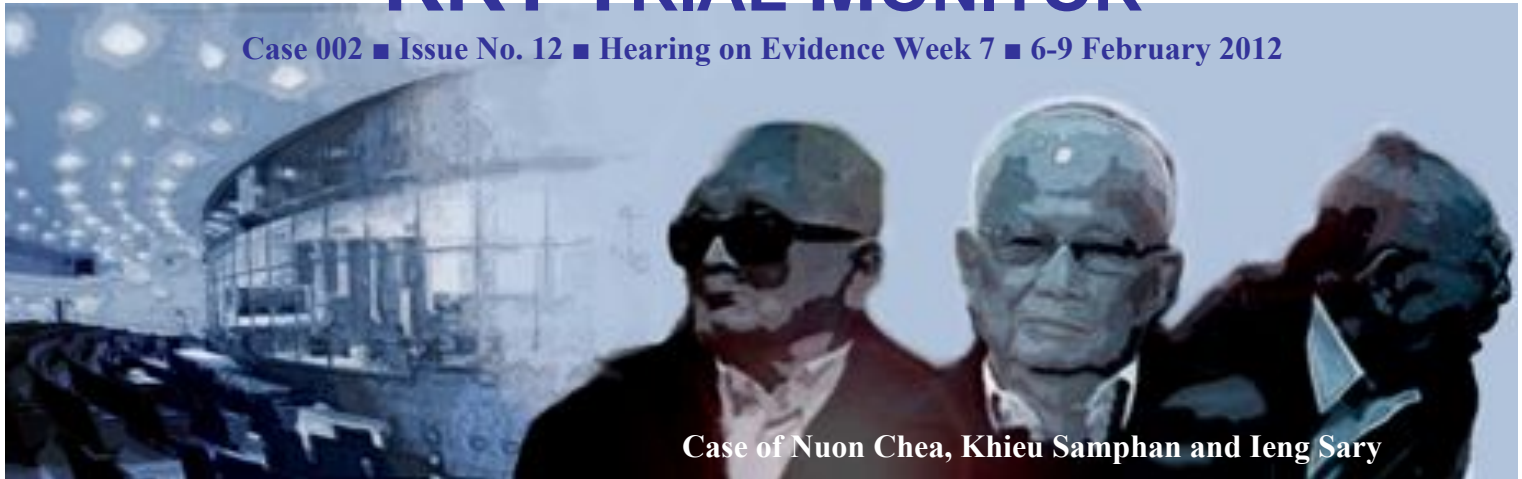


KRT TRIAL MONITOR

Case 002 ■ Issue No. 12 ■ Hearing on Evidence Week 7 ■ 6-9 February 2012



Case of Nuon Chea, Khieu Samphan and Ieng Sary

Asian International Justice Initiative (AIJI), a project of East-West Center and UC Berkeley War Crimes Studies Center

So, in summary, my entire life, from childhood to now, I did not ever live through a period of peace. I witnessed all those incidents, awful incidents.¹

- Accused, Nuon Chea

I. OVERVIEW

This week's proceedings saw the conclusion of the examination of Mr. Youk Chhang, Director of the Documentation Center of Cambodia (**DC-Cam**), and Mr. Nuon Chea. Due to the non-appearance of an expert witness, Ms. Elizabeth Becker, the Chamber moved on to discuss the matter of documents put before the Chamber and the Parties.

On Monday, Nuon Chea's international and national counsels, Messrs. Jasper Pauw and Son Arun, wrapped up their examination of Youk Chhang. No proceedings were conducted on Tuesday due to the Meak Bochea national holiday. Wednesday's sessions should have commenced with international defense counsel Mr. Michiel Pestman's questioning of his client, Nuon Chea. However, the Chamber forfeited Pestman's time after Counsel reiterated a request, which the Chamber had already denied, that the Court condemn Prime Minister Hun Sen for making a prior public statement regarding the guilt of his client.² Judge Jean-Marc Lavergne took over questioning Nuon Chea, in addition to presenting documents and asking for comments.

