



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 24-Oct-2013, 11:48  
CMS/CFO: Krystal THOMPSON

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

16 October 2013  
Trial Day 215

Before the Judges:

NIL Nonn, President  
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:

SON Arun  
Victor KOPPE  
KONG Sam Onn  
Anta GUISSÉ  
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:

LIM Suy Hong  
Roger PHILLIPS  
DAV Ansan  
Simon MEISENBERG

Lawyers for the Civil Parties:

PICH Ang  
Élisabeth SIMONNEAU-FORT  
SAM Sokong  
LOR Chunthy  
SIN Soworn  
Martine JACQUIN  
Beini YE  
HONG Kimsuon  
Olivier BAHOUAGNE  
Lyma NGUYEN  
VEN Pov  
CHET Vanly  
TY Srinna  
Christine MARTINEAU

For the Office of the Co-Prosecutors:

CHEA Leang  
Nicolas KOUMJIAN  
William SMITH  
SENG Bunkheang  
VENG Huot  
Tarik ABDULHAK  
Vincent DE WILDE D'ESTMAEL  
Keith RAYNOR  
Dale LYSAK

For Court Management Section:

UCH Arun  
SOUR Sotheavy

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. HONG KIMSUON	Khmer
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. NUON CHEA	Khmer
MR. PICH ANG	Khmer
MR. SAM SOKONG	Khmer
MS. SIMONNEAU-FORT	French
MS. TY SRINNA	Khmer

1

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

2 (Court opens at 0858H)

3 MR. PRESIDENT:

4 Please be seated.

5 This morning the Trial Chamber announces the hearing of the

6 Closing Statements in Case 002/01.

7 Mr. Dav Ansan is now directed to report the attendance of the

8 parties to the proceedings.

9 [08.59.56]

10 THE GREFFIER:

11 Mr. President, today's hearing, the 16 of October 2013, the

12 greffier notes that all the parties are present.

13 Thank you, Mr. President.

14 MR. PRESIDENT:

15 Thank you, Mr. Dav Ansan.

16 The Trial Chamber wishes to advise parties and the members of

17 public that the Trial Chamber has scheduled the Closing

18 Statements from the 16 to the 30th of October 2013, and the 31st

19 of October 2013 if necessary - if that is necessary, as set out

20 in the Scheduling Order on the 22nd of August 2013, document

21 E295/4. This Scheduling Order, E295/4, sets out the procedure and

22 the time allocation for the Closing Statements.

23 [09.01.28]

24 I will briefly remind the parties and inform the public about the

25 procedure that was adopted by the Chamber, the procedure that is

2

1 governed by Internal Rule 94 of the Extraordinary Chambers in the  
2 Courts of Cambodia.

3 The parties have filed written Closing Briefs on the 26th of  
4 September 2013. Brief on the applicable law was filed on the 17  
5 and 18 January 2013. As the parties have had the opportunity to  
6 present the bulk of their argument in those written briefs, the  
7 Chamber considers that the Closing Statements should be a summary  
8 of their submissions or rebuttal of other parties' submissions.  
9 Please refer to document E295, paragraph 10.

10 The order of presentation for Closing Statements shall follow  
11 Internal Rule 94.1, with the following time allocations: Lead  
12 Co-Lawyers for the civil party, up to one day; Co-Prosecutor, up  
13 to three days; Nuon Chea, two days; Khieu Samphan, two days; and  
14 rebuttal by the Lead Co-Lawyer for the civil parties and the  
15 Co-Prosecutor, one day. The Chamber has clarified that it  
16 reserves its ruling on the precise amount of time to be allocated  
17 for the respective IR 94.3 statements until after rebuttal  
18 statements. It has, however, notified the defence teams that they  
19 shall have, at a maximum, two hours per accused to present their  
20 IR 94.3 statements.

21 [09.04.34]

22 Thereafter, the Chamber will adjourn the proceedings sine die,  
23 and the Judges will enter the deliberation on the verdict,  
24 pursuant to Rule 96 of the – of the Internal Rules of the ECCC.  
25 The Chamber will inform the parties and the public of the

3

1 delivery of the judgement with sufficient notice.

2 I would like to remind the parties that in order to ensure the  
3 efficiency of the proceedings and to make the best use of the  
4 allocated time, everyone should be aware of the multilingual  
5 setting and, therefore, speak slowly and clearly. Further, any  
6 numbers referred to should be read out slowly. Names should be  
7 spelled if uncommon or difficult. In case of an exchange between  
8 the Judges and a party, please always wait until the end of a  
9 translation before responding. Please be mindful of these  
10 guidelines. And the sole purpose is to keep the proceedings  
11 efficient.

12 [09.06.30]

13 And I would like to now - I wish to advise the parties and  
14 members of the public that the Chamber directed the security  
15 guards to bring Mr. Nuon Chea to participate directly in today's  
16 proceeding. Due to the report on the health condition of the  
17 Accused submitted to the Chamber and due to the health status of  
18 Mr. Nuon Chea this morning, Mr. Nuon Chea is able to sit directly  
19 in this courtroom for 20 minutes.

20 And, Mr. Nuon Chea, please be advised that after 20 minutes  
21 observing the proceedings this morning, you may return to the  
22 holding cell downstairs to follow remotely from the holding cell,  
23 with the permission from the Chamber.

24 Now, I would like to give the floor to the civil party lawyers to  
25 present their closing statement and submission on final

4

1 reparations. You may proceed.

2 [09.08.05]

3 MR. PICH ANG:

4 Good morning, Mr. President. Good morning, Your Honours,  
5 venerable monks, esteemed colleagues, parties, civil parties,  
6 victims, members of public, inside and outside of Cambodia. Civil  
7 parties' closing statement today will be addressed by me, Pich  
8 Ang, Lead Co-Lawyer for the civil parties, followed by lawyer  
9 Hong Kimsuon, lawyer Sam Sokong, lawyer Ty Srinna, lawyer  
10 Christine Martineau, and Lead Co-Lawyer Elisabeth Simonneau-Fort.  
11 And in the afternoon, we will spend around one hour to discuss  
12 reparation.

13 Your Honours, it is worth recalling that the civil party  
14 participation in the proceedings before the Extraordinary  
15 Chambers in the Courts of Cambodia is not without reason. Like  
16 millions of other individuals who fell victim of a heinous regime  
17 that history ever records, known as the Khmer Rouge regime, a  
18 regime that was designed to impose the vision of a utopian  
19 agricultural social order in Cambodia with record speed and  
20 remarkable disregard of the consequences on the populace - and  
21 this is underpinned by the draconian policy intended to push the  
22 "extremely marvellous, extremely wonderful, prodigious leap  
23 forward".

24 The unforgiving application of these policies and plans came at  
25 the price of massive death tolls and profound human suffering in

1 human history.

2 [09.10.16]

3 In the rush to protect and bring to fruition the CPK's massive  
4 work of social engineering, the entire population of Cambodia was  
5 forced out of their homes and into the fields to serve the  
6 Revolution.

7 Initiated with the forced movement – the forced removal, rather,  
8 of the cities' inhabitants and the elimination of those  
9 individuals thought to pose the greatest threat to the  
10 Revolution, a process of unending (inaudible) and distribution  
11 and redistribution of the populace to new locations, became the  
12 hall-marks of life under the CPK.

13 The civil parties provide detailed evidence in support of the  
14 assertion that Nuon Chea and Khieu Samphan, as leaders of this  
15 revolution, are responsible for the crimes alleged in Case  
16 002/01.

17 [09.11.18]

18 On the basis of the evidence and the arguments presented, the  
19 civil parties will demonstrate that the accused Nuon Chea and  
20 Khieu Samphan are guilty of the crimes against humanity. And in  
21 the process of hearing in this proceeding, the – it specifies the  
22 roles and responsibility of the Accused, and it has to be based  
23 on at least three-

24 On the basis of the evidence, Nuon Chea and Khieu Samphan are  
25 guilty of the crimes against humanity, extermination, murder,

6

1 political persecution, and other inhumane acts, enforced  
2 disappearance, and attacks against human dignity, as  
3 co-perpetrators and participant in the joint criminal enterprise.  
4 Before the Chamber, the civil party performs a role as a party,  
5 like the prosecutor and the Accused, as well. In every stage of  
6 the proceedings, the civil party have requested that it intends  
7 to exercise its full rights and its - eventually it has exercised  
8 this right through its legal presentation. And the civil party  
9 intends to summon the civil parties to testify in Court, as well  
10 as to submit evidence, and they were also granted the opportunity  
11 to question the witness and expert witness, as well. And this is  
12 the process that engaged the civil parties in this important  
13 tribunal.

14 [09.13.25]

15 In Case 002/01, it provides very clearly that, the evidence of  
16 the civil party in the course of the proceeding is not only  
17 relevant, but also crucial to ascertaining the truth in the case.  
18 The written statement of the civil party, of 567, including  
19 victim information, additional information and appendix -  
20 submitted by the civil parties in the proceeding and were  
21 admitted by the Chamber.

22 When the civil parties appear to be questioned in the course of  
23 the hearing, they also provide lively evidence which are key to  
24 establishing the facts of the crimes committed during the  
25 Democratic Kampuchea, as well as the suffering sustained by the



7

1 people.

2 According to the written statement, as well as the oral testimony  
3 of the civil party, in conjunction with other evidence submitted  
4 before the Chamber and the implementation of the policy of forced  
5 evacuation, the civil party have also raised the issue that may  
6 have been overlooked by the Trial Chamber but are crucial to  
7 enlighten the Chamber of the context of the – by which the crimes  
8 were committed.

9 [09.15.15]

10 And this evidence establishes a common pattern of crimes  
11 occurring throughout Democratic Kampuchea between 1975 and 1979  
12 or, in other words, a non-accidental repetition of the similar  
13 criminal conduct on a regular basis, which affirms the widespread  
14 and systematic nature of the attacks suffered by the population.  
15 In addition, the civil parties have given testimony on the impact  
16 of the crime on the population and their own prejudice as the  
17 result of these crimes, thereby attesting to the extent of crimes  
18 committed and bringing to the trial a human dimension, which  
19 otherwise would have been absent without the proceedings.  
20 Now, the role of the civil parties in this trial takes on a  
21 special significance in light of the historical context, the  
22 objective of national reconciliation, set out in the Court's  
23 founding instruments and the expectation of the victims and the  
24 Cambodian population at large.  
25 Over the past 30 years and until they filed their civil party

8

1 application, many of the civil parties in this case had never  
2 recounted their stories to anyone. It took an impressive degree  
3 of courage and determination to apply as civil parties, recall  
4 the stressing memories, and put them into words – and, for a  
5 number of civil parties, to face the strain and sometimes the  
6 risk of testifying before the Chamber.

7 As Judge Lavergne put it in the context of the present  
8 proceeding, "it is obvious–"

9 [09.17.15]

10 MR. PRESIDENT:

11 Please, hold on, Counsel.

12 Mr. Nuon Chea, you may proceed.

13 MR. NUON CHEA:

14 Your Honours, I would like to inform you that I cannot continue  
15 sitting in the courtroom. I ask you for leave to move to the room  
16 downstairs.

17 MR. PRESIDENT:

18 Security guards, please bring Mr. Nuon Chea to the holding cell  
19 downstairs.

20 Counsel, you may proceed.

21 MR. PICH ANG:

22 As Judge Lavergne put it in the context of the present  
23 proceedings, "it is obvious that for thousands of persons granted  
24 civil party status, these rights take on a special significance,  
25 bearing in mind not only the seriousness of the charges against

1 the Accused, but also the civil parties' very long wait for  
2 justice, a wait which makes these trials historic."  
3 For these reasons alone, the civil parties expect that their  
4 historical and decisive role will be fully acknowledged in the  
5 judgement, and that after 30 years, their right to justice and  
6 reparation will finally be realised.

7 [09.18.52]

8 As for the probative value, civil parties bring extensive and  
9 highly valuable evidence for the Trial Chamber's consideration in  
10 ascertaining the truth concerning the allegations against the  
11 Accused.

12 During Case 002/01 trial, 31 civil parties provided oral  
13 testimony before the Chamber. Additionally, the civil parties  
14 have put a total of 574 civil party documents before the Trial  
15 Chamber, including 484 documents submitted in the representative  
16 sample of civil party written statements tendered in lieu of oral  
17 testimony; 69 documents tendered in conjunction with the oral  
18 testimony of their civil party author; 30 documents tendered  
19 through the examination of civil parties, witnesses, or experts;  
20 and 10 documents tendered through key documents hearings.

21 [09.20.16]

22 These civil party documents have been admitted to evidence and  
23 come from two principal sources: the civil party application,  
24 which includes victim information form, supplementary statements  
25 and annexes; and written records of interview of civil parties

1 taken by the Office of the Co-Investigating Judges.

2 The testimony and written statements of the civil parties have  
3 been put before the Chamber and should be treated as probative  
4 evidence subject to a case-by-case analysis of their probative  
5 value and weight for purposes of the Chamber's consideration in  
6 Case 002/01.

7 Both the Internal Rules and jurisprudence of this Court provide  
8 guidance on the admissibility and probative weight of civil party  
9 evidence. According to Rule 87.1, "unless provided otherwise, all  
10 evidence is admissible."

11 The civil party evidence cited in the instant Closing Brief, both  
12 oral and written, has been identified before the Court and is  
13 thus properly put before the Chamber.

14 [09.22.00]

15 As for the probative value of in-court testimony of civil  
16 parties, victims are declared admissible to participate as civil  
17 parties and they become full parties to the criminal proceeding  
18 before the ECCC, and consequently they are not required to  
19 testify under oath. And this Court has affirmed that civil  
20 parties may testify to their knowledge of the criminal case  
21 without testifying under oath, and civil party testimony provided  
22 without an oath is afforded no less probative value than that  
23 given under oath. And the Trial Chamber has held in both this  
24 case and in Case 001 that the probative value of the civil party  
25 testimony and statements are evaluated using the same criteria as

1 other evidence.

2 According to the 2nd May 2013 decision of the Trial Chamber in  
3 this case, "the weight to be given to civil party testimony will  
4 be assessed on a case-by-case basis in light of the credibility  
5 of that testimony."

6 [09.23.11]

7 In – consistent with this approach, the Trial Chamber, in Case  
8 001, regularly relied upon civil party evidence as probative in  
9 the trial judgement.

10 The civil party information form also carries the probative value  
11 and weight, as well. This Court has determined that Internal Rule  
12 87.1 permits the Trial Chamber's broad discretion to admit all  
13 relevant and probative evidence. According to the August 15,  
14 2013, Trial Chamber decision on the admissibility of written  
15 statements, "civil party written statements tendered during the  
16 examination of the same civil party's testimony, where the  
17 Defence has the opportunity to confront the statement's author,  
18 need only satisfy the general admissibility requirements set out  
19 in Internal Rule 87.3 and, as a result, are prima facie relevant  
20 and reliable."

21 In regard to written statements tendered into evidence in lieu of  
22 oral testimony by the author, the Trial Chamber rejected the  
23 notion that the Defence has an absolute right to confront all  
24 witnesses against him or her. Instead, this Court found that  
25 confrontation rights are somewhat limited by the Trial Chamber's

12

1 duty to ensure the expeditiousness of proceedings and found that,  
2 instead - found instead that, subject to the Chamber's overriding  
3 duty to ensure a fair trial, the Trial Chamber, therefore, has  
4 the discretion to admit certain categories of statements without  
5 summoning their authors to testify at trial.

6 ///[09.25.33]

7 In determining the probative value of written statement admitted  
8 into evidence without witness confrontation, the Trial Chamber  
9 relies upon the factors for probative value and weight set forth  
10 by the ad hoc or internationalised tribunals.

11 [09.25.57]

12 Accordingly, when such statements are not excluded under Rule  
13 87.3, the evidence may still be relied upon if certain conditions  
14 are present. So, the factors include whether the evidence is of a  
15 cumulative nature or relate to the relevant historical and  
16 political and military background concerning crime based  
17 evidence, or consist of general statistical analysis of the  
18 ethnic composition, and concern the impact of the crimes on  
19 victims. And they also consider the victim information form,  
20 which include the names, date of birth - out of the application -  
21 and their occupation and address, as well as the names of their  
22 immediate family. So both the victim information form and other  
23 statements contained in the civil party application include  
24 evidence of facts, and it has to be accompanied by the identity  
25 of the civil parties themselves.

1 [09.27.18]

2 So, these records of – written records of statement as well as  
3 victim information form submitted to the Chamber were admitted by  
4 the Chamber, and consider put before the Chamber too. The written  
5 record of interview provided by the civil parties taken by the  
6 Office of the Co-Investigating Judges comply with the standard in  
7 the investigation phase and these are – information is thumbprint  
8 by the civil parties and they are also audio recorded in its  
9 entirety and is kept in the case file.

10 And, in addition, the testimony of the author assure that – and  
11 provides additional explanation to the facts in addition to his  
12 or her oral testimony before this Court. And, in addition, it  
13 also provides opportunity to the Judges and other parties to  
14 confront with these civil parties.

15 In addition to the reliable criteria, this – respond to the  
16 requirement of indicia of reliability for the admission of the  
17 civil parties information, the form meets several of the factors  
18 deemed appropriate by this Court to establish probative value and  
19 weight, and the civil party submission – and the fact detail in  
20 the victim statement – are cumulative in nature and support  
21 in-court testimony made by the civil parties, witnesses, experts,  
22 and which are subject to the cross-examination.

23 [09.29.25]

24 It is worth mentioning that the written record also has the –  
25 demonstrates the consequences of the civil party. Even though

14

1 these have been raised by the civil parties themselves, these  
2 factors indicate that the information provided by the civil  
3 parties carry the weight and value worth considering by the  
4 Chamber. In their closing brief, civil parties demonstrate the  
5 high probative value of civil party written statements by  
6 corroborating and adding important detail and nuance to the oral  
7 testimony and documentary evidence before the Chamber. But also  
8 by demonstrating the depths and breadths of the evidence on many  
9 key points, including the condition brought about by the crimes  
10 being adjudicated in Case 002/01. So, both the oral testimony of  
11 the civil party as well as the documentary evidence provided by  
12 the civil party are of importance which will contribute  
13 meaningfully to ascertaining the truth before this Chamber. And  
14 these documents were eventually accorded E3 title. So the  
15 participation of the civil party does not only represent the  
16 important role of civil party in the criminal proceeding, but  
17 also necessary to ascertain the truth.

18 [09.31.49]

19 I would like to conclude my statement now and I would like to  
20 seek leave from the Chamber to cede the floor to my esteemed  
21 colleague, Mr. Hong Kimsuon, to continue.

22 MR. PRESIDENT:

23 (No interpretation)

24 MR. HONG KIMSUON:

25 Thank you. First of all, allow me to say good morning to the



15

1 President, Your Honours, the honourable monks and all the people  
2 in the gallery. My name is Hong Kimsuon, from the CVP, a lawyer  
3 representing the civil parties and the Khmer Rouge Victims  
4 Association in France.

5 [09.32.35]

6 And I would like to continue our briefing statements relating to  
7 the official elements of the policies of the CPK. There are four  
8 points that I will cover:

- 9 1. The general introduction to common purpose of the JCE;
- 10 2. The forced transfers;
- 11 3. Cooperatives and work sites;
- 12 4. Regulation of marriage.

13 The civil parties provide in the following section the factual  
14 elements establishing the common criminal design of the joint  
15 criminal enterprise in which the Accused participated. The civil  
16 parties' evidence will assist the Chamber in establishing the  
17 criminal nature of the JCE, as stated in the Closing Order, the  
18 common purpose of the leaders of the CPK was to implement rapid,  
19 socialist revolution in Cambodia through a great leap forward,  
20 and to defend this revolution and the Party's line by whatever  
21 means necessary.

22 [09.33.40]

23 As it will be demonstrated in the discussion of each policy which  
24 follows, the common criminal plan came into existence before 17  
25 April 1975, and continued at least until 6 January 1979. To

1 achieve this common purpose, the CPK leaders, inter alia,  
2 designed the following five policies:  
3 1. The repeated movement of the population from towns and cities  
4 to rural areas, as well as from one rural area to another;  
5 2. The establishment and operation of cooperatives and work  
6 sites;  
7 3. The re-education of bad elements and killings of enemies, both  
8 inside and outside the Party ranks;  
9 4. The targeting of specific groups, in particular the Cham,  
10 Vietnamese, Buddhist, and former officials of the Khmer Republic,  
11 including both civil servants and former military personnel and  
12 their families;  
13 5. The regulation of marriage.

14 [09.35.02]

15 The civil parties recognise that the mere objective of achieving  
16 rapid socialist revolution could have potentially been executed  
17 in a way that involves no criminal conduct. However, as  
18 demonstrated by the evidence presented in the Brief, the Accused  
19 established five criminal policies, and where the peasants need  
20 to achieve the 3 tonnes per hectare, and the cadres warn  
21 that the wheels of history keep moving forward so other people  
22 had to be hardworking.

23 The cadres further warned that, if anyone dare put their arms or  
24 legs under those wheels of history they will be cut off. Those  
25 cadres loudly shouted, "Angkar moves forward by leaps and

1 bounds".

2 [09.35.52]

3 The Accused not only aim to have the most radical Maoist  
4 revolution in history, they wanted to refashion Cambodia society  
5 in order to create a new social order in which all persons will  
6 be modelled on the ideal of the worker-peasant, and the  
7 fundamental character of Cambodian society will be destroyed. It  
8 was of the highest importance to the CPK leadership that through  
9 these measures they would demonstrate that their revolution,  
10 characterized by its radicalisation of Communist theories and its  
11 unmatched pace would demonstrate the supremacy of the CPK  
12 Revolution.

13 The CPK asserts the five policies discussed here were inherent to  
14 the common purpose to create an agricultural society order  
15 through revolution. And for that reason, they formed the JCE.

16 [09.36.57]

17 In line with the Trial Chamber's Severance Order, the civil  
18 parties provide detailed evidence on the establishment and  
19 existence of all five policies, while limiting their  
20 demonstration on the implementation of these policies to only  
21 what the Closing Order categorizes as forced movement of the  
22 population, phases 1 and 2; and killings at Tuol Po Chrey.

23 The civil parties analysed that the demonstration of the  
24 existence of the policy is predominantly based on civil party  
25 written statement admitted into evidence and corroborated by oral

1 testimony and other documents admitted into evidence. Therefore,  
2 the existence of these policies is principally inferred from the  
3 factual basis of the charged crimes. This approach is taken in  
4 accordance with the settled jurisprudence in international  
5 criminal law which permits that, evidence of a policy to commit  
6 crime can be inferred from the way in which the crimes occurred.  
7 Therefore, implementation of similar crimes or a pattern of  
8 crimes on a widespread or systematic basis can provide evidence  
9 of a policy to commit those crimes.

10 [09.38.20]

11 Now, I touch upon the movement of the population.

12 One essential component of the common criminal design of the  
13 joint criminal enterprise carried out by the CPK in Democratic  
14 Kampuchea was the forced transfer population from cities and  
15 towns to rural areas, and from one rural area to another. This  
16 policy, particularly as it concerns the first two phases of  
17 forced transfer was guided by three main objectives, each of  
18 which was intended to move forward – the CPK's ultimate goal to  
19 achieve a rapid socialist revolution in Cambodia.

20 The first key objective of the policy of forced transfer of the  
21 population was to ensure that cooperatives and work sites were  
22 supplied with a massive work force capable of meeting the  
23 production and infrastructure demands dictated by the vastly  
24 accelerated great leap forward that the CPK envisaged for the  
25 country.

1 [09.39.37]

2 Civil parties confirmed being told that they were being forcibly  
3 transferred in order to help Angkar to meet its production and  
4 infrastructure goals. One witness recalls: "We heard that people  
5 had to be evacuated so that they can engage in the rice  
6 production in the countryside."

7 And another civil party said, in exchange for cans of rice, he or  
8 she had to clear 10 square metres of land, and her sister was  
9 assigned to dig up and carry dirt on her shoulder – that is, two  
10 cubic metres in the morning and one and half in the afternoon.

11 [09.40.35]

12 The forced transfer of the population was also aimed at reshaping  
13 the Cambodian population into a peasant class entirely devoid of  
14 the status distinction. The CPK associated with city dwellers,  
15 former civil servants, politicians, and the educated and merchant  
16 classes.

17 Civil party confirm that they were told that they were the 17  
18 April People and they had to make sure that Angkar trusted them.  
19 They had to be tempered at the Sgnok Mountain.

20 The CPK tried to force these transfers based on their rule and  
21 they said that the Revolution would move forward unhindered.  
22 Khmer Rouge military commanders and troops were instructed to  
23 carry out the forced transfers in order to take control of the  
24 city, control the situation because, even if the enemy was  
25 defeated, there were still pockets of them here and there.

1 [09.41.45]

2 The CPK also used forced transfers as a means to protect the  
3 gains made by the Revolution by drawing up the people from the  
4 enemy, or ensuring that residents did not remain in these  
5 locations, and the civil party said that they had to move  
6 because, "we were not supposed to mingle with enemies".

7 Regarding the characteristic elements of the forced transfer was  
8 implemented by the CPK, and it was defined by a number of common  
9 elements. These elements can be seen in the forced transfers that  
10 were committed against the population throughout Cambodia  
11 beginning before 1975, and continuing into 1977.

12 As presented in the Closing Order, forced transfers were carried  
13 out by the CPK in three distinct phases, two of which are the  
14 subject of the current trial and the present discussion - that  
15 is, phases 1 and 2.

16 Forced transfers were always initiated and enforced by CPK  
17 forces, including soldiers, militiamen and local leaders.

