whom
12 he can recall was Meas Muth, who was the son in law of Ta Mok,
13 and in 1975 he was transferred to lead the navy forces.

14 "Sua Vasi, alias Doeun, was the chairman of Office 870, Koy Thuon
15 and Ke Pauk, and I, myself, was the member of the Central
16 Committee before I was a candidate member in 1971 and then I was
17 promoted to be the full right member in 1976."

18 [09.44.09]

19 In another record of interview, dated the 14 of December 2007,
20 the Co Investigating Judges also asked Mr. Khieu Samphan to
21 describe the roles of Office K 1 and K 3, and at that time Mr.
22 Khieu Samphan said:

23 "It was the place where the Standing Committee worked and resided
24 and K 1 was in front of the Tonle Bassac. It was located in a
25 building close to the conference hall, and K 3 was adjacent to

1 the Royal Palace. It was in the building blocks crossing
2 Kampuchea Krom and Pasteur, and there was another road crossing.
3 "As for I, myself, I stayed in K 3. I stayed there for a few
4 months before I was -- after I was transferred from a civil
5 pagoda. Those who stay in K 3 included Nuon Chea, Son Sen, and
6 Ieng Sary. As for Pol Pot, he came to stay at night once in a
7 while, but as a preventative measure he frequently changed his
8 residence. He also stayed at times at K 1.

9 [09.45.41]

10 "As for the meeting of the Standing Committee, normally they were
11 held at K 1 but sometimes they were also held at K 3 or at Pol
12 Pot's house."

13 There was another document, E3/89, which is the interview with
14 Mr. Ieng Sary on the 17 of December 1996. In this document Mr.
15 Ieng Sary mentioned the composition of the Standing Committee and
16 the presence of Mr. Khieu Samphan in those meetings. In document
17 E3/89, relevant ERN in Khmer, 00062453 to 54; English, 00417600;
18 French, 00332682; Mr. Ieng Sary responded to the questions as
19 follows:

20 Question: "So then, was there some sort of Central
21 Committee-level meeting in late 1975?" Response: "In September
22 1975 there was a meeting to decide what we had to do then to keep
23 Vietnam from coming to take control of Cambodia."

24 [09.47.25]

25 And then there was a follow-up question, and the question reads:

1 "So was this decided at the Standing Committee level or by the
2 Central Committee as a whole?"

3 And Mr. Ieng Sary responds: "It was only the Standing Committee,
4 not the Central Committee, the Standing Committee."

5 Then the next question – quote: "So who was in the Standing
6 Committee then?" End quote.

7 Mr. Ieng Sary responded – quote: "Virtually all of the Standing
8 Committee was there: Pol Pot, Nuon Chea, So Phim, me, Son Sen,
9 and Ta Mok." End quote.

10 Then the next question reads – quote: "Ta Mok? And Vorn Vet, or
11 not?"

12 And Ieng Sary responded, "Vorn Vet, Vorn Vet, yes." End quote.

13 And then the next question – quote: "And Khieu Samphan?" End
14 quote.

15 Response by Ieng Sary – quote: "No, but Khieu Samphan was
16 present." End quote.

17 [09.48.37]

18 Question: "Was present, but was not a member of the Standing
19 Committee?"

20 Ieng Sary responded, "He was not a member of the standing
21 Committee." End quote

22 So I would like to read this portion of the interview with Mr.
23 Ieng Sary. So the authority and the responsibility of the Central
24 Committee was presented in document E3 (sic), dated the 30th of
25 March 1976, and this document related to the decision of the

1 Party in relation to certain matters. In this document, the
2 decision to smash the inside and outside the rank, there was the
3 decision as follows:

4 "One, there is a framework in absolute implementation of our
5 Revolution; two, to strengthen our socialist democracy, all this
6 to strengthen our state authority.

7 "If in the base framework to be decided by the Zone Standing
8 Committee, surrounding the Centre Office to be decided by the
9 Central Office Committee, independent sectors to be decided by
10 the Standing Committee, the Central Military to be decided by the
11 Central Staff."

12 [09.50.06]

13 And in Part II of this decision outlines the organization of the
14 state organs established at that time. In this it says, it has to
15 organize this -- Party organs to be the Revolutionary Party
16 organs and it follows that. "As a matter of fact, the true nature
17 of our Party was different. Before it was the Front but now it
18 belongs exclusively to the Party."

19 There was another example in document E3/232, dated 8 of March
20 1976. This document is the record of the base level meeting
21 participated by Pol Pot, the Secretary, and Nuon Chea, Deputy
22 Secretary, as well as Khieu Samphan. In this particular meeting,
23 Mr. Khieu Samphan reported the election that was to be conducted
24 on the 20 of March 1976 in order to elect the People's Assembly
25 representative.

1 And in this record of the meeting, in Part 1.2 (D); in ERN in
2 Khmer, 000171118; English, 00182630; French, 00323933; which reads
3 as follows:

4 [09.52.09]

5 "If anyone asks, we must explain, not to be wild and disorderly,
6 do not let it be seen that we want to suppress. At the same time,
7 do not speak playfully about the Assembly in front of the people
8 to let them see that we are deceptive, and our Assembly is
9 worthless. In fact, it still remains the task of the Party."

10 In another document, E3/507 (phonetic), which is the minutes of
11 the discussion of the -- no, the confrontation conducted by the
12 Office of Co Investigating Judges, dated the 14th of November
13 2007, Mr. Khieu Samphan stated that:

14 "It is a fact that I participated in the meeting, the enlarged
15 meeting of the Standing Committee, and in that particular
16 Committee meeting they discussed the general issue in relation to
17 the national defence, national rehabilitation, Vietnam issue, as
18 well as the tenders of resignation of Prince Norodom Sihanouk."

19 [09.53.28]

20 Then I would like to move on to the minutes of the meeting of the
21 Standing Committee in which Mr. Khieu Samphan participated,
22 document E3/197, which is the record of the meeting of the
23 Standing Committee, which was conducted on the 11 of March 1976
24 with the following agenda: One is the tendering of resignation by
25 Prince Norodom Sihanouk.

20

1 In these particular minutes of the meeting, it notes the
2 composition of the participant -- namely, Comrade Pol Pot,
3 Secretary; Deputy Secretary, Nuon Chea; Vorn Vet alias Khieu;
4 Khieu Samphan alias Hem; and Comrade Doeun.

5 In this very meeting, Mr. Khieu Samphan reported to the Standing
6 Committee of the Communist Party of Kampuchea in relation to the
7 resignation of Samdech Norodom Sihanouk, in this particular
8 meeting there was a discussion by the leaders of the Communist
9 Party of Kampuchea from the 11th to the 13th of March 1976.

10 [09.54.46]

11 In the meeting on the 11th of March 1976, point number II, which
12 reads, "Opinions of Angkar"; Point number 1, "The reasons which
13 led Sihanouk to resign".

14 These minutes recorded the various reasons for the resignation of
15 Norodom Sihanouk and I would like to quote as follows -- quote:

16 "There were two reasons, namely: the long term and the immediate.

17 "A. The long term reason: Fundamental class conflict between him
18 and his family and the Revolution. He cannot live with us. In the
19 past, he could, only as a tactic. Since we operated tactically he
20 could go along with us. He did not just resign one time. He
21 resigned since 1971."

22 Document E3/179 also described the situation and that was
23 conducted in -- on the 13 of March 1976.

24 [09.55.55]

25 In Part III of these minutes in relation to the opinions of

1 Angkar, of the meeting on the evening of the 13th, in these
2 minutes it recorded that, Comrade Hem reported to the Standing
3 Committee on Sihanouk problem. He has decided to absolutely
4 resign from his position, and he explained that Angkar should
5 take pity on him, and he would even crawl and show the gesture of
6 respect, whatever, just let him resign, and this resignation has
7 nothing to do with the opposition against us.

8 And comrade secretary explained that this problem is a major
9 one; and leave it to our Centre to decide.

10 In this particular meeting of the Standing Committee, also noted
11 six measures which were later agreed by the members of the
12 Standing Committee -- I would like to raise some relevant points:
13 "1. Do not let Sihanouk leave the country; and
14 "3. Send a wire for his children to come immediately, explaining
15 that they are coming for the New Year's and the independence
16 celebrations. We want to resolve this problem cleanly, and we
17 must resolve it like this to the benefit of the revolution."

18 [09.57.27]

19 Then, in this same minute, it also outlines the decision and
20 resolution of the Party, which recorded as follows:

21 "As a matter of fact, Sihanouk is a skinny tiger. He was clawless
22 and jawless as well, so he is waiting for his dying day.

23 Therefore, he is just waiting for the day of his death. But if he
24 -- this old tiger, is released to walk along the road, the
25 children will suddenly be frightened, and some adults who don't

1 know that he is only the tame tiger will be frightened as well."

2 Another part of the record also indicated that:

3 "He also joined the revolution with us, even though he had
4 conflicts with us. This is why the Party decided for him to be
5 Chairman of the State Presidium, but he did not agree. So,
6 whether he stays or goes, it is his matter. We keep him as a
7 dignitary. We do not kill him. But for the nation and the people
8 he bears serious guilt, in his status of a killer of the people.
9 Therefore, our decision is reasonable in every way. We will
10 maintain him, but if he keeps on struggling to free himself we
11 must end."

12 [09.59.06]

13 In relation to the Revolution and the direction of the
14 development of Revolution, these minutes read: "We must end
15 feudalism, just like this. The chess game has gotten to that
16 point. The entire feudalist regime has been permanently smashed
17 and dug out by the revolution. The Kings existing over 2,000
18 years must, in the end, be clean. We have no way out other than
19 this one."

20 According to the document during the examination, document
21 E3/557, as indicated, Mr. Khieu Samphan also stated that there
22 was a problem, among many others, that had to be discussed during
23 the meeting of the Standing Committee, in which he also was in
24 attendance. It was the issue concerning Vietnam.

25 [10.00.10]

1 With regard to these, it can be found under document E3/218, the
2 document of -- the minutes of the Standing Committee, and the
3 item of agenda conclude -- include the negotiations with Vietnam
4 concerning the border to the East. And the meeting was led by
5 Secretary of the Party, Mr. Nuon Chea and Son Sen, Khieu Samphan,
6 Ya, and Doeun also joined the meeting. The meeting stated about
7 the report by Comrade Ya, who stated to the meeting concerning
8 the results of the negotiations with Vietnam from the evening of
9 the 7th until the morning of the 9th of March, 1976.

10 According to these minutes, Nuon Chea rendered some instructions
11 and guidance as indicated in point number 2, document ERN in
12 Khmer 00000756 to 57, English ERN 00182656 through 57, French ERN
13 00334971.

14 At the same time, on point number 2, concerning the future
15 measures, point A indicates clearly that:

16 "Keep implementing the measures of the Party, political, military
17 and diplomatic. Comrade Deputy Secretary recalled the content of
18 the Standing Committee's decision in the meeting of the 11th of
19 March concerning the problems on the Eastern border protection
20 and sending the minutes to Comrade Ya."

21 [10.02.38]

22 According to the meeting on the 11th of March concerning the
23 Eastern border, as stated in document E3/218, which was the
24 minutes of the Standing Committee dated 11 of March 1976, we can
25 see that the meeting was joined by the three accused persons,

1 including Mr. Nuon Chea, Khieu Samphan, and Ieng Sary.

2 On top of that, on point C, which is the future measures -- the
3 same document E3/218 -- Son Sen was assigned to prepare the map
4 to be ready before negotiation with Vietnam was conducted. The
5 same meeting on point number 3 concerning the Vietnamese
6 activities at other locations also state that, the knowledge of
7 the Standing Committee of the conflicts with Vietnam and other
8 locations, and also the decision made by the Standing Committee
9 concerning the use of mine, the seizure of the motor boats and
10 the arrest of people who run to Vietnam. I would like to quote
11 the minute as follows:

12 [10.04.09]

13 "During the negotiations in the Northeast, at other locations,
14 the Vietnamese carried out activities non-stop, as in:

15 "A. In the East: In the Chbot area of Snuol District, they built
16 a road across our land along an old French road and entered four
17 to five kilometres into our territory. The Party instructed the
18 use of mines. At Kbal Cham, their tractor drove into our
19 territory and hit a mine, killing the driver, and they came to
20 drag it back. At another location, on the Svay Rieng border they
21 came and emplaced more than 200 bamboo marker posts more than a
22 kilometre into our territory.

23 [10.05.11]

24 "At -- on the sea: They have their small boats and vessels
25 aggress into our territorial waters frequently. We have fired on

1 and sunk some small boats.

2 "Therefore, with Vietnam, our problems are never ending. We must
3 continue the political struggle, the diplomatic struggle, but
4 must use military force in combination as well. Be vigilant for
5 another thing with people who flee to Vietnam and who do not
6 return and make propaganda leading others to revolt. The bases
7 have taken measures on this problem already."

8 Khieu Samphan also was mentioned under document E3/557 in which
9 Mr. Khieu Samphan indicated that there was meeting in the
10 Standing Committee in which he attended. The meeting was about
11 the national defence, document E3/229, which is also a Standing
12 Committee's minute on the 22nd of February 1976. The items of the
13 agenda include the national defence in particular. Under this
14 document we learn that the people who attended the meetings
15 include six people, Comrade Pol Pot; Nuon Chea; Ieng Sary alias
16 Van; Vorn Vet; Son Sen alias Khieu; Sua Vasi alias Doeun; and
17 Comrade Thuch; Comrade Hem.

18 [10.07.00]

19 The agenda is about the report on the national defence situation,
20 the situation on the Eastern border and also the concern with
21 regard to the transportation of ammunition. And Comrade Hem (sic)
22 discussed about the establishment of a military hospital. The
23 decision was endorsed by the Standing Committee and measures were
24 laid out. Those include:

25 "A. In principle, [when] we negotiate with them, we negotiate,

1 but importantly, we must prepare defence forces. If we only
2 implement politics or have no military measures, then when they
3 come in large numbers in the future, we will have difficulty
4 resolving that. We must examine the strong and weak points and be
5 ready to fight; when they come, go at them immediately."

6 At the -- we must cooperate closely with the base level and the
7 military and the base are in agreement and close to one another.
8 And also, there was a proposal concerning the establishment of
9 the airfield in Kampong Chhnang. In the minutes conducted on the
10 22nd of February 1976, in the evening, items of agenda including
11 economics also raised. Document E3/230 indicates the presence of
12 the three Accused persons, and the same people attended this
13 meeting as that of the meeting that was about national defence.
14 However, there was additional member, Comrade Touch, who took
15 part in the next meeting.

16 [10.09.16]

17 Matter concerning energy, transport, and the matter of Yugoslavia
18 were discussed and Angkar gave the following opinions and
19 instructions. If we look at first point, which is about salt
20 production, the Standing Committee would like to propose pushing
21 additional production from 50,000 to 60,000 tonnes.

22 And on point number 5, which is about adding forces, there was a
23 proposal by the Standing Committee to use additional adolescent
24 children from the base areas and handing them over to industry
25 for management.

1 [10.10.09]

2 Point number 8, the Chinese boats which have -- rather the
3 distribution of Chinese aid rice. "Distribute a quality of rice
4 to Comrade Muth, 5,000 bags; to Koh Kong, 2,000 bags; and to
5 Sector 25, 10,000 bags. As for the remaining amount, keep in
6 reserve for use in Phnom Penh."

7 Next, the final item to be presented today concerns the public
8 dissemination during the Democratic Kampuchea, the information
9 endorsed by the Standing Committee. We noted already that some
10 witnesses also stated that they learned about the composition of
11 the Standing Committee of the CPK through broadcasts, radio
12 broadcasts for example.

