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INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 4 October 1979 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith for your information the indictment of the Pol Pot-Ieng Sary clique presented by the Public Prosecutor to the People's Revolutionary Tribunal of Kampuchea held in Phnom Penh. I should be grateful if you would have it circulated as an official General Assembly document under agenda item 84 of the thirty-fourth session.

(Signed) HA VAN LAU
Ambassador Extraordinary,
Permanent Representative

ANNEX

PEOPLE'S REPUBLIC OF KAMPUCHEA

PEOPLE'S REVOLUTIONARY TRIBUNAL HELD IN PHNOM PENH
FOR THE TRIAL OF THE GENOCIDE CRIME OF THE POL POT-
IENG SARY CLIQUE

August 1979
Document No. 3.7

INDICTMENT OF THE POL POT-IENG SARY CLIQUE
FOR THEIR CRIMES OF GENOCIDE

The Public Prosecutor at the People's Revolutionary Tribunal held in
Phnom Penh,

- Having regard to Decree-Law No. 01 of 15 July 1979 of the People's Revolutionary Council of Kampuchea providing for the setting up, in Phnom Penh, of a People's Revolutionary Tribunal to judge the genocidal crimes committed by the Pol Pot-Ieng Sary clique;
- Having regard to article 4 of the above-mentioned Decree-Law laying down the tasks and powers of the Public Prosecutor;
- Having regard to point 8 of the 11-point Declaration issued on 2 December 1978 by the National United Front for the Salvation of Kampuchea;
- Having regard to Decision No. 2 of 25 July 1979 by the Public Prosecutor's Office initiating proceedings against Pol Pot and Ieng Sary and Order of Arrest No. 3 of 26 July 1979 by the Public Prosecutor's Office concerning the said defendants; and
- Having regard to the results of the investigation that has been carried out;

We find that:

Running counter to our people's deeply felt wish to live in peace, independence and democracy and to build a prosperous and happy country after complete liberation, the Pol Pot-Ieng Sary clique have, over the last four years, betrayed our people and driven them to the brink of extermination: about 3 million innocent people have been killed, and the more than 4 million survivors have been seriously injured physically and morally by this inhuman régime; the

national economy has been ruined, national culture destroyed, and disastrous consequences suffered by all strata of the population in different parts of the country, by all families and by the whole of our nation as a result of the Pol Pot-Ieng Sary clique's policy of genocide.

A. The Pol Pot-Ieng Sary clique are charged with the following criminal acts:

I. Systematically carrying out a planned massacre of people of all strata of the population in an increasingly savage manner:

The Pol Pot-Ieng Sary clique divided the people into three categories:

The first, the "old inhabitants", were those who had been living in the resistance base areas before liberation;

The second, the "new inhabitants" had been living in areas under the control of the former régime of Lon Nol;

The third was composed of those who had collaborated with that régime.

The policy of the Pol Pot-Ieng Sary clique was to exterminate the third category and purge the second category; the first category at first received privileged treatment but since 1977 has also been purged (proceedings of the Kompong Eo district two party Committee, Svai Rieng province, 7 July 1977, document No. 2.5.12).

(a) The Pol Pot-Ieng Sary clique advocated eliminating all, and actually massacred almost all, the officers, soldiers and civil servants of the old régime together with their families.

Let us quote from some statements by witnesses - which are borne out by many others - regarding the massacres of persons in this category:

According to the statement made by Mrs. Khoeun, an official in Chao May village, Tuc Phoc district, Kompong Chnang province, she was told by District Committee Chairman Meak Vei on 17 April 1975: "The former Lon Nol officers and men are our enemies. We must kill them all to celebrate our victory. That is the order of our leader Pol Pot." Mrs. Khoeun and one of her militia officers thereupon lured 2,005 former officers and men from their barracks to a deserted place, tied their hands and hit them on the back of their heads with sticks until they died, then threw their corpses into ditches which had been dug beforehand (document No. 2.2.01).

Witness Soc Li Mut, who lived in Pursat, says:

"In April 1975, about 4,000 former Lon Nol civil servants and troops and their families were beaten to death or shot dead on the banks of the Chroi river, at the foot of Mount Pray in Con Ray hamlet, Chu Tum commune, Keo Ro district, Pursat province" (document No. 2.1.5.24).

Bun Sat, warden of the Kothom district gaol (Kandal), and Siv Samau, security agent in Mean Chay Thmây district (Svai Rieng), admit that they took part in the massacre of 200-300 Lon Nol officers, soldiers and civil servants and their families. Chum Sary also reports the massacre of thousands of Lon Nol troops and civil servants in the internment camp set up at Chom Puh Kech pagoda in Kandal (documents Nos. 2.3.7.03, 2.2.05 and 2.3.7.01).

Similar cases of mass killings of Lon Nol officers and civil servants in Battambang, Monkol, Borey, Sisophon, Kompong Speu and other places have been confirmed by foreign accounts (document No. 2.6.2).

- (b) The Pol Pot-Ieng Sary clique advocated and carried out in a systematic way the extermination of ethnic minorities.

According to a survey by a group of Kampuchean ethnologists, soon after liberation on 17 April 1975 the Pol Pot-Ieng Sary clique ordered the forced assimilation into the Khmer race of 13 ethnic minorities. The people in question were ordered to speak Kampuchean; those who refused to do so were killed. These people were driven from the plateaus and mountains of the North-east and South-west where they had been living, and herded into "people's communes". Those who opposed the order were massacred.

Bun Thoang, a cadre of the Ta Poun minority, Rattanakiri province, says that dozens of militiamen belonging to ethnic minorities in the northeastern zone were killed in the vicinity of Stung Treng. Many able cadres with great prestige were killed, including Comrade Seda of the Lao minority, Secretary of the Party Regional Committee, and Chan Den of the Lao minority, a member of the Party Regional Committee. Almost all cadres of the Lao minority, including military cadres and guerrillas who had taken part in the resistance to the United States aggressors, were killed.

Numerous members of the Thai ethnic minority in Koh Kong province, southwestern zone, were massacred by Pol Pot troops on 25 May 1975. Before liberation on 17 April 1975, there were 20,000 Thai people in this area; now there remain only 8,000; out of 700 households in the town of Ko Pa Ki, there remain only 30 (document No. 2.4.02).

In addition, large numbers of foreign residents, especially Vietnamese, were killed. Kampuchean who were relatives of Vietnamese residents were killed together with their families (statements made by Bun Sat and Khieu Kola, (document No. 2.3.7.03).

- (c) The Pol Pot-Ieng Sary clique persecuted and massacred in a systematic way those who opposed them or were likely to oppose them

After largely exterminating the third-category people, the Pol Pot-Ieng Sary clique, in order to consolidate their power, called for massive repressive action against those suspected of opposing them and carried out purges within the Party, the Administration and the Army.

- Early in 1977, they ordered the authorities in all the "people's communes" to exterminate most of the so-called "reactionaries", including those who opposed them or were suspected of opposing them (document No. 2.5.10).

- On 11 April 1978, they instructed all units and all organs at all levels to continue to purge their ranks (document No. 2.5.23).

- In a communiqué issued on 3 June 1978, they praised the killing of 18 leading Party cadres as a great victory. Among those murdered were Son Ngoc Minh, former Chairman of the Issarak Front (1945-1954) and member of the Party Central Committee; Hu Nim, Minister of Information; Toch Phuon, Minister of Public Works, and Coi Thuôn, Commander of Military Zone 304 (document No. 2.5.16).