18 Transferees were justly given little or no advance notice that  
19 they were being moved and were rushed to leave the area. One  
20 civil party remembers: "We pleaded, we asked the soldiers to  
21 allow us some more time, but then the soldier told us that we had  
22 to leave in the day because if he came and then we still stay at  
23 the same place, we would be in big trouble."

24 [09.43.41]

25 Another civil party notes: "While we were walking we could hear

1 announcements through loudspeakers pushing us to walk quickly and  
2 to move quickly."

3 The quick pace of forced transfers allowed little time for  
4 transferees to prepare, in some cases just 15 minutes. Another  
5 civil party notes: "They told us it was not necessary for us to  
6 bring those utensils, and that it would be just heavy stuff for  
7 us to bring, and that we did not actually bring anything, except  
8 the money."

9 The populations moved were not given a choice whether they would  
10 be transferred; compliance with orders for forced transfer was  
11 expected and if victims were not convinced by explanations and  
12 inducements, then CPK forces systematically resorted to  
13 increasingly coercive and violent measures to ensure the  
14 compliance of the transferees.

15 One civil party reports that: "When my father refused to leave,  
16 we received a severe threat. The Khmer Rouge soldier told us  
17 that, if you decide not to leave, you will be shot death."

18 [09.45.02]

19 Notably, the policy of forced transfers of populations began well  
20 before the fall of Phnom Penh on 17 April 1975, with the forced  
21 transfers of residents from villages, towns, and cities  
22 controlled by the Khmer Rouge to alternate rural locations.  
23 As early as 1972, civil parties and witnesses described forced  
24 transfers taking place throughout the country, including in  
25 Kampong Cham City, Udong City, Kampong Chhnang, Kampong Speu,

1 Mondulkiri, Svay Rieng, and Kandal provinces.

2 Once the CPK gained full control of the Cambodian territory with  
3 the fall of Phnom Penh and other provincial capitals to their  
4 troops, they uniformly applied a policy of forced evacuations  
5 from urban areas to rural cooperatives. This policy was  
6 implemented beginning on or around 17 April 1975 in Phnom Penh  
7 and in the days and weeks before and after in other cities and  
8 towns.

9 One transferee from Phnom Penh states: "Three days after the  
10 Khmer Rouge entered, we were herded and asked to leave."

11 [09.46.43]

12 Phase 1 forced transfers were not limited to Phnom Penh, but also  
13 occurred in other cities and towns throughout Cambodia, including  
14 Kampong Som City, Battambang, Kampong Speu, Pursat, Kandal,  
15 Kampot, Siem Reap, and Takeo province.

16 A civil party who was evacuated during that time said that: "On  
17 17 April 1975, at 7 a.m., black-clad Khmer Rouge soldiers told  
18 people to leave Kampong Som City without taking many belongings  
19 with them because Angkar would feed all of them there."

20 Following closely on the forced evacuations of Phnom Penh and  
21 other urban centres throughout Cambodia, the CPK embarked upon a  
22 continuing program of forced transfers from the central or old  
23 North zones, the Southwest, West, and East zones to the North and  
24 Northwest zones. Many of these forced transfers took place  
25 beginning in later 1975 and continuing at least until some time



1 in 1977.

2 As described by one civil party: "In early 1976, during rice  
3 harvest, my family and others were evacuated by the Khmer Rouge  
4 to a new worksite in Battambang. The Khmer Rouge were saying  
5 there were many rice fields in Battambang but there were not  
6 enough people to do the harvest."

7 [09.48.30]

8 Other of these forced transfers began in the months of June, July  
9 and August of 1975. In fact, a defining feature of the CPK's  
10 policy of forced transfer was the pattern of repeated forced  
11 transfer of populations, though forced transfers which  
12 characterize under this policy can be generalized.

13 One civil party remembers: "I stayed in that village for a short  
14 period of time. Then my family, as well as other families, were  
15 ordered to leave. Angkar sent us further from one native  
16 village."

17 The evidence demonstrates a clear pattern of forced transfers  
18 being carried out en masse, especially before and including the  
19 forced transfers occurring in April 1975. Forced transfers  
20 involved the complete emptying of villages, towns, and cities.

21 One civil party recalls that: "There were so many people during  
22 the evacuation of Phnom Penh and that people died along the  
23 street. Sometimes, there were a kind of stampede where people  
24 died."

25 [09.49.57]

1 CPK forces implementing forced transfers provided very little or  
2 no assistance to the transferees, and the transfers were carried  
3 out under inhumane conditions. Earlier forced transfers - were  
4 absent, even transportation for the transferees, who often had to  
5 journey long distances by foot.

6 One civil party remembers: "There was no transportation; we were  
7 on foot all the time, and there was no assistance offered by the  
8 Khmer Rouge soldiers. There was usually no food, water, shelter,  
9 or medical attention provided or available."

10 Another civil party reports that: "My family and other 17 April  
11 People were horrified. There was no money, no food, no water  
12 along the road."

13 In later forced transfers, transportation, and perhaps even some  
14 food, might be provided, but other measures were not taken to  
15 ensure the wellbeing of transferees, and the assistance provided  
16 was inadequate or even inhumane in its own right.

17 A civil party testifies that: "On board the train, nothing was  
18 given to us; no food or clothes. Although other transferees died,  
19 the train did not stop for them to be removed."

20 [09.51.48]

21 Targeting and prosecution of specific groups was also common  
22 place during the forced transfers. New People were a primary  
23 target of the CPK's policy on forced transfers. Other groups were  
24 also targeted for persecution during the forced transfers,  
25 including the affiliates of the Khmer Republic, the Khmer Krom,

1 and Buddhist monks and nuns.

2 The CPK policy as described in part 3 – that is, "The Factual  
3 Evidence of Crimes" – existed and was applied prior to 17 April  
4 1975 and continued on until at least 6 January 1979. The policy  
5 affected a wide range of civilians, including both men and women,  
6 from affiliates of the Khmer Republic, Khmer Krom, Monks, as well  
7 as many vulnerable populations within these groups, such as the  
8 elderly, new-borns, infants and children, hospital patients, the  
9 ill or wounded, pregnant women, and new mothers during the first  
10 phase of the forced transfer from Phnom Penh to 15 of the  
11 Cambodia's 23 other provinces and special administrative zones.  
12 Concerning phase 2, civil party evidence establishes that they  
13 were – there were forced transfers from 17 of Cambodia's 24  
14 provinces and special administrative zones to 14 provinces.

15 [09.53.35]

16 As indicated above, there is also evidence of phase 1 forced  
17 transfers which were initiated from cities and towns other than  
18 Phnom Penh and phase 2 forced transfers between locations not  
19 specified in the Closing Order. The forced transfers of the  
20 population were carried out on orders of the CPK without regard  
21 to the wishes, safety or wellbeing of the victims.

22 As described in part 3 of this brief, the forced transfers  
23 resulted in family separation, disappearance, death, illness,  
24 starvation, exposure, physical and psychological injury, arrests,  
25 and disappearances, killings, beatings, and mistreatment, and

1 sexual violence, amongst others.

2 In addition to the suffering and harm experienced by victims in  
3 the course of the forced transfers, the consequence of the forced  
4 transfers on the health of the victims, the massive scale of the  
5 redistribution of the population and the lack of planning and  
6 coordination by the CPK resulted in our population famine,  
7 disease, and death at destination points.

8 As noted by one witness, "it is not easy when people had to be  
9 displaced, because people had to move from one area to another,  
10 to the area that they never got used to living in. They got sick,  
11 and some families just perished entirely. For example, in my  
12 cooperative, the whole family just died."

13 [09.55.20]

14 On policy as a State practice, as demonstrated in part 3 of this  
15 brief, senior leaders of the CPK who - were well aware and  
16 participated in the policy on forced transfers. Nuon Chea admits  
17 that "all city dwellers were evacuated, and it is obvious". In  
18 interviews, Khieu Samphan and Ieng Sary confirmed having  
19 discussed plans for mass evacuation of Phnom Penh with Pol Pot.  
20 Additional details on the participation, planning, and awareness  
21 will be made later in the brief.

22 Now, on the cooperatives and worksites.

23 From the early seventies, the Khmer Rouge set up cooperatives in  
24 the liberated zones based on the model of other Communist  
25 regimes. These cooperatives were created to implement the policy

1 of the Party and defend the Socialist Revolution.

2 The cooperative policy was determined by three principal  
3 objectives, the first being to build a nation based on  
4 collectivism, thus eliminating the private sphere and destroying  
5 the social structure. The second objective was to provide food  
6 for internal consumption and export, implementing an intensive  
7 agricultural policy, and the third one, to defend the nation,  
8 furthering the policy of detecting, re-educating, and smashing  
9 the enemy.

10 [09.57.06]

11 The principal characteristics of the cooperative policy were the  
12 application of the collective principle to labour and  
13 organization, the use of cooperatives and worksites to implement  
14 that principle, the eradication of former feudal and capitalist  
15 production relationship, and lastly to reform people's  
16 mentalities and the destruction of family ties.

17 The CPK leaders intended to reach their unrealistic agriculture  
18 production objectives through the system of cooperatives and  
19 worksites in view of building the nation and achieving the  
20 revolution. During the forced evacuation of the cities on 17  
21 April 1975, the soldiers announced that the New People must join  
22 the cooperatives and leave all their possessions behind. From  
23 that date, the Party's objective was to establish high-level  
24 cooperatives throughout the country and to achieve 3 tonnes of  
25 rice per hectare, and it was also to attack the internal enemy so

1 that they could identify the New People. The New People were  
2 considered to be enemies and, therefore, permanently suspected.  
3 As a civil party recalls, "The evacuated people were regarded as  
4 the 17 April People, who were tracked and monitored at all  
5 times."

6 [09.58.48]

7 Following the CPK ideology and in order to control the people  
8 more effectively, the Party divided the population into two  
9 categories: the New People and the Base People. The cooperatives  
10 also serve the CPK's objective to re-educate the intellectuals,  
11 the bourgeoisie, and the feudal and the capitalist classes.  
12 The first characteristic of the cooperatives was to increase  
13 agricultural production, especially rice, rubber, and salt.  
14 A civil party recalls: "They set a target for us: we had to  
15 produce at least 3 tonnes of rice per hectare of land."

16 Also a countrywide irrigation network was to be built by  
17 constructing new channels, dykes, and dams. A policy of forced  
18 and extremely harsh labour was implemented that increased  
19 continually over the next months.

20 [09.59.48]

21 Collectivization was to be fully achieved by 1976, private  
22 property eradicated, and the Party would control the  
23 cooperatives. The cooperative, its composition was high labour  
24 with collective means of production, collective tools to increase  
25 production, collective eating and living, and collective work.

1 The forced evacuees from the cities ended up in cooperatives. As  
2 a civil party states; "two or three weeks after the 17 April, we  
3 were placed in a cooperative. During the first months at the  
4 cooperative, people were still allowed to live with their  
5 families and take their meals together, but food was rationed,  
6 and people were obliged to give up all their private  
7 possessions."

8 A dehumanization process began. The CPK imposed a number of  
9 measures such as abolishing private property, collectivizing the  
10 means of production, challenging the traditional way of life, and  
11 forbidding freedom of movement, and measures that continually  
12 called into question the peasant way of life. The success of the  
13 revolution depended on the pace of the success of the  
14 agricultural policy, and consequently the strengthening of the  
15 cooperatives and creation of labour camps had to be carried out  
16 as quickly as possible.

17 [10.01.30]

18 Therefore, at the end of 1975 and early 1976, the survivors of  
19 the first evacuation were once again transferred to other  
20 locations and cooperatives, mainly in the Northeast, to  
21 high-level cooperatives.

22 The second component of the cooperative policy consisted in  
23 eradicating further production relationship. All feudal and  
24 capitalistic relationships were to be eliminated as rapidly as  
25 possible and by all necessary means.

1 Civil parties state that segregation existed between the New  
2 People and the Base People. The Cambodian population had been  
3 classified by Angkar into three categories: the fully-fledged  
4 members, the candidates, and the dispossessed, which included the  
5 New People deported from the cities. One mention this  
6 discriminatory treatment and said that New People were identified  
7 as being imperialists and capitalists, in other words people who  
8 had profited from the rewards of peasant labour. The CPK  
9 leadership wanted the poor peasants and the lower-middle peasants  
10 to control the cooperatives to attack and smash the State power  
11 of other classes who stole from other cooperatives, and give it  
12 back to the poor peasants and the lower-middle peasants down  
13 below.

14 [10.03.06]

15 The third component of this policy concerns social control and  
16 reforming mentalities. It was organized by the CPK leaders and  
17 implemented by local cadres who inculcated the Party's policy to  
18 the new arrivals at the cooperatives during the meetings. They  
19 said, "We are the masters in our home; so are you. In Democratic  
20 Kampuchea, we do not need external aid. Now, it is Angkar who  
21 meets your needs. Today, Comrades, you are going to work a little  
22 bit harder because Angkar says you must."

23 Therefore, the cooperatives were an instrument to exercise a firm  
24 social control and reform the mentalities of the capitalists, the  
25 bourgeoisie, and the feudal classes, to dismantle traditional



1 family ties, and safeguard the nation's security. That was  
2 tantamount to an open-air prison in which an individual was  
3 observed. The Angkar even used children to spy on and control  
4 their own parents.

5 The CPK-imposed self-criticism sessions and biography writing  
6 also enabled this control over the people. This form of social  
7 control enabled the leadership to reach different classes of the  
8 population, took divisions within families, and re-educate the  
9 New People.

10 And in order to sanction the control over the New People, the  
11 Khmer Rouge leaders decided to destroy traditional family bonds.

12 [10.04.52]

13 At their arrival in the cooperatives, the families were separated  
14 and allocated different work units under the authority of a cadre  
15 depending on their sex, age, and workforce. Youth people were  
16 sent to mobile brigades, and family members were split-up. Very  
17 young children were also obliged to work. They were separated  
18 from their parents and placed in children's camps.

19 A civil party remembers: "I was separated from my mother, and I  
20 was put in another group, and I was sent to join a children unit  
21 and assigned to cut down two bundles of tree leaves."

22 The practice of writing biographies as a means of control, the  
23 Party was able to identify all class enemies.

24 A civil party reports that she was controlled and monitored by  
25 the militiamen, and people had been continually arrested. Enemies

1 were arrested under the pretext of being sent for re-education.  
2 The CPK leaders used the deprivation of food as a means of  
3 repression or as a way of putting pressure on people. Rationing  
4 for the New People was especially harsh, and they suffered even  
5 more from food deprivation. A civil party stated that in 1975  
6 they were the only category suffering from this.

7 [10.06.42]

8 The sick people were not allowed to rest or regain their strength  
9 and were often deprived of food as punishment for being sick.  
10 Furthermore, the working conditions were exacerbated by a very  
11 heavy schedule. They were obliged to work between 15 to 19 hours  
12 per day, and several civil parties also stated they were obliged  
13 to work immediately after childbirth.

14 As the civil parties recall the working conditions - that they  
15 were planned and controlled by Angkar - they stated that it was  
16 impossible to complain for they would have been accused of  
17 betraying Angkar.

18 After 17 April 1975, cooperatives and worksites were established  
19 practically all over Cambodia and all the Cambodian people were  
20 put to work for the Revolution.

21 The Office of the Co-Investigating Judges was seized with six  
22 worksites. However, civil party evidence clearly demonstrates  
23 that worksites were established all over the country.

24 [10.07.54]

25 As on the impact, the leaders used all necessary means to

1 implement the cooperatives and worksites policy, whose ultimate  
2 objective was to achieve and defend the Socialist Revolution.  
3 The deprivation of food, the fatigue, and the lack of the  
4 treatment were a harsh condition, and the policy was applied day  
5 and night, without the respect of the age or the gender.

6 A civil party remembers: "We were reduced not to human beings,  
7 but to monkeys."

8 Almost every civil party recall family members who died from  
9 shortage of food and/or care, exhaustion, or were executed for  
10 being traitors to Angkar.

11 As on the policy as State practice, the cooperative and worksite  
12 policy was designed by Angkar. Nuon Chea and Khieu Samphan were  
13 not only informed about this policy, but designed and overviewed  
14 this policy. As they regularly visited the cooperatives and  
15 worksites.

16 Khieu Samphan travelled many times with Preah Norodom Sihanouk  
17 through the provinces. As witnesses testified, he especially  
18 visited a cooperative in 1976 and participated in an event at  
19 Kaoh Thum cooperative. Khieu Samphan himself has declared that he  
20 saw with his own eyes the Trapeang Thma water reservoir.

21 [10.09.41]

22 A witness who travelled with Nuon Chea when he visited the  
23 provinces and rural areas stated that he inspected the rice  
24 fields and met with many cooperative heads. Wherever he visited,  
25 he would meet with the head of cooperatives. The same witness

1 also accompanied Nuon Chea to the 1st January Dam in Kampong Thom  
2 province, where he saw many people building dams and many of them  
3 carry earth, and states that whenever Nuon Chea observed  
4 difficulties raised by a construction project, he held a meeting  
5 with the people in charge, and indeed, Nuon Chea went to visit  
6 many other construction sites.

7 On the regulation of marriage, there were five objectives.

8 The first policy was to regulate marriage by forcing people to  
9 wed each other against their will, and this was in conjunction  
10 with other four policies - that is: to implement a rapid  
11 socialist revolution. First and foremost, the policy on forced  
12 marriage was aimed at increasing the population.

13 A civil party said during the forced marriage was to make  
14 children for Angkar.

15 Another civil party said that: "Upon knowing that, I refused, but  
16 I was still forced to wed and I could not oppose Angkar because  
17 Angkar was like our parents."

18 [10.11.30]

19 The second objective was in line with the general ideology of a  
20 socialist revolution.

21 A civil party states: "The Khmer Rouge set a policy that  
22 cross-marriage was not allowed between the Base and the New  
23 People."

24 As for the Buddhist monks, a civil party who, as a monk, was  
25 first defrocked and later on forced to marry-

1 Another civil party corroborates this experience: "I know that  
2 because in Svay Rieng there was a case of a monk, previously an  
3 abbot, who was defrocked and forced to marry an old woman."  
4 No monk provided any blessing because the monks had been  
5 defrocked by the Khmer Rouge. This shows that the elimination of  
6 Buddhist practices and beliefs also extended to wedding, where  
7 traditionally religious ceremonies formed one of the core  
8 elements.

9 On the targeting of the Cham, forced marriage between Cham and  
10 Khmer was used as means to destroy their culture and religion. A  
11 ten-couple marriage was organized, and that was to destroy their  
12 culture and religion.

13 [10.13.00]

14 A civil party recalls that: "As a Cham, I suffered considerably,  
15 as I had to force myself to marry a Khmer man, but I did not  
16 reject the arrangement because I was afraid the Khmer Rouge might  
17 kill me."

18 The policy on forced marriage served as an extension to the  
19 policy on targeting former Lon Nol officials and their families.  
20 Marriages were forced upon their female relatives, such as  
21 daughters, and this is experienced by one civil party: "I was  
22 called lazy and reminded that my parents worked for Lon Nol, so I  
23 had to accept the marriage. If not, I would have been killed."  
24 The core element of this policy was applied nationwide and among  
25 the entire population within the temporal jurisdiction of the

1 Court. This was the disregard for the individual's consent and  
2 the ability to marry a person of their choosing. Even though  
3 voluntary marriage with permission from the authority was  
4 possible and did occur, the vast number were not, and punishment  
5 would be implemented on those who rejected, as one described: "I  
6 was asked by a Khmer Rouge soldier to marry him, but I refused  
7 his request. After that, they arrested me and imprisoned me in  
8 Koh Khyang prison. As a result of the circumstances, I was afraid  
9 of being beaten and mistreated; I agreed to marry."

10 [10.14.55]

11 Some were also expressly threatened with punishment should they  
12 oppose the marriage.

13 In order to achieve the above mentioned goal to increase the  
14 population, the consummation of the marriage through sexual  
15 intercourse had to be ensured following the wedding procedure.

16 This means ranged from the surveillance: "In the night,  
17 militiamen came to our homes to spy on us, and in the next  
18 morning he reported to the youth chief, Sau Van. In fact, I had  
19 not agreed to sleep with my husband. After the report, the unit  
20 chief called me for instructions and warned me I would be  
21 executed if I did not sleep with my husband."

22 On the physical violence: "My hands were tied up, and I was  
23 eventually raped."

24 Male and female both fell under this obligation.

25 As one put: "The next day after the wedding night, we were sent

1 back to work at our old worksite."

2 [10.16.05]

3 The goals of increasing the population and efficiently pairing  
4 people of the same background were typically the only

5 consideration. In most cases, collective weddings with two or  
6 more than a hundred couples were held. Religious and other  
7 traditional ceremonies were abolished.

8 Evidence from civil parties confirms the existence of the policy  
9 that the aforementioned characteristic elements were already  
10 applied before 17 April 1975 and continued until 6 January 1979.  
11 Forced marriages as discussed above were held in all zones. The  
12 policy affected both males and females. Victims of this policy,  
13 as well as spouses selected for them, came from all walks of  
14 life, including ethnic minority groups such as Khmer Islam, Cham,  
15 Jarai, Tumpoun, and various other groups.

16 With marriage being an essential aspect of social and private  
17 life, the policy on forced marriage contributed to the  
18 collectivization of all aspects of society.

19 In addition, collective care for children born as a result of  
20 such marriages were put in place. As one civil party describes:

21 "During the daytime, when I was working at the rice fields, I  
22 left my daughter for the old women to look after. They fed their  
23 children gruel, and I breastfed my children during the mid-day  
24 rest break and during the evening."

25 [10.17.58]

1 Evidence from the civil parties and other sources also  
2 demonstrates that like the other four policies, the forced  
3 marriage policy was designed to be implemented by whatever means  
4 necessary, regardless of the human toll exacted. As a direct  
5 result, and in accordance with the objective to increase the  
6 population, many women became pregnant. The forced pregnancy is  
7 the consequence of the forced marriage. However, some of these  
8 women lost their babies either during birth or during infancy,  
9 due to lack of medical care. As one civil party remembers, "my  
10 baby later died after he had become sick, without any medicine to  
11 treat him. He had seen the sunlight for only two months. After he  
12 died, Angkar took his body away."  
13 Another civil party recalls that: "Eventually, my child died when  
14 he was nine months, due to complete absence of breast milk."  
15 The circumstances of coercion enforced, which formed a  
16 characteristic element of the policy, has had a lasting impact on  
17 the victims. The fear instilled by this policy was already  
18 present during the wedding procedure, as one civil party  
19 describes: "I was then asked to make a declaration. I was very  
20 afraid. I was trembling with fear, thinking that I was going to  
21 be beaten. During that night, I was very scared because we had  
22 never known each other before. On the other hand, I was so  
23 worried that these militiamen would know about it if I made any  
24 attempt to refuse to live with my husband. People were prohibited  
25 from choosing the one they loved."



1 [10.19.50]

2 Another - some civil parties suffered from the separation of  
3 their fiancés. A civil party states: "I have felt pain about this  
4 forceful marriage, as I was not allowed to marry a girl I loved."

5 During this period, some victims had difficulty in living with  
6 their partners. A woman states: "I suffered from trauma because I  
7 lived in the suffering with a husband who did not understand my  
8 feeling, and I was physically and sexually abused."

9 Another woman (sic) also stated a similar account: "But he  
10 maintained the marriage, due to his pity on his wife, and not  
11 because of his personal love toward his wife."

12 During the long period, some victims had difficulty in living  
13 with their partners. This policy affected both men and women.  
14 They suffered trauma.

15 My apology; I already read out that part.

16 As stated in the above paragraph, another civil party - and  
17 through other sources - claims the CPK leaders who used their  
18 aliases established the forced marriage policy, and it is evident  
19 that it can be concluded that the forced marriage was the result  
20 of the State implementation.

21 [10.21.56]

22 The forced marriages that occurred during the DK period were  
23 arranged by the Khmer Rouge soldiers, as a civil party states:

24 "At 9 a.m., when the marriage was to be organized, Angkar called  
25 us to make a statement and declaration. More than 10 of the Khmer

1 Rouge soldiers, and including Chab (phonetic), and Van  
2 (phonetic), and Ann (phonetic), the village chief, and some  
3 representatives whose name I could not recall, asked us to make  
4 our declaration. Amongst those soldiers, there were members of  
5 the sector committee, chief of the female unit, or members of the  
6 committees of the commerce, or the commune committee, or the  
7 unit's chiefs, or members of the sections, group chiefs, or the  
8 cooperative chiefs, or the youth groups. It was decided by the  
9 upper level, and the newly married couples were chosen by the  
10 Khmer Rouge authority, disregard the consent of the people."  
11 Forced marriage policy was a State implementation where the  
12 couples were forced to commit themselves to Angkar during the  
13 marriage, that - each couple had to make their resolution to work  
14 hard for Angkar, to be loyal to Angkar, and not to betray Angkar.  
15 [10.23.30]  
16 Mr. President and Your Honours, the CPK leaders and the senior  
17 leaders were amongst the head representatives in the - during one  
18 of the marriage organization who read out the regulation. And in  
19 the above paragraph, it stated that the forced marriage policy,  
20 as with other policies which were established by the CPK  
21 leadership, could - conclude that those - those individuals are  
22 all the same, as they push for the implementation of the five  
23 policies regarding the JCE.  
24 I am grateful, Your Honour, and I'd like to cede the floor to my  
25 colleague.