13 Next, I would like to give some examples concerning the radio
14 broadcasts of the Democratic Kampuchea. I would like to only
15 touch upon the broadcasts from December 1977, and I also note
16 that the Chamber may also wish to locate some other documents
17 under Appendix 5, the list of documents from the Office of
18 Co-Prosecutors, document relevant from September 1977 all the way
19 to January 1979. I would like to now bring to you some documents
20 concerning the Democratic Kampuchea as follows:

21 [10.12.02]

22 Document E3/1495, Khmer ERN 00727838; English, 00168315; French
23 ERN 00750223. This document records the radio broadcasts by Phnom
24 Penh radio station at 23 hours on the 3rd of December 1977. It is
25 about the meeting between the members of the political office of

1 the CPK and the Communist Party of China. The people in the
2 meeting include Comrade Pol Pot, the Party Secretary, and the
3 Secretary of the Standing Committee ; and the Prime Minister,
4 Nuon Chea, the Deputy Secretary of the Central Committee, and
5 also the head of the Standing Committee of the Peoples'
6 Representative Assembly; Mr. Ieng Sary, Member of the Standing
7 Committee of the CPK, and the Deputy Prime Minister in charge of
8 foreign affairs; Comrade Von Vet, Member of the Standing
9 Committee of the Central Committee of the CPK, and the Deputy
10 Prime Minister in charge of economy; Comrade Son Sen, Member of
11 the Standing Committee of the Central Committee, and the Deputy
12 Prime Minister in charge of Ministry of Defence.

13 [10.13.55]

14 Document E3/1496, under ERNs in Khmer 00727587, and English ERN
15 00168351, French ERN 00726150. This document records the radio
16 broadcasts in Phnom Penh at 23 hour, the universal time on the
17 24th of December 1977. This radio broadcast was about a banquet
18 in the conclusion of the mission joined by the delegation from
19 the Chinese political bureau of China. And this broadcast was
20 also about the roles of Mr. Pol Pot, Nuon Chea, Ieng Sary and Von
21 Vet in the Standing Committee and the Central Committee of the
22 CPK as indicated in the previous meeting as well.
23 And the final document is document E3/1499, and the ERN in Khmer
24 is 00714316 and 00714318, still in Khmer; English ERN 00168363
25 through 64; French ERN 00743645 through 46. These documents

29

1 indicate the record of the radio broadcast of the same hour, the
2 23 hour on the 23rd of December 2000 -- rather 1977, and also a
3 radio broadcast on the 19th of December. It was about the banquet
4 offered to -- for the Laotian delegation, and in that broadcast
5 the roles of Mr. Nuon Chea, Ieng Sary, Vorn Vet were indicated to
6 be relevant to the Standing Committee and the Central Committee
7 of the CPK as well.

8 [10.16.43]

9 My PowerPoint presentation -- rather, my presentation on the
10 documents to be put before the Chamber comes to a conclusion
11 already. I would like to cede over the floor over to my colleague
12 to continue for me.

13 MR. PRESIDENT:

14 International Co-Prosecutor, you may now proceed.

15 MR. LYSAK:

16 Thank you, Mr. President, Your Honours. Today I will focus my
17 presentation on documents that show the role of the Standing and
18 Central Committees in communicating Party lines, decisions,
19 directives, and policies for implementation by the regional,
20 military and government organizations that formed Democratic
21 Kampuchea.

22 [10.17.40]

23 The first document that I would like to start with is E3/182,
24 that's E3/182. These are the minutes of the 9th -- a meeting of
25 the Standing Committee that was held on the 9th of October 1975.

1 And the section that I would like to present reflects the
2 statements by the Standing Committee on the obligation of
3 regional organizations to implement the Party lines and decisions
4 that were made by the Centre.

5 The section of the minutes titled "Measures", which starts at the
6 bottom of page 2 and continues on page 3 of the Khmer original,
7 and those Khmer ERN pages are 00019110 and 19109, and I will note
8 for Your Honours that in the Khmer original on ZyLAB pages 2 and
9 3 are in the wrong order, you can see that from the top -- from
10 the page numbers at the top.

11 [10.19.08]

12 The English ERNs are 00183394 through 183395, and the French ERN
13 is 00292869 through 292870. And in this part of the Standing
14 Committee minutes, the following measures are stated: "Each
15 Sector must have total mastery in the sense of implementing the
16 Party line and the decisions of the Party, with initiative, being
17 on the offensive to arrange carefully and in detail, quickly, and
18 in succession."

19 Continuing to the next paragraph:

20 "In order to achieve objectives, for one thing there must be a
21 stance of special high responsibility by grasping the general
22 Party lines, in particular the line of contacts with one's
23 section must follow the lines clearly, and the process must be
24 clear in the sense of implementation with initiative and
25 management. Therefore, we will take the Party's lines and

1 decisions and reserve inventiveness."

2 At the bottom of this paragraph it is stated -- quote: "In
3 bringing up projects, we must ask the Standing Committee's
4 opinion so it may decide and approve." End of quote.

5 [10.20.55]

6 And, continuing on down to the next page, in the paragraph 2,
7 which is titled -- which reads as follows -- quote:

8 "Working in each individual sector without asking the Standing
9 Committee. This is a mistake. Therefore, that is why we must
10 solve [problems] by taking the Party's decisions and implementing
11 directly and well." End of quote.

12 Your Honours, one of the means by which the Standing and Central
13 Committees communicated these Party lines and instructions to
14 regional organizations was by speeches or presentations at zone
15 congresses, some of which were then published in "Revolutionary
16 Flag". And there are three issues of "Revolutionary Flag" that
17 contain speeches or comments by Party representatives from the
18 Centre that were made at such zone conferences that I would like
19 to present.

20 The first is document E3/760, that's E3/760, and this is the June
21 1976 issue of "Revolutionary Flag". In this document, starting at
22 Khmer ERN page 00062845 through 62846, English ERN 00509611, and
23 French ERN 00487756, the Party published -- quote: "Extracts from
24 the Instructions of the Comrade Party Organization Representative
25 during a Zone Conference"; that was held from the 3rd to 7th of

1 June 1976.

2 [10.23.28]

3 An explanation is provided in this document as to the reason this
4 speech was being published which states as follows, and this is a
5 quote that appears in a box immediately under the title of the
6 section -- quote:

7 "From 3 June 1976 through 7 June 1976 a zone conference was held.
8 The Comrade Party Organization Representative attended this
9 conference and gave opinions and guidance on many important
10 issues that the conference raised for discussion, surrounding in
11 particular the strategy and tactics to attack and achieve three
12 tonnes per hectare during this year.

13 "The experience of the right and the wrong that this Zone
14 conference raised for examination and discussion and the opinions
15 and guidance that the Comrade Party Organization Representative
16 raised during this conference may be studied by other Zones and
17 Sectors throughout the country in order to further improve our
18 strategic and tactical lines to advance toward achieving the
19 mission of three tonnes per hectare.

20 [10.25.00]

21 "Therefore, we wish to provide the following extract of the
22 opinions and guidance of the Comrade Party Organization
23 Representative during this conference to our comrades to examine,
24 consider, and study, as follows:"

25 And the next pages of the document that follow this contain the

1 opening comments of the Party Organization Representative. And
2 following those opening comments, there is a parenthetical that
3 can be found at Khmer page 00062848 through 62849, English ERN
4 00509614, and French ERN 00487758, and that parenthetical reads
5 as follows -- quote:

6 "(Next the conference began to hear the report of the Zone
7 Committee and to discuss the issues raised in the agenda. After
8 listening to the report and discussing each of the issues, the
9 Comrade Party Organization Representative provided opinions and
10 guidance. We wish to provide the following excerpts of the
11 opinions and guidance of the Comrade Party Organization
12 Representative)."

13 [10.26.55]

14 And what immediately follows that parenthetical is a section of
15 such opinions and guidance regarding the enemy situation. At the
16 very end of this part -- this part of the "Revolutionary Flag",
17 at Khmer ERN 00062873 through 62874, English ERN 00509634, and
18 French ERN 00487783 through 487784, is a section titled "Parting
19 Words at the Closing of the Zone Conference", in which the
20 following remarks were published -- quote: "This afternoon, we
21 hold the closing ceremony for our conference after having worked
22 successfully for three and a half days."

23 Moving down, later on this page - quote:

24 "We will report the outcome of this Zone Conference to the
25 Central Committee and will disseminate the experiences of this

1 Zone and this conference throughout the country as well, and
2 through this we will further modify and improve our strategic and
3 tactical lines."

4 [10.29.02]

5 Continuing on to a further paragraph below - quote:

6 "Our objective is to have all you comrade representatives grasp
7 and use the outcome of the conference, in particular the
8 strategic and tactical lines to achieve socialist revolution and
9 build socialism and achieve three tonnes per hectare and
10 implement them in all our base area cooperatives, and ministries
11 and offices inside the Zone in order to achieve three tonnes per
12 hectare."

13 And the closing remarks - quote:

14 "In closing, let me send my best wishes to all you comrade
15 returning to the base areas to implement the decisions of our
16 conferences successfully, in particular to achieve three tonnes
17 per hectare during 1976."

18 [10.30.10]

19 The next document that I will present, Your Honours, is document
20 E3/193 -- E3/193, which is the August 1977 issue of

21 "Revolutionary Flag". And this issue published a presentation of
22 the Party organization representative, regarding a number of
23 instructions in building, strengthening, and expanding Party
24 leadership on the occasion of the West Zone cadre conference,
25 held on the 25th of July 1977. In contrast to the Zone conference

1 speech from June 1976 that I just discussed, which focused
2 primarily on instructions to achieve three tonnes per hectare,
3 the document that I'm about to present primarily focused on the
4 problem of internal enemies within the ranks.

5 [10.31.25]

6 The 25 July 1977 presentation that is published in this issue of
7 "Revolutionary Flag" begins as follows, at Khmer ERN 00062948,
8 English ERN 00399222 through 399223, and French ERN 00611826. And
9 I will quote from the start of the presentation on those pages -
10 quote:

11 "I wish to make a presentation regarding the instructions of the
12 Party on a number of important matters for implementation in the
13 second semester of 1977. These are important issues that must be
14 implemented from now until late 1977. As I have learned from the
15 reports of the Zone these past several days, the comrades in
16 every Sector have already studied these Party instructions.
17 However, on this opportunity to learn from the model district
18 (Kampong Tralach Leu), the Zone Com. joins me in seeing that it
19 is necessary to further disseminate and clarify these
20 instructions so that comrades may further assess and consider
21 their concrete meeting in your individual base areas. Why raise
22 these matters again, clarify them again? In order to assess at
23 year's end if we have strongly accomplished these tasks,
24 completely accomplished our 1977 tasks. This is the objective. If
25 we can grasp these instructions clearly in terms of concrete

1 implementation, we clearly will accomplish the 1977 plans.
2 Therefore, the instructions, which we clarify at this time are to
3 absolutely achieve three tonnes and six tonnes, to achieve
4 attacking and cleaning out the enemy, and to absolutely build
5 Party leadership." End of quote.

6 [10.34.20]

7 At the start of the next section of this document, which is at
8 Khmer ERN 00062949, English 00399223, and French ERN 00611827,
9 there is a reference to a Party decision from the prior Zone
10 conference that was held in February 1977. And, reading from the
11 document, I quote - quote:

12 "According to the decisions of the Party throughout the country
13 and as I recall according to the decisions of the Party in the
14 West Zone during the February 1977 Conference in Kampong Chhnang,
15 we agreed 'To do whatever it takes so that each 1,000-family
16 cooperative has 30 Party members, 50 core organization members,
17 and 80 progressives." End of quote.

18 [10.35.50]

19 The speech in this document that was given in the West Zone
20 conference and published in the "Revolutionary Flag" magazine
21 contained a number of instructions communicated for
22 implementation by the Zone.

23 And, Mr. President, I'm about to get into some more lengthy
24 sections of the document, so if you wish me to stop here for the
25 break, I can. Or I can continue on for a few more minutes.

1 MR. PRESIDENT:

2 Thank you very much.

3 It is now appropriate moment for adjournment. The Chamber will
4 adjourn for 20 minutes. The next session will be resumed by 11
5 o'clock.

6 (Court recesses from 1036H to 1059H)

7 MR. PRESIDENT:

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

9 The Chamber would like to now give the floor to Co-Prosecutor to
10 continue his presentation of the documents.

11 MR. LYSAK:

12 Thank you, Mr. President.

13 [11.00.28]

14 When we broke, we were -- I was presenting document E3/193, which
15 is the August 1977 "Revolutionary Flag", which published a speech
16 that was made by Party organization representative at the West
17 Zone Conference. And I was just about to turn to the section of
18 the speech that contains discussion and instructions for
19 implementation by the zone.

20 And, after a fairly lengthy explanation of the history of traders
21 in the West Zone, which I will not read from, as we covered it --
22 some of that in the last few days of testimony -- I will read an
23 instruction that was conveyed regarding Party membership, which
24 you will find at Khmer ERN 00062955, English ERN 00399228 through
25 399229, and French ERN 00611832. And this part of the

1 presentation to the West Zone Conference states as follows -

2 quote:

3 [10.02.21]

4 "First, the Party has determined to expand new membership only in
5 good locations that have no traitor elements, meaning those
6 locations in the Sectors and districts, in the base areas, in the
7 ministries and offices large and small, and in the various units.
8 Any good locations that have no traitors, that have good
9 elements, good cadre and Party member elements, must be expanded.
10 This is the first thing.

11 "Second, the Party has determined that any locations with traitor
12 elements must not be expanded."

13 The speech continues on to tell Zone cadres that 50 per cent of
14 the Zone was - quote: "not good". And that 15 to 20 per cent of
15 those people were traitors. The Zone cadres were told that
16 soldiers from the former regime and Kampong Som businessmen
17 control cooperatives in their region. And then, at Khmer ERN
18 00062963 -- that's 62963 -- through 62964, English ERN 00399235,
19 and French ERN 00611839 -- the following instruction was given -
20 quote:

21 [11.04.35]

22 "Take this zone for example. In this zone there are embedded
23 enemies. In the Sectors, there are embedded enemy elements. In
24 the districts, there are also embedded enemy elements, and so on.
25 After we seized victory throughout the country, they came to bore

1 holes to seize state power back from us. Zone state power, Sector
2 state power, District state power. Especially, they seized state
3 power in the cooperatives because we had few cores in those
4 locations. Examine the cooperative coms. What is their class
5 composition? Look at the composition at the spearheads
6 controlling the platoons, the fertilizer spearheads, the seed
7 spearheads, the sowing, seeding, and transplanting spearheads,
8 the water spearheads. Who controls them inside the cooperatives?
9 The poor peasants, the lower-middle peasants, the middle
10 peasants, or various other classes?"

11 Continuing on to Khmer 0062964 through 62965, English ERN
12 00399236, and French, 00611840, the presentation states as
13 follows - quote:

14 [11.06.21]

15 "Prepare the poor peasants and the lower-middle peasants to
16 control the cooperatives, to attack and smash the state power of
17 other classes who stole control from of our cooperatives and give
18 it back to the poor peasants and the lower-middle peasants down
19 below. Now we have been able to screen and fight in the Zone,
20 able to fight in the Sectors, able to fight in the Districts; but
21 we have not yet been able to fight in the cooperatives. It is
22 imperative to prepare forces to attack, attack and smash the
23 enemy and the no-good elements embedded inside and controlling
24 the cooperatives. Use which forces to attack? This problem is not
25 just in the West Zone; every Zone throughout the country is like

1 this. Therefore, it cannot be ignored. It is imperative to see
2 that the cooperatives are still controlled by the enemy and other
3 classes." End of quote.

4 Towards the end of this presentation, there is a story told by
5 the Party Centre representative, and instructions that are given
6 that I will now present. This can be found at Khmer ERN 000062977
7 through 62978, English ERN 00399245 through 399246, and French
8 ERN 00611850 through 611851 - quote:

9 "At the Zone Party Representative Conference during May 1976 at
10 Longveaek, when I arrived, I immediately met with the Zone
11 Committee, and Ham was among them as well. Talking informally
12 about this and that, Ham said, 'Private property cattle are
13 fatter than collective property cattle, petty bourgeois cattle,
14 the cattle of the rich peasants, are fatter than the cattle of
15 poor peasants'.

