

BEFORE THE OFFICE OF THE CO-INVESTIGATING JUDGES  
EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA**FILING DETAILS****Case No:** 004/07-09-2009-ECCC-OCIJ      **Party Filing:** International Co-Prosecutor**Filed to:** The Co-Investigating Judges      **Original Language:** English**Date of Document:** 4 June 2018**CLASSIFICATION****Classification of the document suggested by the filing party:** CONFIDENTIAL WITH 20 CONFIDENTIAL ANNEXES**Classification by OCIJ:** សម្ងាត់/Confidential**Classification Status:****Review of Interim Classification:****Records Officer Name:****Signature:**INTERNATIONAL CO-PROSECUTOR'S RULE 66 FINAL SUBMISSION  
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Co-Prosecutor**  
Nicholas KOUMJIAN**Distributed to:****Co-Investigating Judges**  
Judge YOU Bunleng  
Judge Michael BOHLANDER**Co-Lawyers for YIM Tith**  
SO Mosseny  
Suzana TOMANOVIĆ  
Neville SORAB**Copied to:****National Co-Prosecutor**  
CHEA Leang**All Civil Party Lawyers  
in Case 004**

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## I. INTRODUCTION

1. During the nearly four years in which the Communist Party of Kampuchea (“CPK” or “Khmer Rouge”) controlled Cambodia, **Yim Tith** played a critical role in the implementation of its criminal policies throughout vast territories of the country. His dramatic rise from deputy secretary of Kirivong District to deputy secretary of the Northwest Zone during a period in which thousands of other cadres were removed from their positions, arrested, imprisoned, tortured, and killed demonstrates his key role in the regime and the trust placed in him by the Party Centre and by his brother-in-law, Ta Mok. The International Co-Investigating Judge’s investigation into **Yim Tith** has produced clear and consistent evidence of his participation in, and responsibility for, some of the worst crimes committed in Cambodia during the Khmer Rouge regime, or indeed, in any country at any time. These crimes were committed for the cynical purposes of maintaining the CPK in power and dramatically remaking Cambodian society in spite of the terrible human costs these goals, and the crimes required to achieve them, imposed on the helpless victims of the regime.
2. The investigation of **Yim Tith**’s role has been thorough and detailed. The evidence leads to an indisputable conclusion: **Yim Tith** is responsible for genocide and crimes against humanity committed over the entire period of the Khmer Rouge regime, in many places, against many thousands of victims.

## II. OVERVIEW OF THE JOINT CRIMINAL ENTERPRISE

3. All of the crimes described in this final submission (“Submission”) were committed in furtherance of a joint criminal enterprise (“JCE”), whose membership and objectives are described below. **Yim Tith** was a leading member of this JCE and made significant contributions to advance the criminal plan. The members of the JCE were CPK cadres (soldiers and officials) primarily originating from the Southwest Zone, but also including some originating from the West and Northwest Zones as well as leaders from the Party Centre. Geographically, the criminal plan spanned the territory of the Southwest and Northwest Zones, commencing in the Southwest Zone and spreading to encompass the Northwest Zone as well. The criminal enterprise involved the basic (“JCE I”) form of common plan liability; that is, **Yim Tith** and other members of the JCE agreed on a criminal plan that “amounted to” or “involved” the commission of each of the crimes

described in this Submission.

4. The members of the JCE shared a common criminal purpose to maintain the CPK in power by identifying and eliminating perceived opposition and enemies, and to achieve an atheist, classless society with a single national and ethnic identity by implementing the CPK central leadership's radical agrarian, economic, and social policies in the Southwest and Northwest Zones. This plan was carried out through the commission of the crimes described below.
5. In order to maintain the CPK in power, the plan involved the commission of the crimes against humanity of extermination, murder, deportation, imprisonment, torture, persecution, and other inhumane acts (forced transfer, inhumane treatment, and enforced disappearance) against various categories of perceived enemies, including CPK cadres seen as disloyal, their families, and others perceived as connected to them; former soldiers and officials of the Lon Nol regime; the group of people forcibly transferred from cities and towns, commonly referred to as "new people" or "17 April people"; those considered spies for the CIA or KGB; Khmer Krom; ethnic Vietnamese residents of Cambodia; Khmer Krom in Cambodia; evacuees from the East Zone; individuals from the "bourgeois", "feudalist", or "capitalist" classes; and all ordinary citizens perceived as disloyal to the regime or the revolution for any reason whatsoever. The plan also involved the commission of the crime of genocide with the intent to destroy the Vietnamese national group in Cambodia, particularly the Khmer Krom (*i.e.* ethnic Khmer with origins in territory then in Vietnam).
6. In order to facilitate the CPK's military, economic, social, and agrarian policies, the plan involved the commission of the crimes against humanity of enslavement, murder, and other inhumane acts (inhumane treatment and enforced disappearance) against workers at cooperatives and worksites; and other inhumane acts (forced marriage and rape) by forcing couples to marry and then compelling them to consummate the marriage without the consent of one or both spouses.
7. The JCE involved or amounted to all of the crimes described in this Submission, each of which was intended by **Yim Tith** and the other JCE members. **Yim Tith** became a member of this JCE no later than 17 April 1975 and remained a member until the end of the temporal jurisdiction of the ECCC on 6 January 1979. As detailed below, all of the crimes of which the CIJs are seised were committed by members of the JCE or by