41

1 MR. PRESIDENT:

2 Thank you.

3 The time is appropriate for an adjournment. We will take a  
4 20-minute adjournment and return at a quarter to 11.00.

5 The Court is now in recess.

6 (Court recesses from 1024H to 1046H)

7 MR. PRESIDENT:

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

9 The floor will again be given to the Lead Co Lawyers for civil  
10 parties to continue their Closing Statement.

11 You may now proceed.

12 MR. SAM SOKONG:

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

15 My name is Sam Sokong, a civil party lawyer from the Legal Aid of  
16 Cambodia, and I'd like to continue presenting our Closing  
17 Statements after my colleague, Hong Kimsuon just concluded his  
18 part. And my presentation will relate to the security centres,  
19 execution sites, and the re education of bad elements and killing  
20 of enemies and the targeting of the groups.

21 [10.47.38]

22 On the security centres, one of the five policies designed by the  
23 CPK was to establish security centres and execution sites. First  
24 and foremost, the objective of this policy was to ensure that the  
25 principles of the Revolution was strictly respected to prevent

1 any opposition in order to ensure continuity of a new ideology,  
2 which followed the Soviet model.

3 As a result of this Revolution, a new society emerged based on  
4 collectivism, where all social classes were abolished; in  
5 particular, the oppressive and exploitative classes so that the  
6 society had an equal status based on workers and peasants.

7 The set policy designed by the CPK established security centres  
8 and execution sites. Two of the main objectives of this policy,  
9 in conjunction with the other four main policies, were to  
10 implement a socialist revolution in leaps and bounds. First was  
11 to eliminate all the oppressive classes so that an equal society  
12 was to be created based on the peasants and workers. Two, to re  
13 educate the bad elements and the killing of enemies in order to  
14 strengthen the revolutionary stance to search out for enemy,  
15 assessed, analysed, monitored, oppress, arrest and smashed.

16 [10.49.22]

17 The instructions by the Party regarding the treatment toward the  
18 targeted enemies started from the outset of the regime. The Party  
19 had to use the revolutionary violence and gather people to use  
20 such violence to respond to any reaction or to the oppressive  
21 class or to oppose the - any colonialism or imperialists. The  
22 Standing Committee also confirms that it was necessary to  
23 definitely defend the territory and the gains of the Revolution  
24 at all cost.

25 When they established such a policy, the CPK leaders determined

1 clearly the implementation of site policy through a process. For  
2 example, first to identify bad elements, enemies; and two,  
3 specific treatments to be took towards those bad elements or the  
4 enemies.

5 Although there were bad elements - were used during the  
6 Democratic Kampuchea, they ensured it was to identify them  
7 clearly and to search out for enemies. Any activities to oppose  
8 the State was to be prevented and eliminated. A civil party  
9 testifies that the Party had a view that anyone who interfered in  
10 the Party's affairs or opposed the Party will be considered an  
11 enemy. The essential component of such policy was to refashion or  
12 to re educate bad elements and to eliminate enemies from within  
13 and outside the Party.

14 [10.51.08]

15 As stated in Article 10 of the Constitution of the DK, re  
16 education meant the detention at the security centres of the bad  
17 elements. A civil party recalls that the interrogation, the  
18 detention, torture and the killing of any person who was  
19 considered as an enemy was the result of this policy.

20 On the issue of the violations of the code of conduct of the DK  
21 for suspecting of being an enemy, anyone who violated the code of  
22 conduct will be considered a bad element or an enemy. The DK code  
23 of conduct clearly states that any close relationship between an  
24 unmarried man and a woman will be considered immoral, and for  
25 that they will be considered enemies.

1 Another point on the issue of the suspicion of the internal  
2 enemies - that issue was ripe and existed throughout the regime  
3 and within the Revolutionary Movement. Pol Pot did not trust  
4 their people, during the Khmer Rouge regime, especially the  
5 cadres or heads of various offices.

6 Regarding the 30 March 1976 decision, in order to smash the  
7 enemies inside and outside the Revolution, was a long and  
8 extensive purification process within the Party's rank. In the  
9 instruction, the DK, took an action in the new and old North Zone  
10 in early 1976 against Koy Thuon and from mid 1976 in the East  
11 Zone.

12 [10.53.02]

13 The policy had an effect on the people. As stated by a civil  
14 party, they suffered a long-term mortality as a result - as  
15 direct result of this policy on the bad elements and the killing  
16 of enemies. Many of them faced nightmare and they have constant  
17 mental suffering after witnessing the torture and the killing,  
18 including those of their relatives.

19 On the issue of the participation in the policy by the accused:  
20 From April 1975 through various meetings minutes, which indicates  
21 that the instruction on the policy and on its implementation was  
22 directly related to all level of authority; namely, Pol Pot  
23 representing the Democratic Kampuchea, and the Office 870, the  
24 Central Committee, the Standing Committee, the Ministry of  
25 Commerce, and the Ministry of Foreign Affairs. In addition, our

1 sources confirmed that at all levels they had to report about the  
2 implementation of such policy within its own jurisdiction to the  
3 higher level, for instance, to the sector, the ministry or the  
4 zone.

5 [10.54.32]

6 As testified by a civil party, the instruction was given by the  
7 Party and the order to smash or to re educate came from Angkar.  
8 At the lower level, they would be issued instructions to the  
9 zone, district, or the cooperative. Amongst the senior leaders,  
10 Khieu Samphan and Nuon Chea, directly and sorrowfully involved in  
11 the establishment and the dissemination of such policies. Khieu  
12 Samphan, in his capacity as the acting head of state, induced and  
13 appealed for the action against the enemy of the Revolution.  
14 In various meeting minutes and in a speech quoted in various  
15 "Revolutionary Magazine Flags" (sic), he instructed that the  
16 actions had to be carried out at all levels. As a member of the  
17 Central Committee from March 1976, he participated in various  
18 decision-making meetings and in which in one of the meetings the  
19 instruction on the smashing of the enemy had to be decided first.

20 [10.55.45]

21 In his capacity as the President of the Assembly of Democratic  
22 Kampuchea and the Deputy Secretary of the Party, Nuon Chea had  
23 the authority to make decisions in relation to the policy, as  
24 confirmed by various meetings minutes, on the issue of re  
25 education of bad elements and the killing of enemies.

1 The second policy on the treatment toward the targeted group, and  
2 in this instance on the former Khmer Republic officials, the co  
3 accused confirmed that as a system or policy to maintain the  
4 Socialist Revolution the speaker had to eliminate the targeted  
5 groups and those affiliated with the former Khmer Republic by any  
6 means necessary. The planning toward the targeted group or the  
7 Khmer Republic officials, including soldiers, civil servants and  
8 their families, became clearer in 1975 with the mass killing at  
9 the outset of Democratic Kampuchea regime and continued at least  
10 until 6 January 1979.

11 [10.57.07]

12 Senior military officials and political leaders of the CPK gave  
13 instructions to their subordinates to begin the systematic policy  
14 to determine those affiliated with the Khmer Republic after they  
15 took control of Phnom Penh on 17 April 1975 and during the forced  
16 evacuations of the residents of Phnom Penh.

17 Existence of such policy was confirmed by civil parties and  
18 former soldiers and cadres of the CPK as follows:

19 [10.57.48]

20 Policy on the determination of bad elements and the killings of  
21 the enemies had co relationship with the implementation of  
22 eliminating those affiliated with the Khmer Republic. CPK  
23 pinpointed those affiliated with the imperialists or had the  
24 imperialist tendency who were considered bad elements or enemies  
25 of the Revolution and the State. They were considered bad



1 elements because – and they were sent for re education, they were  
2 imprisoned or smashed. The killing site at Tuol Po Chrey, which  
3 was one of the more than 200 security centres, and the countless  
4 killing sites throughout the regions within the DK, and at – and  
5 they only were of the leaderships of the DK, they targeted  
6 clearly the CPK policies, the former officials of the Khmer  
7 Republic.

8 [10.58.58]

9 The objective of this policy was to determine the target group of  
10 the former Khmer Republic, including soldiers, civil servants,  
11 intellectuals, and members in order to create a collective  
12 society and to eliminate the distinctions in classes, race,  
13 religion, and culture.

14 CPK thought of forming a special group and that special group had  
15 to be eliminated, including the soldiers, the police and the  
16 monks. Based on the revolutionary planning of the CPK, all levels  
17 of leadership – all levels of the social classes had to be  
18 dissolved and only two classes would emerge – that is, the  
19 peasant and the workers classes.

20 The second objective was to purge or to completely eliminate the  
21 enemy and the special group within the people. Testimonies from  
22 the civil party confirm that those who affiliated with the former  
23 Khmer Republic were considered enemies by the Khmer Rouge and  
24 arrested. The civil party also continued that the Khmer Rouge  
25 soldiers arrested and tied the former Khmer Rouge soldiers before

1 they were shot dead. The said objective of this policy was to  
2 purge the former Khmer Republic officials in order to ensure that  
3 the CPK would not have any opposition for the formation of the  
4 old regime.

5 [11.00.39]

6 Based on the decision in February 1975, the CPK made a public  
7 announcement of their plans to eliminate - to execute the former  
8 senior officials of the Khmer Republic. As orally testified by  
9 the former Khmer Rouge soldiers, people were evacuated from Phnom  
10 Penh as it would ease them to purge the enemy - those enemies who  
11 were the Lon Nol soldiers so that people who left the regime had  
12 to be purged as well.

13 As ordered by the senior leaders of the CPK, the lower soldiers  
14 had to implement the policy to identify and to execute the Lon  
15 Nol soldiers or members by all means, and that was carried out  
16 systematically throughout the country. The statement by the  
17 former CPK was that if they find Lon Nol soldiers they would kill  
18 them immediately. This such a broad implementation of the policy  
19 indicated that there was an effort to determine clearly by the  
20 CPK to trick the civilians to identify themselves voluntarily,  
21 whether they affiliated with the former Khmer Republic.

22 [11.02.09]

23 During the hearings, former Khmer CPK soldier testified that the  
24 soldiers were ordered to trick those affiliated with the Khmer  
25 Republic in order to identify them and they were promised that

1 all former Khmer Republic officials had to report to the CPK  
2 soldiers so that they would be later reintegrated into the new  
3 society.

4 Regarding the effect of the policy, the policy had a severe  
5 impact on the victims. They suffered physical, psychological and  
6 economic suffering and that still continues to this day. Some  
7 civil parties feared for their lives during the forced evacuation  
8 of Phnom Penh when they realized that the CPK had instituted a  
9 policy of targeting and eliminating all people affiliated with  
10 the Khmer Republic regime.

11 [11.03.30]

12 In relation to the execution site at Tuol Po Chrey, 20 victims  
13 have been recognized as civil parties. These civil parties lost  
14 their family members, including fathers, brothers, and husbands  
15 who were former Lon Nol soldiers who were sent to be executed at  
16 Tuol Po Chrey. Civil parties describe the long-term suffering and  
17 the loss as a result of this CPK policy on the targeting of the  
18 former soldiers of the Khmer Republic regime.

19 And on the issue of the treatment toward the Khmer Krom people,  
20 the CPK targeted the Khmer Krom people for forced evacuation.  
21 They were persecuted and eliminated in order to implement and to  
22 defend the Socialist Revolution of the CPK. The CPK indicated  
23 that this group was the opposition group, and in their  
24 conversation they said they were the remnant of the old society  
25 that needs to be cleansed.

1 [11.04.48]

2 Khmer Krom people were considered enemies for two reasons: First,  
3 the CPK considered them as the former Lon Nol soldiers or  
4 affiliated with the Khmer Republic regime. They were arrested by  
5 CPK, interrogated and killed. Those were the former Lon Nol  
6 soldiers, senior officials, and the Khmer Krom.

7 Two, the CPK believed that the Khmer Krom, who came from the  
8 Mekong Delta, was part of the political group race - or, of the  
9 Vietnamese origin. CPK did not want to have any association or  
10 any of such political group. For that reason, they painted the  
11 Khmer Krom as spies or they were the Khmer bodies with the  
12 Vietnamese heads. They stated that the Khmer Krom were agents of  
13 Vietnam or agents of the CIA.

14 [11.06.08]

15 On the implementation of the policy of the CPK toward the Khmer  
16 Krom targeted group, is the following: The forced transfer in the  
17 phases 1 and 2, evidence indicates that during the forced  
18 transfer of phases 1 and 2, Khmer Krom was targeted based on  
19 their identification and other related matters and the CPK  
20 considered them as enemies. Khmer Krom were considered a separate  
21 group as a result of the difficulty in their speaking, in their  
22 names and in their personal biography, and for that reason they  
23 were executed.

24 The forced evacuation of the Khmer Krom from the East and from  
25 Vietnam:

1 When the CPK had an intensified fighting with Vietnam from 1977,  
2 they evacuated the – during the third phase of the Khmer Krom  
3 people and the Khmer Krom people were continued to be killed,  
4 persecuted as part of their policy to eliminate anyone who was  
5 involved with Vietnam. From late 1977 to 1978, CPK relocated  
6 Khmer Krom by force from the East, in particular from Prey Veng  
7 and Svay Rieng province along the Vietnamese border, to Pursat  
8 and Battambang provinces.

9 [11.07.49]

10 CPK prohibited religious practice. They destroyed or transformed  
11 pagodas into a personal place for consumption and forced the  
12 Khmer Rouge monks to disrobe. Khmer Krahom, the Khmer Rouge,  
13 forced the monks to relocate themselves to the  
14 Vietnamese/Khmer/Cambodian Border in Kiri Vong District together  
15 with 400 other monks from 32 pagodas, and they were later forced  
16 to disrobe.

17 On the issue of the participation of the accused in this policy,  
18 on the 1st of April 1977, the CPK issued a specific order – that  
19 is, with instruction from Office 870, to the Khmer Rouge cadres  
20 to arrest the Vietnamese and all the Khmer Krom who spoke  
21 Vietnamese or who were born in Vietnam. And in late 1977, the CPK  
22 appealed for a political study where they invited and targeted  
23 the Khmer Krom people in Olympic Stadium in Phnom Penh and they  
24 were told that they would keep anyone who agreed to follow  
25 Angkar.

1 [11.09.16]

2 During the meeting, Khieu Samphan, who was a minute taker in a  
3 secret meeting in mid-1977 where Pol Pot, Nuon Chea, and Son Sen,  
4 ordered for the purification and the execution of the secretary  
5 of the East Zone, So Phim, and many of the military leaders with  
6 CPK as far as the political cadres in the East Zone.

7 On the issue of the killing of the Vietnamese people, which was  
8 based on the theory of the matrilineal descent, the policy of  
9 Democratic Kampuchea was to eliminate the Vietnamese people based  
10 on the theory of matrilineal descent. This policy showed that  
11 they only want to have a homogenous race within the CPK and  
12 eliminating CPK enemies. In Prey Veng province, a mixed marriage  
13 policy was in place to eliminate Vietnamese spouses in mixed  
14 marriages. One civil party, whose family was affected by the  
15 policy stated: "I observed that if a wife - if the husband was a  
16 Vietnamese, the husband would be killed, but not the children."

17 [11.10.39]

18 This policy was implemented throughout Prey Veng province.

19 Another civil party testifies that the Khmer Rouge policy was, if  
20 the Khmer spouse did not kill his or her partner, then the couple  
21 would be killed by the Khmer Rouge. Another Khmer civil party  
22 said his Vietnamese wife and six children, and the father-in-law  
23 and mother-in-law were all killed because they were Vietnamese.  
24 Vietnamese women were the target of sexual rape, as evidenced by  
25 the civil party who stated that Vietnamese virgin women was

1 sexually raped by the Khmer Rouge. The impact of such policy on  
2 the Vietnamese was highlighted by a Vietnamese civil party that  
3 "they suffered a lot under the Khmer Rouge regime".

4 [11.11.55]

5 The harm, as a result of the forced transfer for the Vietnamese  
6 people - civil parties faced inhumane conditions, and they were  
7 deprived of their personal property by the Khmer Rouge. And, also  
8 as a result of the genocide policy - that is, the killing of  
9 those people, based on the matrilineal descent - had a great  
10 mental suffering and effect, and that continued to haunt them.

11 Another civil party who was forced to marry in the 25 to 30  
12 couples testified that they were sorrowed when they saw that the  
13 Vietnamese people was forced to marry the Khmer people, as they  
14 had no right to choose the one of their choice. The couples who  
15 were married - they did not want to get married, but they had no  
16 choice as they were forced to.

17 [11.13.05]

18 Vietnamese civil parties in Case 002, as a result of the forced  
19 transfer to Vietnam - they lost their personal identity, and  
20 their identity cards indicating that they were the Khmer  
21 citizens. And that was the direct result of this policy.

22 On the treatments toward the religion and other ethnic  
23 minorities; the objective and the specific measures on targeting  
24 the people were established and put into practice during  
25 Democratic Kampuchea. On religion and races of other ethnic

1 minorities of the Cham, of the Buddhist, of the Christians, and  
2 of the other minority religious followers – were not allowed to  
3 practice, because of their instruction that the society – based  
4 on no religion and had no social classes. Religion was considered  
5 reactionary, which would destroy Democratic Kampuchea. And for  
6 that reason, Cambodian people were prohibited to practice any  
7 religion. And, in addition, the DK leadership stated that all  
8 religions were reactionary. This policy was in addition to other  
9 policies for the implementation of the socialist revolution, in  
10 leaps and bounds, to build a one society without religion,  
11 without class distinction, by eliminating all the ethnic –  
12 ethnicity, race, religion, and classes and other specific  
13 cultural groups.

14 [11.14.57]

15 In addition, related to the Cham people, measures at various  
16 classes and – were implemented for the Cham community.

17 From the 1970, there were various confrontations regarding the  
18 practice of religions, and they were prohibited. When Phnom Penh  
19 was liberated in 1975, this policy had already been implemented  
20 nation-wide. As indicated by a civil party, they made an  
21 announcement that there would be no more culture, and people  
22 would not be allowed to abandon the palm tree in order to  
23 practice and respect the Buddhist religion. Many Cham civil  
24 parties state that, under the Khmer Rouge regime, there was  
25 strict prohibition for the practice of their religion. Those Cham



1 civil parties state that the Islamic pray and the practice of  
2 respecting other religions were eliminated.

3 [11.16.12]

4 Other ethnic minorities were prohibited from practicing their  
5 religion. A Jarai civil party stated, after 17 April 1975, the  
6 Khmer Rouge prohibited people from believing - from praying to  
7 their ancestors' souls. From that day onwards, Jarai ethnic  
8 minority did not pray - did not dare pray to their ancestors'  
9 souls.

10 Another Tumpoun civil party recalls that the religion and culture  
11 was prohibited, and they were now prohibited to give food  
12 offering to the dead or to kill the buffalo to do so.

13 On the policy towards these targeted groups; it was implemented  
14 by the Party through the order from the commune or the village  
15 chief, and the order was relayed, and monks were asked to leave  
16 from the pagoda and to disrobe. A civil party recalls that,  
17 "after disrobing, my younger brother was asked to be a soldier,  
18 and he disappeared since. They accused that monks were the  
19 leeches or the parasites, and monks had to manufacture or play a  
20 role in order to build a country".

21 [11.17.46]

22 As indicated, in 1973, the objective of the classification and  
23 the transferring of the Cham people as part of the measure was  
24 implemented by the Democratic Kampuchea against the Cham  
25 community. A witness - a civil party statement recalled the

1 forced transfer from his village before the victory in Phnom Penh  
2 on 17 April 1975.

3 [11.18.16]

4 Many Cham civil parties confirmed that Khmer Rouge strictly  
5 implemented their instructions and prohibited the Cham from  
6 making prayers five times per day, and any violation of such  
7 prohibition was meant to oppose the Revolution. Some people  
8 prayed quietly, and they were taken and killed. Other civil  
9 parties discussed the matter that the Khmer Rouge searched in the  
10 Chams' houses to find the Koran/Bible in order to burn them. They  
11 recalled that they destroyed their religious practice. They went  
12 into the house to search for the Koran and other books and  
13 Bibles, and they would destroy them all.

14 Civil parties were prohibited from practicing or respecting  
15 culture, religion, and traditional clothes of the Cham. They  
16 spoke about the prohibition on the speaking of the Cham language  
17 during the Khmer Rouge period.

18 [11.19.32]

19 Besides the Cham, Tumpoun civil parties also recalled that,  
20 during the Khmer Rouge regime, they were forced to wear black  
21 clothes. They were not allowed to wear traditional dress: "We  
22 were not allowed to organize any funeral or traditional marriage  
23 during the Khmer Rouge - in power".

24 Some Jarai and Tumpoun civil parties spoke about the prohibition  
25 of the religious practice when they made the application to

1 become civil parties. As the result of the elimination of  
2 religion and traditional culture, civil parties reported that the  
3 systematic arrest of religious leaders – that two leaders of  
4 their tribes were caught by Angkar for a study session, and they  
5 disappeared since.

6 The Khmer Rouge destroyed the sacred place – the symbol of  
7 religion – by way of pagoda or most stupas, and they were turned  
8 into other usage. Another civil party recalls that Phnum Sra  
9 (phonetic) Pagoda became a prison to house those people who were  
10 considered enemies. They were tortured. And Buddha statues was  
11 considered – was destroyed systematically. Another civil party  
12 recalled that pagodas were destroyed by the Khmer Rouge and  
13 Buddha statues were thrown into the river.

14 [11.21.21]

15 Many civil parties testified that the Cham mosques were destroyed  
16 during the Khmer Rouge, and some of the mosques were turned into  
17 warehouses and pigpens. As recalled by a civil party, they burned  
18 and destroyed the mosques and turned them into a food warehouse.  
19 Other elements of the policies towards the Cham people were – was  
20 that they were forced to eat pork. If anyone refused, they would  
21 be considered to oppose the Khmer Rouge and they would face the  
22 execution. A civil party stated that the Cham identity were  
23 known, and they would be killed regardless whether they were  
24 male, female, or children. A clear policy was established by the  
25 DK leadership to target the Cham, because they were part of a

1 specific ethnic group. The political – the policy characteristics  
2 were established because the Khmer Rouge leader wanted to  
3 separate them, and to separate the Cham community in order to  
4 create a collective society with no religion, which was based  
5 solely on the Revolution.

6 [11.23.06]

7 The impact of such a campaign for the desecration and the  
8 elimination of Cham was part of the destruction of the Cham  
9 people. In relation to the practice of the religion in the Khmer  
10 Rouge regime, internal documents of the Democratic Kampuchea  
11 referred to the elimination of religion and the elimination of  
12 the monks as 85 to 90 per cent of the monks were forced to  
13 abandon the monkhood and to leave their pagodas, where they later  
14 were destroyed.

15 Some Jarai and Tumpoun civil parties spoke about the suffering  
16 they received, which had an impact on their mentality, as they  
17 were prohibited from respecting the soul of the trees. Tumpoun  
18 and Jarai people still talk about the current suffering, due to  
19 the loss of their religious leaders under the Khmer Rouge regime.  
20 After the fall of the Khmer Rouge regime, it was difficult for  
21 ethnic minorities to study about their religious – their  
22 religions and belief. Only with assistance of the older people.  
23 The systematic and widespread implementation of the policy to  
24 prohibit and oppress all kinds of religions which were  
25 established clear – state clearly, in the case, that they were

1 ordered by the upper level, as indicated in the 15 telegrams  
2 where the report about the policies toward the Cham people - in  
3 particular that they had to be relocated - based on the  
4 understanding.

5 [11.25.06]

6 The entire destruction of the Cham community in Kampong Cham  
7 province clearly indicated that there was a clear plan put  
8 forward by the upper echelon of the Democratic Kampuchea. The  
9 plan was coordinated by the senior leaders of the Democratic  
10 Kampuchea, reported to the Party's centre - namely, Ke Pauk, the  
11 secretary of the Centre Zone in 1977 - and that was during the  
12 purge of the cadres of the East Zone. And Ke Pauk became the  
13 commander of the East Zone sector and the commander of the  
14 military in the North Zone. As a member of the Central Committee,  
15 Ke Pauk was in charge of Office 870 - in particular Nuon Chea and  
16 Son Sen - who would report on the fighting in the battlefield.

17 [11.26.07]

18 In relation to Buddhism, the internal document of CPK indicated  
19 that abandonment of the religion was not a choice, but it was the  
20 instructions by Angkar that they - the practice of such religion  
21 was prohibited, based on the policy that, to dig the grass, the  
22 roots need to be dug out as well, and the monks had to leave the  
23 pagoda to work in the rice fields. This policy was to eliminate  
24 the special group in society, and it was coordinated by the  
25 speaker leadership, when religion was declared as part of the

60

1 oppressive class and the exploitative class.

2 As confirmed by the accused, some strict measures were decided  
3 for the reform of the economy. The necessity of a widespread  
4 reform was to pick, or to seek out, those activities which were  
5 not productive, and to encourage those who were part of the  
6 production. The accused announced that, as a result, the struggle  
7 had to be maintained in order to meet the objective of the  
8 production to the maximum.

9 [11.27.36]

10 Mr. President, I conclude my part, and I'd like to cede the floor  
11 to my colleague Ty Srinna. Thank you.

12 MR. PRESIDENT:

13 Thank you. Ty Srinna, you may proceed.

14 MS. TY SRINNA:

15 My respect to Mr. President, Your Honours, parties to the  
16 proceeding, and members of the public. My name is Ty Srinna. I am  
17 one of the civil party lawyers in Case 002. Following on from my  
18 colleague, I am going to raise three points: One, the factual  
19 elements of the forced movement - phase 1; two, the suffering the  
20 civil parties and the victims have sustained since the first wave  
21 of evacuation on the - from the 17th of April 1975, and  
22 throughout the Democratic Kampuchea period. And, finally, I am  
23 going to make an overall observation on certain points in  
24 response to the written brief of the Defence counsels.

25 [11.29.02]

61

1 In order to save time, I am not going to touch upon the points  
2 that I have already submitted in the written brief submitted to  
3 your Chamber earlier. I would like to provide additional comments  
4 to the written brief, so that the Chamber have the additional  
5 basis to consider rendering justice to the civil party as well as  
6 the victims of the Democratic Kampuchea regime.