Thursday's session was dedicated to the presentation of more documents, first, by Judge Ya Sokhan, and then subsequently by International Co-Prosecutor Mr. Dale Lysak. The Chamber, upon Pestman's request, allotted time to question Nuon Chea on the historical background of the DK on Thursday morning. National Co-Prosecutor Mr. Dararasmey Chan ended the day with a reading of the Agreed Facts between the Prosecution and the Ieng Sary Defense.

Throughout the week, Accused Ieng Sary and Khieu Samphan exercised their right to remain silent. Accused Nuon Chea, on the other hand, commented on some documents and requested for the original or, at the very least, a copy of the documents to enable him to identify and study the documents.

II. SUMMARY OF WITNESS TESTIMONY

Youk Chhang, Director of DC-Cam, continued to testify on DC-Cam's method for collecting, cataloguing, and storing documents in its collection. He was also asked about how DC-Cam assesses documents to determine whether or not they are indeed from the DK period. The other witness this week, Accused Nuon Chea, testified about his personal background and on his interaction with Mr. Heng Samrin³ during the DK.

A. Youk Chhang's Testimony

Monday morning this week began with the Nuon Chea Defense examining witness, Youk Chhang. The Ieng Sary Defense declared that they did not wish to question the Witness, so Counsel for Nuon Chea requested additional time to put questions to the Witness; the Chamber allocated an extra hour to the Nuon Chea Defense.

1. DC-Cam Documents

Defense Counsel Pauw sought clarification on whether DC-Cam uses the *Cambodian Genocide Data Bases—Input Manual for CBIB*⁴ to enter information into DC-Cam's database. According to the Witness, the manual contains the method for inputting information on a document's origin and its previous custodians. He confirmed that DC-Cam does use this manual, and further provides each document with a unique code, which indicates the origin of the document. Youk Chhang admitted that DC-Cam has never conducted forensic testing on documents. Instead, he explained, DC-Cam relies "on the date, the author as well as the paper presentation"⁵ of the documents.

2. Archives of King Sihanouk

Pauw devoted part of his allotted time to inquiring about the physical location of certain hard copy originals of documents in DC-Cam's collection. Previously, during DC-Cam Deputy Director Mr. Vanthan Dara Peou's testimony on 25 January, Defense Counsel Karnavas had asked if efforts were made "to go into the archives of the King to see what documents that he may have, relevant to the period, that might be useful either for the Prosecution or for the Defense."⁶ Pauw picked up on this line of questioning and asked Youk Chhang the location of the hard copies of the King's collection. Witness Youk Chhang recalled that the electronic versions of the documents found in the archives of King Sihanouk were temporarily made available at the King's website. DC-Cam tried to print out each of the documents, but because of slow internet connection, they were unable to print all the documents. King Sihanouk subsequently decided to move the physical documents from Cambodia to Belgium; at that point, electronic copies of the documents were also no longer available online. Youk Chhang stated:

I remember that it was in the Far East (sic) University, in Belgium, and there was a debate also why the documents could not be stored in Cambodia; instead, they is stored in Belgium.⁷ At that -- at one moment, we -- I tried to copy the whole website, and I also learned that the King would like to have it sold to other institution. I tried to copy the whole website, but the internet was very slow, it was not successful.⁸

As far as Youk Chhang knows, only physical copies of the documents are currently available. The documents are in Belgium and may be accessed for research purposes. Witness was uncertain as to whether or not the University made electronic copies of the documents

available online. He said, “perhaps the documents could be accessible online; we should try.”⁹

3. Archives of Cambodian People’s Party (CPP)

Youk Chhang specified that, prior to 1993, the CPP established an archive through joint efforts with Vietnam and Laos. However, for reasons unknown to Witness, the archives were closed in 1993. The Witness revealed that he attempted to search for Cambodian documents connected to the archive by going to Laos and Vietnam, but he was unable to find any documents. Pauw inquired if the Witness knew “whether the CPP possesses documents that actually stem from the 1975 to 1979 era, original DK-era documents.”¹⁰ Youk Chhang answered as follows:

... Since the archive was closed, then, even if those documents was (sic) available, it must be within the individual archives... I am of the view that government officials may have those contemporaneous DK documents personally. But if you talk about the archive as an institution, it is no longer available because this institution was closed, because the archive of the History of the People’s Revolutionary Party was closed in 1993. And so far, individuals who are now members of the Royal Government have given me documents as well, personally.¹¹

B. Nuon Chea’s Testimony

Although the Chamber prohibited Pestman from examining Nuon Chea on Wednesday, it granted counsel time to question his client on Thursday. Pestman sought to clarify two points that had been discussed on Tuesday, 31 January: Nuon Chea’s background and Mr. Heng Samrin’s role in the Khmer Rouge.

1. Nuon Chea’s Background

Pestman asked questions about the financial situation of Nuon Chea’s family and his observance of mistreatment of Khmer during French colonization. Nuon Chea testified that his father, who was engaged in purchasing and selling rice, became heavily indebted when the price of rice dropped dramatically after World War I. It reportedly took Nuon Chea’s father 10 to 20 years just to pay off the interest. Nuon Chea then detailed having witnessed the harsh punishment of servants and the mistreatment of villagers including the “barbaric”¹² rape of women when Cambodia was a French colony. He stated that this mistreatment at the hands of the French formed in him “an idea of hatred, of injustice” and a “great pit[y]” for the country and its people.¹³

As an adult, Nuon Chea went to Thailand to study. “I initially thought that...Thailand was independent, but in fact it was not. There was a bloody coup d’état, and a number of ministers were shot dead, and I thought that justice would never be found,”¹⁴ the Accused lamented. Nuon Chea further said that he gave up his studies because he believed it was a useless pursuit. Instead, he joined the Issarak or Struggle Movement in 1950. In 1953, he went to study in North Vietnam for three to four years before returning to his homeland after the execution of the Geneva Accords in 1954.

2. Heng Samrin’s Role in the Khmer Rouge

Nuon Chea explained that, after the Geneva Accords but before 1975, Heng Samrin served as a messenger and escorted Nuon Chea to the Vietnamese-Cambodian border every two months. Nuon Chea went to the border to discuss and forge agreements with Vietnamese

authorities when armed conflict arose between Vietnam and Cambodia. After Cambodia's liberation in 1975, there was no more need to go through the jungle to reach Vietnam, as there were other routes. According to Nuon Chea, Heng Samrin had become a military commander by that time. Pestman asked his client whether it was correct that Heng Samrin might be the last surviving Division Commander who participated in the "liberation" of Phnom Penh. The President asked Nuon Chea not to respond to the question, as it was irrelevant.

III. LEGAL AND PROCEDURAL ISSUES

During the proceedings this week, the Chamber and the Parties presented and commented on documentary evidence. Through the course of the presentation of the documents, Parties sought guidance from the Chamber on issues pertaining to the rights of the accused, particularly on the right to remain silent and the right to sufficient time for preparation. As in the previous weeks, the parties objected repeatedly to one another's questions, where they felt the questions were irrelevant or called for speculation.

A. Putting Documents before the Chamber

This week, the Chamber and the Parties had the opportunity to present and comment on documentary evidence. On Wednesday, President Nil Nonn handed the floor to Judge Lavergne to present documents before the parties. This was done in accordance with Rule 87(3) of the ECCC Internal Rules, which states:

The Chamber bases its decision on evidence from the case file provided it has been put before it by a party or if the Chamber itself has put it before the parties. — Evidence from the case file is considered put before the Chamber or the parties if its content has been summarized, read out, or appropriately identified in court.

According to this Rule, it is not only the Parties who may put documents before the Chamber; the Chamber itself is also entitled to put documents before the Court and allow the Parties to respond.