16 [11.09.16]

17 "In the conference, I went into combat immediately. I had to
18 struggle. This was class struggle. It was a struggle in terms of
19 political stance, ideological stance, and organizational stance.
20 Had I not struggled, that force would have spread more during the
21 conference and we would have become even more confused. To
22 believe that private property cattle are fatter than collective
23 property cattle is to attack the collective regime, to attack the
24 Party's socialist revolution, whether wittingly or unwittingly.
25 But Ham attacked in an organized way. He attacked in the status

1 of an enemy. At that time, we did not yet know that he was an
2 enemy, but we knew that speaking like, the stance was
3 counter-revolutionary, in opposition to the collective regime. So
4 then, this is why we struggled immediately during the conference.
5 "After a while, we discovered that Ham was an enemy embedded
6 inside our Party. Therefore, the nature that he displayed was an
7 attack on the socialist regime. With just that, we gradually came
8 to see his nature. He attacked beginning with small things like
9 that. In fact, he attacked the collective regime. So then, this
10 is why it is imperative to whip up the poor peasants and the
11 lower-middle peasants to understand the reasons.

12 [11.11.05]

13 "If sometime the door is re-opened to private property, what will
14 become of the poor peasant and the lower-middle peasant class?
15 Therefore, it is imperative to whip up:

16 "1. To whip up inside our ranks;

17 "2. To whip up among the people."

18 Continuing down one paragraph further, the speech concludes as
19 follows - quote:

20 "Now, what is the process of setting up the cooperatives? Propose
21 that by late 1977, at least 50 per cent or more of the
22 cooperatives throughout the entire Zone be set up to be good and
23 clean in accordance with the class line.

24 "Therefore, what is to be done from now until the end of the
25 year? It is imperative to arrange for the poor peasants and the

1 lower-middle peasants to take charge of state power in every part
2 of each cooperative in more than 50 per cent of the cooperatives
3 throughout the Zone, and by mid-1978 at the latest, 100 per
4 cent." End of quote.

5 [11.12.25]

6 And immediately below, following this, at the very end of this
7 issue of "Revolutionary Flag", is a notice requiring the study
8 and implementation of this presentation throughout the country --
9 and I quote:

10 "Notice: Propose that every leadership echelon in the Party
11 concentrate on examining, discussing, and studying this
12 presentation conscientiously in order to take it for
13 implementation in their respective Zones and get good results."
14 Your Honour, the S-21 confession of Ou Pin alias Ham, the Deputy
15 Secretary of Sector 32 of the West Zone who dared to criticize
16 collective property, is document IS5.71.

17 [11.13.47]

18 Also, in 1978, the Party published an issue of "Revolutionary
19 Flag" that contained a presentation at a West Zone conference.
20 And that is the next document that I will present, which is
21 E3/745 -- E3/745. And this is the March 1978 issue of
22 "Revolutionary Flag".

23 The first section of this document contains opinions of the CPK
24 Comrade Secretary that were made at the annual West Zone
25 conference held following the end of 1977. And I would like to

1 start by reading a few excerpts from the part of Pol Pot's speech
2 relating to defence and internal enemies. The page references
3 that I will first read from are at Khmer, 00064455 through 64456;
4 English ERN 00504072; and French ERN 00491845. And, at this page,
5 the CPK Secretary made the following statement to the West Zone
6 cadres - quote:

7 "In May 1976, enemy elements still held much power. The line of
8 the Party in every field was not disseminated down to the base
9 areas and was not implemented in the base areas. Why? Because we
10 had not sorted out the organizational issues. However, by 1977 we
11 were able to sort out the organizational issues. After fighting
12 politically and ideologically, we fought organizationally. We
13 purged in terms of organization.

14 [11.16.13]

15 "After we had fundamentally purged in terms of organization, we
16 were able to implement the politics and ideology of the Party
17 among the masses. Thus, the composition this year is much
18 different than it was in 1976 and it is far different than it was
19 in February 1977 too. So then, we see that this fight was very
20 tense and things have been turned upside down. Why? Because of
21 those who held power in the Army and in the Party and in a number
22 of ministries and offices who had been revolutionary elements for
23 a long time, some since the era of political struggle for
24 decades, who had so-called labels, renowned trademarks, who had
25 secretly embedded inside the ranks of the state authority to

1 destroy our Party and revolution. We discovered all these
2 strings, and we fundamentally eradicated them all and renewed the
3 face of this Zone a lot. You could assume that it has been turned
4 upside down." End of quote.

5 At Khmer, 00064456 through 57; English, 00504073; and French,
6 00491846; the Comrade Secretary continued as follows - quote:

7 [11.18.01]

8 "1977 was only 12 months, but this fight seems like it has been
9 going on for decades. In this one year of 1977, it seems as if
10 decades have been sorted out. Things have been turned upside
11 down. In just a moment, there has been a huge change. This is
12 what is called a profound revolution. Had we accommodated the
13 enemy, the situation would not have turned upside down like this.
14 The enemy would still be with us. They would not just be in the
15 cooperatives, they would be in the District Committees, the
16 Sector Committees, and higher committees. This is a very serious
17 issue because the districts and Sectors and so on have the right
18 to govern the cooperatives. Thus, it would be even more serious.

19 "The Centre has studied and learned from the fighting during
20 1977. Our Party mastered attacking the internal enemies first."

21 End of quote.

22 [11.19.08]

23 An example of the action taken by the Centre, against enemies, is
24 provided by the CPK Secretary at Khmer ERN 00064458 through 59;
25 English, 00504073; and French, 00491847 through 48. And in this

1 part of the presentation -- reads as follow - quote:

2 "An example: Immediately when the Yuon enemy attacked us in the
3 East, the Party issued immediate circulars to have the monitor
4 every base area to see: What internal elements are there? How are
5 they making propaganda to have the Yuon attack us? We gave
6 immediate instructions. We gained immediate mastery and
7 instructed the taking of immediate measures. When the Yuon
8 attacked us, the Yuon agents come to the surface. These CIA
9 agents come to the surface. The CIA and the Yuon are the same.
10 They both attack the Kampuchean revolution. They just wear Yuon
11 labels or CIA labels. Their theme is the same. Their mission is
12 the same. No-good elements and hooligan elements that wreck and
13 come to make propaganda to come to carry out sabotage have to be
14 fought and sorted out in a timely manner. When we examine this in
15 a timely manner, we immediately see the enemy."

16 At Khmer, 00064460 through 61; English, 00504075; and French ERN
17 00481849; the Party Secretary concluded his discussion of this
18 subject as follows - quote:

19 [11.21.57]

20 "Regarding all these issues, in order to defend well, there is
21 only purging the Party, inside the ranks of the Army, and the
22 inside of the ranks of the people well to make them clean. This
23 issue is the key issue. No matter how numerous the troops are, no
24 matter how many weapons they have, if the Party is not clean, if
25 the Army is not clean, there is no defence."

1 And, Your Honours, I also would draw your attention in this
2 document that the final section of the Comrade Secretary's
3 speech, which starts at Khmer ERN 00064466; English, 00504081;
4 and French, 00491853. This section of the document contains a
5 discussion by the Party Secretary of the 1978 plan that was being
6 presented to the West Zone.

7 [11.23.27]

8 The last document I will discuss that shows the Party Centre
9 going out to the zones to directly communicate Party lines and
10 policies is E3/1094 -- that's E3/1094 -- which is a monthly
11 report that was sent from the West Zone office -- M-401 -- to --
12 sent to Angkar on the 4th of August 1978. And I would refer here
13 just to one section of this document, which is section 4 of the
14 report, which can be found at Khmer ERN 00143611 through 143612,
15 English ERN 00315376, and French ERN 00593532, which contains the
16 following discussion of the process by which plans and policies
17 from the Centre had been disseminated to the base - quote:

18 [11.24.55]

19 "In July 1978, we organized educational sessions to educate
20 cadres and Party members from all Sectors in the Zone. The
21 attendees, in general, included members of the Sectors, district
22 secretaries, committee of cooperative and Party members. At the
23 same time, we opened educational sessions to educate the core
24 organization included Youth League members and the based people.

25 "The documents used for education were taken from all seven

1 documents of the Party. They were documents which the Party used
2 to educate us in June in the first seminar of 1978. We took some
3 parts of the documents to use in general study.

4 "The result of the education sessions shows that cadres, Party
5 members, and core organization have understood and absorbed well
6 from all documents, especially, about the lines on country
7 defence, ongoing socialist revolution, and construction of
8 socialism on all sectors. They also understood well that the main
9 factor here is to build the leadership forces, and especially to
10 destroy the hidden enemy burrowing from within. They also
11 understood clearly and absorbed well about the Party's plan and
12 method to gather and increase friends and reduce enemy." End of
13 quote.

14 [11.26.45]

15 Your Honours, another group of documents that I would like to
16 present today are a group of documents through which the Party
17 Centre disseminated Party lines, policies and instruction -- were
18 written circulars or directives. And I will now present a number
19 of examples of these documents. First, document E3/781 -- that's
20 E3/781 -- and this is a circular that was distributed in
21 September 1975. And it is titled "Document Number 3: Examination
22 of control and implementation of the policy line on restoring the
23 economy and preparations to build the country in every sector".
24 The purpose of this document is reflected in the very first
25 section -- at the very outset of the document -- which reads as

1 follows - quote:

2 [11.28.02]

3 "This document concerns Economy, Finance, Culture, and Social
4 Action.

5 "1. Control and implementation of the Party's policy line to
6 build agriculture.

7 "Objective: To examine the control of, the absorption of, and the
8 implementation of the Party's agricultural line to push
9 agriculture to expand in a great leap to the maximum according to
10 the instructions of the Party." End of quote.

11 A number of subjects are discussed in this Party circular,
12 including the Party's decision on the use of currency. At Khmer
13 ERN 0072389; English, 00523585; and French ERN 00543760 through
14 61; the document states as follows - quote:

15 "It is not yet so necessary for us to use money.

16 "The reason that it is not yet, is because of governing, we do
17 not have mastery. We do not yet have experience in maintaining
18 and protecting it.

19 "Another reason, the enemy is carrying out activities to destroy
20 our money, especially the American imperialist who play an
21 important role." End of quote.

22 [11.29.57]

23 The -- this discussion of the use of money continues on the
24 following pages: Khmer, 72390; English, 523586; and French,
25 543761 - quote:

1 "Therefore, if we use money, that money will fall into private
2 hands, if when it does, it will lead to the creation of private
3 ownership, and if there is private ownership there is separation
4 from the collective.

5 "Money is a tool they use to get to power and authority. If this
6 money falls into the hands of bad groups, of the enemy, they will
7 use it to carry out activities to destroy the ranks of our bad
8 cadres, with them suing it to bribe them this way and that way.
9 So, after a while, one by one they fall into gathering up this
10 private ownership and creating that one. Through this it becomes
11 a right to authority, because they have the money, they can bribe
12 and tug on emotions. If it is like this, within one year, 10
13 years, 20 years, our clean Kampuchean society will become
14 Vietnam." End of quote.

15 [11.31.28]

16 The Party's plan to export rice is also discussed in this
17 circular, at Khmer ERN 00072393; English, 00523588; and French
18 ERN 00543763 through 764 -- and, again, I quote:

19 "We can produce 3 million tonnes of rice. We save 1.8 million
20 tonnes for the people to eat, 400,000 for Social Action. We still
21 have 800,000 tonnes. This amount we will take for sale outside
22 and gain some capital. This capital is used to build the country.
23 This capital will be used for national construction and national
24 defence.

25 "The problems today are only collection and transport.

1 "The bases must designate about the products, how much must the
2 sub-districts, Districts, Sectors, Zones keep, and how much must
3 they provide to upper echelon.

4 "Later we will eliminate villages. We will not permit them, and
5 will organize collectives instead." End of quote.

6 And the circular also discusses the evacuation of Phnom Penh and
7 further movements of the population.

8 [11.33.15]

9 I would like to read two passages on this subject that can be
10 found at Khmer ERN 00072396 through 72397; English, 00523590
11 through 591; and French, 00543765 through 766. And this part of
12 the circular contains the following statements - quote:

13 "In the past we have been short of medicines, leading to sickness
14 and pain, malnourishment, malaria, and food shortages. This has
15 impacted the labour force to an important degree. The people with
16 the greatest shortages are those who were evacuated from Phnom
17 Penh and the surrounding areas."

18 Continuing in the next paragraph below - quote:

19 "We must divide the people according to production requirements.
20 We will make appropriate preparations to adjust to requirements.
21 Sufficient arrangements must be made; do not let it swing back
22 and forth.

23 "In the Northwest, we must add an additional force of 500,000
24 people.

25 "Preah Vihear has requested 50,000 first. In Preah Vihear there

1 is the possibility of solving food supplies. Preah Vihear has
2 70,000 old people already. So send 20,000 first as we go along."

3 [11.35.12]

4 "In the North, they need people to be given to Kampong Thom
5 province.

6 "The East also needs forces to be given to Sectors which are
7 short of people.

8 "So each zone must make appropriate preparations and not let
9 things sway back and forth, allocating how many to upper level
10 and moving how many to other locations." End of quote.

11 The decision to move an additional 500,000 people that was
12 referenced in that circular was the result -- or followed a
13 Standing Committee trip to the Northwest Zone that occurred from
14 the 20th to 24th of August 1975. That is recorded in document
15 E3/216. That's E3/216.

16 Let me turn and present that document now, before I return to
17 other examples of Party circulars. The record of the Standing
18 Committee trip to the Northwest Zone begins with a report on the
19 general situation in the base. The paragraphs discussing the
20 people's situation on the first page include the following
21 observations - quote:

22 [11.36.41]

23 "Shelters have been prepared for the people everywhere. The base
24 people are stable. There are not yet shortages of livelihood. The
25 Party has continually supplied war booty from the towns. However,

1 remote districts are still in need and many people are also
2 suffering from diseases.

3 "The new people are experiencing shortages, shortages of food
4 supplies as well as shortages of medications. Many living west of
5 Lvea and along the Stueng Mongkol Borey stream have caught
6 fever." End of quote.

7 The section of this document discussing the enemy situation
8 contains the following statement by the Standing Committee, which
9 you will find at Khmer, 000008486; English, 00850973; and French,
10 00343375 - quote:

11 [11.38.00]

12 "There exist within our ranks those who have not yet been purged.
13 They make use of them to lead people to flee. We have been able
14 to arrest them one after the other, and are now continuing to
15 search them out." End of quote.

16 The section of this document reporting the opinions or decisions
17 of the Standing Committee contain a number of statements
18 regarding the New People who had previously been evacuated to the
19 Northwest Zone, including two excerpts that I will read that can
20 be found at Khmer ERN 0008489; English, 00850975 through 976; and
21 French, 00343377. And at this part of the document, the Standing
22 Committee report states as follows - quote:

23 "The function of cooperatives since the total liberation is to
24 absorb all the new people coming out of all the cities and towns,
25 especially Phnom Penh city and, in the Northwest, Battambang.

1 Every type of horrible element exists among the hundreds of
2 thousands of new people in Battambang, but the cooperatives have
3 absorbed them completely, supplying them with food and, moreover,
4 deploying their strength to work. The power of the cooperatives
5 is very mighty and indomitable."

6 [11.40.00]

7 Continuing a few paragraphs down - quote:

8 "In the Northwest Zone, it is possible to sort things out
9 temporarily, although some shortages remain. Things are okay with
10 the base people, but be vigilant against no-good elements among
11 the new people taking advantage of things, because these
12 contemptibles would not stay with us even if we were to give them
13 sufficiency (2 cans [of rice a day])." End of quote.

14 One of the concrete measures decided by the Standing Committee in
15 this document concerned defences to be implemented on the border.

16 And, at Khmer ERN 00008490; English, 00850977; and French,
17 00343378; I will read number 2 of the listed concrete measures
18 decided by the Standing Committee - quote:

19 [11.41.24]

20 "A mix of old and modern weapons should be used including
21 especially spikes to place along the border. Make a plan on how
22 many spikes to be used in one month. All kinds of spikes must be
23 used (those at the height of a person's foot sole, instep and
24 shin and up to the stomach)." End of quote.

25 And, finally, in relation to this document, at Khmer ERN

1 00008492; English, 00850978; and French, 00343379; the Standing
2 Committee determined that additional people were required in the
3 Northwest Zone, stating -- and I quote:

4 "Its human being strength is insufficient. The labour force must
5 be increased. Three or 400,000 more would not be enough. The
6 current strength of 1 million persons can only work 50 per cent.
7 It's imperative to add 4 or 500,000 more." End of quote.