7 One, the specific facts concerning forced movement, phase 1:  
8 First, I would like to bring up the statements concerning the  
9 participation of the civil parties and their relation with this  
10 fact. As Your Honours and members of the proceedings have already  
11 been aware of, the facts of - recognized in Case 002/01 was the  
12 forced movement phase 1, forced movement phase 2, and the  
13 execution of people at Tuol Po Chrey. And this was severed from  
14 the temporal jurisdiction, from the 17th of April 1975 to the 6th  
15 of January 1979. For the facts concerning forced transfer of  
16 movement, phase 2 - and the execution of people at Tuol Po Chrey  
17 will be addressed by my colleague after my presentation.

18 [11.30.58]

19 Your Honours, through various evidence - particularly evidence  
20 provided by the civil parties and witnesses who have come across  
21 this regime - provides very clearly that the forced transfer in  
22 phase 1 was not confined to the evacuation of Phnom Penh City,  
23 but it also encompassed the evacuation of other provincial towns  
24 throughout Cambodia; namely, Kampong Som, Battambang, Kampong  
25 Speu, Pursat, Kandal, Kampot, Svay Rieng, Kampong Cham, Takeo,

1 and the subsequent transfer of people from one location to  
2 another location, starting from the 17th of April 1975 to  
3 sometime before September 1975.

4 I would like to emphasize that this severed case is of an  
5 effective means to expedite the proceedings, as well as to  
6 provide answers in an expeditious manner to the civil parties and  
7 the victims throughout Cambodia, who have been waiting for  
8 justice for a long time. The civil parties and the victims alike  
9 insist that the Court punish the leaders of the Democratic  
10 Kampuchea; namely, Nuon Chea and Khieu Samphan.

11 [11.32.46]

12 Today's Closing Statement in Court, both co-accused have spoken  
13 very little on what they have ordered, participated, knew, heard,  
14 saw, and they denied their knowledge of the crimes they have  
15 committed. Due to the trust to this Tribunal, as well as their  
16 participation in their capacity as civil parties thus far, 32  
17 civil parties have come to testify before your Chamber. They  
18 described the specific location, time, and actual aspect on the  
19 ground which the Democratic Kampuchea troops forced them and  
20 other victims across Cambodia to leave the city and other  
21 provincial towns across Cambodia.

22 [11.33.54]

23 In order to achieve their plan of evacuating people, the Khmer  
24 Rouge - namely the Khmer Rouge troops - employed various means,  
25 including threat of life, threat at gunpoint, search and arrest



1 of soldiers and former officials of the Khmer Republic  
2 government, Khmer Krom people, and they also classify civilians  
3 as the New Civilian, or commonly known as the 17 April People.  
4 And they also placed them under a form of deferential treatment  
5 when they reach their destination.

6 The civil party describes very vividly the condition before,  
7 during, and after the evacuation, and time when they reached the  
8 destination. And the testimonies were provided very clearly by  
9 individuals based on their age, sex, race, and group, and places  
10 where they worked. And the evidence provided by the civil parties  
11 amount to considerable number. And these provide direct evidence  
12 and circumstantial evidence, which corroborate one another's, as  
13 well as the other evidence and testimony provided by other  
14 witnesses concerning the facts of forced transfer.

15 [11.35.37]

16 It is worth recalling that, before the 17th of April 1975, the  
17 Khmer Republic government, commonly known as Lon Nol government,  
18 was the subject or target of the overthrow of the Democratic  
19 Kampuchea led by the Communist Party of Kampuchea. Cambodian  
20 people under the Lon Nol regime at that time wanted to live in  
21 peace, solidarity, freedom, and enjoy making their livelihood  
22 according to their ability. The shortcoming - some shortcomings  
23 of the government of Khmer Republic at that time - induced the  
24 Khmer Rouge to lure the Cambodian people who have suffered from  
25 certain social injustice to join their revolutionary forces. And

64

1 this situation gained momentum over time.

2 As a result, the Khmer Rouge soldiers advanced very quickly to  
3 eventually conquer the Lon Nol government, and it came to power  
4 officially on the 17th of April 1975. This victory was  
5 characterized by the control of certain important cities,  
6 including Phnom Penh cities, and they finally were in power to  
7 control the state authority as well as the fate of Cambodian  
8 people. At that time, in Phnom Penh, more than 2 million people  
9 were residing, and they started to be transferred.

10 [11.37.22]

11 When they came to power, it was not in accordance with the will  
12 of the people, but they came to power by force - by revenge - and  
13 they killed Lon Nol soldiers and the former officials of  
14 soldiers, as well as civil - as well as civilians and the Khmer  
15 Krom in the course of evacuation, particularly when they were  
16 placed in the cooperative worksites and security offices across  
17 the country.

18 Next, I am going to touch upon the suffering that the civil  
19 parties and victims have sustained from the time when they were  
20 evacuated from the 17 of April 1975 and throughout the Democratic  
21 Kampuchea period.

22 I would like to inform Your Honours that there have been various  
23 testimony by the civil parties, as well as the victims, who  
24 stated very clearly the impacts and suffering that they have  
25 sustained in the course of the evacuation - phase 1 and other

1 phases. And nobody would ever understand their condition and  
2 situation better than they themselves. They were all traumatized.  
3 They suffered directly from this forced transfer.

4 [11.39.00]

5 Numerous testimonies indicated the trauma that people have  
6 sustained due to the vivid scenes of people being killed.  
7 Civilian soldiers, monks, the elderly, women, children, and other  
8 unidentified men and women were killed along the street. And they  
9 encountered these scenes - these horrifying scenes - that they  
10 have never seen along the way when they were being evacuated to  
11 the destination. And other witnesses and civil parties also  
12 testified on the location where the - where they saw dead bodies.  
13 It was not a place where the dead bodies were actually put, but  
14 they simply saw them along the way - particularly, the dead  
15 bodies as a result of the execution - and they saw them all when  
16 they were being evacuated.

17 [11.40.15]

18 And as for other witnesses and civil parties, they also mentioned  
19 that the evacuation from Phnom Penh and other provincial towns by  
20 the Khmer Rouge - they conducted searches and they arrested  
21 people instantly when they were being evacuated if they ever  
22 suspected anybody of being the soldier or official of the  
23 previous regime. As a result, the fate of those officials or  
24 people who were implicated being the official of Lon Nol regime  
25 disappeared and they never returned. The condition did not

1 improve but it deteriorated all the time until they reached the  
2 destination. Lon Nol soldier and the former official of this  
3 administration were searched and targeted and they were separated  
4 and segregated. And from day by day they disappear and they never  
5 return, they left behind many orphans, widows, until today. And  
6 at the same time civil parties and victims, who have separated  
7 from their family, husband, separated from wife and wife,  
8 separated from husband and many orphans live without any hopes.  
9 And some of them suffered from many diseases including chronic  
10 disease or post-traumatic disorder as well as other social physio  
11 - psycho diseases to date.

12 [11.42.08]

13 The barbarous acts led by the leaders of the Khmer Rouge have  
14 left with the Cambodian people a lot of suffering psychologically  
15 and physically. And following their admission as the civil party  
16 they have already become the hopeless people. Some of them are  
17 very poor now and some are very hopeless. Some suffer from  
18 psychological and social pressure. And some have fallen sick and  
19 they are traumatized, so traumatized that they cannot do anything  
20 for their living and I believe that Your Honours must have  
21 already heard the testimony particularly the great suffering that  
22 they have endured. And I believe that you will have the basis for  
23 the consideration on the suffering that the civil parties and  
24 victims across Cambodia have suffered. And as the physio  
25 psychologist, Chhim Sotheara, concluded that there was prevalence

1 of post-traumatic disorder which the victims as a result of the  
2 forced evacuation during the Democratic Kampuchea period. He came  
3 to testify before the Chamber on the 30th of June 2013.

4 [11.43.43]

5 Finally, I would like to make my final observation on the  
6 submission by the Defence team in their written brief. I will  
7 touch upon a number of points based on the – on the basis of the  
8 forced transfer phase 1.

9 One, the shortage of food and security between April 1975 and  
10 this was used as the ground for the evacuation. I consider this  
11 as an utterly unreasonable point. I would like to respond to the  
12 Defence team that the issue of food shortage. The lack of  
13 assistance as well as the security reason between April 1975 and  
14 throughout this period and in the early days of this regime was  
15 not the reason that is not plausible. I would like to respond to  
16 the Defence team that if the – even though the situation in Phnom  
17 Penh prior to the 17 of April 1975 was partly insecure in certain  
18 place as a result of the proceeding war as well as the on-going  
19 shelling along the suburb of Phnom Penh. But the livelihood of  
20 the people was indeed better than that during the Khmer Rouge  
21 regime and, particularly, following the evacuation of people out  
22 of Phnom Penh and other provincial town. The livelihood of  
23 people, for example, when they could sell things, they could  
24 perform their job everyday up until the 17 of April 1975.

25 [11.45.40]

1 In addition, the condition of food for people were supplied on a  
2 regular basis and people still had sufficient food to eat. On  
3 this point, I would like to bring up one point from the  
4 prosecutor on their written brief in Case 002/01. In paragraph  
5 257 who cited the testimony of Sydney Schanberg; an American  
6 journalist who denied the issue of food shortage in Cambodia  
7 which was asserted by Khieu Samphan, Nuon Chea, and Ieng Sary  
8 that the evacuation of Phnom Penh was - and other provincial town  
9 was for necessity reason particularly because of the shortage of  
10 food and Mr. Schanberg said that that was not the case. Mr.  
11 Schanberg emphasized that, in fact, the Khmer Rouge prevented and  
12 the transport of food into Phnom Penh and particularly they also  
13 shell and attack by rocket on the ship transporting rice and food  
14 stuff along Mekong River.

15 [11.47.09

16 In the introductory submission, paragraph 14, it also indicates  
17 the result or the consequences of the evacuation of people from  
18 Phnom Penh and the denial of international assistance from the  
19 Khmer Rouge government. The assumption that the lack of food was  
20 the reason for the evacuation was not plausible and if it was the  
21 case this evacuation should not have been done in an emergent and  
22 abrupt situation. And coercive measure would not have been  
23 employed because after all, if people had to cultivate rice and  
24 they would not spend less than a few months to produce any crops.  
25 For this reason, I believe that there was only one reason that

1 the Democratic Kampuchea had, at that time, was to evacuate  
2 people out of Phnom Penh City at whatever cost.  
3 Finally, it is observed that people – some two million people who  
4 were evacuated out of Phnom Penh regardless of their age and  
5 their condition even though pregnant ladies or the elderly or  
6 people who are being treated in the hospital, the surrendered  
7 soldier, were all required to leave the city no longer than one  
8 week period. So this was a measure that was imposed on the people  
9 and they mobilized means and other pressure, for example, they  
10 resort to threat (sic) them at gunpoint to leave the city. And  
11 those who resist leaving would be even killed instantly.

12 [11.49.30]

13 If the Khmer Rouge leader had the intention to protect the people  
14 from starvation due to the lack of food as they reiterated, I  
15 believe that following their victory they would have done or  
16 prepared something for the people when they were evacuated. But  
17 actually they did not do that. On the contrary the Khmer Rouge  
18 leader did not address the issue of lack of food when people were  
19 evacuated to the country side. It was completely contradictory to  
20 what they said and it was purely their pretext for evacuation.  
21 Other testimony confirms that the issue of lack of food after the  
22 evacuation have led to massive death of people because they lack  
23 food, lack of access to vitamin and they suffered from diseases  
24 and overworked. Many people died after – during and after the  
25 course of evacuation. And people were given only one can of rice

1 for 4 to 10 people per meal.

2 [11.50.52]

3 The point raised by the defence counsel – which I believe that is  
4 not correct either – is the issue of security. They said that  
5 there was a looming bombardment by America. They publicized this  
6 information; they said that this bombardment would recur  
7 following the Khmer Rouge came to Phnom Penh. Witness who was in  
8 the condition of evacuation were all threat to leave Phnom Penh  
9 because they used this message, the message that America would  
10 bombard the city. The people in their neighbourhood, their  
11 friends, their relatives, and colleagues also received exactly  
12 the same message. No testimony ever mention that there was indeed  
13 bombardment by American soldiers again except the gun fire by the  
14 Khmer Rouge troops to force people to leave the city and the  
15 execution along the street.

16 [11.52.14]

17 Based on Military techniques, the leaders of the Khmer Rouge, as  
18 well as the commanders of the troops, must have known very well  
19 whether or not there was a likelihood of American bombardment. In  
20 this case the fact that they said they had to evacuate the people  
21 immediately following the fear of bombardment the Khmer Rouge  
22 soldier merely mention that there might be bombardment or they  
23 say that it is likely that America would bomb the city. This was  
24 the language of uncertainty. But if you look at the various  
25 testimony provided by the witnesses as well as the civil party



71

1 was that the soldiers of Democratic Kampuchea used invented  
2 message in order to evacuate people. And I believe that this  
3 message would not be able to be sent to many places in the same  
4 manner without the order from the commander in the military as  
5 well as the decision makers at the leadership level.

6 Your Honours, as I mentioned earlier, the creation of a situation  
7 of panic was one of the effective means to evacuate people out of  
8 Phnom Penh. And this was contradictory - this was different from  
9 what the defence team for Nuon Chea that the bombardment -  
10 looming bombardment of Phnom Penh was reasonable ground for  
11 forced movement.

12 [11.54.28]

13 But in order to respond to this issue, let us put it in the  
14 context: we can ask whether or not there was actually the  
15 bombardment on the city. And was it a practical reason for  
16 evacuation. Why did the Khmer Rouge leaders use this message to  
17 evacuate people? Well, as a matter of fact, if you look at the  
18 historical aspect of these bombardment by American troops in the  
19 rural area of Cambodia, it did leave behind the handicaps,  
20 displaced many people up until 1973 when the American Congress  
21 voted to cease bombardment. According to the report of the  
22 Pentagon of the United States, the bombardment in Cambodia led to  
23 130, 000 refugees and up until 1970, 60 per cent of the refugee -  
24 no, 60 per cent of the refugees by 1971 recognized that the  
25 bombardment was the reason for the evacuation. And this

1 bombardment left with people the trauma up until the 17th of  
2 April 1975 and the evacuation took place. As Mr. Ben Kiernan  
3 recorded in his book that - entitled "Pol Pot Regime". He said  
4 that the Communist Party of Kampuchea used the pretext of  
5 American bombardment as propaganda and a pretext to implement its  
6 radical and barbarous policy.

7 [11.56.41]

8 Now, I would like to invite the Chamber to consider on these  
9 facts. This pretext of American bombardment, I believe that that  
10 was a strategy to force people to leave the city in accordance  
11 with their plan. In short, it was a very unfortunate message and  
12 a propaganda that the Khmer Rouge employed even though they knew  
13 for sure that the impact was far reaching. And they wanted to use  
14 this message in order to inflict fear on the civilian as well as  
15 the Lon Nol soldier who believe that the Lon Nol Government would  
16 no longer be able to protect them. For this reason, the defence  
17 teams did not tell the Court what actually happened on the ground  
18 at that time and the reason for the evacuation was indeed flawed.  
19 In the contrary, during this Khmer rouge period, according to Ben  
20 Kiernan, the official of Lon Nol and the civilian up to 10,000  
21 were killed in the course of the evacuation out of Phnom Penh.  
22 Now, I would like to address one point raised by the defence team  
23 for Mr. Nuon Chea who brought up one point from the testimony of  
24 Mr. François Bizot, who said that he did not see the dead body  
25 and then later on he said that he saw five to six dead bodies.

1 [11.58.49]

2 That was not correct because what he said was only representation  
3 of the place where he went to, he probably went to only a small  
4 section of Phnom Penh City, at that time, and he based his  
5 testimony on his own experience of his limited travel in the  
6 city.

7 Now, I would like to discuss the discriminate treatment of the  
8 New People, the Former Lon Nol soldiers and officials, and the  
9 Khmer Krom. There was a policy of separation, segregation and  
10 labelling of people as Old People and New People. And they  
11 continued to target specific group of people and those people  
12 were the subject of the execution, mistreatment by the Khmer  
13 Rouge troops. This treatment was indeed an infliction of fear on  
14 the people. Of course those who have been in this situation -  
15 particularly when they were forced to work into cooperatives -  
16 they agreed with each other that people were separated.

17 [12.00.09]

18 And the goal was very clear; they wanted to reduce the members of  
19 groups on different pretext, which I will describe in the  
20 following:

21 One of the arguments was that they started to segregate members  
22 of the group and members of the groups, day by day, lose its  
23 members and they said that they would send members of the team to  
24 work in other places. And others die of diseases or starvation;  
25 some of the civil party testified before the Chamber that they

1 only provided one can of rice for 4 to 10 people per meal. Once  
2 they fell sick due to food shortage or vitamin, they would be  
3 given only rabbit dung tablets and most of them die due to lack  
4 of access to proper medicine. No witness stands up to object  
5 these realities.

6 [12.02.21]

7 One more point that the defence team also raised that was the  
8 degrading treatment of the New People and the Khmer Krom. They  
9 said that the New People could not adapt themselves to new life  
10 such as constructing houses and living in the cooperatives and  
11 working in the rice paddy. This was the point that the civil  
12 parties and other victims find it unacceptable because civil  
13 party and victims who were the direct victims of this situation -  
14 they testified in their own language; they made comparison of the  
15 suffering that they sustained and the harsh conditions that they  
16 were imposed - at that time, was of degrading nature. Now, the  
17 civil parties and the victims raised the issue of poor health  
18 condition following their travel of hundreds of kilometres before  
19 they reach the destination they had to adapt themselves to new  
20 livelihood. They had to construct their own shelter and they were  
21 forced to work in the rice field and this of course was the  
22 situation that the New People was not used to unlike the Base  
23 People who got used to working in the rice field and the place  
24 where they resided.

25 [12.03.15]

1 The second issue is the construction of shelter working in the  
2 field and looking after the kids, are normally the work that was  
3 under constant secret surveillance and the Khmer Rouge cadres  
4 made comparisons between the performance of the work of New  
5 People and the Base People. Even trivial mistakes, such as  
6 breaking plough or needle, were considered to be serious mistake  
7 that deserve punishment and, as a result, New People were  
8 normally punished, such as degraded treatment, mistreatment and  
9 even worse, execution.

10 The issue of the adaptation in accordance with the policy of the  
11 Communist Party of Kampuchea, the people continue to disappear  
12 from time to time without any reason.

13 [12.04.36]

14 As for the inflict of fear and with the people they encounter  
15 many difficult and appalling situation along the street. They  
16 were threatened at gun point to leave; they witnessed people  
17 dying along the street. They witnessed a Lon Nol soldier being  
18 killed along the street. So these are the situations that led to  
19 the traumatic experience of the civil parties and the victims. I  
20 believe that if they did not have any differential treatment or  
21 discriminatory treatment they should not have segregated people  
22 to live differently between New People and the Old People. And  
23 they would not - they should have also provided some levy to the  
24 New People who did not get used to working in the rice field and  
25 they did not get used to condition of live in the countryside at

76

1 that time.

2 I would like to conclude my statement now and I would like to  
3 cede the floor, Mr. President, to my colleague for now.

4 [12.06.04]

5 MR. PRESIDENT:

6 Thank you, Counsel.

7 The time is now appropriate for lunch adjournment. The Chamber  
8 will adjourn now and resume at 1.30 this afternoon.

9 Security guards are instructed to bring Mr. Khieu Samphan to the  
10 holding cell downstairs and have him returned to this courtroom  
11 this afternoon before 1.30.

12 The Court is now adjourned.

13 (Court recesses from 1206H to 1331H)

14 MR. PRESIDENT:

15 The Court is now back in session.

16 I will hand over the floor to the Lead Co-Lawyer for the civil  
17 party to make their Closing Statements.

18 The floor is yours now.

19 MS. MARTINEAU:

20 Mr. President, Your Honours, after my Cambodian colleagues, I  
21 have the honour to speak to you on behalf of the civil parties,  
22 and I salute the civil parties with respect. My international  
23 colleagues and myself represent them. One nagging question, which  
24 is almost an obsession, keeps coming up: "Why?"

25 [13.33.26]

1 During the proceedings before your Chamber, the civil parties  
2 have publicly asked the Accused, in their own way, and in  
3 different ways, the same question. Time has not erased their  
4 wounds. But a question is still there: Why? Will we have an  
5 answer? I am not sure. To such a complex question, there can't be  
6 a simple answer. The civil parties assist us in discovering the  
7 true nature of this regime. It existed in secrecy, through deceit  
8 and organized terror.

9 You, Mr. Nuon Chea, you, Mr. Khieu Samphan, after accepting to  
10 break your silence, to answer questions put to you by 15 civil  
11 parties who came to testify on the impact of what you did - on  
12 that occasion, you used, indeed, their words, and you tried to  
13 give your regime and yourselves a human face, and to buttress the  
14 lines of your defence, which we already know.

15 [13.35.04]

16 In your own way, you tried to evade the questions, and we must  
17 reckon that - by the way - Mr. Nuon Chea, you acknowledge having  
18 been a leader of Democratic Kampuchea. You even admitted the  
19 flaws of that regime. But which flaws? You admitted  
20 responsibility, but only moral responsibility. The civil parties,  
21 unfortunately, will not know any more than that. Mr. Nuon Chea,  
22 you asserted that you had no executive power. As if separation of  
23 power existed during Democratic Kampuchea.

24 Mr. Khieu Samphan, you were more vocal, and your answers that  
25 bore the marks of some compassion for the civil parties - you

1 said, and this is in line with a well-orchestrated defence that  
2 you put in place for a very long time. Mr. Khieu Samphan, you  
3 pose as a victim of the regime you served for long years. And  
4 this was what you said:

5 "I knew nothing about it. It was not my field. Everything was  
6 hidden to me. I was only an intellectual. I was not useful."  
7 Your role, during that regime, was to try to save your life. And  
8 you did succeed, by the way. You even pose as a prosecutor, and  
9 you dare ask that those responsible for the heinous crimes that  
10 the civil parties were victims of be prosecuted.

11 [13.36.55]

12 Mr. Khieu Samphan, for once be realistic. The facts are there.  
13 You are before a court. When we read through your answers to the  
14 civil parties, we see that you were a lot more than a puppet  
15 president. Before, during, and after the Democratic Kampuchea  
16 regime, both of you – Mr. Nuon Chea and Khieu Samphan – you were  
17 in the Party. You followed Pol Pot up to his last days. You were  
18 the two men he trusted. Mr. Nuon Chea, you were his alter ego.  
19 You never distanced yourself – you never distanced yourself from  
20 him. Who do you think you would convince by evading your true  
21 responsibilities? The Chamber? The civil parties? The Cambodians?  
22 You take your desires as reality. You use your preferred weapons  
23 – secrecy, deceit – to justify yourself. The civil parties will  
24 not be fooled by the double-game behind your words, which you  
25 claim are warm-hearted.



1 [13.38.17]

2 Everyone - historians, researchers, experts - did their analysis  
3 of the history of Democratic Kampuchea. The accounts of the civil  
4 parties is not by us. These are details: hard, precise facts, in  
5 spite of the emotions involved. And all shows that your crimes  
6 are crimes against humanity. The crimes, like the devil, are  
7 everywhere. Even in the details. Especially in the details. My  
8 learned colleagues said this morning, that the civil parties are  
9 contributing to the work of justice, but also to the work of  
10 remembrance. There is so much to be said.

11 How can we talk about what was silenced for long years? The heavy  
12 mantle of silence was their only means of surviving so many  
13 horrors. And yet, in the course of their testimonies, there is a  
14 red thread that runs through them: The policy of secrecy and  
15 deceit and organized terror which unfolded through the multiple  
16 and similar experiences of the civil parties. It shows the  
17 ideology that underpinned the preparation of that Revolution and  
18 the putting in place of Democratic Kampuchea.

19 This Trial resituates us in a distant reality. We go back in  
20 time, and the civil parties have helped us to do so. They have  
21 told us how the terror was organized. We have to backtrack and go  
22 back 30 years to understand the history of Democratic Kampuchea.

23 [13.40.13]

24 Of course, the history of Democratic Kampuchea was not written on  
25 the 17th of April. We are all agreed on that. The entire history

1 of the Cambodia forced it. There were five years of civil war,  
2 particularly the unifying struggle to overthrow Lon Nol. But for  
3 you, there was a lot more that had to be done than winning the  
4 war. There was the Revolution: Constructing the nation, which  
5 means deconstructing it and reconstructing it according to your  
6 ideology. You dreamed of the great leap forward. During the war,  
7 working underground was the order of the day, and you didn't want  
8 to identify who was doing what. But, behind such secrecy, you  
9 were already putting in place the structures that would serve as  
10 a basis for this exceptional and grandiose revolution.

11 [13.41.17]

12 Land collectivization was done in stages. You liberated zones.  
13 You know how the peasants are attached to traditions. You didn't  
14 want to create any turmoil during that war period. You created  
15 cooperatives - we talked about it this morning - according to  
16 well-known models: The Soviet and Chinese, not to talk of  
17 Stalinist and Maoist models. You used that as support for your  
18 Revolution. But it was up to your Party - the Communist Party -  
19 which was the master of the land. They had the possibility of  
20 convincing the peasant villagers to support the war, and to  
21 support the radical change of society. It was fertile ground for  
22 your propaganda, and it was a direct means of indoctrinating the  
23 peasantry. You instilled in them your ideology.  
24 Why did a large number of villages that you later on referred to  
25 or characterized as Base People - why did they reject what you

1 called the New People? Why? The formatting of minds worked very  
2 well. They heard for years that the enemy was, above all, the Lon  
3 Nol troops and officials. That it was the capitalist puppets  
4 living in the cities. And the list goes on. These preparations  
5 also enabled the Party, even before the 17th of April 1975, to  
6 exert social control on the people, to detect the enemy, and to  
7 eliminate them.