Judge Lavergne presented documents and asked the Accused to comment on several topics, which included the following:

- (i) Pol Pot's speech on different forms of revolutionary struggle
- (ii) The movement of the people <from urban areas to rural areas>;
- (iii) The capture of Oudong;
- (iv) Khieu Samphan's congratulatory message after the victory at Phnom Penh;
- (v) Royal Government of National Union of Kampuchea's (**GRUNK**'s) message to the United Nations in 1973 which outlined its political program to respect, among others, freedom of religion and right to private property;
- (vi) List of GRUNK officials; and
- (vii) GRUNK's eight internal and external policy points.

Nuon Chea clarified that he did not have knowledge about party administration during the DK; his tasks were related to education only. He explained his duties as follows:

Your Honors, the education focused on the elimination of privatization, individualism, corruption, building the stands, loving the Party, the country, educating people to be determined, abandoning personal interest, focusing on the benefit of collective interest. These are --

these were part of the Party's principles being educated to people, and I was tasked with educating people to abolish the individualism.¹⁵

On Thursday, Judge Ya Sokhan presented documents pertaining to the historical background of the DK and read out the summaries of 17 documents¹⁶ before the Parties. He asked the Accused to comment on the documents; none, however, chose to do so.

Following Judge Ya Sokhan, Lysak presented documents supporting the Prosecution's argument that Nuon Chea was, in fact, in charge of the military unit, and that Nuon Chea acted as Head of State when Pol Pot was sick for six months. Prosecutor Dararasmey Chan stated that Nuon Chea and Khieu Samphan did not agree with any facts presented in the Closing Order. However, the Ieng Sary Defense Team had provided Agreed Facts concerning the history of the Communist Party of Kampuchea and Ieng Sary's activities before 1975, as were contained in the Closing Order. Dararasmey Chan then read out the Agreed Facts between the Prosecution and the Ieng Sary Defense Team.¹⁷

B. Rights of the Accused

Several issues relating to the rights of the Accused arose during the proceedings, including a dispute over what constituted a violation of the defendant's right to remain silent, and how much time was considered sufficient for preparation of the Defense. In addition to ruling on objections on the basis that the questions were irrelevant or required the witness to speculate, the Chamber was again asked to address Prime Minister Hun Sen's statement to the press in Vietnam.

1. Right to Remain Silent

On Wednesday, Judge Lavergne repeatedly asked Khieu Samphan to comment on documents that Judge Lavergne put before the Accused. Khieu Samphan, however, refused to comment on the documents and continued to exercise his right to remain silent. This issue arose again on Thursday, when Judge Ya Sokhan read the summaries of the documents before the Parties and asked the Accused for comments. Ieng Sary's international counsel, Michael Karnavas, asked whether the international standard should be applied in the ECCC given the Chamber's status as an internationalized court. Karnavas stated as follows:

For the past four years, I've heard that this is an internationalized tribunal that is supposed to apply international standards. I am unaware of a single international, internationalized or national tribunal supported with international funding from the United Nations which continually insists on posing questions to an accused after an accused has indicated clearly and unequivocally that he or she wishes to remain silent.

I think that this is an abuse of the process.¹⁸

According to Karnavas, the continued invitation to the Accused to comment could constitute a violation of the right to remain silent of the Accused and could be considered as a form of coercion. Karnavas also pointed out that this approach was both a waste of time and resources. Consequently, he requested the Chamber to desist from adopting this approach. In response, the President stated that inviting the Accused to comment was not a form of coercion because the documents pertained to the Accused. The President then instructed Judge Ya Sokhan to continue reading the documents aloud without asking for comments from the Accused, but the Judge indicated that Khieu Samphan could comment if he wished.

2. Right to Sufficient Time for Preparation

Nuon Chea was the only Accused who was willing to comment on the documents the OCP presented, as both Khieu Samphan and Ieng Sary continued to exercise their right to remain silent. On a number of occasions, Nuon Chea requested the original Khmer documents, stating as follows:

I don't understand why it is difficult for you to understand, because I want all the documents to be put before me so that I can see and respond to them. If you simply read them out, I have no comment at all.¹⁹

Lysak acquiesced to Nuon Chea's request and provided the latter hard copies of the documents. While the President thanked the Prosecution for providing the documents, he also stated that it was the Defense Counsels' role to provide the documents because all the documents were in the Case File.