- On another list of victims were the names of 262 leading cadres of various branches who had been arrested and massacred in the period from 1976 to 9 April 1978. They included two members of the Party Central Committee, four secretaries of Party inter-zone committees, four Cabinet Ministers, nine senior Ministry officials, eight divisional political commissars and deputy political commissars, and 24 secretaries and members of Zone Party Committees (document No. 2.5.24).

- An end-of-year report on Party work in 1977 stated: "The great victories we have won (i.e. the mass murder of leading cadres) are due to the fact that we have tracked down the enemy, conducted purges of our ranks and eradicated the whole enemy network" (document No. 2.5.15).

- Vang Phiep of Kandal, former warden of the Tua Svai Prey prison in Phnom Penh, declares that in that prison the Pol Pot-Ieng Sary clique held and killed many Army officers, from company commanders to division commanders, and government officials, from the district to the central level, and their families. During the period December 1975-June 1977 alone about 10,000 persons were killed in the Phnom Penh prison (document No. 2.1.4.02).

- In May 1978, in order to suppress an uprising in the eastern zone under the leadership of So Yan, alias Phim, Secretary of the Party Zone Committee, the Pol Pot-Ieng Sary clique waged actual war against the people, using troops of the Kandal military zone, tanks, aircraft and heavy artillery. They savagely massacred almost all the officers and men of divisions 280 and 290, which were under the Army High Command, those of divisions 3, 4 and 5 of the eastern military zone, and the regional forces of sectors 20, 21, 22, 23 and 24, including soldiers who had been wounded in battle in the resistance against United States aggression.

According to statements made by Nhat Huon, former deputy political commissar of the artillery company of sector 21, almost all the members of this company were murdered after being summoned ostensibly in order to attend courses or build dykes. Of its 160 men, there remain only 3, and of the 3,000 troops in sector 21 there remain only 17 (document No. 2.1.4.01). Whole villages were massacred, such as Boc, Dom, Tay, Pren Ley, Chiec, Pon, Corobân, Coronhung and Don Doc in Pon Mhia Rêch and Kom Chai Mia districts; Feucadon, Krobay, Kriet and Don Mac Popon in Krech Chma and Tenboong Khencun districts and Kontuot and Ponau in Mimot district (documents Nos. 2.6.19 and 2.6.22).

Not only the people and troops of the eastern zone were massacred, but also people from the eastern zone who had been driven to other areas. This happened to 40,000 people from the eastern zone who had been conscripted to dig the canal running from Pursat to Battambang in June 1978 (document No. 2.1.5.24).

According to the depositions of witnesses Kung Kari Muoni, Che Van Thon, Nuong Thec and Xum Moro Thi (in Siem Reap), tens of thousands of inhabitants of communes were buried in cremation pits and wells in the area of Siem Reap (documents Nos. 2.3.3.01, 2.3.2.02 and 2.3.2.03).

Similar massacres occurred at the Chup hevea plantation in Kompong Cham province (document No. 2.3.5) and in Kratie (statement by Thong Xin, document No. 2.1.5.15).

Evidence of such genocidal massacres is now being found in many other localities: smashed skulls, limbs, bones with ropes around them, in some places children's clothes, Lon Nol troops' caps and boots and sticks and iron bars used in the massacres.

Thousands of pits, each containing hundreds and even thousands of corpses, have been discovered in various localities.

II. Forced evacuation of the cities without advance notice and systematic displacement of the rural population, causing many deaths

(a) Forced evacuation of the urban to rural and mountain regions

- On 17 April 1975, using violence combined with deception, the Pol Pot-Ieng Sary clique forced the more than 2 million inhabitants of Phnom Penh to leave the city. Those who refused or who procrastinated were beaten or shot to death. Old people, invalids, pregnant women and even patients in hospitals had to leave without any exceptions. The people had to keep walking, rain or shine. They were robbed of all their possessions. Deliberately mistreated along the way and subjected to every sort of hardship, tens of thousands of them died a slow death from starvation, thirst, disease, exhaustion and suffering.

This was a premeditated policy. In an educational document intended for leading cadres in 1975, it was said: "The policy of evacuation of the population

was decided upon by our Party Central Committee as early as 1970. Wherever the army comes, the population must evacuate. When Phnom Penh is liberated, we will hold full control of the capital. The enemy hiding among the population will be eliminated. He will come to the liberated zones empty-handed and will fall under the control of the co-operatives" (Central Committee directive: documents Nos. 2.5.01 and 2.5.02).

The report on the inquiry into the crimes committed by the Pol Pot-Ieng Sary clique against the population of Phnom Penh and statements made by numerous witnesses, such as the monks of San Sam Ko Sal pagoda, Thon Sary, Kham Bory and others have denounced the above-mentioned crimes (documents Nos. 2.4.01, 2.1.2.01, 2.1.5.04 and 2.1.5.05).

According to Mrs. Yasuko Naito, the Japanese widow of a Kampuchean and a former resident of Phnom Penh: "In the afternoon of 17 April Pol Pot-Ieng Sary troops used megaphones to call on the population of Phnom Penh to leave their houses. They opened fire on houses with closed doors. The population was forced to leave. They were told that enemy planes would come to bomb the city. Thinking that they would be allowed to return within a few days, they took with them only a few articles of clothing. On my way, I met patients who had been forced out of hospitals. One was accompanied by a nurse who continued to give him a blood transfusion. He had been operated on just a few hours earlier. A naked man was seen nailed to a door panel, bearing on his chest a sign reading 'enemy' in large letters. When night came, everyone had to sleep in the open. At dawn, all were ordered to resume their journey. Along the road I saw many corpses in military uniform" (document No. 2.1.1.07).

Miss Pun Chan Toni, who was driven from Phnom Penh to Kandal, says that the road was so crowded with people that she could hardly walk. Many died. She saw five corpses (document No. 2.1.5.07).

The population of other cities and towns was also evacuated and suffered the same fate as the people of Phnom Penh (documents Nos. 2.1.5.16 and 2.1.1.01).

The report on the inquiry into the crimes committed by the Pol Pot-Ieng Sary clique against the population of Phnom Penh contains the following figures:

- Among 100 families which returned after being evacuated to various rural areas for four years, 42 per cent of their members had been killed, 11 per cent had died of starvation and disease, and 6 per cent were missing; only 41 per cent survived (document No. 2.4.01/6).

- In the Phsev Doeun Thoan commune, 33 per cent of the population were killed, 11 per cent died of starvation and disease, and 9 per cent were missing; only 47 per cent survived (document No. 2.4.01/d).

(b) Policy of intermingling people from different areas of the country in order to destroy all existing ties and prevent people from organizing against the régime

Together with the transfer of the urban population to the countryside, the Pol Pot-Ieng Sary clique compelled the rural population to move to other places after handing over all their property to Angkar. Late in 1975, the population of Svai Rieng, Prey Veng and Takeo provinces (South-east) were forced to move to Pursat, Battambang, Sisophon (North-west) and Oddar Mean Chay (North) provinces. The population of the Western zone had to move to the East.

Khieu Kola states that in August 1975, after being driven out of Phnom Penh and sent to Kandal, his family was put on a truck and taken to Pursat without any explanation. They were not allowed to take anything with them. In Pursat they had to sleep in the open. About 100 other people had to live under the same conditions. Pol Pot soldiers searched them every day and took whatever they had. Each day, four or five people died (document No. 2.1.1.02).