8 [13.43.20]

9 The social control was only strengthened thereafter. At the time,  
10 the Party guarded against talking about communism, but they would  
11 talk about it later. Why? It is not a crime in itself to stage a  
12 communist revolution; to want a better world; equality for all;  
13 to construct and defend a nation on new basis. We can't say thing  
14 against that. But by what means did you do so? What communism are  
15 we talking about? You did not choose to innovate to achieve your  
16 magnificent Revolution, styled on the Stalinist and Maoist  
17 models. You know all the perversions of that model. It was the  
18 Cold War. The objective reality is hidden. The statements made in  
19 your speeches, as well as those you made in your propaganda radio  
20 stations speak volumes. There were some ambivalent statements  
21 that may show that the ideology was subservient, but you did not  
22 show your true colours.

23 [13.44.40]

24 For five years, the Party had a smokescreen, the GRUNK, which  
25 stemmed from the unholy alliance in which the various

1 protagonists had something to gain. For the Prince, it was the  
2 hope to be reinstated in his rightful place in the nation. And  
3 for the Khmer Rouge, to gain credibility. Many Cambodians told  
4 themselves that, if the Prince supports the Khmer Rouge, there is  
5 hope. We'll jump on the bandwagon. Many of them, as a result of  
6 such traps, joined the Khmer Rouge, only to realize too late the  
7 trap into which they had fallen.

8 We heard some of those regrets before this Chamber. This is the  
9 wave on which you surfed, and these are the lies through which  
10 advanced. And you know, Mr. Khieu Samphan, you were in charge of  
11 projecting this reassuring image abroad. The stage was set, as  
12 early as the 17th of April 1975; deceitful secrecy and organized  
13 terror: Hallmarks of a totalitarian regime. You wanted to  
14 eradicate the culture of the people.

15 [13.46.04]

16 On the 17th of April, the Khmer Rouge army entered Phnom Penh. It  
17 was victory. The leaders were not leading their troops. Where  
18 were they? They saw soldier - the people saw soldiers frowning,  
19 indifferent. But the people somewhat rejoiced, because they  
20 thought peace had returned. The war was over.

21 And it did not really matter to them who the victors were. Some  
22 information filtered through, since the overthrow of the Prince,  
23 not only on the fighting between the official army and the Khmer  
24 Rouge, but also on what was happening in the rural areas. Rumours  
25 ran rife. They suspected something. Let us play the game, even if

1 it means back-cycling. That is what the city-dwellers said. We  
2 are Cambodians; we will succeed in the end. And it gave you the  
3 benefit of the doubt, which you would never give them. These  
4 urban dwellers could not imagine what was going to happen to  
5 them.

6 [13.47.32]

7 Contrary to the analysis that Mr. Nuon Chea appears to make, your  
8 troops did not liberate a population that was imprisoned forcibly  
9 by the Lon Nol government. People who had rallied behind your  
10 cause, they were entering enemy territory. They had received  
11 orders. They were programmed to execute your plan: The evacuation  
12 of the entire population of Phnom Penh. Your regime started with  
13 deceit on the 17th of April, and it continued to function through  
14 lies. And after your defeat, you continue to lie, till date.

15 Deceit was one of the preconditions for the functioning of the  
16 regime you established. You remained rooted in your ideology. You  
17 thought that you were going to usher in a utopia in Cambodia. You  
18 refused reality. You denied it. Deceit goes hand-in-hand with  
19 secrecy. Philip Short, an expert who testified before this  
20 Chamber and which the Defence quotes profusely in its briefs, he  
21 says - and I quote: "Deceit remains a major hallmark of your  
22 regime. It was an instrument of power."

23 And, as I said earlier on, it is one of the hallmarks of  
24 totalitarian regimes. You were the victors, and you moved forward  
25 with your masks.

84

1 On the day of victory, you showed what city-dwellers meant to  
2 you. These city-dwellers were paralyzed by the call to evacuate  
3 the town. We've heard the same reasons given by men dressed in  
4 black and khaki who ordered the people to leave immediately their  
5 homes.

6 [13.49.32]

7 Leaving the town for three days, because there were risks of  
8 American bombings - we talked about that. You said it was  
9 necessary to clean up the town. When we know the double meaning  
10 in the phraseology of the Khmer Rouge, we understand what "clean  
11 up" could have meant. You subsequently gave another reason for  
12 this evacuation of Phnom Penh. Famine. My learned colleague  
13 talked about it also. You gave many sources of information, but  
14 these were all false pretext, as Philip Short also told us. In  
15 fact, 2 million people were on the streets in April without  
16 water, without food, without shelter, for days on end. Was that  
17 your way of solving the problem of famine?

18 [13.50.28]

19 It is all the more strange that you argued that Cambodia was  
20 facing a disaster following the war and the American bombings. No  
21 one will say that the country was flourishing; that the American  
22 bombings did not have tragic and lasting effects on all these  
23 zones. But when we follow your reasoning, we find that they had  
24 nothing absolutely to eat, everywhere in Cambodia. So, what were  
25 you going to do with 2 million people who were wandering on the

1 roads and in the rural areas? You wanted to leave them to die of  
2 hunger? "No", you say. "That was not our intention."  
3 Fortunately, the bombings hadn't affected the entire country. The  
4 inhabitants of Phnom Penh, especially those who didn't die on the  
5 roads, found some food in cooperatives after drifting for days on  
6 end. They managed to find something to survive on, but the  
7 question - no less pressing; what do they want of us? Why? Why?  
8 Your answer today is that you were all Cambodian citizens, apart  
9 from some traitors, soldiers, and feudalists. The rest of the  
10 people were not the enemy. Yes, we evacuated you. It was general  
11 and systematic, that is true, but we had no evil intentions.  
12 Everyone was evacuated. There was no discrimination, apart from  
13 the witch-hunting of members of the former regime, some of whom  
14 were eliminated on the spot.  
15 [13.52.15]  
16 The number is a lot higher than what Mr. Khieu Samphan gave in  
17 radio messages, and even what the Prince said. All the  
18 inhabitants were evacuated. You call them the New People. They  
19 were not the ones who gave themselves that name. The civil  
20 parties did not stop saying that, when we got to the villages, or  
21 even on the roads, they heard the Khmer Rouge and the villagers  
22 calling them the 17 April People. The New People. That was the  
23 official name. You built up an entity apart. You created a group  
24 apart. You separated them from the masses, on which you base your  
25 Marxist revolution.

1 There was no working class in your country, so you logically  
2 relied on the peasantry. You created an apartheid system in  
3 Cambodian society. Even though the Base People did not enjoy all  
4 the individual freedoms, they still had some rights.

5 [13.53.31]

6 By the way, they were called full-rights citizens. You are the  
7 ones who created that category. The New People – the evacuees –  
8 were called the deposed. You said there were no political groups,  
9 but you created that group. You don't have to be a member of a  
10 party to be a politician, regardless of the various activities of  
11 the citizens. You were the leaders of Democratic Kampuchea who  
12 stuck that label on them. You were the ones who created that  
13 group, a group that was essentially and globally an enemy. We  
14 were always suspected we were the New People in principle. We  
15 were considered as the enemy, the civil parties' state.

16 These citizens, you robbed them of their identity. Whether they  
17 were traders, professors, or rickshaw drivers, everyone was put  
18 in the same boat. It is true you did not make any distinction  
19 between the New People. All the New People were discriminated  
20 against.

21 That initial evacuation marked the beginning of the  
22 dehumanization of the people. The New People became people  
23 without rights. You even deprived those citizens of their  
24 citizenship. They were forbidden to participate in the National  
25 Assembly elections in 1976. The Base People enjoyed that right.



1 [13.55.13]

2 I must say that one can smile sadly when we think about those  
3 elections, an assembly that was created to keep up appearances.  
4 The cadres of the Party disguised themselves as a dream team of  
5 workers on paper to stage the Revolution. This shows the extent  
6 to which your lies went.

7 Mr. Nuon Chea, this is how you were elected President of the  
8 National Assembly. Mr. Khieu Samphan, you had just been appointed  
9 President of Democratic Kampuchea, you are aware of that. You  
10 know about those elections. Nothing was hidden to you.

11 The New People, therefore, lost their citizenship. Now, what were  
12 your objectives, to destroy them? No, you say, to re educate  
13 them. There were losses. That is not your problem for you. That  
14 was a collateral effect of the evacuations. How many people were  
15 arrested and eliminated? How many were going to be called  
16 traitors, so called re educated persons who never reappeared? You  
17 still used the same methods - secrecy and lies.

18 Regarding those who disappeared, Mr. Khieu Samphan, you find that  
19 the civil parties are not convincing on that subject.

20 [13.56.48]

21 Hundreds and hundreds of people disappeared during the first and  
22 second evacuations. When thousands of people end up disappearing  
23 and do not resurface more than 30 years later, in the context of  
24 the then Democratic Kampuchea, what conclusions did you draw?  
25 They disappeared. They are dead. These husbands, these wives,

1 these brothers and sisters, these uncles, these aunts, these  
2 cousins, these friends, these neighbours, these are known people  
3 - all disappeared.

4 You viewed these New People as a block and not as individuals.  
5 Today, you acknowledge that the people suffered, but that was not  
6 systematic and widespread, you say. You quote civil parties who  
7 had the sincerity to say what they had experienced. They do not  
8 lie. Yes, some of them were luckier than others. They stumbled  
9 across more viable cooperatives or came across chiefs who were  
10 less austere and villagers who were more welcoming. Some were  
11 treated less severely than others.

12 [13.58.15]

13 In the pages that you quote, a lot is said about dehumanization  
14 during the first evacuation, the loss of identity. They were  
15 hoping to eat a bit more and they underscored the fact that these  
16 differences showed that the situation was not completely bleak.  
17 You tried to shield yourself from legal responsibility and blame  
18 it all on the low level cadres. You were the leaders; you were  
19 the Centre all the same.

20 The Revolution was advancing behind a mask, that of Angkar: "We  
21 did not have any idea about what it was, but later on we  
22 understood that it was the organization", one civil party says.  
23 "We wondered what Angkar wanted of us", another civil party said.  
24 You were Angkar. You looked the other way in order to protect  
25 yourselves. You were afraid of losing your powers. You turned a

1 blind eye in order to terrorize the people.

2 [13.59.33]

3 This is one - what one of the civil parties, who was not a member  
4 of the New People said. This is a civil party who had known your  
5 comrades, Pol Pot and Ieng Sary, when they came to seek refuge in  
6 his region, Ratanakiri. He had been promoted village chief, but  
7 he's one of those disappointed with the Revolution. He almost  
8 ended up in S 21, and this is what he stated:

9 "There was nothing greater than Angkar. You could not escape  
10 Angkar. Even if you had flown into the skies or sought refuge in  
11 the fishponds with the fish you would not have eluded Angkar."

12 With this poetic flourish he conjures up the true identity of  
13 Angkar.

14 In the last term, in the last quarter of 1975, Angkar announced,  
15 through its subordinates, either diplomatically - that is,  
16 through lies, or authoritatively through violence, they announced  
17 the evacuations towards the Northwest. That was the beginning of  
18 the second population movement.

19 [14.00.49]

20 A number of New People accepted the transfers. It was  
21 mouth-watering, they dreamed of rice granaries, eating to their  
22 fill, going back to their villages. Some were more reticent and  
23 they were strongly brutalized. Some were even executed. There  
24 were other forced reasons they used to make the people to move.  
25 You are going to go back to Phnom Penh, Angkar needs you. Some of

1    them registered and those who had the fortune not to be  
2    eliminated on the way realized very quickly what the lies were.  
3    The decision of Angkar was part of a policy established by the  
4    leaders. The objective was not humanitarian at all; the objective  
5    was to produce more, to build the country, to increase rice  
6    production, and to achieve the 3 tonnes per hectare. That was the  
7    beginning of enslavement.

8    For several months, those transfers were organized, thousands of  
9    people, the New People, were sent to the Northwest, the same who  
10   had been victims of the first population movement. People who  
11   were traumatized, famished, they found themselves on the journey  
12   to the so called El Dorado, men, women, children, the elderly, no  
13   distinction. Why? Why?

14   [14.02.24]

15   But the Base People remained in their homes. The civil parties  
16   gave irrefutable evidence of the way decisions were taken at the  
17   top, the objectives of the leaders, enslaving the evacuees who  
18   were the New People. There weren't individuals; there was a mass  
19   that had to be transferred. The planning of the transfers was  
20   meticulous, everything was organized fully, well structured, and  
21   everything was foreseen. They say that the Khmer Rouge leaders  
22   had lists that had been approved by the leaders. "It was  
23   impossible to amend them", one Khmer Rouge told someone who  
24   didn't want to move, "the order is from above".  
25   Some of them remained behind for several days waiting for the

1 Khmer Rouge to rally all the 17 April People. All those who were  
2 transferred, all those who were moved, were registered at the  
3 point of departure and on their arrival. If the orders hadn't  
4 come from the Centre it would have been completely impossible for  
5 those people, those thousands of people to cross the country.  
6 They were not the local leaders, the little chiefs, who took the  
7 decisions, it was indeed the leaders.

8 [14.03.41]

9 The population movement was systematic and widespread. It was  
10 discriminatory and affected only part of the population, those  
11 who called the New People. Hundreds and hundreds of people were  
12 heaped up in ox driven carts, sometimes in pickups, with their  
13 small bundles in the rain, in the blistering heat, and they had  
14 to move from one village to the other and again from another  
15 village to another. The number of evacuees kept increasing. They  
16 were again piled up in trucks. "You were afraid - we were afraid  
17 of being separated from our families", some civil parties said.  
18 The trucks were packed full of people, 100 people per truck.  
19 "They run without any care for us. The women and children died.  
20 Later on, their bodies will be thrown on the roadside by the  
21 Khmer Rouge and abandoned", one civil party stated. Why waste  
22 time with the 17 April people?  
23 Some of the trucks went across the ghost town of Phnom Penh. In  
24 one truck a little voice is heard, "Papa, are we going back home?  
25 Papa, why aren't there any people?" What could the father of that

1 child have said, he remained silent. That child was not the only  
2 child to ask such questions to his parents. Why?

3 [14.05.21]

4 Other 17 April People were piled up in boats that had to be taken  
5 - that had to take them to Phnom Penh. The cry of joy of one man  
6 who caught sight of the town cost him his life. Any  
7 manifestation, even of joy, could be tolerated by the captain of  
8 the boat. He had received orders to steer that boat to its  
9 destination and the only way to keep the boat stable and to keep  
10 his cargo on board was to eliminate anyone who was to cause  
11 trouble.

12 After waiting for long, they took trains to Pursat heading for  
13 Battambang. The trucks were loaded with evacuees without any  
14 consideration, guided by soldiers. Some had received rice cans,  
15 no water, nothing, no toilet facilities. The doors of the wagons  
16 was open but a plank block - barred it, and it was guarded by  
17 soldiers. "Women and children died. Their bodies were thrown on  
18 the trucks and they were picked up by railway workers", as one of  
19 those railway workers testified before this Court.

20 [14.06.43]

21 The evacuees kept track of the direction. The trucks headed for  
22 Battambang but all of a sudden they turned left and they were  
23 dropped in a place they had never imagined. None of the evacuees  
24 arrived where they had thought they were going. They were  
25 exhausted, they hadn't eaten anything, they were shocked by the

1 violence of that evacuation, by the dead, by the dehumanization  
2 of the New People, who now found themselves in transit camps and  
3 were again registered. There were thousands of people who were  
4 herded by the Khmer Rouge by civilians in black clothes and they  
5 kept hoping for a final destination which would only be a corner,  
6 indeed, a jungle. And one soldier to cheer up – a civil party  
7 said, "you will stay here forever".

8 This led people to real hell, and it reminds us of other  
9 movements in other places and other places. This only shows  
10 another stage in our destruction as a New People. These evacuees  
11 met with the worst living conditions they could never have  
12 imagined. Nothing had been put in place for them. They have to  
13 build their huts themselves and live on meagre rice rations.  
14 Children are separated from their parents, they are sent to  
15 mobile units or groups of very young children. Everyone has to  
16 work.

17 [14.08.41]

18 They work according to insane schedules, and then you have to add  
19 the self-criticism meetings, and dysentery and malaria would  
20 further blacken the picture; and for medicines, all they had was  
21 rabbit pellets, that was supposed to cure everything and coconut  
22 juice was often injected into people with fatal effect. We were  
23 treated worse than animals.  
24 You sirs, you never went to visit those places. You cannot claim  
25 that you did not understand under what conditions those people

1 were evacuated, those New People. It was not the little chiefs  
2 who organized those population movements. They obeyed your  
3 orders, they followed your plans. You turned a blind eye to all  
4 that. They had to produce 10 tonnes of rice. You had to dig  
5 dykes, build canals and dams.

6 [14.09.41]

7 Mr. Nuon Chea, you nevertheless went to the provinces. You  
8 availed yourself of your trips, according to your bodyguards, to  
9 visit cooperatives. You don't seem to have been worried by the  
10 working conditions in those places. You could not change them;  
11 neither could you punish those who did not follow your orders.  
12 At the 1st January Dam, you studied the question of defects, but  
13 under those inhumane conditions you did not do anything, you did  
14 not do anything to help improve those conditions, the working  
15 conditions of those robots we saw on our screens.

16 Mr. Khieu Samphan, you went to the Thma Dam with the prince. You  
17 were even carried away by this great dam – I quote you – but you  
18 didn't ask any questions. You knew that that dam was built by  
19 hand and not by machines.

20 [14.10.59]

21 What happened was in line with your ideas regarding relations  
22 between the individuals and the state. The only thing that  
23 mattered was the interests of the nation, individuals did not  
24 matter, did not count. The individuals were erased. Your nation  
25 was a slave state that you had approved, that you had organized,



1 as Philip Short recognizes.

2 All these innocent people, all these evacuees, these New People  
3 were imprisoned in a wall-less prison, punished, tortured,

4 subjected to forced work. They have no control over their lives.

5 Why? Because they remained enemies, because they were unclean,

6 and you lumped them in the category of the deposed and they would

7 never come out of it. The regime of Democratic Kampuchea created

8 a singular situation, an exceptionally severe Communist system

9 that used exceptional measures to destroy the identity of the

10 people and to transmute it.

11 [14.12.06]

12 Now, why do they talk of Cambodian genocide? Ms. Thouch

13 Phandarasar, civil party, specified that one of her children died

14 during the genocide. You heard about it here. Mr. and Mrs Chhay,

15 civil parties, also referred in their complaint to genocide. Why

16 does Mr. Sydney Schanberg say spontaneously that it was a

17 genocide? That researchers, journalists, artists, studied this

18 question of the covered up genocide? The question keeps coming

19 up.

20 "When you talk of the Cambodian people," Schanberg writes,

21 "inventing a group and viewed as different, dangerous, toxic,

22 that must be destroyed. Is that not the definition of genocide?"

23 End of quote.

24 [14.13.08]

25 The civil parties all talk about the genocide, but we will not

1 talk about it up front. This question remains a legal issue and  
2 in this particular trial you are not charged with genocide and  
3 the Chamber expressly limited the scope of the trial.  
4 Dehumanization kills both the living and the dead.  
5 The civil parties expressed the pain they felt in realizing that  
6 their close friends and relatives were not buried. The dead were  
7 dehumanized, before their dead and after their dead, no  
8 traditions, no social rituals for the burial of the dead. You  
9 have to take risks to do so, some said, bodies disappeared. Where  
10 are they? Interred in huge mass graves on the sites on which they  
11 were executed. Everywhere death was covered up. There are no  
12 crimes. We are still in this duality, secrecy and deceit, which  
13 is a hallmark of your regime.  
14 [14.14.21]  
15 You had to efface the reality in order that it shouldn't exist,  
16 but in this trial the civil parties came with their dead, their  
17 disappeared. It is a symbolic return to life for the living and  
18 the dead. All give evidence of the crimes committed.  
19 Mr. President, Your Honours, during these proceedings, you have  
20 given back the voice to the civil parties, this voice that had  
21 been buried. This voice bears fruit and you will find that in  
22 your deliberations. History and justice are intertwined in crimes  
23 against humanity. You are Judges. You will not recount history.  
24 You are going to fill a void by your judicial act, by the  
25 delivery of your judgement.

1 You will answer, even if partially, to this question: Why? How  
2 did this happen? How was it possible for this to happen? The  
3 civil parties are waiting for your decision with impatience, even  
4 though they know that the delivery of a guilty – a conviction  
5 will not answer all their questions but it would at least be a  
6 guarantee for the future of Cambodia.

7 I thank you.

8 [14.16.01]

9 MR. PRESIDENT:

10 Thank you.

11 Yes, you may proceed, the International Lead Co Lawyer.

12 MS. SIMONNEAU-FORT:

13 Thank you, Mr. President. Good afternoon to you. Good afternoon,  
14 Your Honours. Good afternoon to my colleagues and everybody  
15 present here.

16 Once again in this trial, it falls to me to bring an interlude  
17 devoted to the civil party to a close and to make some kind of  
18 summary and perhaps to raise some signal points which have  
19 emerged in the discussions we have held and which have been  
20 referred to in the submissions by various parties. And perhaps I  
21 will try and draw some conclusions.

22 [14.17.00]

23 But I'd like to start, perhaps, by sharing a sort of secret with  
24 you.

25 When I came into this room for the very first time, about three

1 years ago, and sitting opposite me, I saw the four accused, more  
2 than 35 years after the Khmer Rouge came to power, for a few  
3 seconds I wondered if I was doing the right thing. And then,  
4 straightaway, after that, I thought of those other people, at  
5 least as old as them or they would have been, but they died  
6 between 1975 and 1979, and I thought of those people who were not  
7 elderly at the time, but who became it between '75 and '79, those  
8 who, aged 25 or aged 30, lost their hair, their teeth, their  
9 strength, and their health under the Khmer Rouge regime.

10 I thought of those who survived and who took their seats here  
11 behind us every day, who are advancing towards old age or who are  
12 already elderly like the accused, and I said to myself that of  
13 course it is to them, in particular, to the victims that we owe  
14 the greatest possible respect, the deepest compassion, and most  
15 certainly justice.

16 [14.18.42]

17 I don't regret having had that doubt for a few seconds three  
18 years ago almost. After all, doubt belongs to the arena of  
19 justice, and it endows it with value, starting from an initial  
20 doubt and reaching certainty, the conviction that comes at the  
21 end of the process.

22 In a criminal trial, the accused have rights and quite rightly  
23 so, they are the ones under the limelight and they - their rights  
24 are constantly safeguarded. Today, we are living a key moment of  
25 international justice and it's a very important moment in this

1 trial as well, because for an entire day it is the victims who  
2 are in the limelight and it is their rights that are equally  
3 respectable and fundamental that are being highlighted and  
4 protected.

5 As I rise to speak, I think of all of the people who have come  
6 day after day to this public gallery here during 214 days,  
7 attentive, sometimes reduced to tears, sometimes angry, sometimes  
8 drowning under obtuse legal debate but all of them always  
9 expecting something that they knew to be deeply important, and I  
10 speak for those people who came to look for a truth, an  
11 explanation, an answer, a meaning however imperfect and  
12 incomplete.

13 [14.20.38]

14 I speak for young Cambodians that we have seen sitting here with  
15 us so often, many of whom made the brutal discovery in the space  
16 of two hours, of an episode in their history of family tragedies  
17 and of events that were more violent and inhuman than they were  
18 able to imagine. Now, I know that these young Cambodians now have  
19 to face up to a future with this as their past, but not as a  
20 weight they have to bear, still less as some kind of blame they  
21 carry, but rather as a lesson that they should not forget.

22 I stand especially for the civil parties, who, more than five  
23 years ago, took the choice of playing an active part in this  
24 trial, choosing to represent all the other victims, the  
25 survivors, and those who died.

100

1 I stand and speak for those civil parties that certain other  
2 parties to this trial still refer to as witnesses. Although their  
3 will to bring evidence and play an active role as civil parties  
4 are very different from witnesses, it's almost as if people  
5 didn't want to call the prosecutors, prosecutors.

6 [14.22.10]

7 And I speak now, as my colleagues before me, for the civil  
8 parties, and let me tell them here and now how honoured I am to  
9 defend them and how much I admire them for their courage,  
10 loyalty, and their resolve. I know how much it must have been  
11 tough for them to go into the minute details of what they went  
12 through, how much that must have opened the old wounds that have  
13 never really healed, and I know how painful and repugnant it can  
14 be to be questioned on minute details and how difficult it must  
15 be to have the feeling that you're not being believed when you  
16 talk about these acts and these events.

17 And I speak for those who are dead, those who in a sense find new  
18 life through the words of others, the civil parties, for a few  
19 instants in this courtroom, and I hope that this trial will  
20 return to the dead their full dignity.

21 This trial is perhaps not exactly what we wanted it to be. There  
22 are no more than two accused. The months have gone by. Civil  
23 parties and victims have passed away without seeing the end of  
24 the trial. There are great many civil parties, witnesses, and  
25 experts who were not even heard.

101

1 [14.23.52]

2 So these proceedings may not make it possible to try other facts  
3 than the first forced transfers in Tuol Po Chrey, for reasons  
4 that all the parties present are aware of. The Chamber and the  
5 parties know this. There is the question of the health of the  
6 accused, and of course financial issues. These are parameters  
7 that have been there, ever since the ECCC was set up. They're a  
8 kind of risk that we willingly accepted to take. And, as I see  
9 it, we were right to do so.