C. Objections to Questions that are Irrelevant or Require Speculation

Throughout the week, the Parties raised objections to a number of questions on the ground that they were repetitious, irrelevant, or speculative. For instance, on Monday, Abdulhak objected to a question on the basis that it required speculation when Pauw asked if Youk Chhang believed the Vietnamese destroyed incriminating materials after 1979. Abdulhak also raised the same objection when Pauw asked what documents the Vietnamese used for the 1979 trial of Pol Pot and Ieng Sary. Later, Abdulhak objected, citing irrelevance, when Pauw tried to return to a discussion on the different categories DC-Cam used in classifying its documents. Further, the President reminded Pauw to limit himself to asking questions that are relevant to receiving and handling documents. The President explained as follows:

Please be advised that you are now asked to put questions that are relevant to the main object or subject matters for the discussion during these hearings, and you need to put questions relevant to the methods in collecting documents, cataloguing them, and storing.

And witness is not supposed to be put questions concern each and particular or specific document. Any challenge to a specific document will be done at a later date.²⁰

During his examination of Youk Chhang, Pauw endeavored to reveal what the Nuon Chea Defense believed to be (i) Youk Chhang's conviction that the Khmer Rouge leaders are guilty and that this bias affected his work; (ii) interference by the Cambodian government. The Prosecution consistently objected to these attempts, arguing that the questions were irrelevant. The Chamber sustained all of the Prosecution's objections, except for one,²¹ and provided that the current subject matter should only cover DC-Cam's methods for collecting and cataloguing documents.

Significantly, Pauw referred to an "input form" which DC-Cam uses for its inventory of documents. He requested that Youk Chhang elaborate on notes in DC-Cam's input form, which indicates the provenance of a document and states whether a document is an original or a copy. At the conclusion of his examination of the Witness, Counsel asked the Chamber to request that Youk Chhang submit: (i) information as to whether the document at DC-Cam is an original or not, and (ii) information as to the provenance of the document and earlier custodians; Pauw requested that this be done for all the documents from DC-Cam that appear on the list provided by the OCP. Pauw also requested that the Witness appear in

court again at a later stage to address queries that the Chamber considered outside the scope of the present proceedings.

Judge Jean-Marc Lavergne indicated that, since the documents had been in the Case File for three years, Pauw could have inquired earlier. According to Pauw however, it was impossible for them to know which documents would be used, and they found out about the information contained in the notes in DC-Cam's input form only recently. The Chamber did not rule on this matter immediately and directed the Nuon Chea Defense to submit their request in writing so that the Chamber could respond in the same manner.

D. Ruling on Prime Minister Hun Sen's Statement and Use of Time to Question Nuon Chea

Pestman was scheduled to pose questions to his client, Nuon Chea, on Wednesday morning. However, before he began, he requested that the Chamber give its position on the remarks Prime Minister Hun Sen made at a press conference in Vietnam. According to the President, the Chamber had already addressed this issue. He instructed Pestman to proceed with posing questions relevant to the agenda of the trial week:

The Chamber has already addressed this before.

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

You are now asked to pose questions to your client concerning the historical background of the Democratic Kampuchea's context.²²

Dissatisfied, Pestman asked whether the Court's ruling was a decision on the matter, or whether he could submit an oral motion. Counsel moreover asked if he was being required to submit a written complaint. During this discussion, the Chamber warned Pestman that he was losing time for the examination of the Accused. Pestman persisted until the Chamber declared that Counsel's time had run out, and gave the floor over to Judge Lavergne so that the Bench could pose questions to Nuon Chea. The Chamber additionally stated that Pestman's attitude showed that counsel was disrespectful.