8 [11.43.05]

9 Returning to examples of circulars or directives that were issued
10 by the Party Centre, I would now like to present document E3/1173
11 - that's E3/1173 -- which is circular number 02-76, titled
12 "Instructions from 870" -- that was issued by Committee 870 on
13 the 27th of February 1976. The subject of this circular is -
14 quote: "The 25 February 1976 bombing of Siem Reap city by the
15 American imperialists". In this circular, the Standing Committee
16 asserts that the explosion in Siem Reap was the result of U.S.
17 bombing. They then continue to make the following statement that
18 relates to the purpose of the evacuation of Phnom Penh, in the
19 bottom paragraph of the first page. And I quote as follows -
20 quote:

21 "When our Second National Congress announced the stance of great
22 national solidarity and condemned just the seven traitors, the
23 American imperialists hoped that this was an opportunity for them
24 to carry out their plans to attack us after their defeat, since
25 they continued to maintain their forces inside Phnom Penh and the

1 provincial cities. But after we were victorious, we removed the
2 people from Phnom Penh and the cities, and the American
3 imperialist plan to attack us after their defeat was broken up
4 and scattered." End of quote.

5 On the last page of this circular, the Standing Committee
6 instructed on measures that were to be implemented -- and I
7 quote:

8 [11.45.27]

9 "The Standing Committee proposes using this event to re-educate
10 the Party internally, the core organizations, the Army, and the
11 masses, aimed at -- stirring up hatred of the enemy to be hot and
12 sharp at all times -- aimed at building the stance of constant
13 revolutionary vigilance -- building stances, ideology, politics
14 and organization to make socialist revolution and build socialism
15 to be strong -- defending the territory absolutely at all costs,
16 defending the fruits of the revolution absolutely and at all
17 costs -- and joining with the people as one block of flesh and
18 blood to go on the offensive making rice field dyke systems to
19 achieve 3 tonnes per hectare and to modify the livelihood of the
20 people following the objectives of the Party.

21 "Method of operation:

22 "Internal re-education in the Party, the core organizations, the
23 Army;

24 "Conducting meetings to stir up the people's hatred." End of
25 quote.

1 [11.46.41]

2 Your Honours, in reviewing this document for this presentation, I
3 note -- as was also noted by the translator in the English
4 version -- that the version of this that was copied -- obtained
5 from DC-Cam and copied -- has just pages 1 and 3 of a 3 page
6 document, and is missing page 2. We are prepared to make some
7 inquiries to determine whether that was a copying error, or
8 whether this is all that exists of the document, unless the
9 Chamber would initiate that ourselves.

10 We are happy to determine whether this was an error or not, but I
11 wanted to alert the Chamber to the fact that we are -- the
12 version that is in the case file was missing the second page.
13 (Judges deliberate)

14 [11.48.20]

15 MR. PRESIDENT:

16 Thank you.

17 The Chamber will instruct the Senior Legal Officer to examine
18 this to find out whether or not it was a technical error or it
19 was the negligence on the part of anyone that led to the loss of
20 certain page in the document.

21 MR. LYSAK:

22 Thank you, Mr. President.

23 I'll continue on now to a new document, which is document E3/740
24 -- E3/740 -- which is an 11 July 1977 directive from Committee
25 870 regarding the use of the terms "Angkar" and "Party". And the

1 key part of this directive reads as follows – quote:

2 "Our Party has observed that using the term 'Angkar' to address
3 an individual does not gain anything towards building the
4 political stance, psychological stance and the organizational
5 stance of the Party. It is contrary to our Party's socialism and
6 revolutionary stance and our Party's stance in eliminating
7 private ownership."

8 [11.49.55]

9 "Therefore, the Party Central Committee would like to issue
10 Directive to every local base, ministry, office, and unit as
11 follows:

12 "1. The term 'Angkar' and 'Party' is used only for the
13 organization. It shall not be used for any individual.

14 "2. For individual: 'comrade', 'the person's name', or 'comrade
15 in this or that position', or 'comrade representing Angkar at
16 this or that level' shall be used.

17 "For example: Comrade Teng; Comrade Secretary; Comrade
18 Representing Angkar or Zone.

19 "The Party organization of all levels shall direct and educate
20 our comrades and friends on this issue to make them fully absorb
21 and successfully implemented."

22 [11.50.48]

23 The next document I will present is document E3/741 -- that's
24 E3/741 -- which is a document entitled "Instructions of 870",
25 that was issued by Committee 870 on the 3rd of January 1978,

1 whose described subject was - quote: "View, position, and line to
2 victoriously attack the Yuon enemy invader and territory
3 swallower". This directive consists of instructions relating to
4 the Vietnamese military conflict. The measures that are the
5 subject of this directive are summarized at the start of section
6 3, which can be found at Khmer, 00284278; English, 00296003
7 through 04; and French, 00611865. And that section reads as
8 follows - quote:

9 "Measures to effectively attack the Yuon enemy invader to seize
10 victory in the forthcoming and in the long term:

11 "In order to effectively attack the Yuon enemy invader and
12 territorial swallower and their strategies and manoeuvres, and to
13 achieve subsequent victory, we must have and grasp the measures
14 of the Party as follows:

15 [11.52.38]

16 "Conduct military attacks against the enemy.

17 "Conduct political attacks against the enemy and eliminate their
18 espionage and psychological warfare.

19 "Always attack the enemy by cutting off their food and economy,
20 starving them constantly.

21 "Always attack the enemy by constantly cutting the roads for
22 transporting their food, ammunitions, and troops." End of quote.

23 What then follows is a number of instructions on how to conduct
24 guerrilla attacks against the Vietnamese. That section concludes
25 as follows, at Khmer, 00284281; English, 00296006; and French,

1 00611867. This part of the directive contains the following
2 instruction - quote:

3 [11.53.53]

4 "Request that all levels of Zone, Sector, District, Command
5 Committees and military base cadres pay attention to and study
6 thoroughly and effectively the attack lines prescribed above;
7 stir our cadres and combatants to compete in attacking and
8 smashing of the head of the Yuon enemy invader to defend the
9 Party and the revolution, Democratic Kampuchea, our people, our
10 cooperatives, our rice, our farms, and all of our products."

11 In the next section of this circular, which is a section
12 discussing attacking the enemy politically, the following
13 instructions are provided at Khmer, 00284282; English, 00296007;
14 and French, 00611868 -- quote:

15 "To sum up in one word, it is imperative to be absolute in
16 politics, ideology, and organization to eliminate the pacifist
17 agents, espionage activities, and psychological warfare of the
18 enemy. The levels of the Party, Zones, Sectors, and the
19 battlefield command committees, Party committees, offices, and
20 ministries, must raise clear measures and closely cooperate."

21 [11.55.31]

22 Continuing in the next paragraph below:

23 "It is imperative to have firm base cadres present constantly to
24 constantly stir up national and class anger among the people
25 toward the Yuon enemy invader in order to turn such anger into

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1 material anger, to carry out all types of concrete activities to
2 strengthen the cooperatives, to build the economy, to increase
3 production..." End of quote.

4 And like some of the other circulars and directives we have seen,
5 this document concludes with specific instructions regarding its
6 implementation throughout the country. And I'm reading here from
7 the very end of the document, where -- which states as follows -
8 quote:

9 "Remarks: This directions shall be distributed and studied in the
10 Zone, Sector, and District Party Committees, in the cooperative
11 committees, in the battlefield committees, divisions, committees,
12 regiments, battalions, companies, platoons, squads, combatants,
13 and the command committees in each target area for them to absorb
14 again and again, to constantly draw experience, and to constantly
15 improve implementation according to experience of right and
16 wrong.

17 [11.57.00]

18 "Implement the Party's military line, the line of people's war
19 and guerrilla war very well: the Yuon invader will definitely
20 leave piles of their bones on our soil."

21 And the last Party circular that I would like to present is
22 document E3/763 -- E3/763 -- which is a document that was issued
23 by the CPK Central Committee on the 20th of June 1978, which is
24 entitled - quote:

25 "Guidance of the Central Committee of the Communist Party of

1 Kampuchea on the Party's Policy towards Misled Persons who have
2 joined the CIA, served as Yuon Agents or joined the KGB and
3 opposed the Party, Revolution, People and Democratic Kampuchea".
4 End of quote.

5 In this document, the Central Committee modified its policy and
6 instructions regarding CIA, "Yuon", and KGB agents, setting forth
7 a number of groups of person that were to be considered.

8 [11.58.26]

9 In the first three groups that you will see in the document, the
10 Central Committee modified its punishment for any persons who had
11 joined the CIA, KGB, or "Yuon" before 1975 but were no longer
12 engaging in traitorous activities. However, in the fourth group
13 that is listed, of those who joined from 1975 to 1978, the
14 Central Committee stated as follows -- and this is a quote from
15 Khmer ERN 00079280; English, 00275218; and French ERN 00623529 --
16 which states as follows - quote:

17 "Any person who is recalcitrant who still continues to carry out
18 his/her activity against the CPK, the State Revolutionary
19 Authority, the Workers -- Farmers, the socialist collective
20 regime, Kampuchean people, and the DK, such person shall be
21 punished, because he/she is carrying out traitorous activity
22 intentionally, with his/her resolute opposing stance, with
23 his/her satisfaction stance in serving the enemies such as the
24 CIA, Yuon and KGB. This sort of people has made the clear marks
25 of their own boundaries, thus the CPK must eliminate them." End

1 of quote.

2 [12.00.10]

3 And with respect to these persons who were still carrying out
4 opposing activities, the Party divides them into four types,

5 which are set out immediately below the quote that I read. And

6 with respect to the second, third, and fourth types that are

7 listed in this document, the Central Committee stated - quote:

8 "...the Party has a policy to re-educate and admonish them in order
9 for them to be awakened..." End of quote.

10 It is noteworthy that type four that is listed is defined as

11 follows - quote:

12 "Those who have just been persuaded by the propaganda and whose
13 names have just been recorded in the list as having been joining
14 the CIA..."

15 Type one in this breakdown, the most serious type of enemy, is

16 defined by the Central Committee as - quote:

17 "Those who carry out the resolute opposing activities, as a
18 network, by committing concrete acts successively." End of quote.

19 [12.01.35]

20 And, once again, this document concludes with express

21 instructions regarding the communication and implementation of

22 this policy. The end of the document states as follows - quote:

23 "Instructions for the application [...]:

24 "It is requested to all of the regions, sectors, and the military

25 units to take this above Guidance to educate and to conduct

1 meetings inside their respective parties, core organizations,
2 ministries and offices, in the military units, cooperatives,
3 factories, and worksites in order that all the masses of people
4 will learn about this policy of the Party. It is requested to
5 diffuse and follow up the diffusions of this Guidance diligently,
6 by doing and re-doing it again successively in the short training
7 courses, in the life style meetings, in the assemblies, in the
8 meetings, or during the days off. From now until the end of 1978,
9 it is requested to each cooperative, each factory, each worksite,
10 each unit, each place to educate and organize meetings for five
11 to six times." End of quote.

12 [12.02.55]

13 Mr. President, I would move to another document at this point, so
14 -- and, to let you know, I have a few documents to present. I
15 probably will take 15 minutes to half an hour in the afternoon,
16 and then turn it over to my colleague for the second subject
17 matter.

18 MR. PRESIDENT:

19 Thank you.

20 Since it is now appropriate time for the lunch adjournment, the
21 Chamber will adjourn until 1.30 p.m. Counsel for Mr. Nuon Chea,
22 you may now proceed.

23 MR. PAUW:

24 Thank you, Mr. President. Our client, Nuon Chea, would like to
25 follow this afternoon's proceedings from his holding cell, as he

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1 is suffering from back pain, a lack of concentration, and other
2 related health issues.

3 [12.03.50]

4 And I understand that we have already submitted the waiver.

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 The Chamber has noted the request of Mr. Nuon Chea through his
8 counsel in which he has requested that he be excused from the
9 courtroom and that he be allowed to observe the proceedings from
10 his holding cell due to his health concern.

11 The request is reasoned, and therefore the Chamber grants the
12 request by allowing Mr. Nuon Chea to observe the proceedings from
13 his holding cell for the remainder of the day.

14 Mr. Nuon Chea has already waived his right to participate
15 directly in the Courtroom.

16 Counsel for Mr. Nuon Chea is instructed to submit the waiver,
17 signed or given thumbprint by Mr. Nuon Chea to the Chamber.

18 [12.04.55]

19 AV booth officers are now instructed to ensure that the AV
20 equipment is well connected to the holding cell so that Mr. Nuon
21 Chea can observe the proceedings from there for the remainder of
22 the day.

23 And personnel -- security personnel are now instructed to bring
24 Mr. Nuon Chea and Khieu Samphan to their respective holding cell
25 and have Mr. Khieu Samphan returned to the courtroom at 1.30.

1 The Court it adjourned.

2 THE GREFFIER:

3 (No interpretation)

4 (Court recesses from 1205H to 1331H)

5 MR. PRESIDENT:

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

7 I now hand over to the Co Prosecutor to present the documents.

8 You may proceed.

9 [13.32.11]

10 MR. LYSAK:

11 Thank you, Mr. President. Good afternoon to everybody.

12 When I finished this morning, I had presented -- finished

13 presenting a June 1978 document that was issued by the Central

14 Committee, revising its policy in relation to CIA, KGB, and

15 "Yuon" agents. This revised policy was also communicated in the

16 May-June 1978 issue of "Revolutionary Flag", which is document

17 E3/727 -- that's E3/727. And the specific pages where the same

18 revised Party line are discussed in this "Revolutionary Flag" can

19 be found at Khmer ERN 00064561 through 64562; English ERN

20 00185328 through 329; and French, 00524455 through 456.

21 And I will not repeat the actual revised Party line, but in this

22 "Revolutionary Flag", which is a document that is limited to

23 Party members, there is additional information in that there is

24 an explanation as to why this new line was being put forward, in

25 the pages that I just mentioned to you.

1 [13.34.22]

2 And let me read that explanation as follows – quote:

3 "Our Party puts forward this line in order to:

4 "1. Gather forces;

5 "2. Attack the enemy.

6 "In order to be able to attack the enemy, we must gather forces

7 so that the masses understand, so that they are a force for

8 squeezing out the enemy."

9 Continuing on a few paragraphs below – quote:

10 "We put forward this line in order to gather forces.

11 "We do this, second, in order to quiet and calm things down, to
12 prevent the enemy from causing a stampede into his trap." End of
13 quote.

14 At the same time, the Party made clear in this section of the

15 "Revolutionary Flag" that for enemies who – quote – "continue

16 their activities further, then their frontier is clear, and the

17 Communist Party of Kampuchea must therefore eliminate them." End

18 of quote.

19 [13.35.51]

20 And as you will see from the other sections of this same issue of

21 "Revolutionary Flag" that I will now read and present, the

22 Party's focus on internal enemies remained very much intact. Near

23 the very start of this issue -- at Khmer ERN page 00064556

24 through 64557; English, 00185324; French ERN 00524451 -- the

25 document states as follows – quote:

1 "...what we saw most strikingly clear during the first semester of
2 1978 was the danger posed by enemies concealed from within. In
3 attacking us this time, the enemies basically utilized domestic
4 forces, namely forces in the countryside, the ministries and
5 offices, and the army, whereas external forces were merely
6 auxiliary."

7 Continuing in the paragraph -- one paragraph further below -
8 quote:

9 "The measures which we are putting forward are no different from
10 previous measures, but we must sharpen our stance and attack and
11 eliminate internal enemies every more acutely and continue
12 further to take successive resolute measures against both our
13 internal and external foes. We must do this because, although the
14 internal enemies utilize the monikers of being Communist Party of
15 Kampuchea cadres and cadres of the Kampuchea people to overthrow
16 the collective regime and the Communist Party of Kampuchea
17 people, they are, in their true nature, cadres of the Yuon's
18 Kampuchea Labour Party and CIA cadres doing this on behalf of
19 this treasonous Labour Party of the Yuon so that the Yuon and the
20 CIA may return and bring back a regime of private capitalism."