individuals used as “tools” by such JCE members. **Yim Tith**’s own significant contributions to the JCE are detailed throughout this Submission and summarised in the *Individual Criminal Responsibility* section at the end of this Submission.<sup>1</sup>

### III. YIM TITH’S POSITIONS, ACTS, AND CONDUCT

#### A. INTRODUCTION

8. During the jurisdictional period of the ECCC, **Yim Tith**’s career in the CPK was one of steadily increasing power and prominence. With Ta Mok’s support and protection, he rose from the position of deputy secretary of Kirivong District to eventually attain the post of deputy secretary of the Northwest Zone. Because Ta Mok had many other responsibilities outside the Northwest Zone and was frequently away, **Yim Tith** often effectively served as the zone secretary. In each of his positions, **Yim Tith** contributed actively and enthusiastically to the accomplishment of the CPK’s criminal goals: he participated in the identification and elimination of those perceived as enemies or opponents of the regime, which eventually came to include *all* Vietnamese and Khmer Krom in Cambodia; he drove the regime’s slave labour force to meet unrealistic agricultural and construction goals while toiling in inhumane conditions; and he compelled those over whom he had power to marry and produce children for the benefit of the regime.

#### B. YIM TITH’S PERSONAL BACKGROUND AND PRE-1975 ROLE

9. **Yim Tith** was born in 1936 in Trapeang Kol Village, Trapeang Thom Commune, in Tram Kak District of Takeo Province,<sup>2</sup> which was located in Sector 13 of the Southwest Zone during the DK period.<sup>3</sup> **Yim Tith** served as a monk at Trapeang Thom Pagoda in the early 1950s and later studied at the Moha Montrey Pagoda in Phnom Penh.<sup>4</sup> He is

<sup>1</sup> See **VIII.B.1.e.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – *Mens Rea*, Duration, Membership, and Contributions.

<sup>2</sup> **D281** Written Record of Initial Appearance, 9 Dec 2015, EN 01205487; **D118/150** Hem Moeun WRI, A66, EN 00975015; **D219/844.1.4** Long Dany Notes from DC-Cam’s Promoting Accountability Project Field Trip, EN 01336628; **D118/79** Pech Chim WRI, A21, EN 00947190; **D123/2.2.17a** Nop Ngim DC-Cam Statement, EN 01155573.

<sup>3</sup> **D65.1.2** DC-Cam Project to Promote Accountability: A Visit to District 109, Southwestern Zone, EN 00680840.

<sup>4</sup> **D219/844.1.4** Long Dany Notes from DC-Cam’s Promoting Accountability Project Field Trip, Summary of Interview with Cheav Nhan, EN 01336628; **D118/79** Pech Chim WRI, A21, EN 00947190.

married to Ta Mok's younger sister, Ong Ken.<sup>5</sup>

### C. YIM TITH'S PARTICIPATION IN THE COMMON CRIMINAL PLAN IN THE SOUTHWEST ZONE

#### 1. YIM TITH'S POSITIONS IN THE SOUTHWEST ZONE

10. **Yim Tith** held four key roles in the Southwest Zone from 17 April 1975 through 6 January 1979. He served first as deputy secretary and then secretary of Kirivong District (also known as District 109),<sup>6</sup> and later as deputy secretary and then secretary of Sector 13.<sup>7</sup> Although it is difficult to establish the precise dates on which he held each position, the evidence as a whole paints a clear picture of **Yim Tith's** growing power throughout his time in the Southwest Zone.