10 This Trial might leave a certain bitter taste behind it:  
11 Resentment, pain, for some people, because it will not possibly  
12 satisfy all of the expectations. Some people have already  
13 expressed their disappointment. Others have lost interest. And  
14 others, again, will do so. Because it is true that justice, like  
15 any human enterprise, cannot meet the entire range of  
16 expectations and desiderata.

17 [14.25.00]

18 But, despite this, this will not have been a pointless trial. It  
19 will not have been in vain, whatever the outcome. It will have  
20 been a meaningful and positive process. It will have been a place  
21 for thought, for truth, for questioning, for emotion, analysis,  
22 explanations, and proof. In other words, it will have been what  
23 it should have been, which is a venue for the work of justice.  
24 And today, we're coming towards the end. And this is a final  
25 moment where the civil parties can take the floor.

102

1 And they have two objectives. First is to have the culpability of  
2 the accused, for the crimes that they have been discussing for  
3 the last few months, recognized. And in this we, of course,  
4 support the Prosecution. And then there is the question of  
5 recognition of the injuries they have suffered as a result of  
6 those crimes, and the recognition of the harm they have gone  
7 through, along with the necessary reparations.

8 [14.26.18]

9 Let me try, one final time, to paint a picture of what it is that  
10 you are going to be judging through the eyes of all of these  
11 victims. Through what you have just heard - the facts that have  
12 been described to you by my colleagues before me - I want to  
13 stress to what extent the forced movements of the populations and  
14 executions at Tuol Po Chrey are, in fact, emblematic of the  
15 entire Democratic Kampuchea regime. I want to stress the extent  
16 to which you can see, in these events, everything that will  
17 define the entire regime. That is what we are able to see, I  
18 would say, with the benefit of hindsight. Because,  
19 simultaneously, I want to point out the degree to which, for the  
20 victims, at that time - those events defied the imagination and  
21 exceeded the bounds of reason and comprehension.  
22 The first unbelievable event was this evacuation of Phnom Penh,  
23 which still today the inhabitants describe with pain and  
24 disbelief. As you have heard, it wasn't the first evacuation. In  
25 Phnom Penh, people had probably heard about what was happening in



1 the zones occupied by the Khmer Rouge, as my colleague said this  
2 morning.

3 [14.28.08]

4 They had heard about Kampong Cham and Udong and other towns. They  
5 had been told that they had been evacuated when the Khmer Rouge  
6 had stormed them. There was some talk of violence and executions.  
7 But, nobody really believed it. They did not want to, and they  
8 could not. Indeed, how can you believe that Cambodians can take  
9 such pains to empty their own towns of their own citizens, right  
10 down to the last citizens in that way and with those objectives?  
11 Because when the soldiers come to their houses and turf them out,  
12 people leave as quickly as they can under the threat and gripped  
13 by fear and panic. In three days, the town was emptied. Only  
14 three days was needed to force more than 2 million people to  
15 march off to the four corners of the country.

16 [14.29.24]

17 The people from the northern part went towards the north, those  
18 from the east towards the east, those from the south to the  
19 south, and those from the west towards the west. More than 3  
20 million people. Rithy Panh, who was a victim of the regime, says  
21 in his book "The Elimination":

22 "I know today that speed is a decisive factor. It doesn't seem  
23 important, retrospectively speaking, but we didn't have the time  
24 to be fascinated, or even convinced. We were immediately moved.  
25 Famished, separated, and terrorized, deprived of the right to

104

1 speak, and of every other right. We were just broken. We were  
2 submerged in hunger and fear. My entire family disappeared in six  
3 months." End of quote.

4 [14.30.24]

5 There is no better way to state what the 17th of April really  
6 represented. It was the first population movement, and emblematic  
7 of the regime as a whole. It was so effective and radical, so  
8 swift and absolute in its outcome that you would need to be  
9 pretty dishonest to claim that the details of its implementation  
10 are the fruit of isolated behaviour by a handful of petty chiefs.  
11 The same words, the same orders, the same reasons quoted, and the  
12 same threats when reason didn't work, were used everywhere, in  
13 the same way, throughout the entire city. And the people fled.

14 [14.31.15]

15 Without any doubt whatsoever, this evacuation had been carefully  
16 prepared and thought over, and experimented on in smaller towns.  
17 These people who left Phnom Penh, marching with the April sun  
18 beating down had no idea of what was happening to them. In fact,  
19 they didn't yet know that it wasn't for three days, and that they  
20 weren't going to be coming home anytime soon. They did not yet  
21 know that at that precise moment, the Khmer Rouge were setting up  
22 the glorious socialist revolution that they had been dreaming of  
23 for so many years, and that they were going to be doing this  
24 through every possible method available to them.  
25 These people tramping down the roadways did not know that they

1 were caught in a plan that had been hatched months and even years  
2 ago. That the evacuation of the cities and the forced  
3 displacement of their inhabitants was only the first and vital  
4 phase of a huge criminal plan of which they were the victims.  
5 They have not yet lost hope. They think there might be a chance  
6 of coming back to their homes, perhaps to be able to lend their  
7 skills to the new regime; to find a place in it, and of course to  
8 live in peace.

9 [14.32.46]

10 They don't yet know that this criminal plan is already in place.  
11 Everything has been thought through, even written down, and in  
12 the zones that have been occupied for several years, everything  
13 is already working. They don't know that, at the top, those  
14 leaders - two of whom are here now - are preoccupied to make sure  
15 that their glorious revolution comes to fruition at any price.  
16 And they don't know that they are going to suffer a great deal  
17 more, and for years. They don't yet know, during those three  
18 days, that the days are going to become weeks, and the weeks are  
19 going to become months. They discover death, killings, destroyed  
20 pagodas, strange identity checks where they understand that they  
21 have to tell lies. Everything that you have heard about earlier  
22 this morning, and they don't understand it.

23 [14.34.02]

24 And when, finally, they're allowed to stop, they believe that  
25 their torments might ease off. Some of them get small rations of

106

1 rice. They believe they'll be able to make do by following orders  
2 that are given to them with the same words and the same ideas in  
3 all of the villages where they wash up. They all believe the same  
4 things because they all hear precisely the same things from the  
5 small local chiefs that are so adept at relaying the orders from  
6 the top.

7 And then comes the second forced transfer. It was perhaps this  
8 second forced transfer that finally makes them understand that  
9 they are no longer anything but object and tools. Part of a vast  
10 plan which has them in its grasp since the very first hours in  
11 Phnom Penh. The second forced transfer shows in an extremely  
12 symptomatic way exactly how the high command - Angkar -  
13 continues, absurdly and with incredible stubbornness, their  
14 criminal plan.

15 [14.35.19]

16 They know that in the northwest, there were serious problems  
17 connected with shortage of food, specifically for the New People,  
18 and the senior leaders throughout Phnom Penh and who went to  
19 check things in situ in August '75 - people who have been given  
20 very clear reports on the subject - decide there and then to send  
21 to the Northwest hundreds of thousands of people, principally -  
22 the vast majority of them being people of the - New People. This  
23 was, essentially, to satisfy production targets, targets that,  
24 common sense dictates, were totally unachievable. And that is why  
25 the people were moved. You don't need to do a thesis on economics

107

1 to know that these targets were unachievable, and certainly not  
2 with your bare hands and no tools.

3 [14.36.20]

4 The aim, of course, was to wipe out any traces of opposition. Any  
5 kind of independence or liberty. It was, basically, to wipe out  
6 the enemy. So, what do all these men, women, elderly people and  
7 children matter to the people who are putting their plan into  
8 practice? And my colleague has just told you how the senior  
9 leaders organized this second population movement with remarkable  
10 precision. They send each other telegrams, organize meetings,  
11 move undesirable people from one region to another, such as the  
12 Cham. They measure tons of rice and the number of dams that they  
13 can generate.

14 The Cambodians are taken in the South, the Southwest, and the  
15 Centre, and they're sent off to the Northwest as if you are  
16 moving cattle or agricultural machinery that were lacking here or  
17 there. And, as we have heard, once again they were lied to. They  
18 were told you would have more food. You're going back home to  
19 Phnom Penh. And then they were, as she told us, "crammed into  
20 boats, trucks, goods trains, cattle wagons". They have night to  
21 get out or to complain. They have no water, no food, no care, and  
22 no shelter. They drink the same stagnant water that they wash  
23 themselves in, and, along the railway line, they die.

24 [14.38.07]

25 So, these same people who originally left Phnom Penh are now

108

1 people who are exhausted, famished, and people who don't look at  
2 each other as human beings, in fact. Who describe themselves as  
3 animals, as monkeys, and who are moved again and again, with no  
4 regard for their dignity. For their humanity or for their  
5 freedom.

6 They're discarded, dumped, in the middle of nowhere. Left to  
7 their own devices. Eating leaves, roots. Watching their children  
8 die in the cold and in the rain. Then, and only then, they begin  
9 to understand something of the plan that they are a part of. They  
10 can distantly make out the ghastly purpose, even if they don't  
11 dare to put it into words, because it is un-sayable. They do know  
12 that they've lost all human value in the eyes of the leaders of  
13 the regime, and that they don't count because, fundamentally,  
14 they remain enemies. And they now know that they will be  
15 exterminated, smashed, pulverized, if they do not bend to the  
16 requirements of the glorious Angkar.

17 And then comes Tuol Po Chrey. It's a sort of lesson meted out; a  
18 kind of event which serves as an example. And there will be other  
19 massacres that serve as examples. Some have already taken place  
20 during the evacuation of the cities. And they will take place  
21 here and there throughout the entire regime.

22 [14.40.00]

23 And the 20,000 mass graves discovered throughout Cambodia give us  
24 some measure of this. In Tuol Po Chrey, all the pieces are there  
25 of this criminal plan, which is being pursued by the leaders:

1 Deceit to bring people together, secrecy, extermination of the  
2 enemy without any kind of qualm. Here the victims are military  
3 and officials of the former regime. And then the bodies are piled  
4 up, without being buried. Stacked up in a hideous human carnage.  
5 Witnesses spoke about bulldozers that were then brought in to  
6 hastily cover up this excessively visible evidence, and the  
7 unbearable stink.

8 Nuon Chea says, in his final submission, that nobody directly saw  
9 any killing taking place, and that therefore it didn't happen.  
10 People have come here to describe the entire process that led up  
11 to that extermination, just right up to the minutes before it.  
12 [14.41.17]

13 And others, in a film that was tendered into the debate, the  
14 execution itself - others described the dead bodies heaped up,  
15 attached one body to the next, which they saw the next day. And  
16 the mass grave was discovered. But, as far as Nuon Chea is  
17 concerned, it didn't happen.

18 During these three episodes, between 1975 and 1976, you can see  
19 everything unfolding of this criminal plan and its objectives.  
20 But, still today, there's a kind of inability to believe that  
21 this happened, especially among the victims. And the question  
22 comes up again and again; how? How is it possible that this  
23 happened?

24 Well, the Accused do provide us with one explanation, if we look  
25 at the speeches they were giving at the time. Several times

110

1 during our discussion here, we have heard it said that the petty  
2 cadres – the low-ranking military chiefs – killed and tortured  
3 and starved people through their own initiatives. People in  
4 particular belonging to the 17th of April group, the New People.  
5 Nuon Chea and Khieu Samphan both made this argument, saying that  
6 they were completely ignorant that this was happening, or even  
7 that it had happened at all.

8 [14.42.55]

9 Repeatedly, they told us that they did not know about this, that  
10 they were not told about this, and this was not what they wanted  
11 for the people of Cambodia. When, in 1979, the entire world  
12 discovered S-21, Khieu Samphan, President of the State Presidium  
13 of Democratic Kampuchea and subsequently prime minister and then  
14 vice-president responsible for foreign affairs – he didn't know  
15 anything. Well, he'll have to watch the film which Rithy Panh  
16 brought out in 2003, apparently, to understand the existence of  
17 S-21. That, at least, is what he claims.

18 He says these things, flying in the face of the evidence. From  
19 the moment the forced transfers begin, the same orders and  
20 threats are issued everywhere. There's one evacuation, and then a  
21 second one, both of them carefully organized according to a  
22 pre-established plan.

23 [14.44.00]

24 The same words are heard everywhere. The same messages. The same  
25 terms are used by the cadres everywhere, in all of the



111

1 cooperatives, to begin with those very symbolic terms of 17th of  
2 April and New People. And it's done to systematically empty the  
3 towns and displace the population once again.  
4 And it's also done to encourage former soldiers or officials or  
5 teachers or monks to go to this or that place. And the same  
6 tricks are used as were used in Tuol Po Chrey. And the same  
7 objective is to be found everywhere: To exterminate this  
8 multiform enemy, so that there can be no further obstacle to the  
9 great and swift socialist revolution. And for that to be  
10 possible, you need somebody at the top who is in charge, who is  
11 guiding everything. You need propaganda, and you need decisions  
12 that are relayed everywhere. And that group at the very top  
13 exists, and of course the cadres always give it its name; Angkar.  
14 Nuon Chea and Khieu Samphan belong to it. Nuon Chea, countless  
15 times, said that he and Pol Pot were one and the same. He  
16 admitted, finally, that he was Brother Number 2. He, Nuon Chea,  
17 was just below Pol Pot, sometimes just beside Pol Pot, and  
18 sometimes in his place.  
19 [14.45.53]  
20 As for Khieu Samphan, he was there, in the meetings, on the  
21 podiums, throughout the countryside, transmitting the glorious  
22 ideas of the Revolution; galvanizing crowds with speeches to the  
23 glory of a magnificent revolution, speeches that he, better than  
24 everybody else, knew; speeches that describe magnificent  
25 achievements which he knew had absolutely nothing to do with

112

1 reality at all. In the Aronowitsch's film, which he saw, he said  
2 that he followed Pol Pot like his shadow. Well, you couldn't put  
3 it better. Together, they worked to establish all of the  
4 conditions necessary for the success of the plan.

5 What were these conditions? Well, as we have heard, in the  
6 proceedings in this courtroom, first there was fear. Fear is  
7 always a lethal weapon. You just have to spread it everywhere.

8 [14.47.02]

9 It wasn't just the 17th of April people or the Cham or the  
10 Vietnamese or the intellectuals who were afraid. Fear was  
11 everywhere, both within and without the ranks of the Khmer Rouge.  
12 A great many witnesses – former Khmer Rouge – almost all of the,  
13 in fact – came here to say how afraid they were. Fear caused them  
14 to not know – or pretend not to know – what their neighbours were  
15 doing. It forced them to behave in a way that to us seems like  
16 cowardice, but which perhaps was the only way to survive. All of  
17 them said how afraid they were of not doing what they were meant  
18 to do, even if they didn't know precisely what was required of  
19 them.

20 They all described their fear of knowing too much and of saying  
21 too much and of hearing too much. That was the case with Ruos  
22 Suy, Sokh Chhin, Sim Hao, who said that you had to continue to  
23 work and pretend to see absolutely nothing. It was Chhouk Rin,  
24 Saut Toeung, who was very close to Nuon Chea, was also afraid.  
25 Pean Khean, who was close to Koy Thuon – he was afraid. Yun Kim,

113

1 head of a commune and a cooperative was afraid, and said; "we  
2 were just thinking about how to survive". Rochoem Ton, Phy Phoun,  
3 close to Pol Pot, was afraid, because he said a great many  
4 high-ranking people disappeared.

5 [14.48.47]

6 Noem Sem was afraid - quote - "even if I did nothing wrong" -  
7 unquote.

8 Meas Voeun, a regimental commander, was afraid, and only did what  
9 he was told to do. The civil parties also described that fear  
10 that was omnipresent from the very start. The entire Cambodia  
11 people was afraid, and the glorious revolution was rooted in  
12 fear. That fear was disseminated from the very start. From the  
13 days they walked into Phnom Penh. That fear - the leaders used it  
14 to terrify their closest subordinates, such as Duch or Suong  
15 Sikoeun, who told us about that here. Everyone fell into line,  
16 thanks to that fear, and it was particular effective because  
17 nobody knew quite what you were supposed to be afraid of and why.  
18 It stripped everybody of any ability to say no, to resist, or  
19 even to voice the smallest criticism.

20 [14.49.51]

21 Setting up and maintaining that atmosphere of fear was one of the  
22 constant objectives of the leaders of the regime. Just knowing  
23 that you could disappear or die was enough in itself, so fear was  
24 the primary weapon they used.

25 Then, as well, there was thirst, but more particularly hunger.

114

1 You can see this as soon as the town people left their homes.  
2 Hunger was a vicious weapon that was used throughout the regime,  
3 and it was so effective - it became so obsessive - that it denied  
4 people any ability to think and to act for any purpose but that  
5 of surviving. You just had to stay alive. When you listen to the  
6 17th of April people's narratives, you can see that hardly were  
7 they out of Phnom Penh - hunger became a permanent preoccupation  
8 which worsened as the months went by, and which became a physical  
9 and psychological torture at every moment. They describe that  
10 hunger as being an obsession, and a cause of sickness and death.  
11 They describe how, bit by bit, the three days of supplies run  
12 out, and how powerless they are to meet the needs of their  
13 children. They describe the deprivations which turn into fatal  
14 torture. They describe the inadequate food and the bad quality of  
15 the food they were given, which is like animal fodder.

16 [14.51.45]

17 They describe how they eat roots, leaves, the most disgusting  
18 insects just to survive. They also describe how hunger completely  
19 debases them; the way their bodies are destroyed; total loss of  
20 any strength; the entreaties of their dying children. And they  
21 describe their parents dragging themselves feebly, with their  
22 rice bowl in their hands. But this hunger, like fear, was very  
23 carefully orchestrated from the very earliest days. From the  
24 moment the population was moved. And perhaps, actually, from  
25 before, when the Khmer Rouge prevent the river convoys from

115

1 reaching Phnom Penh to feed a population that was bloated by tens  
2 of thousands of refugees.

3 [14.52.41]

4 So, if these population movements were obviously part of a plan,  
5 it is also perfectly obvious that no steps were taken to provide  
6 any kind of support to the population during those movements. For  
7 example, by distributing enough food. That, too, was part of the  
8 plan. After that, the distribution of food would continue to be  
9 wholly inadequate, and become part of a running blackmail. No  
10 work, no food. That was part of the plan as well.

11 In his final submission, Nuon Chea scrupulously picked up on each  
12 extract from the civil parties statements where they refer to a  
13 ration of rice they have got or a single meal that miraculously  
14 was sufficient, in order to claim that people had enough to eat.  
15 Well, that argument - I think the Chamber will make what it will.  
16 During all of that time, at the very top, the leaders, who were  
17 never hungry during the entire regime, were organizing banquets  
18 and managing massive exports of Cambodian rice abroad. And we've  
19 seen photos in this courtroom of the warehouses full of sacks of  
20 rice and heard witnesses describing the same boats that were  
21 loaded up with the same sacks of rice. We've seen documents from  
22 the leaders and we have seen photos of some very healthy looking  
23 senior leaders.

24 [14.54.25]

25 When the second forced transfer took place, people were already

116

1 famished, and this was even before the end of 1975. Before they  
2 left, they were told about an area they were going where they  
3 would eat better, and people sometimes in this courtroom said how  
4 comforting it was to think that perhaps they would have enough to  
5 eat. And then they also described the cruel disillusion which  
6 followed when they realized that actually it would be worse.

7 [14.55.03]

8 Hunger keeps people in a state of permanent weakness. It kills  
9 thought, and it reduces you to being an animal. That's why it was  
10 such a lethal weapon.

11 The next weapon was total material dependence. The people who  
12 left Phnom Penh told us how they were told not to take anything  
13 or at least enough things for three days only, and those who took  
14 more things - money, jewels, provisions, their cars, and clothing  
15 - told us about how they had to dump them or barter them for rice  
16 or medicines. They told us about having their things confiscated  
17 or seeing their property destroyed.

18 The people who were chased out of the cities didn't realize this  
19 immediately, but behind them, after they left, everything was  
20 being destroyed. It's as if this was an unbearable symbol of  
21 imperialism for the Angkar and it was also done out of sheer  
22 vengefulness. They didn't realize this straightaway but they had  
23 nothing left, no home, no furniture, no memories, no identity  
24 documents, nor even the tiniest memento that all of us tend to  
25 bring with us. Gradually they would no longer have any clothing,

117

1 no longer any bowls or plates, no toys, all they had was one  
2 spoon.

3 [14.56.52]

4 Having nothing means losing your individuality, losing your  
5 autonomy and becoming dependent. The Khmer Rouge were very well  
6 aware of this, they who organized this material dependence from  
7 the very first evacuations of the cities.

8 And as if the foregoing is not enough in itself, Democratic  
9 Kampuchea took great pains to immediately destroy anything that  
10 might promote free thought. Intellectuals were hounded and  
11 exterminated, of course, but they also dealt with books, works of  
12 art, closed down schools, and here I'm talking about real  
13 schools, of course, not revolutionary indoctrination centres.  
14 Turfing people out onto the road and turning them into tools to  
15 perform work, wracked with hunger, displaced as and when  
16 agricultural and irrigation tasks needed them is certainly a way  
17 of putting an end to schooling.

18 [14.58.05]

19 This wish to disallow people any kind of thought also meant  
20 eliminating the tokens of it. If you had glasses then the local  
21 chiefs would destroy them everywhere, except, of course, the  
22 glasses of the senior leaders themselves. Imagine just how  
23 indoctrinated you have to be by a very powerful propaganda  
24 machine to be able to accomplish such idiotic acts that were in  
25 fact repeated everywhere.

118

1 After having set up these crucial conditions to build their  
2 regime, the Khmer Rouge then installed their methods and their  
3 instruments. Let me mention one or two: collectivization firstly.  
4 When people left the cities they were caught up in this  
5 collective existence, there was no home, no family, there was  
6 only the group and Angkar, and there again that is part of the  
7 plan. It's a way of keeping better tabs on everybody as a way of  
8 preventing any kind of individualism, and therefore, any kind of  
9 freedom.

10 [14.59.29]

11 But let me dwell on another instrument used by the regime, and I  
12 refer to the change in the language.

13 The language suddenly became extremely warlike. Whether you were  
14 talking about cultivating fields, building dams, daily life,  
15 family life, everything is expressed in terms of combat and  
16 onslaught. In 1976, François Ponchaud was very struck by the way  
17 the language had been changed. By listening both to testimony  
18 from refugees who were using the words of Angkar and to the  
19 radio, he mapped out the meaning of the new vocabulary.

20 It was full of aphorisms, many of which were loaded with  
21 aggressive and warlike terminology, and these in fact were  
22 collected by Henri Locard, and the language uses key words that  
23 are endlessly repeated such as the term "enemy" and everything  
24 that enemy signifies. Hundreds of official document echo this  
25 word "enemy", enemy from within, enemy from outside. The word is



119

1 used so much by official propoganda that it would then be  
2 employed in all kinds of ways by the cadres at every single  
3 level. Everybody had to root out the enemy inside himself or  
4 herself.

5 [15.01.06]

6 In an atmosphere of enduring fear that ends up giving exactly  
7 what we have all heard about in this courtroom, the enemy is the  
8 Vietnamese person, of course, or CIA or KGB agent, or the person  
9 who was part of the Lon Nol regime. But the enemy also becomes  
10 the person who breaks the handle of his hoe and thereby  
11 demonstrates a desire to be detrimental to the regime, or  
12 somebody who doesn't work enough, quoting the wrong reasons such  
13 as sickness, a recent delivery for example. The enemy is the  
14 person who picks up a fruit and it falls on the ground and which  
15 nobody has the right to collect, however young the person might  
16 be or however exhausted as well.

17 And it's quite inconceivable that this language that was so  
18 widely used was not the language that was wanted and imposed by  
19 the senior leaders. The language does have a meaning. The  
20 cooperatives become battlefields. The work on the dykes is a  
21 military front. Rice production is a battle to be won, as is  
22 building a dam. You have to smash, reduce to dust, exterminate,  
23 and you have to always maintain a spirit of offensive struggle.

24 [15.02.45]

25 Now, in his submission, Nuon Chea says that this was just a

120

1 normal way of talking, because after all they were in wartime and  
2 they were moving towards a revolution and he says that this  
3 concerned a system rather than individuals. In other words, he  
4 says to us that we shouldn't take this language at face value,  
5 but unfortunately everything would indicate that this language  
6 should, indeed, was to be taken very precisely at face value  
7 without any kind of subtle interpretation.

8 This transformation of the language and the words used and  
9 ceaselessly repeated was part of the way that people were  
10 regimented and which persuaded them that they were part of a vast  
11 battlefield, which had, like any battle, to lead to victory. It  
12 was a way of hoodwinking people about what was really going on so  
13 that they should forget the means and only see the end. It was a  
14 way of galvanizing the group and once again preventing people  
15 from thinking and giving new words to what was happening.

16 [15.04.10]

17 Language also served to suppress everything that was connected  
18 with individual and personal thought. There was no longer any I,  
19 only we, only the group. It wasn't some kind of haphazard  
20 creation, depending on which region you were in, it was the  
21 language that was used in official documents, in official  
22 discourses, starting by those written by Nuon Chea and Khieu  
23 Samphan, which dispense orders, threats, and encouragements. And  
24 language was heard, as all languages are, it spread clear,  
25 precise, and effective messages, and it was put into effect in a

121

1 very clear, precise and effective way at every level.

2 Propaganda was omnipresent from the highest to the lowest levels  
3 and it was one of the most crucial vehicles. Nuon Chea told us,  
4 in fact, that that was all he was in charge of, propaganda and  
5 education. Well, even if that was true it would be enough in  
6 itself, because the propaganda was the crucial basis for the  
7 entire regime. It was the way it had to perpetuate itself.

8 [15.05.35]

9 Another one of the instruments that were used by the senior  
10 leaders of Democratic Kampuchea were children. Children became a  
11 tool, and a very effective one as well.