The members of Nhen Hen's family were driven from their native village to a commune in Kompong Chnang province where they lived together with 20,000 people from different parts of the country. There was no housing or other living facilities in the commune (document No. 2.1.5.10). Tuk Hol's family, comprising 13 persons, was split in two: 8 were taken to Battambang and 5 to Kompong Thom (document No. 2.1.1.05).

Statements by witnesses from different areas, such as Ai Na Suong (Kompong Cham), Lat Sarat (Svai Rieng), Yasuko Naito (Phnom Penh), Soc Ruot (Kandal), Doc Chhoi (Kompong Chnang) and Sala Sên (Kampot) show that these population transfers were conducted throughout the country. They went on for years and were even more devastating than the forced evacuation of the cities (documents Nos. 2.1.5.01, 2.1.5.14, 2.1.5.07, 2.1.5.25, 2.1.5.08 and 2.1.5.17).

III. Organization of a system of repression and coercion in the people's communes, where the population, forced to work to the point of complete exhaustion, was reduced to slavery and ruined physically and morally

In order to control the people, the Pol Pot-Ieng Sary clique herded them into "communes", which were disguised concentration camps. That is why the people said: "Angkar runs a huge prison. It has neither walls nor chains, but there is nowhere you can go". (excerpts from the proceedings of the enlarged session of the Sector 21 Party Committee in early 1977, document No. 2.5.20).

(a) Imposition of hard labour on the inhabitants, without regard to age or state of health

The people were put to work building dykes, digging canals, clearing forests, etc. with their bare hands or only the most primitive tools. They worked 12 to 16 hours a day and sometimes longer. The norms set for a day's work were well beyond a man's normal capacity. The people were not allowed to enjoy the fruits of their labour. They did not have enough to eat and were in rags. They lived in miserable huts. Lacking medicine of any kind, they suffered from such diseases as dysentery, beriberi, cholera, malaria, tuberculosis and mental illness. Many women became sterile; old people and children died in large numbers. A great many people were condemned to a slow death from starvation and disease.

Mrs. Ai Na Suong of Kompong Cham says that she was forced to join a shock brigade and had to work every day until 10 at night. When she asked for an opportunity to rest during menstruation, she was accused of laziness and opposition to the régime. Her children died of starvation and disease.

Many other women in the "people's commune" suffered the same fate (document No. 2.1.5.01).

Prak Sok, a former student at the State Administration college in Phnom Penh was driven to the countryside. He says: "The people had to work harder than convicts. They had to work day and night, rain or shine" (document No. 2.6.20).

Mok Mun (63 years of age), Khay Chiem (74) and Ties Muon (71) of Siem Reap say that they were forced to carry manure, transplant rice and look after the children. They also had to keep the birds away from the rice fields. They were given only thin gruel cooked with sliced banana stems (documents Nos. 2.1.5.22 and 2.1.5.20).

Many witnesses in different localities say that their daily ration was usually no more than one tinful of rice for 10 persons. They had to eat banana stems (documents Nos. 2.4.01 and 2.1.1.07).

Alfonço Denise, a resident of Phnom Penh, who was driven into the countryside, says that as she was hungry all the time, she had to eat crickets, scorpions and cockroaches. One day, when she tried to take a piece of raw hide from a dog, she was bitten (document No. 2.6.21).

- During the first six months of 1977, there was a famine in the Eastern zone, especially in Krot Chmar, Diem Chi Lang, Koasotinh and Muc Com Pukt districts, where the population had to live on the rice gruel. Many commune members were exhausted, but they had to go on digging canals and fulfilling the plan set for them (proceedings of the Congress of the Eastern Zone Party Organization, (document No. 2.5.13).

The report on the general situation in Kompong Ro district, Svai Rieng province, during the first six months of 1977 stated that the population of the people's communes suffered from many dangerous diseases (document No. 2.5.08).

(b) Setting up a network of spies and encouraging mutual denunciation for the purpose of paralysing the people's will to resist

Angkar maintained strict control over every thought and action of members of the "people's communes".

Commune members had only the right to think and act the way they were instructed by Angkar. Those who showed any sign of free and independent thought or who complained were classified as "doubtful elements" and opponents of the régime and were liquidated (document No. 2.4.01).

- Witnesses Chieng Phan and Alfonso Denise testified:

"At night, the spies eavesdropped on family conversations. During the day, they mingled with the peasants and reported every complaint to Angkar" (documents Nos. 2.1.1.12 and 2.6.21).

One night, Suôt and his young wife talked about the hard régime at the people's communes. The next day, the couple and their four children were beaten to death (statement by My Sam Bach of Battambang, document No. 2.1.5.23).

According to Thôn Sary of the Ouloth co-operative, Chok commune, "The owner of the house in which we lived observed what I did and reported everything to the authorities. I lived in constant fear of being called in and killed" (document No. 2.1.5.04).

The members of the people's communes were not allowed to visit one another. A directive dated 26 April 1975, No. 203, of the Zone Committee implementing the order of the Permanent Bureau of Pol Pot's Party Central Committee stated: "All evacuees are forbidden to move from one place to another; they are only allowed to go from their houses to their places of work" (document No. 2.1.5.21).

(c) Meting out arbitrary, severe punishment for all violations of Angkar's regulations

There were only two penalties: first, more work with double or triple norms and less food; second, death.

Eight of the nine members of Kung Cari's family from Siem Reap were condemned to death for lack of work enthusiasm (document No. 2.3.2.01).

Pun Heun was condemned to death because he had stolen some maize to appease his hunger (statement made by Pun Chen To Ni in Phnom Penh, document No. 2.1.5.07).

Anyone who attempted to escape from the "people's communes" was tracked down and punished (documents Nos. 2.1.5.11 and 2.1.5.14).

Repression in the "people's communes" resulted in a great many deaths. Mrs. Kham Nari says: "The Parei Lovia people's commune in Takeo, which had 28,000 members in 1975, had barely 5,000 left after liberation on 7 January 1979 (document 2.1.5.05).

Soclmut, a resident of Pursat, says:

"When I worked on the docks, another worker and I had to load 15 trucks a day with 50 bags of rice each. Anyone who spilled rice on the ground was killed. Ten out of 15 members of my team were killed.

"In the people's communes, after three warnings a man was condemned to death. On three occasions, the Khnom Bot commune (Pursat province) had to have people sent in from other areas (about 10,000 in all) to replace those executed or dead from starvation." (document No. 2.1.5.24)

IV. Abolishing all social relations, all thinking: turning man into a solitary slave wholly dependent on Angkar

(a) Abolishing traditional family relations

Husbands and wives were not allowed to live together; children were separated from their parents (statements by Thon Sarey, Tung Muon, Lat Sarat, Thong Xin, Yeng Tinh and others; documents Nos. 2.1.5.04, 2.1.5.20, 2.1.5.14, 2.1.5.15 and 2.1.5.03).

Love-making among young people was forbidden; men and women married on orders from Angkar. A resolution of November 1978 issued by the Pol Pot-Ieng Sary clique stated: "Families should be built by Angkar on the basis of political and ideological considerations. This principle should be maintained" (document No. 2.5.22).

According to the statements made by Mrs. Duong Ma La of Barai district (Kompong Thom) and Mr. Nhen Hen of Kompong Chnang, young men and girls who were caught in private conversation were put to death. Sometimes an M.79 shell was rammed into the vagina of the girl (documents Nos. 2.1.5.06; 2.1.5.10).

In some cases young lovers who attempted to run away were tracked down and punished like criminals (document No. 2.5.14).