21 [13.38.31]

22 In a section of this "Revolutionary Flag" titled "What Are the
23 Contradictions Between Our Revolution and the Counter Revolution?
24 What Are the Forces Opposing Our Revolution?" -- which you will
25 find at, Khmer, 00064566 through 64567; English, 00185332 through

1 333; and French, ERN 00524459 through 460 -- the Party made the
2 following statements - quote:
3 "Immediately after liberation, the attacks against us began. Who
4 was attacking us? It was the CIA, the Yuon, and the KGB. We never
5 encountered any ordinary bourgeois or petty-bourgeois elements.
6 That is why we would like to stress that if we speak generally
7 about capitalism we fear that our analytical viewpoint will be
8 unclear and our measures will be scattered and not hit on the
9 head the target we must attack. The heads we must attack are CIA,
10 Yuon, and KGB. Since 1975, the forces that have attacked us have
11 all nothing other than CIA and Yuon. The despicable Chakrei, the
12 despicable Chhouk, the despicable Thuch, the despicable Doeun,
13 the despicable Pheum, the despicable Si, the despicable Keo Meas,
14 and the despicable Chey, were all CIA. The only difference among
15 them was that some of these CIAs were more on the American side,
16 while others were more on the Yuon side.
17 "Document after document demonstrates that they initially were
18 together with the despicable Nol to attack the Communists." End
19 of quote.
20 [13.40.57]
21 In the section of this issued titled "The Party's Readjusted
22 Orientation for Fulfilling 1978 Duties in the Days to Come", Part
23 1 of which is titled "The General Situation and the General
24 Orientation of Revolutionary Duties in the Coming Future During
25 1978" -- which you can find at, Khmer, 0064576; through 77;

1 English, 00185341; and French, 00524468 – the – let me repeat the
2 Khmer ERN, which is 0064576 through 64577.

3 And at this portion of the document, you will find the following
4 statement – quote:

5 "...both the external and domestic enemies have been much more
6 severely defeated in this instance than in previous instances
7 because: on the one hand, we have attacked and smashed the
8 aggressive Yuon enemy coming from the outside, inflicting severe
9 defeats on them; on the other hand, we have smashed the
10 traitorous leading apparati throughout the country, together with
11 their faction; concretely, the traitorous forces in the East,
12 Northwest, and West Zones, in Phnom Penh, in the 103, in Kratie,
13 and in Sector 25." End of quote.

14 And the final charging instructions of the Party leaders on the
15 enemy issue can be found in this document, at Khmer pages
16 00064578 through 64579; English, 00185342 through 343; and French
17 ERN 00524469 through 470. And in this section, the following
18 instructions are given – quote:

19 "Our duty is therefore to attack absolutely, powerfully, and
20 successively these CIA, Yuon and KGB agents, to attack them and
21 attack them again so that they are liquidated and successively
22 liquidated again and again. Only if they are attacked in this
23 manner will their veteran forces be completely smashed, along
24 with their remnant forces and their new forces. We find ourselves
25 in a situation where we are on the offensive, have mastery, and

1 are advancing to trample the enemy and seize successive
2 victories, whereas the enemy is being smashed to smithereens,
3 scattered to the winds, and liquidated.

4 [13.44.50]

5 "When we completely smash to smithereens and liquidate the enemy
6 successively in this manner, it leads to the situation of our
7 revolution in every sphere becoming more and more excellent."

8 And in the conclusions that follow below, I will read the last
9 instruction, number D, which states as follows - quote:

10 "We must see as key the duty of attacking the domestic enemy,
11 that this is related to every one of all of our other duties.
12 Every Party level must therefore adopt the role of leading the
13 army and the people to attack all such enemies, sweep them
14 cleanly away, sweep, and sweep, and sweep again and again,
15 ceaselessly, so that our Party forces are pure, our leading
16 forces at every level and in every sphere are clean at all
17 times." End of quote.

18 Your Honours, the last method by which the Party Centre
19 communicated orders or instructions that I will address today is
20 telegrams sent from Office 870.

21 Document E3/1186 -- that's E3/1186 -- is a report that was sent
22 by Sector 22 of the East Zone on the 19th of March 1978,
23 describing activities of enemies in Mukh Kampul district. The
24 report from Sector 22 requests that the West and Central Zones be
25 informed of the situation.

1 [13.46.54]

2 And there are three copies of this report within E3/1186, each
3 with as different handwritten annotation indicating to whom the
4 copy was provided: the first copy, which is Khmer page 00019203,
5 has a handwritten note at the top indicating that the report was
6 sent to Office 870; in the second copy, which is Khmer 00019204,
7 the handwritten note at the top indicates that a copy of the
8 report was sent to the West Zone; and in then the third copy,
9 which is at Khmer ERN 00019205, there are handwritten cc's at the
10 bottom indicating that copies were sent to Brother Vorn, Brother
11 Si -- a reference to Chou Chet, the West Zone Secretary -- and
12 Brother Pauk -- a reference to Ke Pauk, the Central Zone
13 Secretary.

14 At document E3/177 -- that's E3/177 -- is the response that was
15 sent by Office 870 to this report from Sector 22. It was sent on
16 the 20th of March 1978, the day after the Sector 22 report,
17 copied to the West and Central Zones Secretaries, and reads as
18 follows -- and I will quote here from the text of the telegram --
19 quote:

20 [13.48.48]

21 "Be informed that: the East Zone has sent a copy of report on the
22 enemy's activities in Mukh Kampul to the Office by requesting the
23 Office to send to you, Brother; Brother, please monitor this
24 situation and take any measure based on the reality by
25 communicating with Mukh Kampul.

1 "With warmest revolutionary fraternity, dated 20th of March 1978,
2 M-870."

3 And, Your Honours, it is noteworthy that this telegram from 870
4 is Telegram Number 32 confirming that telegrams were regularly
5 sent out by the Centre Office.

6 Your Honours, there are many more important issues of
7 "Revolutionary Flag" that are before this Chamber that time does
8 not permit us to discuss today. I do, however, wish to draw the
9 attention of the Chamber to two colour copies that were fairly
10 recently obtained by the Chamber since the start of trial, I
11 believe either from Professor Kiernan or from Professor Heder, in
12 response to an inquiry that was made.

13 [13.50.17]

14 Document E169/4/1.1.1 -- let me read that again, E169/4/1.1.1 --
15 is a colour copy of the July 1975 "Revolutionary Youth"
16 publication that was obtained by the Trial Chamber. A previous
17 version of this issue had been put before the Chamber by our
18 office as E3/724. The Chamber may recall that that document was
19 an English summary of the "Revolutionary Flag" that had been
20 prepared by either Professor Kiernan or Professor Heder based on
21 the document which was subsequently -- the original
22 "Revolutionary Youth", which was subsequently obtained by the
23 Chamber.

24 Similarly, E169/4/1.1.2 is a colour copy of the December 1975 to
25 January 1976 "Revolutionary Flag" publication, and, again, a

1 previous version of this issue had been put before the Chamber by
2 us as E3/731.

3 If it has not already been done, the new colour copies of these
4 issues of "Revolutionary Flag" and "Revolutionary Youth" should
5 be put before the Chamber and given E3 numbers, or,
6 alternatively, they could be included as part of the E3 numbers
7 of the previous versions that were submitted by -- in our --
8 submitted by the Co-Prosecutors.

9 [13.52.15]

10 I would like to just take a moment, though, to show, first of
11 all, the cover page of the July 1975 "Revolutionary Youth" -- to
12 show that on the screen. It is worthwhile to take a look at these
13 colour photocopies of the original "Revolutionary Flag" and
14 "Youth" booklets. You can see the bright, blood-red colour that
15 was used for the flags on the cover page. You can even see the
16 staples from the original booklets in this photograph, something
17 that will be of use, I hope, to my colleagues across the aisle on
18 the Nuon Chea team.

19 And I will end today by reading an excerpt - a short excerpt that
20 I found in this July 1975 "Revolutionary Youth". This is one of
21 the earliest publications of "Revolutionary Youth" or
22 "Revolutionary Flag" that we have following April 1975. And
23 that's Khmer page 00809798 through 809799 of this July 1975 issue
24 of "Revolutionary Youth"; English, 00815132 through 815133; and
25 French, 00815911 through 912.

1 [13.54.20]

2 There is a discussion of events after the liberation of Phnom
3 Penh, which I will read a couple of excerpts for you - quote:
4 "Shortly after Phnom Penh city and the whole country had been
5 liberated, our revolutionary male-female youths and cadres took
6 control of the city. So, we moved to live in the
7 feudalist-capitalist environment in which plenty and variety of
8 modern materials, which we had never had and known in the past,
9 were available."

10 Continuing down later in the following paragraph - quote:

11 "Some [...] cadres were attracted by materials, so they went out
12 around collecting radios, watches, pens, and cameras [...], but
13 they left the important booties which were the strategic things
14 such as artillery, small arms, handguns, rifles, and ammunition,
15 and many important machinery haphazardly left all over the place.
16 No one cared to look at and collect them to keep in a proper
17 place.

18 [13.55.35]

19 "As for some female combatants, they even put on the enemy
20 dresses, sprayed perfume, applied powder and lipstick, and posed
21 in front of the mirror inside the room. They completely forgot
22 about the revolutionary vigilance view and stance; they
23 completely forgot about the Party's task given to them to defend
24 and clean up the city, meaning to clean up the mud and sewage,
25 the garbage, as well as the bad influence and the ideology of the

1 enemy. In a situation when they became overjoyed and flashy in
2 mass, losing control, and forgetting about the revolutionary
3 stance, if the Party had taken no measures to evacuate all the
4 people out of Phnom Penh and other provincial towns, the enemy
5 might have attacked and pounced on us from behind and smashed our
6 revolutionary forces to pieces; or, at least, the enemy would
7 have been able to burrow inside our revolutionary stance, cause
8 chaos in the revolutionary ranks, break up the Party's discipline
9 and solidarity, making the revolutionary stance fade away. And
10 then, the enemy could have smashed us in any day to dissolve our
11 historic great victory of 17 April." End of quote.

12 Thank you, Your Honours, for the time to present these documents.
13 And I would like to turn it over to my colleague, who will
14 address documents related to the government structure and
15 ministries.

16 [13.57.27]

17 MR. PRESIDENT:

18 Thank you.

19 International Co-Prosecutor, you may now proceed.

20 MR. DE WILDE D'ESTMAEL:

21 Good afternoon, Mr. President, ladies and gentlemen, Your
22 Honours. Good afternoon to all parties and to the people in the
23 public gallery.

24 So, now, I'm going to turn to another topic, which is the topic
25 of the government and the different ministries that composed this

1 government. We're going to speak about how these ministries were
2 organized, how they operated, and about their communication.

3 [13.58.07]

4 Before we turn to specific documents regarding several
5 ministries, I would like, first of all, to present documents that
6 relate to the government in its globality: first of all, the
7 GRUNK government; and then the Government of Democratic
8 Kampuchea.

9 So, in order to understand well how the government developed from
10 the GRUNK and then to the Government of Democratic Kampuchea
11 between 17 April 1975 and 7 January 1979, I would like first, in
12 the first five to 10 minutes, return -- to return briefly to
13 three documents that describe the situation of the government
14 during the period that preceded immediately 17 April 1975, and
15 this so you may understand well the succession of events.

16 The first document is document E3/28, which is dated 19 January
17 1973 and which is called "The Seat of Cambodia in the United
18 Nations". And I will only quote one single passage which is at
19 the end of the document, in an annex which describes the
20 composition of the GRUNK at the time -- and I quote -- [free
21 translation]:

22 "The Royal Government of National Unity of Cambodia, GRUNK, under
23 the aegis of the FUNK, was made up -- was constituted on 5 May
24 1970. It is the only legitimate and legal government of Cambodia.
25 Its current composition is the following..." End of quote.

1 [14.00.03]

2 So this is how it was composed on 19 January 1973. And I will
3 only mention a few names to be brief, and -- Mr. Penn Nouth,
4 first, Prime Minister; Mr. Khieu Samphan, Deputy Prime Minister
5 and Ministry of National Defence; Mr. Sarin Chhak, Ministry of
6 Foreign Affairs; Mr. Hu Nim, Minister of Information and of
7 Propaganda.

8 And you will see, in the list of names in this document, that
9 other figures are part of this government, such as: Chan Yourann;
10 General Duong Sam Ol; Huot Sambath; Chea San; Thiounn Prasith;
11 Keat Chhon; Van Piny; Tiv Ol; but also Ieng Thirith, who is the
12 Deputy Minister of Popular Education and of Youth; Chou Chet,
13 Deputy Minister of Public Health, of Religious and Social
14 affairs; and Koy Thuon, Deputy Minister of Economy and Finance.

15 [14.01.13]

16 The following document is E3/1399 -- let me repeat, E3/1399 --
17 and it is dated 27 January 1975, and it is titled "Cabinet of the
18 GRUNK -- Declaration by Sihanouk Dated the 5th of October 1974".
19 This document includes a number of communiqués of the GRUNK which
20 were published in an FBIS publication, and we learn that in
21 relation to January 1973, some of the people concerned were -
22 were vice-minister or ministers, including Chou Chet, Ieng
23 Thirith. And Koy Thuon, in the meantime, had become Minister of
24 National Economy and Finance, whereas he was previously
25 vice-minister.

1 The third document prior to 17 April 1975 is an FBIS document
2 dated 16 January 1975. In our table and in our annexes, it's
3 E9/31. And this is a new document. Let me give the Khmer ERN:
4 00811259 up to 00811265. And in English the ERN is 00166706 up to
5 08. There is no French translation available.

6 There are only two excerpts that I would like to read out.

7 The first article in this FBIS document is titled in English,
8 since there is no French version -- this title is "Sihanouk's
9 15th of November 1974 Decree Relieving GRUNK Ministers". And in
10 the English it is 00166706; and in Khmer it is 008811259 (sic) to
11 61.

12 [14.04.12]

13 Let me quote what is stated therein -- and this time around it
14 will be in English. I crave your indulgence from moving from one
15 language to the other. Let me quote:

16 "Decree No. 100.

17 "Article 1. Are relieved at their request of their ministerial
18 functions: Ngo Hou; Huot Sambath; Chea San; Chan Yourann; Thiounn
19 Mum; Duong Sam Ol; Chau Seng; Keat Chhon; and Thiounn Prasith."

20 End of quote.

21 A second article in the same document is titled "Sihanouk Names
22 New GRUNK Ministers". I will quote this article in English as
23 well, and it is on page 00166707, and in Khmer it is 008811263
24 (sic).

25 So let me quote in English, then:

1 [14.05.31]

2 [In English] "Decree No. 101.

3 "Article 1. [...] as of the day of the effective accession to their
4 posts, are appointed: Minister of Justice and Judicial Reforms,
5 His Highness Norodom Phurissara; Minister of Public Health,
6 Thiounn Thioeunn; Minister of Public Works, Telecommunications,
7 and Reconstruction, Touch Phoeun; Minister of Religious and
8 Social Affairs, Chou Chet; Minister of Popular Education and
9 Youth, Ieng Thirith; and Minister of National Economy and
10 Finances, Koy Thuon." [End of intervention in English] End of
11 quote.

12 Let me now talk about the official composition of the GRUNK
13 government after the victory of 17th of April 1975. I'll also
14 talk about some appointments made in the CPK at the same time.
15 Regarding the decree of the 15th of November 1974, the official
16 composition of the GRUNK is said to have been modified after the
17 17th of April 1975. However, there is a document which has the
18 following ERN number, E3/1256, dated the 14th of August 1975. Let
19 me point out that it is a communiqué of the GRUNK Mission in
20 France. This is what we find on the Khmer page, ERN S00630985;
21 and in French, it is on page 2, ERN S00004604 (sic); in English,
22 00280610.

23 [14.07.58]

24 Let me quote:

25 "Press Release.

1 "The GRUNK Mission in France is authorized to provide the
2 following details concerning new appointments within the Royal
3 Government of National Union of Cambodia, which were made on 12th
4 of August."