On Wednesday afternoon, Pestman sought to submit an oral request to retrieve his lost 30 minutes to question his client. The President stated that the Chamber did not take away Pestman's right to pose questions, rather it was Pestman himself who waived his right by failing to make use of his allotted time sufficiently. Pestman argued that he did not waive his right to question his client nor had his client waived his right to be questioned by Pestman. At that point, the Trial Chamber granted Pestman 30 minutes to examine his client.

IV. TRIAL MANAGEMENT

This week, contrary to its usual practice of allowing the Accused to participate remotely in the proceedings, the Trial Chamber decided to require Nuon Chea to stay in the courtroom, notwithstanding the latter's waiver of his right to be present during the hearing. The Trial Chamber also addressed Parties' concerns regarding the scheduling of the proceedings and made adjustments to accommodate these requests.

A. Court Attendance

On Monday and Thursday, Ieng Sary participated remotely from the holding cell after the end of the first session. On Wednesday, Ieng Sary, through his Counsel Ang Udom, sought to be excused from participating directly in the proceedings at the beginning of the trial day. The Chamber granted these requests. Nuon Chea was also excused from participating directly in the proceedings after the second session on Monday. Nuon Chea was present throughout the sessions on Wednesday morning; no sessions were conducted in the afternoon as the Chamber had an internal meeting.

On Thursday, when Pestman requested that Nuon Chea be allowed to follow the proceedings remotely because of his client's health, Lysak objected. Lysak stressed that the hearing of evidence was very important for the Accused, and that they should stay in the courtroom and use the chance to comment on the documents presented. In response to both the request and objection, the Chamber decided not to allow Nuon Chea to waive his right to be present and participate remotely in the holding cell.

Khieu Samphan was present for all hearings of the week.

Public Attendance. The hearings were well attended throughout the week. On Monday, there were around 300 students from Boueng Keng Kang High School, Phnom Penh, to witness the entire day's proceedings. On Wednesday, there were 300 students from Sisowath High School, Phnom Penh, in attendance for half a day. On the last day of the proceedings, 300 people from Takeo province and 50 students aged 14 to 16 years old from IEL International School in Phnom Penh attended the morning sessions. During the afternoon sessions, 300 students from Phnom Penh Thmey High School replaced the group from Takeo.

B. Court Etiquette

On Wednesday, Judge Cartwright took the opportunity to address proper court decorum when she noticed that Pestman was not properly dressed for court at the start of a session. Cartwright advised him to be correctly and timely attired at the commencement of any session, saying:

Mr. Pestman, would you please make sure you are correctly attired before the Judge convenes? We've let it go this long, but you seem unable to be back in Court on time, unlike your colleagues.²³

C. Time Management

Clarifications as regards scheduling were sought during the week. Before the adjournment of Monday's proceedings, International Civil Party Lead Co-Lawyer Ms. Elisabeth Simonneau-Fort inquired on the schedule for Wednesday and Thursday. The President noted that managing the Case File was complicated, but that the Chamber would do its best to inform the Parties of the scheduling of any future hearings. The President then explained that, after Nuon Chea's examination, the Chamber would discuss issues related to documents put before the court. For the following week, the Court would continue hearing on the historical background of the DK regime and of the structure of DK administration and communication.

On Wednesday, the President declared that the hearing concerning the history of the DK had come to an end and that the Parties would put documents before the court on Thursday. This seemed to confuse the Parties in the courtroom. First, Pestman asked what would happen after the presentation of the documents on Thursday morning. The President then explained that if the presentation of the documents before the Parties could not be concluded in the morning, they would continue to present documents in the afternoon. He followed by explaining that the Chamber would then continue the proceedings on the first segment of the historical background for two more days, followed by a hearing on the evidence and facts concerning the structure, the communication and the administration of the regime. He reminded the court that the legal officer had already notified the Parties about the schedule and that formal notifications would be sent later.