Widows were forced to marry disabled war veterans. That happened to Nguon Vuoch My and 19 other women in Krala commune, Kompong Seam district, Kompong Cham province. Mrs. My committed suicide, while the others, having refused to comply, were jailed, raped and then killed (report on the inquiry into the crimes committed by the Pol Pot-Ieng Sary clique against the population of Phnom Penh, document No. 2.4.01).

Mrs. Nuol Thok of Siem Reap was jailed because she refused to marry a crippled man selected for her by Angkar (document No. 2.3.3.01).

(b) Abolishing all ties and feelings between human beings and all sense of solidarity between relatives, friends and neighbours

No expression of sympathy was permitted for those who were beaten or killed. Mrs. Soc Bun of Pursat was condemned to death on the spot because she had dared to mourn the death of her husband (document No. 2.1.5.24). Soc Chhoi was jailed because he wept when he saw one of his relatives savagely murdered (document No. 2.1.5.08).

People could not help one another because they feared the consequences. They did not even dare to take care of orphans, lest Angkar should accuse them of helping children of the enemy (statements by Tuon Muon and Mrs. Yasuko Naito, documents Nos. 2.1.5.20 and 2.1.07).

In addition to these criminal acts, the Pol Pot-Ieng Sary clique abolished money, trade, markets and postal and telegraphic communications in order to cut off all relations between man and man and between man and society and thus isolate people completely (from evidence produced in court).

The abolition of social relations created a "wall of silence" between people. There remained only one kind of relationship for the individual: dependence on Angkar.

V. Elimination of Buddhist priests and religious believers; systematic elimination of intellectuals; abolition of religion and national culture

(a) Abolition of Buddhism, the religion of 85 per cent of the population

The Pol Pot-Ieng Sary clique forced the Buddhist priests to put aside their priestly robes and work in the "people's communes". They killed many of them, destroyed pagodas, temples, statues of Buddha and Buddhist books, turned pagodas into granaries and manure depots and forbade the people to worship Buddha or become priests. None of the 2,800 pagodas which adorned Kampuchea remain, and very few of the more than 82,000 priests managed to survive (document No. 2.1.2.02).

Tep Vong, a Buddhist priest, testified that 57 monks were killed in Siem Reap province in April 1975. Superior Tit Phan, aged 78, died in 1977 as a result of mistreatment. In the years 1976 and 1977, 4,800 monks were forced to give up their religious life. Many statues of Buddha were destroyed, such as the two famous bronze statues of Angkor Wat times, Reah Ang Chek and Push Ang and two five-metre-high stone statues, Push Antep and Push Ngooc. Numerous pagodas and mausoleums, objects of veneration by the people, were also destroyed (document No. 2.1.2.03).

The Cham Puh Kech pagoda (Kandal) was used as a prison where 300 monks were detained and later killed (document No. 2.3.7.01).

The report by the monks of Wat San Sam Kosal pagoda (Phnom Penh) and statements by many witnesses speak of similar cases (document No. 2.1.2.01).

Answering questions by Yugoslav newsmen, Yun Yat, Minister of Culture and Propaganda of the Pol Pot-Ieng Sary régime, said: "At present, there is no longer any question of Buddhism in Kampuchea" (document No. 2.6.02).

(b) Together with Buddhism, Islam was abolished

The Pol Pot-Ieng Sary clique advocated the extermination of Moslem believers. In the very first months after liberation on 17 April 1975, they tracked down Islamic priests. They killed Hari Roslos, leader and El Hadj Sley-man Sokri, deputy leader of the Islamic religion in Kampuchea.

They forced believers to renounce their religion and to eat pork at gunpoint. They punished those who refused to eat pork and in many instances put them to death. According to Nhat Huôn, now working in Army Corps I, over 1,000 people were killed in Svai Rieng, Kompong Cham province (document No. 2.1.4.01).

The Koran was banned and mosques were destroyed or turned into manure depots, pigsties and prisons.

Adbal Kodom, a Moslem physician, testified: "In Kompong Xiem district, Kompong Cham province, there used to be five hamlets with 20,000 Moslems. Now there is not a single survivor. In Kompong Meas district, Kompong Cham province, there were seven hamlets with tens of thousands of Moslems, and only four survived (report on an inquiry by a group of Kampuchean ethnologists, document No. 2.4.02).

(c) Indiscriminate killing of intellectuals and, indeed, of anyone with any technical knowledge. destruction of the national culture and obscurantist policy designed to wipe out all opposition

The Pol Pot-Ieng Sary clique advocated the extermination of all intellectuals. An Eastern Zone directive of 5 September 1977 issued pursuant to a decision of their Party Central Committee said: "We must redouble our revolutionary vigilance towards those who have served in the old administration, such as technicians, teachers, physicians, engineers ... Our Party's policy is not to employ these people. If we run after technology and employ them, the enemy will infiltrate deeper and deeper every year into our State apparatus. That will be very dangerous" (document No. 2.5.06). In fact, they regarded these people as criminals under a suspended death sentence and liable to be killed at any time (document No. 2.4.01).

In 1975, at the time of the evacuation of the urban population, the Pol Pot-Ieng Sary clique forced the intellectuals to go to the countryside, allegedly to be "re-educated" in the "people's communes" but in reality to be gradually exterminated.

Many intellectuals had to hide their identity and their past to escape death. Tuk Hol, a resident of Phnom Penh and a graduate of the Faculty of Literature,

managed to survive because he concealed the extent of his education (document No. 2.1.1.05).

Those who were known to have some education were killed. For example, when Chan Sary's cousin had an attack of malaria but refused to submit to an injection of a home-made medicine he was suspected of being a physician and was immediately put to death (document No. 2.3.7.01).

Khieu Ko Ia, a former professor of history working at the Ministry of National Education in Phnom Penh, describes the life of an intellectual in the people's commune of Prek Tanch, Saang district, Kandal province: Angkar cadres declared: "Educated people like doctors and teachers are also part of the dominant exploiting class." They killed teachers without giving any explanation. The professor himself saw six teachers condemned to death. Early in 1978, when the Pol Pot clique formally ordered the hunting down and killing of intellectuals, he tried several times to commit suicide (document No. 2.1.1.02). The husband of Mrs. Luong Ba Da of Kompong Chnang was killed because he was an intellectual. She says that in some localities the Pol Pot clique killed even school-teachers and secondary school students together with their families (document 2.1.5.19).

According to numerous witnesses, a thousand or so intellectuals who had been deceived by the Pol Pot-Ieng Sary clique into returning to Kampuchea from abroad were all assigned to forced labour and hundreds were later killed (report on the inquiry into the crimes committed by the Pol Pot-Ieng Sary clique against the population of Phnom Penh, statement by Ung Pech, documents Nos. 2.4.01 and 2.1.1.01).

The medical corps, which formerly included 643 doctors, pharmacists and dentists, now has only 69 (document No. 2.4.03a).

Many documents from foreign sources also confirm the killing of intellectuals under the fascist régime of the Pol Pot-Ieng Sary clique.

(d) Abolition of the system of education at all levels

Schools were turned into prisons, torture chambers, granaries and manure depots. All books and documents in libraries, universities and research centres were burned or ransacked.

A survey conducted by the Ministry of Culture and Education has disclosed that, during the four years of the Pol Pot régime, four-fifths of all teachers were killed, including college professors, lecturers, pharmacists and doctors. In Kandal, Prey Veng, Kompong Cham, Kratié, Kompong Speu and other provinces, the Pol Pot clique set up concentration camps where teachers and students were murdered in batches starting with those at the higher level (document No. 2.4.04).