5 So it's 12 August 1975.

6 "Mr. Ieng Sary was appointed Deputy Prime Minister in charge of
7 Foreign Affairs under the Presidency of the Council of Ministers.

8 "Mr. Son Sen was appointed Deputy Prime Minister in charge of
9 National Defence under the Presidency of the Council of
10 Ministers."

11 And further down: "All the other GRUNK Ministers shall maintain
12 their duties."

13 [14.08.51]

14 I would now like us to look at another document dated 1975. It is
15 the Standing Committee of 9 October 1975, document E3/182. This
16 document was quoted this morning by my learned colleague, but I
17 will simply quote another section of the same document, and it's
18 the same - the same minutes of the Standing Committee.

19 All the documents I have quoted are GRUNK documents, but this one
20 is a document of the Communist Party of Kampuchea.

21 Point Number 1, under the title "The Delegation of Work and
22 Operational Process", we see the duties and responsibilities
23 under Democratic Kampuchea. In Khmer, this document is ERN
24 00019108; and in English it's 00183393 up to 94; and in French it
25 is 00292868 to 69.

1 Let me quote:

2 "1. Comrade Secretary: General responsibility over the military
3 and the economy.

4 "2. Comrade Deputy Secretary: Party Affairs, Social Action,
5 Culture, Propaganda, and Education.

6 "3. Comrade Van: Foreign Affair work, both Party and State.
7 [14.10.51]

8 "4. Comrade Hem: Responsible for the Front and the Royal
9 Government, and Commerce for accounting and pricing.

10 "5. Comrade Thuch" - let me spell it, T-h-u-c-h - "Domestic and
11 International Commerce.

12 "6. Comrade Khieu: Responsible for General Staff and Security.

13 "7. Comrade Vorn: Industry, Railroads, and Fisheries.

14 "8. Comrade Doeun: Chairman of Political Affairs, Bureau --
15 Office 870.

16 "9. Comrade Phea: Responsible for Culture, Social Action, and
17 Foreign Affairs.

18 "10. Comrade At: Propaganda and Re-education, both internal and
19 external.

20 "11. Comrade Chey" - spelled C-h-e-y - "Agriculture.

21 "12. Comrade Yem: Office 870.

22 "And, lastly, Comrade Pang: Government Office."

23 [14.12.10]

24 As we saw previously, only five of these leaders on the lists
25 within the CPK occupied ministerial portfolios within the GRUNK.

1 They were, namely: Van -- that is Ieng Sary; Hem -- Khieu
2 Samphan; Khieu -- Son Sen. All three were vice-prime ministers of
3 the GRUNK.

4 In addition to that, we had Thuch, T-h-u-c-h -- that is Koy Thuon
5 -- who was Minister of Economy and Finance; and Phea - Ieng
6 Thirith -- Minister of Popular Education and Youth.

7 Now, let us look at the next document. The Resignation of
8 Sihanouk and the Organization of Elections of the 20th of March
9 1976 occasioned complete change in the composition of the
10 government, and we see the emergence of leaders of the CKP
11 becoming government officials alone.

12 I will quote another document, and it is E3/197, and it is
13 minutes of the Standing Committee of the Front of the 11th of
14 March 1976. And you will recall that this record talks of the
15 position of the Party vis-à-vis Sihanouk and the general
16 feudalism.

17 [14.11.58]

18 This meeting was attended by the Secretary, the Deputy Secretary
19 of the Party, Comrade Vorn, Khieu, Hem, Doeun, Tum -- T-u-m --
20 and Touch -- T-o-u-c-h.

21 I would simply like to read an excerpt of this document. And it
22 is in 00000545 (sic); in English it's 00182639; and in French it
23 is pages 1 and 2, ERN 00334961 to 62. And in this document
24 mention is being made of the positive effects of Sihanouk's
25 resignation on behalf of the revolution. And let me quote:

1 "2(A) Good factors for our revolution: For one thing, the entire
2 Kampuchean people have sighed for their last time. All our
3 cadres, all the Army are the same. The people of the world have
4 no problem either."

5 [14.15.23]

6 Third point under 2(A): "Third, our foreign affairs work will be
7 better than before since we do it ourselves because there is no
8 Sihanouk. We are clear-cut."

9 Further down in the same document -- in Khmer it is on page
10 00000547 to 548 (sic), and in English it is 00182640 to 41, and
11 in French it is on page 3, ERN 00334963 -- under title III,
12 "Opinions of Angkar, Meeting of the Evening of the 13th" --
13 obviously, the 13th of March, this is what is stated therein --
14 and I quote: "The Super Comrade Secretary has pointed that this
15 problem -- that is, the resignation of Sihanouk - is primordial,
16 allow Angkar of the Central Committee to decide."

17 And then they propose a number of initiatives which have already
18 been referred to this morning. But there's one initiative that
19 was not mentioned this morning and it is initiative number 2 --
20 and I quote:

21 "We must convene the Cabinet of Ministers. Report to the Cabinet
22 of Ministers to decide, then go meet with Sihanouk again, with
23 Penn Nouth participating. If he accepted to be recorded, it would
24 be better."

25 In this document we can see that the will of the Standing

1 Committee was first of all that the Central Committee of the CPK
2 should take a decision regarding the resignation of Sihanouk and,
3 secondly, that the Council of Ministers of the GRUNK and its
4 Prime Minister Penn Nouth would endorse Sihanouk's resignation.

5 [14.17.29]

6 And this is what we are going to see shortly when we talk about
7 document E3/12, which is the "Decision of the Central Committee
8 on a Number of Problems", and it is dated the 30th of March 1976.
9 We talked about it this morning, but I will quote another passage
10 in the same decision. This passage confirms the decision of the
11 Standing Committee regarding Sihanouk's resignation and the
12 side-lining of Penn Nouth.

13 The first pertinent passage is in the Khmer page 00003140 up to
14 41, and in English it is 00182813, and in French it is 00224366,
15 under point 12 of the document, titled "Organization of State
16 Organs" - and let me quote this decision of the Central
17 Committee:

18 "In reality, our state organs are different from those that
19 existed before. Previously it was a front. Now it is not the
20 case. They are now state organizations in their entirety. All
21 these state organizations should be truly representative and
22 should be influential enough, both within the Party and in the
23 country as well as abroad. This is a political offensive as well.

24 "Penn Nouth has no problems with that.

25 "Sihanouk's situation is mature already. He is out of wind,

1 cannot move further. Therefore, we have decided to have him
2 retire in accordance with his request." End of quote.

3 [14.19.42]

4 This is a document of the Central Committee. And you would have
5 noted that here we are no longer talking of the resignation of
6 Sihanouk before the Standing Committee, but his "retirement".

7 Second relevant document -- same document, E3/12, still under
8 point number 12 -- in Khmer it is on ERN 00003141 to 42, and in
9 English it is 00182814--

10 MR. PRESIDENT:

11 Could you please repeat the ERN numbers again and this time be
12 slower?

13 MR. DE WILDE D'ESTMAEL:

14 Absolutely. Mr. President, I crave your indulgence. In Khmer this
15 passage is in the following ERN, 00003141 to 42; and in English
16 it is 00182814; and in French it is on pages 4 and 5, at 00224366
17 to 67.

18 In this passage, after setting out the composition of the
19 Standing Committee of the National Assembly chaired by Nuon Chea
20 and also the State Presidium chaired by Comrade Hem -- that is
21 Khieu Samphan -- the document reads as follows -- and I quote:

22 [14.21.42]

23 "The Government:

24 "Must be totally an organization of the Party, it must represent
25 our state. It must be strong. It must be influential in the

1 Party, in the country, and outside the country, with friendly
2 countries and with enemies.

3 "The matter of setting up the government has been discussed again
4 and again since May, time after time.

5 "Comrade Pol: Prime – First Minister – rather, Prime Minister.

6 "Comrade Van: Deputy Prime Minister for Foreign Affairs.

7 "Comrade Vorn: Deputy Prime Minister for Economy and Finance.

8 "Comrade Khieu: Deputy Prime Minister for National Defence."

9 And further down:

10 "Measures for resolution:

11 "1. The work of the government: All -- it must be under all three
12 Prime Ministers. The Deputy Prime Ministers must be strong;
13 strong individually, strong in the machinery of their work."

14 [14.23.03]

15 Now, after considering the issue of the request for Sihanouk's
16 resignation and the complete reshuffle of the government, after
17 the meeting of the Standing Committee of the 11th of March 1976
18 and the Central Committee meeting on the 30th of March 1976, it
19 was the turn of the Council of Ministers of the GRUNK to meet on
20 the 4th of April 1976, as announced by the Standing Committee
21 previously.

22 And it is document E3/1/7.1 (sic) and it is titled "Declaration
23 of the Government of Democratic Kampuchea Regarding the
24 Declaration of Samdech Norodom Sihanouk Requesting His
25 Retirement". And in Khmer it is 00806211, and I believe that in

1 all the languages it is on the first page because it is a
2 one-page document.

3 This is what is stated therein by the GRUNK Government -- the
4 name has changed, but the composition hasn't changed. Let me
5 quote:

6 "After reading Head of State Samdech Norodom Sihanouk's statement
7 dated the 1st of April 1976, requesting his retirement, the
8 Council of Ministers met on the 4th of April 1976, with Samdech
9 Prime Minister Penn Nouth presiding, to discuss the matter
10 further." End of quote.

11 [14.24.51]

12 And this is how the declaration proceeds further down, after
13 outlining the services of Sihanouk:

14 "The Council of Ministers has decided to grant this request, and
15 at the same time the Council of Ministers has decided to propose
16 to the Assembly and the representatives of the people the
17 following:

18 "To grant Norodom Sihanouk the title of leading patriotic
19 figure..." And so on and so forth.

20 So, as you can see, there has been a progressive movement from
21 the decision of the Standing Committee regarding the resignation
22 of Sihanouk to a decision of the Central Committee, and, this
23 time around, a declaration by the Government of Democratic
24 Kampuchea. And the logical conclusion is that the Kampuchea
25 People's Representative Assembly has to consider the problem.

1 And it does this in document E3/165. And this document is on the
2 First Congress of the Kampuchea People's Representative Assembly,
3 dated 11th of - or, rather, 11th to 14th of April 1976.
4 There is a second document which is an almost identical -- E3/161
5 (sic) -- of the 14th of November (sic) 1976. It repeats the press
6 release -- the contents of the press release signed by Nuon Chea.
7 In the wake of decision -- of the Central Committee decision of
8 the 30th of March 1976 as well as the government's declaration,
9 this document of the 14th of April 1976 confirms the appointment
10 of Nuon Chea as president of the People's Democratic - of the
11 Kampuchea People's Representative Assembly.
12 [14.27.13]
13 Furthermore, the assembly endorses in its entirety Norodom
14 Sihanouk's request to be retired, according to the proposals made
15 in the 4th April 1976 government communiqué which I read a while
16 ago. In the same document, the assembly appoints Khieu Samphan as
17 Chairman of the State Presidium of Democratic Kampuchea.
18 The document mentions, under Point 4, the "Draft Resolutions",
19 the consideration and the approval of the resignation of the
20 former government. And in Khmer it is on page 00053634, and in
21 English it is 00184067 to 68, and in French it is on page 21, ERN
22 00301354. And this is what is stated therein -- that is, in the
23 passage -- and I quote: "The Assembly has noted that: The
24 Government of Democratic Kampuchea, which was called previously
25 the GRUNK was created on the 5th of May 1978 (sic)..."

1 And I will skip a short passage. So, this Government of
2 Democratic Kampuchea, which was previously the GRUNK, was created
3 on the 5th of May 1978 (sic), "has completed its mission
4 completely with many advantages and requested his resignation on
5 6 April 1976. The Assembly has approved in its entirety the
6 resignation of the former government".

7 [14.29.08]

8 When we talk of the resignation of the former government, we are
9 talking of the appointment of a new government, and it is what we
10 see in the same document, under point number 6. So, we're still
11 talking of document E3/165 on that point number 6 titled "The
12 Appointment of a New Government of Democratic Kampuchea", on page
13 00053635 -- that is in Khmer -- and in French it is page 22, ERN
14 00301355; and in English, 00184068 to 69.

15 So I'm going to quote this passage relating to the new
16 government:

17 "Following careful discussion -- and detailed discussion of
18 their various qualities in every aspect, the Assembly approves
19 the selection and appointment of the New Government of Democratic
20 Kampuchea with the following composition:

21 "Comrade Pol Pot, Prime Minister.

22 "2. Comrade Ieng Sary, Deputy Prime Minister, responsible for
23 Foreign Affairs.

24 "3. Comrade Vorn Vet, Deputy Prime Minister, responsible for
25 Economics.

1 "4. Comrade Son Sen, Deputy Prime Minister, responsible for
2 National Defence.

3 "5. Comrade Hu Nim, Minister, responsible for Information and
4 Propaganda.

5 "6. Comrade Thiounn Thioeunn, ministry -- Minister of Public
6 Health.

7 "7. Ieng Thirith, Ministry of Social Action.

8 "8. Touch Phoeun, Ministry of Public Works.

9 "And, finally, Yun Yat, Ministry of Culture, Training, and
10 Education.

11 [14.31.15]

12 "In the context of the - in the framework of the government" -- I
13 continue with the quote - "the committees assigned of the office
14 of the Deputy Prime Minister for Economics are:

15 "1. Committee for Agriculture.

16 "2. Committee for Industry.

17 "3. Committee for Commerce.

18 "4. Committee for Communications.

19 "5. Committee for Energy.

20 "6. Committee for Rubber Plantations.

21 "The President of each committee is equivalent to Minister in the
22 Government of Democratic Kampuchea."

23 So, you will have noticed that the document from the People's
24 Assembly did not designate a secretary and a president with the
25 rank of minister, and we will see right away why.

1 Second of all, you also noticed that Penn Nouth is no longer
2 prime minister and he has been officially replaced by Pol Pot.
3 And we also notice the absence of Koy Thuon among the list of
4 ministers.

5 [14.32.32]

6 And we understand why the People's Assembly was not able to
7 nominate the secretaries of the committees that I just mentioned
8 when we read the following document, which is E3/235 and which
9 also is indexed as E3/236. This document is called "Summary of
10 the Decision of the Standing Committee of the Meeting of 19, 20,
11 and 21 April 1976", and at the beginning the document states the
12 following. The Khmer page 00019142 to 43; English, 00183416 to
13 17; and French ERN 00322968 to 69 -- and I will quote:

14 "After three days of discussion of matters recorded in the
15 agenda, the Standing Committee has made the following decisions:
16 "1. Preparations to organize various committees surrounding
17 Office 870."

18 And here the document mentions 11 committees, not six committees,
19 and I'm only going to mention a few of these. And we can see it
20 displayed in Khmer on the screen.

21 First committee, "Commerce Committee", with Comrade Rith as
22 member, as well as Comrade Nhem and Comrade Chhoeun -- and we
23 will provide details on these names later. And I'm also going to
24 mention other committees, for example: Land Transport Committee
25 under Ham's direction; and Maritime Transport led by Man; the

1 Phnom Penh storage houses, with Roeung as Secretary; the Ports
2 Committee led by Krin; and the Agricultural Committee led by
3 Chey. And there are other committees.

4 [14.35.01]

5 And the second excerpt of this document, E3/235 -- in Khmer it's
6 on page 00019146 to 47; in English, 00183420; and French,
7 00322971. And here at point IV in Roman numerals, commerce and
8 industry issues are mentioned. And in the first paragraph, it is
9 -- the Korean Delegation is mentioned, and this is what this
10 document states: "Organize a committee to go negotiate with the
11 others: Super Comrade Vorn, Comrade Orn" -- O-r-n in French -
12 "Comrade Chey" -- C-h-e-y - "and Super Comrade Chhoeun" --
13 C-h-h-o-e-u-n.

14 And the second point, regarding technical advice: "Super Comrade
15 Van" -- and we can suppose that this is Ieng Sary - "Super
16 Comrade Hem" -- Khieu Samphan - "and Super Comrade Touch" --
17 T-o-u-c-h.