<sup>5</sup> **D219/835** Nop Ngim WRI, A127, EN 01432965; **D123/2/2.17a** Nop Ngim DC-Cam Statement, EN 01155573; **D219/488** Moeng Vet WRI, A62-63, 88, EN 01170589, 92; **D219/844.1.4** Long Dany Notes from DC-Cam's Promoting Accountability Project Field Trip, EN 01336628; **D123/1/5.16** Hem Moeun DC-Cam Statement, EN 01060660; **D219/956** Sao Chobb WRI, A11, EN 01456265; **D119/84.2** Moeng Vet DC-Cam Statement, EN 01212285; **D118/79** Pech Chim WRI, A22-23, EN 00947190; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678589; **D219/294** Moul En WRI, A47, EN 01111831; **D118/208** Ek (UI) Hoeun WRI, A59, EN 00981817; **D118/153** Long Vun WRI, A44, EN 00978774; **D219/294** Moul En WRI, A31, EN 01111830; **D118/92** Nop Nan WRI, A17, EN 00967028; **D219/19** Sann Lorn WRI, A167, EN 01050355; **D123/2/1.28a** Sao Port DC-Cam Statement, EN 01098715. *See also* **D118/150** Hem Moeun WRI, A70, EN 00975016.

<sup>6</sup> **D6.1.650** Pech Chim WRI, EN 00379169; **D118/79** Pech Chim WRI, A31-33, EN 00947191; **D118/259** Pech Chim WRI, A18, 37, EN 01000667, 71; **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D219/160** Dok Chann WRI, A7, EN 01067764; **D219/86** Dok Chann WRI, A7, EN 01056874; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, 22, EN 01132635-36; **D118/33** Am Kun WRI, A6, EN 00911432; **D123/2/1.19a** Am Kun DC-Cam Statement, EN 01507789, 804; **D118/274** Bun Thoeun WRI, A58, EN 01031980; **D65.1.55** Tim Phuon DC-Cam Statement, EN 00644112; **D119/85** Moeng Vet WRI, A7, 32, EN 00982713, 17; **D219/899.1.4** Moeng Vet, T. 26 Jul 2016, 11.04.58-11.06.38; **D119/84.2** Moeng Vet DC-Cam Statement, EN 01212286-87; **D219/488** Moeng Vet WRI, A3, EN 301170583-84; **D219/108** You Phnom WRI, A6, EN 01076892; **D219/109** You Phnom WRI, A15, EN 01081741; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217607; **D105/5** Ork Chan WRI, A17-18, 21, EN 00803422; **D219/369** Ork Chan WRI, A3, 17-19, EN 01128255-56; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678589; **D118/22** Tun Soun WRI, A4-6, EN 00976605; **D219/346** Tun Soun WRI, A26, 40-42, EN 01116111-12; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/208** Ek (UI) Hoeun WRI, A70, EN 00981818; **D219/471** Toem Phal WRI, A11, EN 01154806; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D65.1.3** DC-Cam's Promoting Accountability Project: Leng Ann and Yim Tith, EN 00704584. *See also* **D1.3.11.48** Sieng Haom SOAS Interview, EN 00217750; **D1.3.11.56** Tun Soun OCP Statement, EN 00219282. *See contra* **D119/70/4** Ek (UI) Hoeun DC-Cam Statement, EN 01050192 ["Q: Was Ta Tith not in charge of Kirivong district? A: No, he wasn't. He was in charge of Angkor Chey district."].

<sup>7</sup> **D119/85** Moeng Vet WRI, A9, 11-12, 23-24, 41, EN 00982714, 16, 19; **D119/84.2** Moeng Vet DC-Cam Statement, EN 01212286-87; **D119/84** Moeng Vet WRI, A34, EN 00982707; **D219/488** Moeng Vet WRI, A34-37, 40-41, 93-95, 103, EN 01170587, 92-93; **D219/86** Dok Chann WRI, A7, EN 01056874; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/79** Pech Chim WRI, A18, 20, EN 00947190; **D219/34** Ek (UI) Hoeun WRI, A21-22, EN 01053573-74; **D118/208** Ek (UI) Hoeun WRI, A60, 63, 73, 86-87, EN 00981818-20; **D118/34** Nut Nov WRI, A9-10, EN 00911440; **D219/228** Nut Nov WRI, A1, EN 01087486-87; **D118/92** Nop Nan WRI, A16-17, EN 00967028; **D219/636** Khoem Vai WRI, A38, 45, EN 01207672-73.