This prompted Simonneau-Fort to note that the Senior Legal Officer had sent an e-mail informing her that she would be presenting documents the following week; Simonneau-Fort stated that the Civil Party lawyers would not be ready to present documents the next day. The President conceded that if the Parties were not ready, they could present documents during two pre-scheduled days the following week.

D. Time Table

DATE	START	MORNING BREAK	LUNCH	AFTERNOON BREAK	RECESS	TOTAL HOURS IN SESSION
Monday 06/02/12	9:01	10:33-10:51	12:04-13:35	15:04	15:04	4 hours and 24 minutes
Tuesday 07/02/12	-	-	-	-	-	-
Wednesday 08/02/12	9:01	10.:31-10:53	12:00	-	12:00	2 hours and 37 minutes
Thursday 09/02/12	9:03	10:34-10:54	11:54-13:34	14:49	14:49	3 hours and 46 minutes
Average number of hours in session				3 hours and 35 minutes		
Total number of hours this week				10 hours and 47 minutes		
Total number of hours, days, weeks at trial				119 hours and 51 minutes		
28 TRIAL DAYS OVER 8 WEEKS						

Unless specified otherwise,

- the documents cited in this report pertain to *The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan* (Case No. 002/19-09-2007-ECCC) before the ECCC;
- the quotes are based on the personal notes of the trial monitors during the proceedings; and
- photos are courtesy of the ECCC.

Glossary of Terms

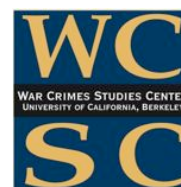
Case 001	<i>The Case of Kaing Guek Eav alias “Duch”</i> (Case No. 001/18-07-2007-ECCC)
Case 002	<i>The Case of Nuon Chea, Ieng Sary, Ieng Thirith and Khieu Samphan</i> (Case No. 002/19-09-2007-ECCC)
CPC	Code of Criminal Procedure of the Kingdom of Cambodia (2007)
CPK	Communist Party of Kampuchea
CPLCL	Civil Party Lead Co-Lawyer
DK	Democratic Kampuchea
ECCC	Extraordinary Chambers in the Courts of Cambodia (also referred to as the Khmer Rouge Tribunal or “KRT”)
ECCC Law	Law on the Establishment of the ECCC, as amended (2004)
ERN	Evidence Reference Number (the page number of each piece of documentary evidence in the Case File)
FUNK	National United Front of Kampuchea
GRUNK	Royal Government of National Union of Kampuchea
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IR	Internal Rules of the ECCC Rev. 8 (2011)
KR	Khmer Rouge
OCIJ	Office of the Co-Investigating Judges
OCP	Office of the Co-Prosecutors of the ECCC
RAK	Revolutionary Army of Kampuchea
VSS	Victims Support Section
WESU	Witness and Expert Support Unit



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AIJI TRIAL MONITORING



* AIJI is a collaborative project between the East-West Center, in Honolulu, and the War Crimes Studies Center, University of California, Berkeley. Since 2003, the two Centers have been collaborating on projects relating to the establishment of justice initiatives and capacity-building programs in the human rights sector in South-East Asia. The Program is funded by the Open Society Foundation, the Foreign Commonwealth Office of the British Embassy in Phnom Penh, and the Embassy of Switzerland in Bangkok.

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¹ Trial Chamber. Transcript of Trial Day 29 (9 February 2012), Case No. 002/19-09-2007. [hereinafter, **9 FEBRUARY TRANSCRIPT**]. E1/41.1. Lines 20-22. 43.

² "According to the Nuon Chea Defence, journalists quoted Cambodia's Prime Minister at a press conference in Vietnam, describing statements Nuon Chea gave to the Court in December as 'deceitful.' With much indignation, Pestman further pointed out that the Prime Minister had also recently been quoted calling Nuon Chea

a 'killer' and a 'perpetrator of genocide.'" Case 002 KRT TRIAL MONITOR ISSUE No. 8 (week ending 12 January 2012). 10.