(e) Abolition of national culture

According to the report on the survey conducted by our Ministry of Information and Culture, the Pol Pot-Ieng Sary clique planned to eliminate all the material

bases of our traditional national culture and to massacre all those who were working for its maintenance and development:

- Cultural establishments such as museums, theatres, cinemas, television stations, the College of Fine Arts, the Music Conservatory, stadia and sports clubs were destroyed or abandoned.
- 90 per cent of the country's creative artists were killed, including such prominent individuals as Neang Huon Meas, Has Salan, Pecu Siphon and Voy-ho. Out of a total of 1,241 known to be alive in 1975, only 121 remain.
- Some 2,000 well-known athletes who had taken part in international competitions and more than 300 coaches were killed.
- Large libraries in Phnom Penh, major scientific institutes and famous pagodas and temples were destroyed.
- 50 per cent of the country's 1,225 famous ancient architectural works and monuments were destroyed. The Angkor Thom and Angkor Wat temples were damaged (document No. 2.4.08).

VI. Massacring small children, persecuting and corrupting young people and transforming them into brutal thugs devoid of any human feelings

Children above 6 years of age were not allowed to live with their parents and were forced to pasture cattle and collect cow dung.

Those over 10 had to do very hard work in the same manner as adults. They were not allowed to go to school or to play (testimony by Ung Peck, Alfonso Denise and Thon Sary, report on the survey by the Ministry of Education, documents Nos. 2.1.1.01, 2.6.21, 2.1.5.04 and 2.4.04).

Khieu Samphan, head of State under the Pol Pot-Ieng Sary régime, praised this exploitation of child labour in the following terms: "Our children enjoy themselves building dikes and digging ponds and canals."

Orphaned children were denied care on the grounds that their parents had offended Angkar. Many orphans had to lead a wandering life and were not admitted to the "people's communes".

Children caught begging were beaten to death (testimony by Duong Ma La of Kompong Thom, document No. 2.1.5.06). The surviving children are now in a state of serious malnutrition and suffer from numerous diseases, particularly those of the digestive tract, and from mental retardation (testimony by Brom Bos at Siem Reap hospital, document No. 2.4.03c).

Some children were put to death and their flesh eaten by Pot Pot-Ieng Sary troops.

Miss Saini, of Kandal, says that that was the fate of her younger brother (document No. 2.1.5.11).

Huor, a 13-year-old now living in an orphanage at Siem Reap whose parents and older brothers and sisters died during the forced evacuation declares that Pol Pot-Ieng Sary troops killed and ate the flesh of two little girls. As they were trying to cut his throat, someone came along and the killers fled. He still has a large scar on his neck (document No. 2.1.5.18).

In addition to mistreating and persecuting children, the Pol Pot-Ieng Sary clique forcibly enlisted children under the age of 15 in their army units or mobile shock brigades, since they were thought to be "pure" and loyal to the clique. They were trained to become killers in wars against neighbouring countries and in repressive campaigns against the Kampuchean people.

A document of the Conference of the Northern Zone dated 15 July 1976 stated: "Even children can serve as a framework. Only in that way can we build up our Party and create a framework for the children will grow up with the movement" (document No. 2.5.26).

Children were used as spies in the "people's communes" (documents Nos. 2.4.01 and 2.6.21).

VII. Total sabotage of the national economy,
dooming the people to starvation

The Pol Pot-Ieng Sary clique destroyed the structure of the national economy and brought production to a standstill, with serious consequences for the people's living conditions.

In the industry, they made no use of the skilled cadres and workers of the former régime (directive of 5 September 1976 of the Eastern Zone implementing a decision of the Party Central Committee, document No. 2.5.06). Engineers and technical cadres were massacred, while workers were sent to the countryside.

Before 1975, although Kampuchean industry had been backward, there had been hundreds of factories, of which Phnom Penh had had 37 with 12,000-13,000 workers. There had also been 3,700 units of handicraft production. These production units, already insufficient, had to close their doors or reduce production as a result of the harsh policy towards former technical cadres and workers.

Thus, a cement works with a capacity of 50,000 tons per year and a glass works with a capacity of 40,000 tons had to stop functioning.

A number of small factories such as a saw mill and a textile mill had only a few workers left. All production slowed down as productive forces were destroyed.

As far as agriculture is concerned, our country had exported hundreds of thousands of tons of rice in some years.

However, under the slogan "to have rice is to have everything" the Pol Pot-Ieng Sary clique wrought havoc with the people's traditional production methods. The peasants were relocated, massacred or forced into "people's communes" where they were subjected to a régime of exhausting forced labour.

There was a shortage of means of production. Large areas of land were left fallow, and rice was largely exported to pay for weapons or stockpiled in case of war, while the peasants were starving and ill-clad.

Areas formerly reserved for industrial crops, such as hevea and pepper, were also reduced.

Fishing, which formerly yielded 100,000-140,000 tons a year, provided only 20,000 to 30,000 tons under the Pol Pot-Ieng Sary clique.

As to the monetary and distribution system, money and markets were abolished, thus putting an end to commerce.

As regards communications and transport, civilian transport facilities were destroyed to prevent people from moving about, while military communications, ports, airfields and strategic roads, were developed.

This reactionary economic policy of the Pol Pot-Ieng Sary clique ran counter to all objective economic laws, to the people's interests and to national realities. It destroyed productive forces, causing the collapse of industry and agriculture and a slow death for the working people through physical exhaustion (report of the survey of the economy and report of the inquiry into the crimes committed by the Pol Pot-Ieng Sary clique against the population of Phnom Penh, document No. 2.4.07).

VIII. After their overthrow (7 January 1979), the Pol Pot-Ieng Sary clique committed new crimes and perpetrated mass killings of people who refused to follow them in retreat

As they retreated, the Pol Pot-Ieng Sary clique compelled the population to follow them in order to serve as human shields. Wherever they went, they destroyed property, crops and granaries and robbed people.

In many places, before fleeing they massacred the population in order to prevent them from joining the revolution (testimony by Yeng Ting and Sok Ruot, documents Nos. 2.1.5.03 and 2.1.25). Yen Mara of Kompong Chnang confirmed that many persons had been tied together and pushed into the Porang So Kao river (document No. 2.1.50).

At the Puk Kach pagoda (Kandal province), on the morning of 7 January, the district head personally led his troops in killing 200 detainees, including women and children. They had no time to bury the bodies (document No. 2.3.7.01).

The Pol Pot-Ieng Sary clique staged mass murders of those who refused to follow them. In February 1979, in Amleang commune (Kompong Speu province), 12,000 were killed, including workers at the Kompong Chnang airfield and wounded, demoralized soldiers belonging to their own army (document No. 2.3.6).

Kampuchean refugees in Thailand who were driven back into Kampuchea by the Thai authorities were accused of treason and executed on the spot. All supplies that could not be carried away were destroyed so that the local inhabitants would be forced to choose between accompanying the retreating troops and starving.

The Phnom Penh people on their way back home could see many rice granaries burning for weeks, especially the big granary at Tong lehet, near the city of Kompong Cham, had been burning for a month.

IX. Using savage methods of torture and killing and many other means of terrorizing the people

(a) Methods of killing far more cruel than Hitler's which made it possible to liquidate hundreds and even thousands of people at one time

- Striking victims on the back of the head with hoes, pick-axes, sticks and iron rods (see evidence produced in court).