12 So how in fact did they do it, to turn these children into such a  
13 potent weapon? Well, Duch described it to us in his cold,  
14 analytical way. On the 1st of April 2008, he said - I quote:  
15 "Children were like a blank page on which you could write what  
16 you wanted." End of quote.

17 He told us how he, himself, selected children one by one from  
18 those who didn't have an education, and by using a mixture of  
19 gentleness and severity he was able to make them obey him blindly  
20 without thinking and with enough indoctrination for them not to  
21 doubt anything for one instant. And these were the children who  
22 came into Phnom Penh on the 17th of April under the leadership of  
23 Angkar. They were uneducated, they discovered the city, and  
24 perhaps they were afraid of what they could see - people, noise,  
25 tall buildings.

122

1 [15.06.57]

2 Much has been said about the blank expressions when they moved  
3 through the streets, past the houses, and they were perhaps  
4 afraid, but they did have a mission that they had to fulfil,  
5 which was to empty the city, and they didn't understand the  
6 meaning of this. They didn't know what was at stake. They were  
7 there just to obey because that was what they had been schooled  
8 to do and they knew that if they didn't do that they would be  
9 punished extremely severely. The child soldiers who evacuated  
10 Phnom Penh are among the first victims of the regime. They were  
11 also its instrument.

12 We know that the army was made up to a considerable part of  
13 children. They were there the first day and they were used  
14 throughout the entire regime day after day by Democratic  
15 Kampuchea. They were indoctrinated, marshalled into mobile units  
16 and forced to do work. Sometimes they had to stand on stools to  
17 control machines, and they learned to disown their families and  
18 to denounce their parents, and instead of going to school and  
19 learning the kind of things that are called humanities, they  
20 absorbed slogans which became the guiding rules of their lives.

21 [15.08.20]

22 Khieu Samphan was very proud of this, as expressed in his speech  
23 of the 15th of April 1977 when he says - quote:  
24 "Our children didn't play with little boats and cars and toy  
25 guns. Our children were happy to catch sparrows in the field and

123

1 tend to the cattle and the oxen and to collect natural fertilizer  
2 and help with the construction of dams and dykes and to dig  
3 reservoirs and ditches. They adore work and production and  
4 they're very well trained for manual work and agricultural  
5 tasks." End of quote.

6 In the hearing a few weeks ago, on the 4th of June 2013, Khieu  
7 Samphan said precisely the opposite to a civil party, that he  
8 didn't have the slightest idea that the children were working  
9 like adults and that he could not conceive of such a situation.  
10 And then there were the other children, those belonging to the  
11 17th of April families, those who watched terrified while their  
12 parents were killed; those who begged not to be separated from  
13 their parents; those who were beaten and humiliated; those who  
14 stole grains of rice to survive; those who begged their parents  
15 for a bite to eat; and those who remained alone.

16 [15.09.45]

17 These people too were a weapon. Democratic Kampuchea was  
18 perfectly well aware that the parents would fight for the  
19 survival of their children by working harder, by acquiescing to  
20 the most inhumane rules, by keeping their mouths shut.

21 MR. PRESIDENT:

22 The time is appropriate for the break, and before we take the  
23 break we would like to remind the parties and all the support  
24 staff who are assisting the Trial Chamber during these recorded  
25 proceedings, that today we will continue our hearing until 5 p.m.

124

1 We will now take a 20 minute break and return at half past three.

2 The Court is now in recess.

3 (Court recesses from 1511H to 1535H)

4 MR. PRESIDENT:

5 Please be seated. The Court is back in session.

6 The Lead Co-lawyer for the civil party may now resume your

7 Closing Statement as well as the final reparation. You may

8 proceed.

9 MS. SIMONNEAU-FORT:

10 Thank you, Mr. President.

11 When we paused I was talking about the instrumentalisation of

12 children in the regime of Democratic Kampuchea. Am I making all

13 of this up? Am I letting my imagination run away with me? Are the

14 civil parties exaggerating and letting their emotions transform

15 the real nature of events? And when all said and done, is there

16 any proof of all of this in particular in the statements by the

17 civil parties?

18 [15.36.46

19 Well, there is something incredibly striking in everything that

20 we have heard during our proceedings. In 1976 as in 2010 before

21 the Investigating Judges and in 2013 during the trial, you hear

22 the same words to describe the same events and to name things and

23 people. You hear descriptions of identical scenes throughout the

24 entire country from one cooperative to another. You also hear the

25 victims repeating the same discourse. As we have heard - used by

125

1 the Khmer Rouge whether the most senior or the small local  
2 cadres. Whether they are in Phnom Penh or whether they are in the  
3 provinces. In 1976, on the border, François Ponchaud was  
4 listening to refugees tell him about the events that would later  
5 on become a book "Cambodia Year Zero". Now this book is on the  
6 case file and we have quoted some of its extracts in hearings.  
7 You can find all of the crucial information on population  
8 movements, executions, policies, in fact on the entire Revolution  
9 conducted by the leaders of Democratic Kampuchea in 1976 and  
10 1977.

11 [15.38.31]

12 Now if you compare the words recorded at the time and what we  
13 have heard from other victims here over the last months you here  
14 precisely the same things. And this is a form of proof that is  
15 terrifyingly effective. This is more than merely testimony and  
16 observations collated by Ponchaud while the regime is in power.  
17 At the same time there was testimony gathered by Steven Heder,  
18 there was that of Ong Thong Hoeung, Laurence Picq, Pin Yathay,  
19 all of whom wrote books by the 1980's at the latest and there is  
20 no difference between what they said at that time and what people  
21 who came here to this courtroom, over the last few months, have  
22 said. And the similarities of these narratives is very  
23 frightening, but it also provides incontestable proof about the  
24 events because everything corroborates everything else and  
25 everything resembles everything else down to the last detail.

126

1 [15.39.44]

2 There is also remarkable corroboration of the contents of  
3 official documents through the words that witnesses and civil  
4 parties have used in the courtroom. Or for whom we have written  
5 testimony. When we read the orders, hand it out through  
6 telegrams, the decisions that were taken at the meetings of the  
7 Central Committee or the Standing Committee, or the propaganda  
8 that was disseminated through "Revolutionary Flag". Or even the  
9 speeches by Nuon Chea or Khieu Samphan. And then we listen to  
10 what the people write at the very bottom of the system heard.  
11 It's striking to see that logic where each side is an echo of the  
12 other. Everything that is said or done at the bottom is nothing  
13 other than the scrupulous application of what is said and decided  
14 at the top.

15 [15.40.45]

16 Once again, the pursuit of this multifaceted enemy, the  
17 extermination of the enemy, the sacrifice of individuals for  
18 Angkar, the offensive for the production of 3 tons of rice per  
19 hectare are expressed everywhere after having been written down  
20 and stated by the leaders.

21 Another form of proof emerges in the spread of civil parties  
22 through Cambodia during the regime. They are in Kandal, Takeo,  
23 Prey Veng, Kampong Speu, Kampot, Kampong Cham, Banteay Meanchey,  
24 Pursat, or Battambang. Wherever these people are, their testimony  
25 is identical; it is the same. They have lived through the same



127

1 experiences. They have been mistreated in the same way, they've  
2 had their dignity breeched in the same way, suffered the same  
3 wounds and injuries, and undergone the same living and moving  
4 conditions. They heard these petty leaders giving precisely the  
5 same speeches and what better proof can there be of a common plan  
6 prepared at the most senior level and accompanied by policies  
7 that were then applied throughout the country. And in hearing all  
8 of this, how do the Accused react?

9 [15.42.26]

10 Well, I would say that their reaction is an echo of the regime  
11 they participated in. It is marked first by silence and second by  
12 deceit. Sometimes, as well, there is denial. Now, there has been  
13 much said hear about the right of maintaining silence so as not  
14 to incriminate yourself and that indeed is everybody's right. But  
15 like any right, it can be used in a number of different ways and  
16 it even can be abused. And other people present can also  
17 appreciate the use that is made of it. And they are entitled to  
18 make their comments on the way that right is used and I will make  
19 my comments on behalf of the civil parties. Before this trial  
20 began, Khieu Samphan and Nuon Chea had stated that they were  
21 looking forward to the trial as being an opportunity to address  
22 themselves to their people and to shed light on a historical  
23 period during which they were in power.

24 [15.43.33]

25 At the beginning of this trial, in this very place, Khieu Samphan

128

1 repeated on a number of occasions that he would speak once all of  
2 the evidence had been presented. And then when we reached the  
3 end; firstly, one; and then, the other accused; took refuge in  
4 silence on the grounds that they had been prevented from speaking  
5 by their lawyers. Well, I can only say one thing about that, it's  
6 regrettable.

7 The civil parties and the victims and the Cambodians and other  
8 people as well were expecting some explanations, some reasons,  
9 some answers to what has been haunting them for more than 35  
10 years now. They were expecting some words from the people who  
11 were at the very top. The people who took the decisions, made the  
12 speeches, and forged the policies. And there is also an  
13 entitlement to expect the leaders to give an account of  
14 themselves. It is a right in any political regime. In a trial,  
15 one is entitled to expect explanations. Here we are not at a  
16 conference, as one of our colleagues from the Defence pointed out  
17 one day. But a trial is not exclusively either the place where  
18 you protect the right of the accused; it's also a place where  
19 words are exchanged. And I believe that this oral aspect of  
20 things has been defended and even requested many times by the  
21 Accused with respect to the witnesses. The civil parties will not  
22 have had the debates and the explanations that they had been  
23 promised and that is very regrettable.

24 [15.45.38]

25 However, on certain moments during this trial, the Accused have

129

1 spoken, particularly when they were called upon by the civil  
2 parties who had come to describe what they have lived through and  
3 wanted to have some answers to the questions that were haunting  
4 them. And it is true that, at that particular moment and at one  
5 or two other rare times, the Accused did stand up to speak to us  
6 all here in this courtroom. And each one of those moments was one  
7 of greatly heightened attention but what we heard was,  
8 unfortunately, not up to expectations, and it was also sadly  
9 predictable despite the details enunciated by the witnesses and  
10 the civil parties, and despite the large amount of documentary  
11 evidence, and despite the number of dead. Despite the number of  
12 mass graves, despite their position and the speeches they made at  
13 the time, the Accused continued to tell us that they didn't know  
14 what was going on and that was not what they had intended. And  
15 Mr. Nuon Chea went on to add, assuming that it happened at all,  
16 and as far as he is concerned, it's not yet proven.

17 [15.46.59]

18 Well, lack of courage is unfortunately a common human failing but  
19 denial is something else altogether. And I think that the Chamber  
20 will judge the arguments of the accused for what they are worth.  
21 Such is your prerogative. Let me just ask a question based on  
22 common sense. What were they doing - these senior leaders -  
23 during their almost daily meetings? Meetings that sometimes went  
24 on for several days and several nights. What were they talking  
25 about with Pol Pot? What were they talking about during these

130

1 lengthy meetings that they had with Zone, District, and Sector  
2 leaders which lasted several days at a time? I'd like to quote  
3 another victim of the regime in this respect Youk Cheng. One day  
4 he wrote - and I quote:  
5 "Khieu Samphan wrote in his thesis that he joined the Revolution  
6 because he wanted to make the country independent and developed.  
7 Other Khmer Rouge leaders provided the same excuses. When I  
8 compare these statements with the results of my research and my  
9 personal experience under the regime, I can only ask myself: what  
10 are they talking about? Indeed, what are they talking about? Or  
11 perhaps should I say what is it that they do not want to talk  
12 about."  
13 [15.48.35]  
14 Mr. President, I only have a few minutes left now and I'd like to  
15 take this opportunity once again to put a name to these acts and  
16 plans and decisions and policies for which these accused are  
17 called to account. These are crimes against humanity, the most  
18 grave crimes. Not below genocide, but at the same level of  
19 gravity. These are crimes against humanity because there were  
20 murders, exterminations, persecutions, and other crimes connected  
21 with forced transfers and enforced disappearances.  
22 In this initial trial, we have not been able to discuss the  
23 entire Democratic Kampuchea regime. A good many civil parties who  
24 are victims of other facts haven't heard those facts being  
25 discussed.

131

1 [15.49.44]

2 And it is possible that they will not be discussed in a future  
3 trial. It is possible that they will thus receive no future legal  
4 qualification. That situation is unsatisfactory and could be seen  
5 by certain civil parties as a denial of justice even if in fact  
6 is not one. Some may feel frustrated once the trial is done, but  
7 I, once again, would like to say how much these debates and  
8 discussions, this testimony and the presence of victims have all  
9 proven to be very positive elements which have provided substance  
10 and reality, a very sad human reality to this period of Cambodian  
11 history.

12 [15.50.37]

13 Consider how much they assisted with the materialization of that  
14 legal truth that so many of us are seeking. And at the close of  
15 this trial, at this very moment, as our day draws to a close, I'd  
16 like us to try and visualize the people trampling along the roads  
17 of Cambodia. These men, women, children, old people, and the sick  
18 who were leaving behind their previous lives in their entirety.  
19 Who were leaving with almost nothing or perhaps too many things  
20 that they would lose bit by bit in the unrelenting heat. And then  
21 a few months later in harsh driving rain.

22 [15.51.26]

23 At this moment, I would like us to try and visualize these  
24 people, people working - walking, rather, in an atmosphere of  
25 violence and threat; people who are frightened and absolutely

132

1 uncertain about what the future brings. And having heard all of  
2 their testimony, I would like everybody here to be capable of  
3 seeing, at this moment, those who died at the roadside. The  
4 terrified children who were looking for their parents, and the  
5 parents that were appalled at losing their children., And it is  
6 my hope that we can see them here before our eyes weeping for  
7 their family and friends, suffering from hunger, persecution and  
8 that we see their degradation as they went through it at that  
9 time. And I hope that we can visualize them trying their level  
10 best to adapt with barely a glimmer of hope to this absurdly  
11 cruel regime which didn't have the slightest degree of respect  
12 for their dignity and which had already decided that they counted  
13 for nothing.

14 I'd like for us to try and see them now crammed into the trucks  
15 and goods trains gripped with hunger and fear. That is what I  
16 hope because that is the reality that underpins this trial. And  
17 those two accused know it. They knew that reality from the very  
18 first day, the 17th of April 1975, because they organized it,  
19 they built it, they extended it across all of their countries  
20 during 5 years, 8 months and 20 days solely to serve their  
21 glorious revolution.

22 [15.53.22]

23 Now today, benefitting from the passing of time, those accused  
24 have no wish to look at what lies behind. But I would like them  
25 to see these people, to be forced to see them. Their people

133

1 dying, one by one, of hunger, sickness or despair. Or simply from  
2 having thought differently. And I hope justice will condemn them  
3 for having organized all of that.

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 Thank you.

7 Again, I grant the floor to the Lead Co-Lawyers for the civil  
8 party to make their final statement on reparation.

9 [15.54.36]

10 MS. SIMONNEAU-FORT:

11 Thank you, Mr. President. I will now talk about the reparations.  
12 We have spoken at length about reparations since the beginning of  
13 this trial, here in this courtroom, whenever the Chamber invited  
14 us to do so, and also outside of this courtroom, because it was  
15 truly necessary to explain on several occasions what reparations  
16 are generally before tribunals, and in particular, here before  
17 the ECCC.

18 Before my learned colleague, Ang Pich give you some additional  
19 details and prepare - presents the projects we are in a position  
20 to present, and which we request the Chamber to recognize as  
21 judicial reparations, I would like to say something about the  
22 basis of reparations, their meaning and the process that led to  
23 today's application, and what our expectations are.

24 [15.55.53]

25 The few opportunities that have been given to the civil parties

134

1 during the hearings on the facts, and the few days that were  
2 given to the civil parties in May and June 2013, left us  
3 voiceless in the face of the personal histories that the civil  
4 parties expressed. Their accounts went beyond our imaginations -  
5 what we could imagine regarding the horrors they were subjected  
6 to and the inhumane treatment they endured.

7 I believe that what we can particularly bear in mind a few months  
8 later is the dignity and the moral strength which prompted those  
9 people to come here and tell us what was unspeakable. How they  
10 held back their anger and avoided slipping into pain and  
11 distress, in order to be sure to tell us everything. I believe  
12 that those victims wanted to express, in as accurate and  
13 efficient a manner, proof of the crimes they endured and the  
14 impact of those crimes on them and their beloved ones.

15 Particularly, on those who died during the regime. I believe they  
16 wanted to do so, not only for themselves, in a personal capacity,  
17 but because they knew that they were also speaking for all those  
18 who suffered the same sufferings between 1975 and 1979. I believe  
19 that those persons felt that they were entrusted with the  
20 essential duty to bring the truth to light, so that no one may  
21 ever say that they didn't know, and in order that the weight of  
22 criminal responsibility, which is at the root of the legal  
23 definition of crimes against humanity, and which underscores  
24 their gravity - it was important to underscore this dimension -  
25 this human reality - and it was the civil parties that obliged us



135

1 to do so.

2 [15.58.24]

3 And that is how they claimed ownership – and rightly so – of the  
4 trial. As such, they were not simple guests, but actors.

5 Reparations are the corollary of participation. We know that  
6 reparations are recognized as the right of victims in a judicial  
7 process. We also know that such reparations should, in principle,  
8 amend the harm done in its entirety. We also know, unfortunately,  
9 that it is often impossible, particularly when the harm suffered  
10 attains such a degree of gravity and are so relentless and  
11 inexorable and final.

12 I would like to present a few examples of what the civil parties  
13 said. I will not give any names, because it is not only those who  
14 came who endured all that, but hundreds of thousands of others.

15 [15.59.33]

16 We, first of all, have this man aged between 45 and 50. He was a  
17 child during the Khmer Rouge regime. He described, with such  
18 great sadness, his solitude. He explained how he lost, gradually,  
19 his parents, his brothers and sisters, his family members and  
20 beloved ones. He also explained to us how his life, thereafter,  
21 was only solitude, and how that feeling persisted to date –  
22 preventing him from forming a family and making true friends. He  
23 explained to us how what he endured made him to feel alone. He  
24 expressed the wish that this trial would do all it can to prevent  
25 those events from recurring. He also expressed the wish that this

136

1 trial would be a means for rallying people, and not dividing  
2 them.

3 There's also this woman - or several women - who described how  
4 they were no longer able to feed their young children, and how  
5 all they could do was watch them die of hunger in their arms. How  
6 they felt guilty. How they felt guilty that they could not meet  
7 that basic demand for food. How they were desperately forced to  
8 look at their children suffer, and that such suffering still  
9 haunts them today.

10 [16.01.15]

11 Then we have those who described their own parents, who are not  
12 necessarily elderly at the time, but who became elderly -  
13 exhausted - before them. And they saw them die, and they could  
14 not believe that their lives were futile and marked by such  
15 nightmare. They said how they were ashamed, and how they still  
16 feel ashamed today that they were not able to give their parents  
17 what they themselves had received from their own parents happily  
18 before the Khmer Rouge era.

19 Then we have this woman who was age 10 at the time. She described  
20 how she was forced to work, and the work was the most abject you  
21 can imagine. She was on her feet every day in a pit of excrement,  
22 and her food was thrown to her down in the pit. She told us how  
23 children were treated as slaves who had to be overworked to  
24 death, and treated mercilessly. She also expressed her feelings  
25 of shame. But how could things have been otherwise? That woman,

137

1 this child, perhaps Khieu Samphan spoke about them in 1977; he  
2 could have told us how happy they were to pick up excrement.

3 [16.02.45]

4 Then we have the exiled Cambodians who did not want to return to  
5 Cambodia. They adapted to life in a foreign country. Life there  
6 was different from theirs - here in Cambodia. They expressed why  
7 they refused to return home. They all told us that they were no  
8 longer human beings. They viewed themselves as animals deprived  
9 of their dignity and humanity. And they were turned into animals  
10 and they had to behave like animals to survive. We heard how they  
11 felt shame for all that. And how could it have been otherwise?

12 Now, what reparations can be awarded to these victims? What just  
13 reparations can be awarded to them? It does not suffice, to say,  
14 of course, that reparations are a right. Such a right should be  
15 effective. It is clear that we will never be able to amend the  
16 harm caused. It is the case before this tribunal, and it is the  
17 case in many other criminal trials. However, we must make sure  
18 that significant reparations of real value are awarded.

19 [16.04.13]

20 In order that everyone should understand at this point in time  
21 what our requests are and how they have been developed, I must  
22 express the difficulties we encountered - and we hope that the  
23 Chamber will take them into consideration in its deliberations.  
24 I say "we". In so doing, I am talking about the Lead Co-Lawyers  
25 and the civil party lawyers, because we are all aware that,

138

1 before the ECCC, it is up to the civil party to say whether they  
2 want an award to be granted against the accused, or whether they  
3 want projects that are entrusted to third parties - and are also  
4 funded by third parties - should be recognized as reparations. In  
5 the latter case, it is up to the Lead Co-Lawyers to prepare these  
6 projects with the assistance of the Victim Support Section, which  
7 is under a duty to lend us their support.

8 It is also the duty of the Lead Co-Lawyers to make sure that each  
9 project is fully funded. The first difficulty we have encountered  
10 has been the obligation to imperatively and exclusively choose  
11 one form of reparations or the other, according to the Internal  
12 Rules.

13 [16.05.46]

14 Should we request an award against the accused, or should we ask  
15 for projects? For us - the civil party lawyers - ask for the  
16 Chamber - which had pointed out in the Duch trial and the Duch  
17 judgement - that it is evident that whoever is guilty should be  
18 awarded - should be forced to pay reparations. We cannot waive  
19 this principle, because the award of reparations to redress the  
20 harm suffered should be a logical conclusion of the trial.

21 However, the Chamber, in its decision against Duch, said awards  
22 could not be made against him, because he was indigent. The  
23 problem of the indigence of the accused is posed in the same  
24 manner in Case 002.

25 [16.06.46]

139

1 When the civil party lawyers requested the Co-Investigating  
2 Judges in 2010 to carry out investigations into the wealth of the  
3 accused, their request was declared inadmissible, and this was  
4 confirmed by the Pre-Trial Chamber. When the Lead Co-Lawyers, in  
5 2012, asked the Procedures Committee to amend the Internal Rules  
6 in order that it may be possible to request both conviction with  
7 an award of reparations against the convicted person and that  
8 reparations be put in place, they did not declare that request  
9 null and void, but they simply did not respond.

10 [16.07.42]

11 We have to develop projects in order that they be recognized as  
12 reparations, it was up to us to develop them. And at this stage I  
13 would like to underscore the commitment of NGOs and associations.  
14 Their professionalism - which is not part of our duties as  
15 lawyers - in spite of the duties and the burdens they bore in  
16 funding the reparations projects - their commitment was  
17 remarkable, throughout the three years of this trial, and have  
18 required considerable work. And it is thanks to them that the  
19 reparations projects are being presented to this Chamber today.  
20 But I'd also like to talk about the second difficulty we have  
21 encountered, and to say how the preparation of the reparations  
22 has been a burden for the civil parties. In October 2011,  
23 referring to this problem - on my feet, here - I had underscored  
24 the fears we then entertained that the reparations would become a  
25 burden - a brunt - borne by the civil parties themselves.

140

1 [16.09.07]

2 We underscored this problem. It is not just that the civil  
3 parties should bear the brunt for the reparations awarded for  
4 them. It is even less just that they should be in charge of  
5 funding such reparations projects, whereas such reparations are  
6 their right, quite simply. The ECCC law is what it is, and the  
7 Chamber is confronted with this law, as we are, but it is our  
8 duty as lawyers to stress to what extent this law is unjust to  
9 the civil parties.

10 This said, since - thanks to time, the efforts made, by dint of  
11 the convictions and the commitments and contributions of  
12 governments and associations like the TPO, DC-Cam, Youth for  
13 Peace, Kdei Karuna, CHRAC, Cambodian Defenders Project, The  
14 International Federation of Human Rights, Anvaya - by dint of the  
15 commitment of artists, like Mr. Séra, and thanks also to the  
16 goodwill of the Cambodian government, which we approached for the  
17 indispensable authorization and agreement in principle which they  
18 granted us, and thanks lastly to the funding provided by Germany,  
19 France, Switzerland, and the Swiss foundation, Stiftung  
20 Kriegstrauma-Therapie, we were able to develop projects that all  
21 meet the needs of civil parties and victims.

22 [16.10.55]

23 These reparations we are requesting meet the needs for  
24 remembrance, for contemplations, for rehabilitation and  
25 restoration of the dignity of the civil parties. There are

141

1 damages for civil parties and are of some assistance to them. And  
2 my learned colleague will present those projects.

3 Before concluding, I would like to recall what we are  
4 specifically requesting of the Chamber.

5 We are requesting the Chamber not to omit the responsibility of  
6 the - guilty in the reparations process. In the case, of course,  
7 of a conviction. And in this case, in this regard, in our written  
8 briefs, we have requested such an award, as well as the funding  
9 of the projects. We know that, in doing so, we are going beyond  
10 the limits of the Internal Rules, but the Chamber will appreciate  
11 and decide. We have also made an additional request for  
12 recognition of the reparations projects that will be put in place  
13 and funded by third parties.

14 [16.12.15]

15 We've also requested the Chamber, in our Closing Brief, to again  
16 recall in its future judgement what it had stated in Case 001. We  
17 thus request the Chamber to again - and I quote the 26th July  
18 2010 Duch judgement - and I quote:

19 "To encourage the national authorities, the international  
20 community, and other potential donors to show their solidarity  
21 with the victims in the form of support, particularly financial  
22 support, that will contribute to their rehabilitation and their  
23 reintegration and the restoration of their dignity." End of  
24 quote.