³ Heng Semrin "became the leader of the United Front for the National Salvation of Kampuchea, head of state, leader of the Khmer People's Revolutionary Party, senior privy councilor [sic] to the king and ultimately president of the National Assembly." Luke Hunt, "Heng Samrin, Man of the People," *The Diplomat*, 21 September 2011, <<http://thediplomat.com/asean-beat/2011/09/21/heng-samrin-man-of-the-people/>>, accessed on 16 July 2012.

⁴ Trial Chamber. Transcript of Trial Day 27 (6 February 2012), Case No. 002/19-09-2007. E1/39.1. [hereinafter, **6 FEBRUARY TRANSCRIPT**]. Line 7, 5.

⁵ 6 FEBRUARY TRANSCRIPT. Lines 4-5, 16.

⁶ Trial Chamber. Transcript of Trial Day 21 (25 January 2012), Case No. 002/19-09-2007. E1/33.1. Lines 21-24, 32.

⁷ 6 FEBRUARY TRANSCRIPT. Lines 14-16, 46.

⁸ Ibid, lines 12-15, 47.

⁹ Ibid, lines 21-22, 46.

¹⁰ Ibid, lines 15-17. 68.

¹¹ Ibid, lines 19-25; 1-5. 68-69.

¹² 9 FEBRUARY TRANSCRIPT. Lines 19. 43.

¹³ Ibid, lines 11-12. 41.

¹⁴ Ibid, lines 19-22. 41.

¹⁵ See Trial Chamber. Transcript of Trial Day 28 (8 February 2012), Case No. 002/19-09-2007. [hereinafter, **8 FEBRUARY TRANSCRIPT**]. E1/40. Lines 2-8. 38.

¹⁶ 1. Summary of the revolutionary movement and the CPK, including the CPK philosophy and the CPK's method for achieving socialism; 2. Record of Mr. Ieng Sary's interview conducted on 10 November 2007 before the Co-Investigating Judges; 3. Biography of Ieng Sary; 4. Record of Phan Sovannhan's interview before the Co-Investigating Judges; 5. A book written by Khieu Samphan on the History of Kampuchea; 6. Copy of the "Revolutionary Flag;" 7. The Circular of the Democratic Kampuchea; 8. Ieng Sary's interview by Elizabeth Becker; 9. "Brief Summary of the Party's History;" 10. Record of Ieng Sary's 12 November 2007 interview before the Co-Investigating Judges; 11. Statement by Duch; 12. Record of interview of Witness Phy Phoun in Banteay Meanchey by the Co-Investigating Judges; 13. Record of meeting of secretaries and under-secretaries of the special independent divisions in 1976; 14. Record of an interview of Nuon Chea and Khem Ngun; 15. Record of an interview of Ieng Sary with ABC TV Australia; 16. "When the War Was Over," by Elizabeth Becker; and 17. Central Committee of CPK Directive, "Decision of the Central Committee Regarding Certain Matters," dated 30 March 1971.

¹⁷ The facts agreed on by the OCP and the Ieng Sary team are in the following paragraphs of the Closing Order: paragraph 18, paragraph 20, paragraph 22, paragraph 23, paragraph 24, paragraph 25, paragraph 26, paragraph 27, paragraph 33, paragraph 35, paragraph 42, paragraph 995, paragraph 996, paragraph 997, paragraph 998, paragraph 999, and paragraph 1000.

¹⁸ 9 FEBRUARY TRANSCRIPT. Lines 12-20. 6.

¹⁹ Ibid, lines 10-13. 65.

²⁰ 6 FEBRUARY TRANSCRIPT. Lines 21-25; 2-4. 75-76.

²¹ Pauw asked about DC-Cam's access to CPP archives, to which the OCP objected. Pauw argued that the OCP could ask about access to the Ministry of the Interior and the National Archive and his question should not be treated differently. The President did not sustain the objection.

²² 8 FEBRUARY TRANSCRIPT. Lines 16-25; 1. 4-5.

²³ Ibid, lines 19-22. 32.