- Using knives and the sharp-edged leaves of sugar palm trees to cut people's throats, open their bellies and remove their livers to be eaten and extract bile for the preparation of "medicines" (see evidence produced in court).
- Using bulldozers to crush people and explosives to kill large numbers at once.
- Burying people alive or burning them alive if they were suspected of opposition to the régime; cutting up their flesh little by little and letting them die a slow death.
- Throwing children into the air and letting them fall on a bayonet; dismembering them; smashing their heads against a tree.
- Throwing people into ponds where crocodiles were kept.
- Killing by the "swing" method, i.e. hanging them up on trees by their necks, arms or feet and letting them dangle in the air.
- Injecting poison into the victims' veins, poisoning people en mass (testimony by witnesses Long Lai, Sieu Sien, Man Bien, Ny Sam Bach, Soklimut, Nhan Hen, Chah Sarin, Alfonso Denise, Mitnarin, Kung Cari; confessions by torturers Man Nho-eum, Mien Xen, et al.; report on the crimes of the Pol-Pot-Ieng Sary clique prepared by various departments in Phnom Penh; documents Nos. 2.3.5.01, 2.3.5.02, 2.3.4.01, 2.1.5.23, 2.1.5.24, 2.1.5.10, 2.3.7.01, 2.6.21, 2.3.01, 2.3.2.01, 2.2.01, 2.2.02 and 2.4).

(b) Use of brutal torture to extract confessions from suspected opponents of the régime, especially among cadres and Party members, before they were put to death

- Innocent people were tortured until they admitted being CIA agents (report on a conference on methods of interrogation used by Pol Pot-Ieng Sary security service, document No. 2.5.27).
- People were tortured over a period of 2-3 months until they confessed and signed a paper supporting the régime; 10 days later, they were put to death.
- Women were stripped of their clothes, tortured and raped, then had their breasts cut off and their genitals mutilated.
- Victims were suspended head down, and an electric current was sent through their bodies; their finger-nails were torn out with pincers; the victim's head was wrapped in a plastic bag or in strips of cloth, after which water was poured over him to produce choking; victims were forced to drink two litres of salt water at one time (statements by Ung Pech, Van Pheap; files found in Tuol Sleng prison; documents Nos. 2.1.1.01, 2.1.4.02 and 2.3.8).

(c) Use of coercive methods to paralyse the will and thinking

- People were compelled to work without let-up the whole day so that they had no time to think of rebelling; sick people who asked for a rest were accused of showing attachment to the past.
- Members of "people's communes" were told to remain silent under all circumstances and act as though they saw nothing, heard nothing and knew nothing.
- A network of secret agents was organized to watch people night and day; children were used to spy on and denounce their parents.
- Efforts were made to sow suspicion among the different categories of commune members; old members were used to harass and spy on new ones.
- Extremely harsh, arbitrary discipline was enforced in the "people's communes", and anyone who violated it was put to death (statements by witnesses Yi Thone, Chieng Phana, Eva Darakum, Phun Chan Tony, Kung Cari and Duong Nala; reports on the crimes of the Pol Pot-Ieng Sary clique prepared by various departments in Phnom Penh; documents Nos. 2.1.1.16, 2.1.5.07, 2.3.2.01, 2.1.5.06, 2.4 and 2.1.1.17).

B. Concerning the schemes, motives and consequences of the Pol Pot-Ieng Sary Criminal Acts

I. These criminal acts are being perpetrated with intent to commit genocide

Testimony by witnesses inside the country, investigative reports by various branches of our State apparatus, the records of on-the-spot inquiries and documents collected from various sources in foreign countries all show that the Pol Pot-Ieng Sary clique's criminal acts were committed in a systematic way, in various places throughout the whole territory of Kampuchea, with the deliberate aim of carrying out genocide.

Those schemes have been discussed in Party meetings of the Pol Pot-Ieng Sary clique, cited in resolutions and translated into directives addressed to various levels of the Party and State apparatus, study materials for cadres and official documents. Their implementation was monitored by the Pol Pot-Ieng Sary clique (document 2.5).

II. Motivation of the Pol Pot-Ieng Sary clique and the support they had in their practice of genocide against the people

(a) The Pol Pot-Ieng Sary clique was a group of power-greedy individuals who shrank from nothing in their drive to grab power for themselves and their families.

In 1960, taking advantage of the enemy's terrorist and repressive acts, which led to the break-up of many party bases and the arrest and liquidation of a large number of loyal party members, Pol Pot-Ieng Sary usurped leadership of the Party, and set up the Angkar, a fascist, dictatorial organization, to serve their own ambitions. From early 1970 on, they endeavoured to spread their influence and build up their personal power.

In 1971-1972, they eliminated a number of people from the anti-US resistance Government and replaced them by their own loyal men.

In 1973, they liquidated many genuine revolutionaries in Koh Kong province, among them Comrade Prasit, deputy Secretary of the Party Zonal Committee, and ordered the dissolution of a number of units of the resistance army suspected of opposition to their political line.

- In 1975 Cabinet Minister Hu Youn was liquidated.
- In 1976, they organized fake elections and set up a government with Pol Pot, Secretary of Angkar, as Prime Minister, and Ieng Sary, member of the Standing Committee of Angkar, as Vice Prime Minister in charge of external relations.
- In 1977, they falsified Party history and brought into the open their Angkar (organization) under the name of "Communist Party of Kampuchea", which they alleged to have been founded in 1960, the year when Pol Pot took power. All this was aimed at adding lustre to their clique.
- In 1977-1978, they went on liquidating people considered as potential obstacles to their domination, among them Hu Nim, Minister for Information and Propaganda, Toch Phoeun, Minister for Public Works (1977), So Phim, Vice President of so-called Democratic Kampuchea (1978).

(b) The Pol Pot-Ieng Sary clique pursued reactionary policies which went counter to the people's interests and aspirations, and were consequently increasingly opposed by the people.

In the year 1967-1968, while the situation in Kampuchea and the balance of forces were not favourable to the revolution, they nevertheless staged armed uprisings at Sam Luat (mid-1967) and in other places (beginning 1968). As a result, those uprisings were severely repressed, entailing heavy losses to the revolution.

During the years 1970-1975, they started to implement policies which went against the interests of the people and the anti-US resistance, for instance, forced population redistribution and herding people into "co-operatives" and "communes".

During the four years of their rule from 1975-1979, the Pol Pot-Ieng Sary clique implemented their repressive policy against the people on a large scale and stepped up purges within the ranks of their followers, so as to maintain their dictatorial personal power. They ordered the total evacuation of the cities,

classified the population into various categories and killed en masse those suspected of opposition to them. They forced the population of one region to move to another, suppressed all family and social ties, turned people into slaves and condemned them to a slow death.

With such slogans as "a leap forward in economic development", "make big leaps" etc., they imposed a régime of forced labour, in which people starved, received no medical care, suffered from exhaustion and eventually died of hunger and disease.

In foreign policy, they refused all relations with and aid from foreign countries and international organizations which might have helped our people heal the wounds of war. They carried out a policy of hostility towards all neighbouring countries, provoked conflicts with Thailand (mid-1975 and early 1977), seized dozens of islets on the Mekong River belonging to Laos and started a large-scale war of aggression against Viet Nam by:

- launching attacks against the Vietnamese islands of Phu Quốc and Thô Chu in May 1975;
- starting border skirmishes with Viet Nam in north-eastern Kampuchea by invading the Vietnamese provinces of Gia Lai Kontum (end of 1975);
- rejecting the many proposals made by Viet Nam to negotiate a peaceful settlement of the border issue (1976 and 1977), holding that "differences with Viet Nam can never be settled by political means" and that in seeking a military solution to those differences, "Viet Nam should be annihilated on her own territory" (document for the propagation of Angkar's policies at the Conference of the Eastern Zone, 1977);
- unleashing an aggressive war along the whole length of the Eastern Zone bordering the Vietnamese province of Tây Ninh (April 1977). From the end of December 1977 onwards, the war of aggression against Viet Nam was brought into the open and stepped up.