25 What the Chamber said in July 2010, we would wish that it will

142

1 restate it in its future judgement. We again request the Chamber  
2 to authorize us to provide further information in the course of  
3 their deliberations, either on means of implementation, or on  
4 additional funding that we may obtain, because we deem it just  
5 that the civil parties benefit to the maximum from all that can  
6 enable them before your final judgement - to enjoy the  
7 reparations that may be given to them.

8 [16.13.48]

9 And, lastly, as a corollary to the last request, we request the  
10 Chamber - we are asking the Chamber - to rule that any  
11 reparations will continue to be reparations, beyond the duration  
12 of their implementation, as we indicated in our Closing Brief,  
13 for budget constraints, in order that additional funding may be  
14 obtained even after the delivery of the judgement.

15 I will close with these words, which you already know are the  
16 expression of our conviction. Just and meaningful reparations are  
17 an essential part of any conviction decision. It is part and  
18 parcel of this decision, without which the decision will not  
19 attain its objectives.

20 I thank you.

21 MR. PRESIDENT:

22 Thank you.

23 And National Lead Co-Lawyer for the civil parties, you may  
24 proceed.

25 MR. PICH ANG:



143

1 Good afternoon, once again, Your Honours, esteemed colleagues,  
2 parties to the proceedings and members of the public.

3 [16.15.16]

4 I would like to continue on the final statement on reparations,  
5 particularly on the request of civil parties for the reparations  
6 as a consequence of the hearing of Case 002/01. And I am going to  
7 bring up the prioritized reparation projects which we have sought  
8 recognition from the Trial Chamber.

9 Your Honours, the applicable law before the ECCC, as well as  
10 other jurisprudence, presents very clearly the reason and grounds  
11 for reparations. The acknowledgement of the harms as a  
12 consequence of the commission of crimes, as well as the analysis  
13 of the consequences of those crimes, require that we present them  
14 in front of the Chamber. And this is in line with Internal Rule  
15 23.1 quinquies.

16 In testifying before this Chamber, the civil parties were granted  
17 the opportunity to present the suffering and harms sustained as a  
18 direct result of the commission of alleged crimes. Over the  
19 four-day period – the civil parties were granted four days to  
20 make such testimonies. Even though not all civil parties were  
21 granted the opportunity, but considerable numbers were granted  
22 that opportunity. And the injury, whether it be psychological,  
23 material, or physical harms that the civil parties presented  
24 differ from one to another. And it covers many aspects that  
25 happened. And that represents the general harms that civil

144

1 parties, as well as the victims, sustained during that period.

2 [16.18.00]

3 First, at the start of the regime, the civil party was  
4 disappointed with the lie of the Khmer Rouge leaders. When the  
5 Khmer Rouge came to Phnom Penh, and they took power, Cambodia  
6 congratulated them and they welcomed them, as testified by Madam  
7 Thouch Phandarasar, who came to testify before this Chamber. She  
8 said that on the 17th of April 1975, the Khmer Rouge troops  
9 marched to Phnom Penh City: "We were very happy. We welcomed  
10 them. We told each other that we were now at peace." But, shortly  
11 afterwards, the situation was completely different. People were  
12 told to leave their home immediately.

13 [16.19.05]

14 Mr. Sotheavy said: "They pointed a gun at our head, and they  
15 threatened us to leave the house as soon as possible. We were not  
16 allowed to take any belongings with us. They came to us and  
17 threatened with firing. They chased us out of our house. They  
18 told us that we had to leave the city. They need to reorganize  
19 the city. We begged them for the time for us to prepare our  
20 belongings and our stuff, but we were not given that opportunity  
21 to collect our belongings. They told us that we would return to  
22 Phnom Penh in the next three days, and for that reason we did not  
23 bring any belongings with us. And we were not given anything at  
24 all along the way."

25 Mr. Nou Hoan said that: "A swarm of people had to walk under the

145

1 direct sunlight, during the drying season. It was quite hot.  
2 People who left the city were so horrified, and they left in a  
3 hurry. They did not bring any necessary things with them. This  
4 was a new situation for most of the people. Some of them could  
5 not bear the difficulty, and some of them also got their legs  
6 burned because of the long travel. And many family members  
7 separated with their siblings."

8 [16.20.49]

9 This is one of the testimonies of what our civil parties said.  
10 Because of this immediate evacuation, her family members were all  
11 separated.

12 For other cases, people's property was confiscated. Madam Sam  
13 Oeurn said: "They confiscated our car. They took away our car.  
14 One of the Khmer Rouge soldiers said they could drive the car,  
15 but once he started the car - and he start driving it, it went  
16 into - hit the tree trunk."

17 And one of the civil parties said she had nothing with her except  
18 one photo. That was the testimony by Madam Phandarasar. She said  
19 she had nothing with her except one photo. Along the way, the  
20 civil party, as well as other victims, suffered a great deal  
21 physically and psychologically, and they had to endure travelling  
22 a long way without any food and necessary things with them--

23 (Recording malfunction)

24 [16.22.15]

25 MR. PICH ANG:

146

1 --E3/4721 said - and Madam Sang Rath also mentioned that it was  
2 quite hot during that evacuation month, and she had to move from  
3 one step to another difficultly. It was quite difficult to move  
4 along other way with her three kids.

5 And, in addition, the civil parties also experience dramatic  
6 events in the course of that evacuation. They witnessed scattered  
7 dead bodies. Old people were dying along the street for lack of  
8 food and assistance. This was the testimony by civil party  
9 E3/4664.

10 Seng Sivutha, another civil party, said that when she was  
11 departing from home, she saw many dead people along the street.  
12 And there were also people who were lying down dying: the old  
13 people, the handicapped, those who could not walk any further.  
14 They were on their dying day. The scene was appalling. And in  
15 addition, she added that she even fell over on dead bodies, and  
16 she was completely terrified. And she also witnessed the pregnant  
17 women and the women delivering the babies were abundant and left  
18 alone, and they had to be separated from their family members.

19 [16.24.24]

20 In the course of that evacuation, the civil parties also  
21 encountered violence and the execution of people along the road.  
22 Mr. Sou Sotheavy said that: "The dead bodies were of various  
23 categories: some were the old people; some were soldiers, monks,  
24 women and children. They were scattered everywhere along the  
25 road."

147

1 And he also said that, when he went past Preaek Pnov, he saw  
2 soldiers killed, and their dead bodies were thrown away on barbed  
3 wires. And there were other suffering sustained by other civil  
4 parties. Madam Seng Sivutha said, in the course of her  
5 evacuation, and when she reached the destination, she separated  
6 from her family members. And to date she has not heard anything  
7 from her family members.

8 [16.25.48]

9 And, in addition, Mr. Chau Ny said that, since then, Mr. Chau Sau  
10 has disappeared to date, and I want to ask Mr. Khieu Samphan  
11 where he died. This is one of the classic examples of the - those  
12 who lost their loved ones.

13 In the worksite - those people who were put into the worksite or  
14 cooperatives - they were treated discriminatively. They - one of  
15 the civil parties said: "They made my father plough the field,  
16 instead of buffalo. My father was much older, and he was - he  
17 became even older - 10 years older than his age when he started  
18 working for only 10 days over there. The scene was appalling and  
19 miserable. I could not - I do not want to recall that event."

20 Mr. Yos Phal said that his suffering was so great. He saw his  
21 father, who was administered with medicine. In fact, he was  
22 injected with a medicine, and then he was - reacted with that  
23 medicine, until he died.

24 [16.27.39]

25 One of the civil parties also said that one of her relatives was

148

1 so hungry that she could not even hold a plate to herself.

2 There are a number of other civil parties who said that, because  
3 they could not help their family to survive during that period -  
4 have been guilty of their inability to help their relatives. A  
5 fairly big number of civil parties whom - they said they still  
6 have many problems that they cannot address by themselves.

7 [16.28.29]

8 Madam Sang Rath said that she cannot recall the great suffering  
9 she has endured in life. And in other cases, some civil parties  
10 said they have lost their human quality of life. She was treated  
11 like animal - Madam Affonço said that: "We could eat anything at  
12 that time. We could eat virtually anything, any insect that we  
13 could eat, because we were starving."

14 Other civil parties also suffered great harms in the second  
15 forced transfer. And I am not going to bring these sufferings up,  
16 because I have already made the written submission already in  
17 relation to their expression of suffering. Now I would like to  
18 bring up the testimony by an expert, Dr. Chhim Sotheara, who said  
19 that the civil parties have suffered from psychological trauma.

20 [16.30.10]

21 Some of them were identified as having stress - post-traumatic  
22 disorder. And some also have the symptoms of paranoia. These  
23 symptoms are still prevalent with the victims and the civil  
24 parties.

25 Now, I would like to move to the reparation project.

149

1 Your Honours, to date, the civil parties are able to raise 13  
2 projects, which we categorize them into three groups. The first  
3 group is on remembrance and memorialization, and two on  
4 rehabilitation, and three – the documentation and education. And  
5 I would like to inform the Chamber that these projects have come  
6 to this stage because we have worked very closely with our  
7 partners in consultation with virtually all civil parties –  
8 3,065.

9 The first remembrance is the Remembrance Day. Civil parties seek  
10 the establishment of an official governmentally-recognized  
11 Remembrance Day. It may be on any day between the 17th of April,  
12 20th of December – or 20th of May. This is the request by the  
13 civil parties, and it will be submitted to the government before  
14 submitting it to the Chamber, and the government has considered  
15 the 20th of May for that.

16 [16.32.36]

17 And that Remembrance Day will honour the victims of the Khmer  
18 Rouge, both living and deceased. And for those who are living, it  
19 is a remembrance for their dead family members. And it is also  
20 meant to heal the suffering and to bring honour to the victims.  
21 And it also plays a role to remind the younger generation of  
22 Cambodia not to commit the crimes of this nature.  
23 For the beneficiary of this day – that day will be a good  
24 Remembrance Day for the Cambodian people, and they can also  
25 gather to celebrate the remembrance, and they can commit

150

1 themselves not allow such crimes to happen again in Cambodia.  
2 And, following the permission from the government - and it does  
3 not require any expenditure, but the civil parties also request  
4 that certain event may be celebrated on the day, but we do not  
5 have budget for this.

6 [16.34.00]

7 The second project is the Public Memories Initiative. We wish to  
8 establish a public memory in order to deposit the remains of  
9 those who were killed and this is also a place where people can  
10 come to pay respects and tribute to those who died during the  
11 Democratic Kampuchea period and that could be a collective  
12 memorial and a permanent structure.

13 To date, we have not received - we have not secured funding. So  
14 for the time being, I am not going to raise this matter before  
15 the Chamber because we have already made our request in our  
16 written submission. However, we request that the Chamber leave  
17 open the opportunity for us to seek funding and we will notify  
18 the Chamber as to whether we will be able to secure the  
19 implementation of this project in the course of your deliberation  
20 on judgment.

21 [16.35.15]

22 The third category is the testimonial therapy. This is - no, this  
23 is the construction of memorial for the victims of the Khmer  
24 Rouge. This was initiated by a Cambodian French artist, Séra. She  
25 (sic) was an artist - an acclaimed artist among 100-based artist



151

1 in 2002 to 2012. These are comprised of some sculpture which  
2 replicated the situation of Cambodian people leaving Phnom Penh  
3 City when they were evacuated out of the city starting from the  
4 17 of April, which was the dawn of the tragedy in Cambodia.  
5 And then following the control of the country by the Khmer Rouge,  
6 a great suffering were inflicted on Cambodian people ever since.  
7 So, they considered erecting this memorial somewhere at the  
8 roundabout in Phnom Penh; that somewhere where people were  
9 evacuated through when they were leaving Phnom Penh. And we want  
10 to create this memorial site for - to remember those who left the  
11 city then and it was at the roundabout near the French Embassy.  
12 [16.37.23]  
13 So this project also invite other artists or architects who wants  
14 to build something in remembrance of the victims of the Khmer  
15 Rouge. Artist Serra will support this project with his colleagues  
16 and he will endeavour to garner support from other sources as  
17 well.  
18 This project may be implemented within one year. To date, this  
19 project has collected some 57,700 Euro; 5,000 of which is donated  
20 by the French Government, and the other contribution by other  
21 generous individuals account for 7,700, and we have already  
22 provided the testimony of this availability of funding.  
23 And the French Embassy in Phnom Penh also contacted the municipal  
24 authority to get necessary permission to erect this memorial on  
25 this public park and now we are waiting confirmation from the

152

1 Municipality of Phnom Penh.

2 [16.38.59]

3 And we also have the project to build the memorial to remember  
4 the victims of the Khmer Rouge in France. It will - it is planned  
5 to be built in Vincennes quarter in a suburb of Paris. We wanted  
6 to build a memorial for the victims of the Khmer Rouge over there  
7 and people can go over there to pay tribute to the victims of the  
8 regime.

9 And this project is implemented by three organizations: The  
10 Association of Victims of the Khmer Rouge, the Victims of the  
11 Genocide Victims, and the Coalition of Human Right Organization.  
12 This project aims to establish a memorial site where the  
13 Cambodian people can go and pay respect to those family members  
14 who died during the Khmer Rouge period. They can also remember  
15 other people who died during this period.

16 And in addition, this was meant to be a symbolic place for the  
17 dead who died or disappeared in Cambodia and their family members  
18 could not find their bodies anywhere and it was thought to be a  
19 place for them to come and stay over there and that was also a  
20 remembrance for the younger generation as well.

21 [16.40.49]

22 It also be of benefit to the younger generations and the victims  
23 of the Khmer Rouge. And this project will start implementing from  
24 now and it will last for one year, and it needs to be approved by  
25 the Municipality of Paris and we have already been granted the

153

1 permission, but we are seeking funding to kick-start this  
2 project. We have sought funding from some generous individuals  
3 and from certain embassies as well.

4 As for the Coalition of Human Rights Organization, also plays  
5 main role in implementing this project. The Lead Co-Lawyer for  
6 the civil parties would like to request to the Chamber that we  
7 will submit the Chamber with additional information when the  
8 Chamber is deliberating on the case until we receive complete  
9 information for your decision.

10 [16.42.17]

11 Now, the second part of this reparation project - that is the  
12 remembrance - that is the rehabilitation category, and this  
13 comprised of two projects: one is the testimonial therapy that -  
14 and the other one is the self-help groups and these two projects  
15 will be implemented by a partner organization, TPO. They aim to  
16 provide the short-term trauma treatment and psychological and  
17 mental health treatment for the victims and that will be  
18 implemented soon. And these two projects have been supported by  
19 the two organizations; namely, the Economic Development Ministry  
20 of the Federal Government of Germany and they have funded  
21 \$162,758 U.S. and this fund will be given to the Victim Support  
22 Unit through the Office of Administration and this budget will be  
23 disbursed to the implementing agency; namely, the TPO in this  
24 particular instance.

25 And in addition, we also received funding from Stiftung

154

1 Kriegstrauma-Therapie with the budget of 2 – or \$27,454 U.S. in –  
2 as a counterpart fund for the implementation of this project.

3 [16.44.24]

4 So I would like to inform the Chamber that this project will be  
5 expanded and I hope that it will be recognized and realized prior  
6 to the judgment on merit and that will be in the interest of  
7 civil party so that civil party will benefit from this project.

8 In third category on documentation and education, there are  
9 several projects; one of which is the permanent exhibition and –  
10 rather, this project aims to collect and compile documents and  
11 this will be done in collaboration with the Documentation Center  
12 of Cambodia and Ministry of Fine Arts and Culture and that will  
13 be done throughout the Kingdom of Cambodia.

14 Once the documentation prepared by the Documentation Center of  
15 Cambodian, then that will contribute to promoting the education  
16 and they also contribute to organizing the exhibition of 24  
17 provinces and municipality in the Kingdom of Cambodia.

18 [16.46.09]

19 This project will be implemented in five provinces and we have  
20 received funding of 50,000 – 80,000 Euro. This fund has been  
21 given to the Office of Administration of the Extraordinary  
22 Chambers in the Courts of Cambodia and the Office of  
23 Administration will disburse it to the Documentation Center of  
24 Cambodia.

25 The eighth project, that is, the mobile exhibition project. This

155

1 mobile exhibition will compile documents and the - exploring  
2 history as well as the forced transfer of the civil parties and  
3 victims and we aim to compile document for the public knowledge.  
4 We will select the location as a target for the implementation of  
5 the project.

6 [16.47.47]

7 This project will be implemented by two organizations: Kdei  
8 Karuna organization and Youth for Peace organization. These two  
9 organizations will receive funding from BMZ and the office of -  
10 through the Office of Administration, the budget of 100,000 Euro.  
11 This project will be implemented over a period of 12 months  
12 starting from September - starting from the 1st of September 2013  
13 to the 1st of December 2014, and the Lead Co-Lawyers for the  
14 civil party and the other civil parties want that it be  
15 implemented for 24 months, but due to budget constraint that can  
16 be implemented for only 12 months.

17 And I would like to ask the Chamber to grant us the opportunity  
18 to inform the Chamber once we can secure additional funds so that  
19 we can extend the period of the implementation of this project  
20 for the benefit of the victims and civil parties.

21 [16.49.31]

22 The ninth project is the compilation of documents on forced  
23 transfer and the execution of people at Tuol Po Chrey. The civil  
24 party wants the recognition in one chapter of the book that is to  
25 be incorporated into the history of Democratic Kampuchea and that

156

1 should be a part of the course book for the student and this  
2 particular chapter in the book will be prepared by the  
3 Documentation Center of Cambodia and that institution will be  
4 responsible for disseminating the book as well.

5 This particular chapter will be of important part for the trainer  
6 and the teachers' guidebook will be - will contain a chapter of  
7 this as well. This chapter, entitle "Participation of Civil  
8 Parties and the Adjudicated Facts of Case 002/01", and it  
9 comprise of four lessons and 16 pages.

10 [16.50.53]

11 And following its compilation, the Documentation of Center of  
12 Cambodia will train the trainers in order to teach this  
13 particular chapter to the student. The Documentation Center of  
14 Cambodia has committed to provide training on this particular  
15 chapter. This chapter will demonstrate the factual elements in -  
16 as well as the testimony of civil parties before the Chamber, and  
17 this project will benefit the civil party in general and the  
18 victims in particular and it is also a chapter that represents  
19 their collective memory of the regime as well. And finally, it  
20 also contribute to expanding knowledge for the teachers.

21 And this will be decided following the judgment of the Trial  
22 Chamber and that must be in line with the judgment of the  
23 Chamber.

24 In its letter, the Documentation Center of Cambodia has made it  
25 clear that they will be responsible for securing funding to

157

1 implement this particular project. Currently, \$40,000 U.S. of  
2 funding is reserved by the Sleuk Rith Center, which is - which  
3 was a former project of the Documentation Center of Cambodia.  
4 [16.52.51]

5 Now, following the judgment, particularly if the Accused are  
6 found guilty, this budget will be considered as a contributory  
7 budget or counterpart budget for the implementation of this  
8 project.

9 Now, the tenth project; that is, the peace side - peace  
10 structure, that was to be established in Samraong and the purpose  
11 of establishing this peace center - peace study center is to  
12 remember those who died during the Khmer Rouge regime.

13 The place where this peace study center was to be established was  
14 that it was a community land, and it was approved by the  
15 community that this peace centre - peace studies centre building  
16 should be built over there.

17 [16.54.04]

18 The Youth for Peace organization will be the implementer of this  
19 project, in collaboration with the community. In that centre, it  
20 will comprise of exhibition room, the study room, and discussion  
21 room. And it will also display other photos as well. There will  
22 be other training and conferences as well for the participants.  
23 And the public forum will be also organized for some 100  
24 participants. And it is also a place where documents will be  
25 gathered, and people can go and study the history of the regime,

158

1 particularly those who want to find out about the persecution of  
2 victims in Pursat and Battambang during the period of the  
3 Democratic Kampuchea. And they also - they can also go there to  
4 find out the facts that were adjudicated at the Khmer Rouge  
5 Tribunal. That project is implemented by the Youth for Peace, as  
6 well, who have carried out a few similar projects across Cambodia  
7 before. And they have also confirmed the budget for implementing  
8 this according to their letter so far.

9 [16.55.44]

10 These projects will be implemented over the period of two years,  
11 starting from September 2013 to August 2015, and received funding  
12 from the Swiss Development Agency of 119,455.60 U.S. dollars. So,  
13 this project is in good shape now, and it deserves recognition  
14 from the Chamber, because the funding is now available for  
15 implementation. It can start implementing at any time.

16 The 11th project is the publication of the booklet on the summary  
17 judgement of Case 002/01. And this is aimed to simplify the  
18 version of the judgement, by incorporating the videos - sorry,  
19 the pictures and a simplified version of language, where lay  
20 people can understand it easily. It will be implemented by the  
21 CHRAC organization, the Human Rights Action Committee of  
22 Cambodia. They have committed to implementing this project. And  
23 this committee comprise of 21 organizations, and its mandate is  
24 to defend human rights and restore the rule of law in Cambodia.  
25 It was established in Cambodia in the early 1990s, and it has a



159

1 specific project to implement this particular project. And this  
2 booklet aims to bring together in a summary and concise content  
3 of judgement of Case 002/01, so that it will attract wider  
4 readership. And this book is also dedicated to the civil parties  
5 who have participated in these proceedings on behalf of other  
6 victims in Cambodia. It also recognizes the suffering and harms  
7 that the civil parties and other victims have sustained. So this  
8 is a dedication to the victims of Cambodia – Cambodian people.  
9 This project may be accomplished within 10 days.

10 As for the budget – budget is funded from the GIZ of 5,000 U.S.  
11 dollars. It covers the operation of the entire project.

12 [16.59.00]

13 Aside from the 11 projects I have mentioned, there are two  
14 additional projects that the Lead Co-Lawyers for the civil  
15 parties have not raised in the prioritized list of reparations  
16 projects. But we did raise these two projects earlier on,  
17 particularly during our preliminary indication of the reparation  
18 that the Lead Co-Lawyers would propose at the later stage. One of  
19 these projects is the project to publish the entire verdict of  
20 Case 002/01, and the summary of this verdict.

21 The project on publication of the judgement of Case 001/02 will  
22 be the 12th project. The civil parties have requested that the  
23 summary of the judgement and the full judgement be published and  
24 distributed to the civil parties, as well as those who practice  
25 legal profession in Cambodia. And the budget of 2,500 has been

160

1 proposed for the publication of this verdict. Of course, \$2,500  
2 by no means is enough for the publication of this judgement for  
3 the members of the public or lawyers in Cambodia or the civil  
4 parties, and in addition, in Case 001, a lot of money – much more  
5 money than 2,500 – was used for this publication purpose.

6 [17.01.07]

7 Following the recognition from the Chamber, this will be  
8 implemented within a period of four months.

9 The third project, which is the last of the series of projects we  
10 propose, is the release or the publication of the names of civil  
11 parties in public media. This – on the website of the ECCC – it  
12 is important that their names be published on the website of the  
13 ECCC. This posting of their names by the civil parties will  
14 contribute to promoting the participatory role of the civil  
15 parties in the criminal proceedings, and this posting of their  
16 names would include their names in Khmer, in Latin, as well as  
17 their civil party numbers. That will make it easy for other  
18 people to find names. The Public Affairs Section will cooperate  
19 with us to arrange this. And this project, on the initial phase,  
20 will be – will take approximately three months. This was proposed  
21 by the civil parties.

22 [17.02.36]

23 For these projects, the civil parties would like to request to  
24 the Chamber to:

25 One, recognize the harm and suffering sustained by the civil

161

1 party - and it is the consequence of the crimes that the accused  
2 committed.

3 And, two, for those who were found guilty - shall be ordered to  
4 pay for the reparation - pay the reparation of the victims, and  
5 in case the accused or the convicts were considered indigent,  
6 then these reparations is to be awarded by the third party.

7 And, three, the civil party also requests the Chamber that - we  
8 agree with the Chamber that we will follow the direction of the  
9 Chamber, pursuant to Rule 23quinquies(b); and we request that the  
10 Chamber at least acknowledge and recognize the projects that we  
11 have secured funding for the implementation already.

12 [17.04.21]

13 Five (sic), we also request that the Trial Chamber consider  
14 leaving the opportunity for - to secure additional funding while  
15 the Chamber is deliberating on the judgement.

16 And, six (sic), the civil party should be granted the opportunity  
17 to receive necessary information for them.

18 Six, on the projects that have been recognized by the Chamber -  
19 shall be able to be implemented far beyond the judgement.

20 [17.05.23]

21 And, seven, the civil parties will endeavour to work with other  
22 partners and the international community to secure funding to  
23 implement the projects they have proposed. These are the proposed  
24 projects by the civil parties, and these also represent the  
25 reparations requested by members of the publics in general.

162

1 MR. PRESIDENT:

2 Thank you, Lead Co-Lawyers for the civil parties.

3 Now the Closing Statements of the Lead Co-Lawyer for the civil  
4 party is done within the time allocated.

5 The time is now also appropriate for the day adjournment. The  
6 Chamber shall adjourn now and resume tomorrow, Thursday, the 17th  
7 of October 2013. This serves as the notice to parties and  
8 information for the members of the public.

9 And tomorrow we will grant the floor to the Co-Prosecutor to make  
10 their final statements.

11 Security guards are instructed to bring the two accused to the  
12 detention facility of the ECCC and have them returned to  
13 participate in the proceedings tomorrow before 9 o'clock in the  
14 morning.

15 Mr. Khieu Samphan is to be brought to this courtroom.

16 And as for Mr. Nuon Chea, he is to be brought to a holding cell  
17 downstairs, where audio-visual equipment is there for him to  
18 follow the proceedings remotely.

19 The Court is now adjourned.

20 (Court adjourns at 1707H)

21

22

23

24

25