11. **Yim Tith**'s brother-in-law Ta Mok served as the Southwest Zone Secretary throughout the DK period.<sup>8</sup> **Yim Tith** enjoyed a close relationship with Ta Mok, with one Tram Kak District cadre describing their relationship as "like father and son."<sup>9</sup> This close relationship meant that **Yim Tith**'s *de facto* power was even greater than his *de jure* authority.<sup>10</sup>
12. Evidence shows **Yim Tith** began exercising an active leadership role in the Northwest Zone starting in late 1976 or early 1977.<sup>11</sup> There is also abundant evidence that **Yim Tith** continued to be present and exercise authority in Kirivong District and Sector 13 well after this point, including evidence that points to him exercising a significant role in the Southwest Zone until the end of the DK regime.<sup>12</sup> This evidence therefore shows that,

<sup>8</sup> **D118/79** Pech Chim WRI, A9, EN 00947189; **D118/150** Hem Moeun WRI, A47, EN 00975013; **D118/222** Hem Moeun WRI, A10, EN 00988133; **D219/488** Moeng Vet WRI, A89, EN 01170592; **D118/259** Pech Chim WRI, A17, EN 01000667; **D123/1/5.16** Hem Moeun DC-Cam Statement, EN 01060638; **D219/109** You Phnom WRI, A13, EN 01081740; **D118/285** Nop Ngim WRI, A14, EN 01044676; **D118/45** Hem Chhuon WRI, A8, EN 00923039; **D219/62** Preap Kap WRI, A36, EN 01053908; **D219/900** Moul En WRI, A14, EN 01517475.

<sup>9</sup> **D118/181** Riel Son WRI, A88, EN 00982645 ["Q: During the Khmer Rouge regime, how close were Ta Mok and Ta Tith to each other? A88: They were close like father and son."]; **D219/956** Sao Chobb WRI, A15, EN 01456265 ["[Yim Tith] was related to Ta Mok [...] He accompanied Ta Mok."]; A36, EN 01456267 ["Q: Before, you told us that Ta Tith was in Ta Mok network? What does that mean? A36: He was in Ta Mok's network. He went everywhere with Ta Mok, which means that he was in Ta Mok network."]; **D219/19** Sann Lorn WRI, A983, EN 01050457 ["Q: Did you know if Ta Tith reported to Ta Mok? A983: They always reported to each other, sharing information mutually."]; **D118/285** Nop Ngim WRI, A16, EN 01044676 ["Q: Can you tell us what you knew regarding the relationship between Ta Mok and Ta Tith? A16: While I was staying [at the Kep Salt Field], both of them got along well with each other."].

<sup>10</sup> See, e.g. **D219/488** Moeng Vet WRI, A62-63, EN 01170589 ["Q: To your knowledge, what was the difference between Ta Phen's and Ta Tith's positions? A62: Ta Phen was the Sector Deputy Secretary. In fact Ta Tith's official position was in Kirivong District. However from their seating arrangement during the Sector meetings it was obvious that he looked more powerful than Ta Phen. That's because first he was more senior in his age. Second he was related to Ta. Q: You have just used the word Ta. Who was Ta? A63: I am referring to Ta Mok. He was Ta Mok's younger brother in-law."]. See **III.D.1.b**. Yim Tith's Positions, Acts, and Conduct – Yim Tith's Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith's Positions in the Northwest Zone – Position as De Facto Leader Prior to Formal Appointment.

<sup>11</sup> See paras 97-100.