The policy of war against foreign countries was used by Pol Pot-Ieng Sary as a pretext to increase repression against the people, conduct internal purges, slander and get rid of those who challenged their political line or were suspected of obstructing the exercise of their power. That policy of war and repression resulted in tremendous losses of life and property for our people and in a growing paralysis of our economy. At the same time, the Pol Pot-Ieng Sary clique committed atrocious crimes against neighbouring peoples, especially against the Vietnamese people (see the "White Book" published by the Foreign Ministry of Thailand), ("Truth about the Vietnam-Kampuchea border problem" published by the Foreign Ministry of the Socialist Republic of Viet Nam in May 1978, documents 2.6.17; 2.6.18).

Faced with the danger of annihilation, our people rose up in numerous localities beginning in 1976 and the movement is gaining momentum.

In 1976, in Phnom Penh and in the Central and Eastern Zones;

In 1977, in the North-western, Eastern and South-western Zones;

In 1978, in the whole of the Eastern Zone, and shortly thereafter, in five out of seven other zones of Kampuchea.

The more they felt isolated and cut off from the people, the more the Pol Pot-Ieng Sary clique intensified their repressive measures and internal purges and the deeper they became involved in the crime of genocide - and the more they met with resistance from broad segments of the population, until they were finally overthrown by the people on 7 January 1979.

(a) Lacking popular support from the outset and faced with growing opposition, they relied on the support of external reactionary forces, in particular, the reactionaries in Peking, in order to build up and maintain their dictatorial rule. At a press conference held on 3 October 1975 in Peking, Pol Pot admitted that as early as 1960, he and his clique had relied on "Mao Zedong's works" in opposing the line of the genuine revolutionaries and in imposing their own reactionary line.

In the nearly four years of their rule (1975-1979), the Pol Pot-Ieng Sary clique advanced the theory of "the 100 per cent socialist revolution", "the revolution of great leaps forward, great progress, the supreme miracle" with a view to "building a nation without cities or countryside" - which really means the abolition of cities, concentration of the population in people's communes, no markets, no money, no schools and no postal service. All social and family ties and all human feeling were eliminated (document 2.5.01 on the present situation in Kampuchea). This line was encouraged and praised by Mao Zedong in these terms: "Comrades, you have won an amazing victory. You have abolished all classes in one blow. People's communes in the countryside with poor and lower-middle level peasants throughout Kampuchea - therein lies our future" (conversations between Pol Pot and Mao Zedong, June 1975, Archives of the Angkar Party Central Committee - excerpts from The People's Republic of Kampuchea, an illustrated magazine).

The Pol Pot-Ieng Sary policy of mass killings, repression in "people's communes", internal purges and conflicts with neighbouring countries met with opposition from our people and was angrily condemned by large sectors of world opinion, but the Peking authorities lauded and encouraged them. Hua Guofeng declared: "Comrades, you are skillful not only in eliminating the old world, but in building the new one, and you have won important victories in crushing the subversion and sabotage of enemies inside and outside the country". Pol Pot declared at the time: "We have creatively and successfully applied Mao Zedong's thoughts to the realities of Kampuchea ... For Kampuchea, Mao Zedong's thoughts represent the most valuable aid we have received from China" (addresses made by Hua Guofeng and Pol Pot at the reception of 28 September 1977, document 2.6.04).

Pol Pot-Ieng Sary relied on Chinese economic and military aid for their survival. Beginning in October 1975, Peking sent economic and military aid, thousands of military advisers, workers, technicians and large consignments of equipment to rebuild airfields, ports and strategic roads, beefed up Pol Pot's army from 50,000 men in 1975 to 70,000 in 1977 and provided it with equipment and logistic support (documents 2.5.05, 2.5.25).

With Chinese assistance, Pol Pot-Ieng Sary intensified their repression of the people in 1976-1977. According to witnesses, Chinese advisers were present at certain places where massacres took place (documents 2.3.5.01 and 2.3.5.02). But the harsher the repression, the more the people rebelled and squeezed them to the wall. At a meeting of the Standing Committee in May 1978, they were forced to admit that "... right now, we are still holding, but we have already taken some losses, and if this continues, we will be facing collapse" (document 2.5.26).

Confronted with that situation, Pol Pot-Ieng Sary began to depend more and more on the reactionary authorities in Peking. To help them rapidly to increase their troop strength from 70,000 to 130,000 men, China stepped up shipments of weapons and other military equipment by sea and air.

Since 1978, while China was pursuing a policy of open hostility towards Viet Nam, the Pol Pot-Ieng Sary clique, with Chinese encouragement, were intensifying their war of aggression against Viet Nam (conversations between Chinese leaders and Son Sen, Pol Pot's Defence Minister, during the latter's visit to China in October 1978). They concentrated the bulk of their elite troops, equipped with modern weapons and supported by tanks and long-range artillery newly received from China on the Eastern front.

Moreover, Pol Pot-Ieng Sary acted in concert with Peking in their activities in South-East Asia. During his talks with Hua Guofent in September 1977, Pol Pot said: "... if the revolution in South-East Asia takes advantage of this opportunity to launch an offensive, the situation will improve and we will be able to resolve our problems. We have exchanged views with our Burmese, Malaysian, Indonesian and Thai friends and we have reached agreement. That is a great political victory. Of course, the situation is still very complicated when you examine the details, but we have the support of our Chinese friends, in the North. The unity achieved in South-East Asia is a strategic beacon which gives us much encouragement. Before, we felt confident of the friendship of China; now we feel even more secure". (Excerpt from Pol Pot's remarks at the Kampuchea-China talks held on 29 September 1977.)

After Pol Pot was overthrown on 7 January 1979, he sent Ieng Sary to Peking periodically to work out a plan of action against our people. According to documents seized at Tasanh, Peking promised to continue to send them money, arms and ammunition and food, set up a radio station for them and laid down the propaganda line and foreign policy they were to follow.

It is to be noted that at one of their meetings with the Chinese in January 1979, Hua Guofent and Deng Xiaoping even discussed a plan to muster all the counter-revolutionary forces in Kampuchea - the reactionaries and lackeys of imperialism - and discussed with Ieng Sary how commands should be divided among the leaders so as to pursue their action against the power of the people (document 2.5.18).

To sum up, after usurping power, Pol Pot-Ieng Sary became subservient to Peking in all things. They regarded Peking as their sole support ideologically, politically, economically and militarily. They entered into collusion with the Chinese leaders and ultimately became dependent on Peking in their criminal schemes and activities against our people and the peoples of the neighbouring countries.

III. The serious consequences of the criminal acts of the Pol Pot-Ieng Sary clique and how they are reflected in all aspects of life in Kampuchea

The consequences of almost four years of domination by the Pol Pot-Ieng Sary clique and of the genocide they practised during those years weigh heavily on our people. They brought the nation to the brink of annihilation.

Some 3 million innocent people were massacred. On the basis of a sample survey of the population living in Phnom Penh and at a commune in Siem Reap province (documents 2.4.01 and 2.4.05) and of data collected on the spot by foreign journalist W. Burchett in three provinces - Prey Veng, Kompong Speu and Svay Rieng (document 2.6.06), there is good reason to think that during the four years of their rule, the Pol Pot-Ieng Sary clique killed about 3 million people, including many patriots, genuine revolutionaries, all the intellectuals, scientists and technicians, writers and artists, many able-bodied and educated young university and high-school students, all of whom constitute front-line forces indispensable to the building of the nation and its defence.