18 [14.36.50]

19 So, before I turn to the meetings that were held monthly at the
20 Council of Ministers, before the break, I would like to mention a
21 last document. This is a simplification document from the
22 Ministry of Education of Democratic Kampuchea that is dated from
23 1977. This document is indexed D366/7.1.63 -- and I will repeat:
24 D366/7.1.63. There is no E3 number for the moment so this
25 document is entitled "Political Geography of Democratic

1 Kampuchea". And this document explains, through what is titled as
2 "Lesson 2", what the state institutions are, and in particular
3 point 4, which is titled "Governments" -- and I quote [free
4 translation]: "The government is the executive organ of the laws
5 and of the political lines defined by the People's Assembly of
6 Democratic Kampuchea before which it is entirely responsible for
7 all of its acts." End of quote.

8 [14.38.18]

9 This responsibility that the government says that it takes on
10 fully as of April 1976 is also mentioned during the first Council
11 of Ministries of Democratic Kampuchea, which I will present after
12 the break, with your leave.

13 MR. PRESIDENT:

14 Thank you.

15 It is now appropriate moment for the adjournment. The Chamber
16 will adjourn until 3 o'clock.

17 THE GREFFIER:

18 (No interpretation)

19 (Court recesses from 1439H to 1501H)

20 MR. PRESIDENT:

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

22 And we would like to hand the floor over to the Co-Prosecutor to
23 continue putting the documents.

24 MR. DE WILDE D'ESTMAEL:

25 Thank you very much, Mr. President.

1 [15.02.11]

2 Before the break, we were talking about the fact that the
3 government at the time, in 1976, had said that it had assumed as
4 from the time when the nature of the regime changed -- that is,
5 in April of 1976 -- the regime had stated that it assumed its
6 responsibilities fully and in their entirety regarding all the
7 activities involved. We see that in document E3/817 and E3/1.8
8 (sic) -- that is two documents dealing with the same thing. We
9 see that they are talking about the activities of the document
10 (sic). We have two reports on the activities of the ministers,
11 and I will quote only one of those documents.

12 It is titled "First Meeting of the Council of Ministers,
13 Presentation by Comrade Party Secretary on the 22nd of April
14 1976". The extract deals specifically with the nature and
15 definition of the Government of Democratic Kampuchea, and we find
16 this extract on page 1 in Khmer -- that is 00072753; and in
17 English it is on page 2, ERN 00143461; and in French it is on
18 page 1, ERN 00548894. And this is what the First Secretary Pol
19 Pot states -- and I quote:

20 "Our government is not a coalition as in the past. The errors,
21 and successes, and the good things, and the bad things, the gains
22 and the losses; both within the country and abroad, with regard
23 to friends and enemies, we assume total responsibility thereof;
24 there is no one else apart from ourselves."

25 [15.04.40]

1 And further down:

2 "In this regard, the members of government and members of the
3 committees in all the areas must master the nature of our
4 government and our role and they must strive to fulfil their
5 tasks well, following the Party line." End of quote.

6 I'll read a second extract of the same document, E3/817, and the
7 Khmer ERN is 00072761, and in English it is 00143467, and in
8 French it is on pages 6 and 7, ERN 00548899 up to 8900.

9 Under title III, "The Tasks of the Government of Democratic
10 Kampuchea", Pol Pot talks of four principal tasks: Implement the
11 Constitution, defend the country, construct the country, and
12 assemble friendly forces worldwide. And let me quote what he
13 states regarding the defence of the country, point B -- and I
14 quote:

15 "It is imperative to defend revolutionary power and the
16 achievements of the revolution. We must defend the Party, we must
17 defend the people, the army -- the revolutionary army, we must
18 defend the independence, the sovereignty, etc., [against] every
19 form of enemy activity, both overt and covert. We must always be
20 in high revolutionary vigilance, always be in mastery." End of
21 quote.

22 [15.06.55]

23 We'll talk about the application of the policies of the Party by
24 the various ministers as far as the enemy is concerned.

25 This brings me to document -- a document that I will present

1 regarding the Ministry of Foreign Affairs.

2 The first document has already been dealt with during the
3 proceedings, but it is so vast, and now we propose to look at
4 some aspects. It's document E3/522 and it is referenced E3/926,
5 and it is the notebook of the Ministry of Foreign Affairs, which
6 apparently only concerned the year 1976.

7 Let me point out, with regard to this document, that there is a
8 good version and a bad version of the document in the Khmer. The
9 good version has the ERN number 00427814 up to 00427964. And
10 unfortunately -- as I've already pointed out, I believe, earlier
11 -- the French version was translated from the bad Khmer version,
12 and there are two missing pages, and the pages are in an inverted
13 order.

14 [15.08.49]

15 Now, this document, which is very important with regard to the
16 substance and the volume, has to do with internal communication
17 in B-1 -- the structure of B-1 -- that is, the Ministry of
18 Foreign Affairs -- the role of the Minister of Foreign Affairs,
19 the ideology of the CPK as disseminated within the ministry. This
20 document contains several parts which have to do with various
21 meetings held at B-1. It also talks of a cellule assembly dated
22 the 2nd of May -- the 22nd of May 1976, an assembly of the
23 Ministry of B-1 of the 10th of July 1976, a ministerial plan
24 designed in 1976 for one year -- 1976 to 1977. An entire section
25 of the document has to do with meetings of self-criticism -- that

1 is, self-criticism and criticism -- presided by Brother Van. Then
2 we also have the minutes of another meeting dated December 1976.
3 [15.10.05]
4 Now, what do we find in this document regarding the structure of
5 the Ministry of Foreign Affairs? The document provides some
6 details regarding the sectors and departments in the ministry and
7 the Khmer reference is 00827849 (sic). And the specificity of
8 this Khmer version is that when you open the agenda of the
9 meeting, you find at the top of each page the dates, the 14th and
10 the 15th of March. And the ERN in English is 00003267, and in
11 French it is 00657989. Here we find the various departments of
12 B-1: "1" -- and I quote:
13 "Propaganda and education unit
14 "2. Office
15 "3. The sector on general production
16 "4. Political sector
17 "5. Protocol office
18 "6. Secretariat and Administration" -- in English it's translated
19 as Secretariat and Assembly - and
20 "7. Civil aviation."
21 [15.11.41]
22 There is another passage under the title "Meeting of the 15th of
23 December 1976", and in it we find statistics regarding staff of
24 the ministry in 1976 as well as a classification of people who
25 worked there in various categories. And the Khmer page is

1 00427928 -- 00427928 -- and in English it is 00003321, and in
2 French it is 00657891. And it reads as follows -- and I quote:
3 "Number of people in Takhmau": 12 people for "Male Youth", 9
4 elderly, 4 female youth--

5 And on the same page below:

6 "The front members want to undergo training in political
7 affairs."

8 We have 640 people in Ministry B (sic), and 54 people are
9 children; in the market, 98 people; in the area of farming, 18
10 persons; in Siem Reap, 25 persons; Kampot, 20 persons; Kampong
11 Som, 36 persons; B-1, 180 people; M-1, 118 people including 8
12 children; and mention is also made of other houses and experts in
13 the Korean and Chinese embassies.

14 The last point regarding the structure of B-1, as we learn from
15 this document -- this is something important because as of
16 December 1976 -- and we find this on the Khmer page 00427949, and
17 in English it is 00003336 up to 3337. There is no French
18 translation. And the ERN in Khmer is 00427949, and in English
19 it's 00003336 up to 3337. There is no existing French
20 translation.

21 [15.14.42]

22 This passage has to do with the structure of B-1, and I will
23 quote this passage in English because there is no French version
24 of it - [in English] so I quote:

25 "Assignment issues

1 "Number VI. The cell committee of the Ministry
2 "1. Brother Van, Secretary;
3 "2. Comrade Hong, Deputy Secretary;
4 "3. Comrade Roeun, member;
5 "4. Comrade Ven, member; and
6 "5. Comrade Cheam, member." End of quote. [End of intervention in
7 English]

8 There are obviously several members of the committee who have
9 testified before the Chamber.

10 [15.15.40]

11 Second point regarding the second chapter and the passage of this
12 document E3/122, this has to do with the section that has to deal
13 with self-criticism. It is possible to identify a number of
14 cadres from the Ministry of Foreign Affairs when you read the
15 contents of this passage regarding self-examination. The title is
16 "Constructive Opinions of the Collectivity of the 11th of
17 December 1976". And we find it in the following pages: Khmer,
18 00427907 up to page 00427926; in English, the page is 00003304 to
19 00003320. It is impossible to give you all the pages in French
20 because they are scattered throughout the French translations.
21 In this section, the officials that are engaged in self-criticism
22 are the following:

23 Comrade Nou; Chheam -- and I would presume that it is Phy Phuon;
24 Dean -- D-e-a-n; Moeun -- M-o-e-u-n - Meoun -- Mun; Thi - Thi;
25 Hong -- one would presume it is So Hong; Touch -- T-o-u-c-h; Sou

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1 -- and we are told that he is in Thailand; and others, including
2 Konh -- K-o-n-h, one would assume that is Suong Sikoeun, alias
3 Kung.

4 [15.17.58]

5 For each of these persons, we find that there are qualities and
6 failings or shortcomings I mentioned.

7 Let me give you an example. Page in Khmer, 00427850 -- so it is
8 00427850 -- and in English it is 00003267; and in French it is
9 00657884. It has to do with the self-examination of Comrade
10 Moeun. Let me quote:

11 Point 2: "Regarding Political Affairs, defects or shortcomings:
12 He is disoriented after hearing that the population had nothing
13 to eat."

14 Following Point: "During the study, we heard that enemies had
15 infiltrated and sewed the seeds of panic." End of quote.

16 Through self-examination of Comrade Moeun dated 1976, we
17 understand that some information regarding famine had been
18 disseminated within the Ministry of Foreign Affairs.

19 After the passages -- or after each passage in which officials
20 engaged in self-criticism, we find the comments made by Brother
21 Van -- that is Ieng Sary. This passage is quite long and it
22 includes comments and self-criticisms. He makes comments on the
23 self-criticisms of Comrade Nou, Hong, Moeun, Chheam, Dean, and
24 Sou.

25 [15.20.12]

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1 Let me give you two examples of Brother Van's comments -- that
2 is, the comments of Ieng Sary -- first of all regarding Kong --
3 that is, So Hong. In Khmer the ERN number is 00427916, and in
4 English it is 00003310, and in French it is 00657883. Let me
5 quote what Comrade Van says regarding Hong:

6 "Cause: There are three short comments:

7 "1. He is not yet imbued with the lines of the socialist
8 revolution; he does not yet master the nature of the class
9 struggle firmly; we must understand the antagonisms that exist in
10 the society.

11 "2. The petty bourgeois ideology tendency to make class
12 compromises.

13 "3. Is not yet imbued with the organizational principles of the
14 Party." End of quote.

15 We find that here there are a number of subjects that are very
16 often recurrent in the publications of the Party.

17 [15.21.48]

18 A second example of Brother Van's comments is what he tells Sou
19 -- Sou, who was working in Thailand at the time. And the passage
20 in Khmer is 00427924, and in English it is 00003318, and in
21 French it is 00657889 (sic). So this is what Van says to Sou
22 regarding his major shortcomings:

23 "The ideology and the position of the proletarian class are not
24 yet solid. One would still think that the intellectuals are those
25 in leadership. Regarding those who have degrees, we have to

1 redouble our vigilance as much as possible." End of quote.

2 I would now like to look at other sections of the same document
3 that have to do with the position of the Minister of Foreign
4 Affairs regarding enemies and social classes.

5 In the section regarding cell assemblies of the 22nd of May 1976,
6 we find the following on page ERN, Khmer, 00427822 -- let me
7 repeat: 00427822. And in English it is 00003247, and in French it
8 is 00657828. I quote: "Disadvantages: The political level of the
9 masses is still weak. That is to say, they don't yet know how to
10 investigate and control enemies; the masses are still peaceful --
11 or peaceable."

12 [15.24.19]

13 Two or three pages further down -- in Khmer it is 00427825, and
14 in English it is 00003249, and in French it is 00657829, and we
15 read the following:

16 "Duties: You must increase your spirit of revolutionary vigilance
17 and crack down on all the enemy's tactics, regardless of the
18 cost.

19 "The Ministry B-1 has four types of masses: the progressive
20 masses and people who are not evolving. That is the second and
21 third categories." End of quote.

22 Another quotation which is under the minutes of the B-1 assembly
23 of the 10th of July 1976 is found on the following pages: in
24 Khmer, ERN 00427830 -- I repeat, 00427830; in English it is
25 00003252; and in French it is 00657832 -- under title 2, "The

1 Situation of the Society in Democratic Kampuchea". And we read
2 the following -- and I quote:

3 "The victory of the 17th of April 1975 is more grandiose than it
4 is - than that of the Angkor era itself, because in Kampuchean
5 society we have egalitarianism: there are no longer any rich or
6 poor; there are no feudalists; there are no capitalists; there
7 are no petty bourgeois. All we have are workers and farmers." End
8 of quote.

9 [15.26.45]

10 And this is the conception of the class struggle and the
11 objective of egalitarianism.

12 In this document, we also find a reference to the evacuation of
13 towns, still with regard to the class struggle. And the Khmer
14 page is 00427856; in English it is 00003270 to 71; and in French
15 it is 00657846. Let me quote:

16 "The struggle against capitalism. We have defeated enemies. In
17 1973, we created cooperatives. On the 17th of April, our Angkar
18 was very clever. It annihilated the capitalists nationwide from
19 an organizational standpoint." End of quote.

20 [15.28.04]

21 Let me press on with what is said regarding enemies within the
22 ranks -- another quotation. The Khmer is 00427844; in English it
23 is 00003262; and in French it is 00657991. I will read from point
24 number 2 -- and I quote:

25 "The gnawing and infiltration within. 1% to 5% of people are

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1 working (sic). We have to study biographies thoroughly, as well
2 as study meetings of self-examination clearly, particularly in
3 the Ministry of Foreign Affairs. All embassies would like to know
4 about our leaders for two reasons: to be able – to be in a
5 position to report back to their countries; secondly, they have
6 other objectives in mind." End of quote.

7 And there's another passage that I will read as well. In Khmer it
8 is on page 00427940, and in English it is 00003331; in French,
9 00657902.

10 THE INTERPRETER:

11 I pointed out earlier that it was "1% to 5% of the people
12 working", but "1% to 5% of the people are traitors".

13 [15.30.07]

14 MR. DE WILDE D'ESTMAEL:

15 "VI. Situation of the enemies in Cambodia

16 "The year 1976 was the key year. The enemies are decrepit, are
17 weakening, are ready to die. The revolution has pulled out their
18 roots, and the espionage networks have been smashed; in terms of
19 classes, our enemies are all gone. However, they are still
20 American Imperialists, the CIA, the revisionists, the KGB, and
21 the Vietnamese. Even though they have capitulated, they can still
22 block us. Another thing is that the enemies are inside our body,
23 among the military, the workers, in the cooperatives, and even in
24 our ranks. Making socialist revolution deeply and strongly, these
25 enemies must be progressively wiped out as soon as possible." End

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1 of quote.

2 [15.31.23]

3 And, finally, a last excerpt: Khmer ERN 00427946; English,
4 00003334 to 35; and French 00657905 – and I quote:

5 "It is necessary to prepare the conditions to ensure security
6 properly, to follow the biographies of all people within the
7 ministry, to gather all of the weapons and ammunition and to send
8 them to headquarters. We also have to follow closely the enemies
9 within the ministries." End of quote -- [free translation].

10 So we will notice that -- with all of these quotes that the idea
11 of following the biographies carefully or the enemies is a topic
12 that is currently brought up -- commonly brought up during the
13 meetings at the Ministry of Foreign Affairs.

14 And now I would like to turn to another document which is E3/857,
15 and this is a report from the Ministry of Foreign Affairs titled
16 "Cooperation with all of the Units -- 12 September 1977". And
17 here this is a document that is -- was produced after the agenda
18 of which I have read out excerpts. And I'm going to read out four
19 excerpts from this document E3/857.