The more than 4 million survivors have been seriously traumatized both physically and mentally, with permanent effects: ill health, serious diseases such as tuberculosis, beriberi, malaria, mental illness and sterility, in the case of women.

There is an abnormally large proportion of widows and orphans. In the village of Brum Duon, out of 1,449 survivors, 1,169 were women, or 77 per cent of the population. A survey conducted in dozens of villages shows that among adult survivors, from 70 to 85 per cent are women and the rest are mostly children under 12 (survey by journalist W. Burchett, document 2.6.06).

The disastrous effects on future generations cannot yet be foreseen. According to a report of damage conducted at ... Hospital in Phnom Penh, surviving children found and hospitalized there after liberation were classified into three categories: class "A", comprising children under four, class "B", those over four and class "C", those born after 7 January 1979. Class "A" children are the most seriously damaged in their intellectual growth and affective development. Most of them suffer from various kinds of diseases. Class "B" children are also physically damaged and their height and weight are below average. How class "C" children have been damaged will be seen in the future and they should be watched (report of damage by Dr. Nuth Sovcenn, 16 July 1979, document 2.4.03).

Pol Pot-Ieng Sary caused the collapse of the national economy.

Social production and distribution were very seriously disrupted, the physical plant and means of production, destroyed. In the cities, almost all factories and workshops, scientific research centres and public welfare facilities were seriously damaged. In the countryside, there is an acute shortage of agricultural implements, draught animals, fertilizer and seeds. Customary

agricultural methods and techniques and experience of production were lost. Productive manpower has been decimated: the technical cadres and the former workers have virtually disappeared. The rural as well as the urban population is in a state of total exhaustion.

As a result of this Pol Pot-Ieng Sary policy of economic destruction, 2.5 million of our compatriots are now threatened with starvation. Our State and people will have a long and arduous struggle to restore production and stabilize living conditions.

Pol Pot and Ieng Sary have destroyed our national culture, the educational and the health systems.

As a result of their policy, our people have sunk into ignorance and our national culture has been set back for years.

Cultural and scientific establishments, schools and hospitals have been destroyed: professors, teachers, students and pupils it has taken us many years to train have largely been exterminated. There are at present very few university professors left (there were 725 before 1975); there are only 207 secondary school teachers (there were 2,300) and only 2,717 primary school teachers (there were 21,311). There are only 15 pharmacists and 54 medical doctors left (in 1975, there were 196 pharmacists and 487 medical doctors).

Pol Pot and Ieng Sary have destroyed the social fabric of the country and our national unity.

The basic units of our society, the family and the village, have disintegrated. The ethnic communities in our country have been thrown into disarray. The Thai ethnic minority in Koh Kong province and nearly all the other ethnic minorities in the Northeastern Zone, like the Moslem community, have been exterminated. The sabotage of Kampuchea's social, political, economic and cultural structures has had and is still having permanent and disastrous effects, which still cannot be measured.

In foreign policy, our country's prestige and position has been severely undermined.

As a result of the collusion between Pol Pot-Ieng Sary and the Peking reactionaries, our national independence and sovereignty were sacrificed.

Their criminal policy of genocide unleashed a wave of indignation throughout the world.

Kampuchea was a preserve of Pol Pot-Ieng Sary, in alliance with Peking. It was closed to the outside world and isolated from the many friends who had wholeheartedly supported it during the period of resistance against the United States.

By provoking hostilities and waging wars with our neighbours, Pol Pot-Ieng Sary undermined peace and stability in South-East Asia for the benefit of interests completely alien to our country and our people. With incursions into Laos and a war of aggression against Viet Nam they jeopardized the militant solidarity and friendship between the peoples of Kampuchea, Laos and Viet Nam - a factor indispensable to the victory of each of those three peoples in their struggle for independence, sovereignty and national prosperity.

On 7 January 1979, the Pol Pot-Ieng Sary clique were overthrown and our people once again became masters of their own destiny. With our tradition of indomitability, with our nation's vitality with the generous aid given by fraternal and friendly countries, we are determined to overcome the disastrous consequences of the national genocide committed by the Pol Pot-Ieng Sary régime.

C. Criminal responsibility of Pol Pot-Ieng Sary

1. On the basis of article 1 of Legislative Decree No. 1 of 15 July 1979 of the People's Revolutionary Council of Kampuchea, and with reference to international law governing the crime of genocide, especially the Convention of 9 December 1948 on the prevention and punishment of the crime of genocide, we find that the deliberate criminal acts committed by the Pol Pot-Ieng Sary clique mentioned above constitute the crime of genocide.

The crime of genocide is defined in article 1 of Legislative Decree No. 1 of 15 July 1979 in the following terms: "Planned mass killing of innocent people, forced evacuation of the population from cities and villages, concentration of the population and forcing them to work in physically and morally exhausting conditions, abolition of religion, destruction of economic and cultural structures and of family and social relations".

2. Consider that the crime of genocide was committed by Pol Pot-Ieng Sary in the following aggravating circumstances:

- Genocide committed on a large scale, against many social classes throughout the country and with increasing savagery;

- Genocide committed by particularly barbarous means and methods, aimed at physically and morally destroying the victims;

- Massacre of whole families, of parents in the presence of their children, and of children in the presence of their parents;

- Genocide with very serious consequences on all aspects of the people's life, driving the whole nation to the brink of annihilation.

After being overthrown on 7 January 1979, Pol Pot and Ieng Sary, continuing their collusion with the reactionary elements in power in Peking, are maintaining their campaign against the people of Kampuchea in the hope of restoring their régime of dictatorship and genocide.

3. Concerning the individual responsibility of the two accused, Pol Pot and Ieng Sary:

(a) Pol Pot:

Secretary of Angkar (Party) and Prime Minister, he held the highest office, directed all Party and State activities, established domestic and foreign policies and supervised their implementation.

He personally directed internal affairs, organized and commanded the implementation of the policy of genocide in localities where the people strongly opposed the repressive régime such as the South-Western, Northern, North-Western and Eastern regions. In each region, genocide was carried out more ruthlessly than in the previous one.

After he was overthrown, he continued to order the massacre of those who did not follow him and directed the burning of State granaries and other property with a view to creating famine and misery.

Pol Pot must assume responsibility for being the instigator and author of the plan for genocide, as defined in paragraph 1, article 2 of Legislative Decree No. 1 of 15 July 1979.

(b) Ieng Sary:

As a member of the Standing Committee of Angkar, he participated in leadership and specifically directed the implementation of the policy of genocide.

As Vice-Premier in charge of external relations, he deceived about 1,000 intellectuals, students and high-ranking civil servants then residing abroad into returning home, supposedly to help build the fatherland, then ordered them killed. He defended the criminal policy of genocide in international forums. He actively maintained collusion with the Peking reactionaries for the implementation of their criminal plan.

After he was overthrown (7 January 1979), he repeatedly went to China to continue his collusion with a foreign Power with a view to opposing the people's power and restoring his dictatorial and genocidal régime.

He had a record of close co-operation with Pol Pot in efforts to seize the leadership of the Party and State so that, together, they could implement their reactionary domestic and foreign policies.

Ieng Sary bears full responsibility as instigator and author of plans for carrying out genocide as defined in paragraph 1, article 2, Legislative Decree No. 1 of 15 July 1979.