20 [15.33.14]

21 And the first excerpt is on page 00 -- in Khmer, 00086707 -
22 00086707; English, 00355487; and French, 00811327. And I believe
23 it's the first page of the document -- and I quote - [free
24 translation]:

25 "Summary of the Reports of all Units

1 "First of all, enemy activity:

2 "In our ministerial meetings, we notice that we have -- we're
3 successful in cleaning out and in fundamentally getting rid of
4 the enemies who are CIA members, or who are KGB members, or who
5 are among the Yuon invaders. 'Eliminate and cleaning in-depth'
6 means that the governing agent of the enemy preparing coups
7 d'état to seize the power of the peasants and workers was cleaned
8 out and purged. We agreed on the purges against the enemies and
9 on the necessity to clean our ministry as well as each unit in
10 which enemies are present." End of quote.

11 [15.34.57]

12 The second excerpt, and on the same page and also continues on to
13 the following page -- and I quote -- [free translation]: "In
14 general, 98 per cent of our ministry is clean. This means that
15 they understand that it is necessary to clean out the enemies.
16 The two remaining per cent continue with their activities."

17 And a little bit further:

18 "We must make sure that these 2 per cent do not propagate because
19 if something happens to us, they will take advantage of this to
20 increase in size; they will go from 2 per cent to 3 per cent, 4,
21 5 per cent, little by little. We must therefore surround them and
22 reduce them from 2 per cent to 1.5 per cent, 1 per cent, or even
23 0.5 per cent.

24 "Generally speaking, our ministry has a very high level of
25 vigilance; and when we feel that something is abnormal, we report

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1 on it. Therefore, an enemy stated, 'Later on everyone will end up
2 being arrested; only Bong Khieu Samphan will remain.' Our
3 comrades have analyzed the sentence in order to come into contact
4 with this person. After having interrogated this person, we
5 understood that he is part of the enemy networks. It's true that
6 our ministry is already doing a good job, but we have to be
7 careful about these 2 per cent that are acting under a leader.
8 And we have to reinforce our revolutionary vigilance because our
9 ministry has links with many, many foreign embassies." End of
10 quote.

11 [15.37.06]

12 Third excerpt, on the Khmer page 00086708 to 709; English,
13 00355489; French, 0087110 -- sorry, 00811328 to 329 -- and I
14 quote; this is point 4, [free translation]:

15 "Strengthening Angkar at all Levels:

16 "[...] Recently, our Party ranks have been reduced because of the
17 elimination of the enemies, but we have better quality now. Our
18 brothers and sisters are all aware of this and they all
19 understand spontaneously the enemies' ploys burrowing within our
20 ranks."

21 A bit later:

22 "In this strengthening process, we have to pay attention to the
23 classes and we have to favour the working class, the poor
24 peasants, the medium peasants, and the lower peasants. In
25 particular, we must examine carefully their biographies, their

1 revolutionary spirit, their revolutionary biography, without
2 forgetting to ask for the agreement of the masses." End of quote.

3 [15.38.51]

4 Fourth and last excerpt from this document which is an important
5 document about the enemies -- and the ERN 00086710 to 11;
6 English, 00355491; French, 00811331 - [free translation] -- under
7 the heading "3. Tasks to take on to further the socialist
8 revolution" -- and I quote:

9 "This is also a main task. Some are able to complete their tasks
10 properly, but they are, however, dominated by the capitalists and
11 petty-bourgeois spirit; we consider them as bad elements because
12 they cannot fulfil the tasks linked to the furthering of the
13 socialist revolution. Furthering the socialist revolution means
14 abolishing individual property, struggling against social
15 classes, having a strong stance towards the enemies, and
16 distinguishing properly people on our side from the enemies, and
17 we should not mix them up and we should eliminate the people who
18 are individualist." End of quote.

19 So, regarding this distinction between what the document terms as
20 enemies on the one hand, and those on our side on the other hand,
21 the following is said on page, Khmer, 0086712; English, 00355493;
22 French, 00811332 -- and I quote - [free translation]:

23 "...Making efforts in the education of political principles so that
24 the population may make the distinction between those on our side
25 and the enemies. 'Those on our side' mean the Party, the

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1 revolution, the population, the authorities belonging to the
2 working- and peasant-class, and all of these people belong to the
3 revolution. As far as the term 'enemy', 'enemy' designates
4 everything that is non-revolutionary and all those who are
5 anti-revolutionary, so we should not mix up the enemies with the
6 revolution." End of quote.

7 [15.41.45]

8 So, now, I'm going to backtrack to the structure of the Ministry
9 of Foreign Affairs and to the positions held by certain cadres.
10 It is useful, in order to understand what the Ministry of Foreign
11 Affairs entailed, to look at some of the prisoner lists from S-21
12 when these lists involve prisoners coming from the Ministry of
13 Foreign Affairs.

14 As an example, I will look at document E3/1534, which is a
15 prisoner list from S-21 titled "Names of the Prisoners Coming
16 from the Ministry of Foreign Affairs". There is no French version
17 available. So this is a two-page document that is under ERN
18 00087007 -- in Khmer -- to 009, so it's three pages in Khmer;
19 English, 00181667 to 69.

20 And the latest date on this document is 15 April 1978. And there
21 are 43 names in this list. And if we could display it on the
22 screen, we can see that among these 43 names, there are more than
23 10 students who had returned from abroad, in particular from
24 France, and therefore they are considered as falling under the
25 Ministry of Foreign Affairs.

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1 [15.43.36]

2 And there are also cadres and combatants from the ministry -- for
3 example, on line 3, Mr. Keo Chean, who was a combatant at the
4 Boeng Trabek Office. He entered S-21 on 25 February 1978. And we
5 notice here that the Boeng Trabek Office, according to this
6 document, was already under the aegis of the Ministry of Foreign
7 Affairs in 1978.

8 And in this list, there are combatants from Offices B-62 and
9 B-64, there are cadres from the embassies abroad -- in
10 particular, number 20, Meak Touch, who was the ambassador to
11 Laos, and 36, Lean Sirivut, the Third Secretary in Beijing. These
12 are people we already spoke about during the previous hearings.
13 And there are also cadres coming from B-1, such as, at line 21,
14 Van Piny, who was referred to as Deputy Minister of Foreign
15 Affairs, or at line 31, Svay Bory from the Information and
16 Propaganda Section of the ministry. Their spouses are also listed
17 here.

18 And, finally -- and this is also worth noting -- at posting 19 in
19 this list, there is a cadre coming from Sector 15 who was the
20 Deputy Secretary of Sector 15, therefore in the West Zone. This
21 is Tep Hai, alias Ham, who entered S-21 on 15 April 1978 and who
22 is also included in a list from the Ministry of Foreign Affairs.

23 [15.45.39]

24 I have 15 minutes left and I won't be able to finish today, Mr.
25 President; we started this morning at 9.30, so a bit late. But I

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1 would like to start, however, speaking about the Ministry of
2 Commerce.

3 Regarding the Committee of Commerce, you will remember that
4 earlier on its composition was described in a decision from the
5 Standing Committee from 19, 20, 21 April 1976. This was document
6 E3/235. And its composition back then -- of the Commerce
7 Committee, in 1976 -- was the following: Comrade Rith; Nhem --
8 N-h-e-m, therefore; Chhoeun -- C-h-h-o-e-u-n. All three of them
9 were members. And we will get back to the fate of Nhem and
10 Chhoeun later.

11 Now, I would like to show you a first document which is the
12 written record of the meeting of the Standing Committee of 13
13 March 1976 which focuses on commerce. And this is document E3/233
14 and E3/234. On the first page, we can see that the participants
15 to this meeting are: Comrade Secretary -- and we can imagine that
16 this was Pol Pot; Committee -- Deputy Secretary Nuon Chea;
17 Comrade Van -- therefore, Ieng Sary; Comrade Khieu -- Son Sen;
18 Comrade Hem -- Khieu Samphan; Comrade Thuch -- T-h-u-c-h, Koy
19 Thuon, that is to say; Comrade Doeun -- that is Sua Vasi; and
20 Secretary Touch -- T-o-u-c-h. And it's interesting to note here
21 that Comrade Thuch -- that is to say, Koy Thuon -- is present at
22 this meeting on commerce on 13 March 1976, whereas, as of April
23 1976, as we saw, his name no longer appears in the government
24 lists.

25 [15.48.06]

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1 And during this meeting of 13 April -- 13 March 1976, the
2 Standing Committee took the decision of creating, in the field of
3 commerce, a committee in charge of preparing supplies that had to
4 be purchased, and -- and it is composed as follows -- and this is
5 listed on the first page of the document in all three languages;
6 I quote:
7 "Comrade Thuch -- T-h-u-c-h - President; Comrade Hem, member; and
8 then three advisory members: Comrade Van, Vorn, and Doeun; and a
9 reporter, Comrade Touch -- T-o-u-c-h. So we can see that beyond
10 -- outside of the President, Koy Thuon, who will disappear later,
11 there is only one effective member here, and this is Khieu
12 Samphan.
13 [15.49.10]
14 And second and last excerpt of this document E3/233 -- it is on
15 page, Khmer, 00000749 -- so that is to say, 00000749 - French, on
16 page 2, ERN 00301333; English, 00182650. And this is the
17 composition of a committee regarding banks and it was made up by
18 the Standing Committee, and the following people are listed, and
19 this is the -- we see this list is in the opposite order in
20 relation to the other committee because Comrade Hem is president
21 here. Comrade Thoch -- therefore, Koy Thuon -- is member. And
22 there are two advisory members, Comrade Van and Comrade Doeun,
23 and a reporter, Comrade Touch -- T-o-u-c-h. End of quote.
24 And there is another record from the meeting of the Standing
25 Committee dated 7 May 1976 and which focuses on issues related to

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1 commerce and this is document E3/220 -- E3/220. And attended this
2 meeting: the Deputy Secretary, the Secretary, Comrade Van, Hem,
3 Vorn, and Doeun. And this is the excerpt which I would like to
4 read out -- and I quote, [free translation]:

5 "After the reports of the Super Comrade Doeun regarding the
6 Commerce Department, the meeting decided to organize, 1) The
7 Commerce Committee; and to transfer Super Comrade Chey -- C-h-e-y
8 -- from Agriculture to Lead Commerce; Super Comrade Doeun will go
9 down to Commerce for three months, May, June, and July, one half
10 day at the office" -- and this is Office 870, as we saw - "and
11 one half day at Commerce; Point 2, go to Hong Kong; have Super
12 Comrade Rith go to Hong Kong with Comrade Sou once more to make
13 contact for purchases." End of quote.

14 [15.52.09]

15 So, a little comment here regarding what happened to Comrade Chey
16 -- C-h-e-y, so this is Chey Suon, alias Non Suon, alias Saen. And
17 he was arrested in 1976; he was executed at S-21, and there is a
18 confession, on the case file, that he gave at S-21, indexed IS
19 5.69 and also E190 -- I repeat, I apologize, E190.1.14, dated
20 November 1976. And it seems, therefore, that he was not -- he was
21 prevented from playing an important role at the Ministry of
22 Foreign Affairs as was expected previously.

23 Comrade Doeun, as we are going to see now through some documents,
24 continued with his supervision work and continued leading the
25 Commerce Committee, not until July as the Standing Committee

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1 stated then, but at least until the end of September 1976. And
2 later on Doeun entered S-21 at the beginning of 1977, and at --
3 on the case file, we have a confession dated 19 February 1977,
4 indexed E3/1625 -- E3/1625.

5 [15.54.05]

6 So, now, let's look at why we can claim that Comrade Doeun
7 continued with his activities at the Commerce Committee until the
8 end of September 1976. Because there are four reports on the case
9 file that were sent by the Commerce Committee to Brother Doeun --
10 the "Respected Brother Doeun" -- regarding the trade relations
11 with North Korea. And these four reports are indexed as IS 18.11
12 from 21 August 1976, IS 18.12 from 28 August 1976, D366/7.1.823
13 -- and I repeat, D366/7.1.823 -- of 7 September 1976, and
14 document IS 18.14, which is the last document on the case file
15 and which is dated 30 September 1976. After this, as we will see,
16 all of the reports will be sent to Khieu Samphan.

17 [15.55.35]

18 So, I'm simply going to quote one of these reports that were sent
19 by the Commerce Committee to Brother Doeun, and this is document
20 D366/7.1.823 of 7 September 1976. And this is a report relating
21 to a meeting between members of the Commerce Committee and
22 friends -- North Korean friends, as stated. And if we look at the
23 end of this document, we will see that this report, as other
24 reports from the Commerce Committee, were copied to Office K-1,
25 to Office 51, and to the Interior Commerce, and to Archives.

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1 And we notice that three cadres attended, on behalf of the
2 Ministry of Commerce, this meeting with the North Koreans:
3 Comrade Chhoeun -- and we said that he was a member of the
4 committee; Uncle Hong -- H-o-n-g; and Comrade Mol. And the
5 discussions were focused on the establishment of trade relations
6 and on regular communication between North Korea and Democratic
7 Kampuchea.

8 [15.57.01]

9 So, as of the end of October 1976 at the latest, it's no longer
10 to Doeun, but to Hem -- that is to say, Khieu Samphan -- that
11 they -- that reports of this kind were addressed, and this until
12 the end of the regime of Democratic Kampuchea. And we can
13 therefore see about 28 reports that were addressed to Khieu
14 Samphan between 29 October 1976 and 3 December 1978. Five involve
15 meetings with North Koreans, about 10 meetings with the Chinese,
16 and another -- and about 10 others about meetings with the
17 Yugoslavs.

18 And I'm going to mention two representative examples of this
19 category of documents. The first example is document IS 18.19,
20 which is dated 1 November 1976, and this is the report from the
21 Commerce Committee to the attention of Brother Hem -- the
22 "Respected and Well Beloved Brother Hem". This is a two-page
23 report. And what we would like to look at are two things in this
24 report.

25 First of all, on the first page, the following is stated -- and I

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1 quote, [free translation]:

2 "Opinion from our North Korean friends:

3 "1. Regarding the water compressors, our Korean friends would
4 like to know how many of these compressors we need. These
5 compressors allow these pumps to operate properly.

6 "Our opinion" -- that is to say, the opinion of the Cambodian
7 delegation -- and I quote: "We are waiting for Angkar's decision
8 before we provide them with an answer."

9 [15.59.00]

10 And second passage -- I believe it's the same page, at point 2:

11 "Regarding 80 tonnes of sesame and a thousand tonnes of grain,
12 our North Korean friends say the following: But next time, they
13 will not take any sesame because their government stressed that
14 the Kampuchean people was underfed. Once there will be enough
15 food in Kampuchea, they will then take sesame.

16 "Our opinion: We thank our Korean friends for their understanding
17 in regard to the scarcity of food in our country. The next year
18 there will be enough food in our country."

19 So, it's interesting to notice that the scarcity of food in
20 Cambodia was already known in 1976 by the North Koreans, but
21 despite this, Democratic Kampuchea was already exporting foods,
22 such as this report shows to us.

23 [16.00.29]

24 [Oh, sorry, the microphone wasn't] -- I don't know, Mr.

25 President, if you would like us to look at another document or if

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1 you'd like to adjourn for today. Thank you.

2 MR. PRESIDENT:

3 Thank you, Mr. Co-Prosecutor.

4 It is indeed appropriate moment already for today's adjournment.

5 However, before we adjourn, the Chamber wishes to inform the

6 parties to the proceedings that the Chamber will not be sitting

7 during tomorrow and the day after tomorrow, due to the fact that

8 we have been informed by the Office of Administration that

9 national members -- staff members of the Court are allowed to be

10 on leave to check their names -- or name on the voting list. So

11 the Chamber will not convene -- will not be convened until the

12 18th of October, and document hearing will continue.

13 The Co-Prosecutors will have the opportunity to finish their part

14 on the submission of putting documents before the Chamber, to be

15 followed by the Lead Co-Lawyers for the civil party.

16 Security personnel are now instructed to bring Mr. Nuon Chea and

17 Khieu Samphan back to the detention facility and have them

18 returned to the courtroom by the 18th of October, at 9 a.m.

19 The Court is adjourned.

20 (Court adjourns at 1602H))

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