<sup>12</sup> **D118/79** Pech Chim WRI, A17, EN 00947190 ["[Yim Tith] has been the Secretary of District 109 until the collapse of the Khmer Rouge regime."]; **D118/259** Pech Chim WRI, A136-137, EN 01000683; **D118/305** Top Phan WRI, A99-101, EN 01045530. See also **D219/55** Hor Yan WRI, A42, EN 01053839-40 ["I saw Ta Tith while the Khmer Rouge regime was about to collapse."]; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819 ["During the last few months [before the Khmer Rouge regime collapsed in 1978], I did not see [Yim Tith]. But I know that he still administered Kiri Vong District. I believe that he still administered Kiri Vong District because I never heard that he moved away from Kiri Vong District."]. Traveling between the Northwest and Southwest Zones would not have proved a major obstacle to Ta Mok and Yim Tith carrying out functions in both zones. Nop Ngim stated that a large group of low-level cadres traveling by train was able to complete the journey in under 24 hours. With access to individual vehicles, Ta Mok and Yim Tith would have been able to make the journey in significantly less time. See **D219/835** Nop Ngim WRI, A51, 56, 67, EN 01432954-56 [regarding the total journey time for the group of 100-300 cadres Nop Ngim traveled with]; **D123/2/2.17a** Nop Ngim DC-Cam Statement, EN 01155619 [Yim Tith's access to a Jeep]; **D219/85** Vy Phann WRI, A10, EN 01061173 [Yim Tith's access to a Jeep].

like Ta Mok,<sup>13</sup> **Yim Tith** exercised authority and contributed to the common criminal plan in the Northwest Zone and Southwest Zone simultaneously.

## **2. YIM TITH'S ACTS AND CONDUCT IN THE SOUTHWEST ZONE**

### **a. YIM TITH'S KNOWLEDGE AND CONTRIBUTIONS TO THE IMPLEMENTATION OF THE CPK'S ENEMIES POLICY**

13. The CPK's plan to remove perceived enemies and eliminate political opposition had a number of components: categories of "enemies" had to be defined and communicated; individuals falling into these categories had to be searched out, identified, and reported; and finally, these "enemies" had to be eliminated as perceived threats through the commission of crimes. **Yim Tith** took an active role in every stage of this process.

#### **i. PARTICIPATION IN MEETINGS**

14. **Yim Tith**, his subordinates, and other members of the JCE used meetings to define categories of enemies and to identify individuals falling into those categories. Multiple witnesses described **Yim Tith**'s furtherance of the common criminal plan in this way through his participation in meetings in the Southwest Zone.

#### Meetings Regarding Former Lon Nol Officials

15. Witness Hem Chhuon described a meeting that **Yim Tith** presided over while secretary of Kirivong District at which a former Lon Nol administration official was shackled and put on public display.<sup>14</sup> **Yim Tith**, who was seated on stage, denounced the former official as a traitor and enemy.<sup>15</sup> The former official was then ordered to walk around the

<sup>13</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.36.50-10.38.14 ["Q: Thank you. Now, when you went to Battambang, was Ta Mok living there himself? A: He was first at Takeo, and he went to Battambang back and forth. He was my superior."]; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, 23 Nov 2009, fn 24, EN 00412101 ["The Zone Standing Committee is the Zone Secretary. Since the Zones evolved, please read the following details: [...] New Southwest Zone: Mok – West Zone: Sy (after Sy had been arrested on April 1978, Mok became the Secretary of both the Southwest and West Zones). – Northwest Zone: Nhim (he was arrested in around May 1978. Mok became the Secretary of the Northwest Zone on top of the previous posts). – New North Zone: Se (after Se had been arrested on 11 October 1978, Mok became the Secretary of the Southwest, West, Northwest and new North Zones)."].

<sup>14</sup> **D118/45** Hem Chhuon WRI, A18, EN 00923040 ["Ta Tit was sitting on the stage; and nobody dared look at his face. He was a district chief; and it was a senior position."].

<sup>15</sup> **D118/45** Hem Chhuon WRI, A14-15, EN 00923040 ["A14: I attended a meeting chaired by Ta Tit at Wat Prey Rumdeng, and Ta Tit declared UY Sim, a former Lon Nol official as traitor. At that time, UY Sim was shackled, and ordered to walk around to identify those who had served in the Lon Nol administration. UY Sim did not point at anyone that time. After the event, I have never seen UY Sim again; he must have been taken to be killed. [...] A15: [...] Ta Tit was on the stage. At that time, Ta Tit declared that UY Sim was the Angkar's enemy."].

meeting to identify others who had previously served in the Lon Nol administration.<sup>16</sup> Hem Chhuon never saw the former official again and presumed he was killed.<sup>17</sup>

16. On another occasion, in late 1975 or early 1976, Hem Chhuon attended a meeting at a worksite at which **Yim Tith** said that “people evacuated from Phnom Penh or those whose relatives had worked in the Lon Nol administration” were enemies.<sup>18</sup>
17. **Yim Tith**’s actions at these meetings involved both defining a category of enemy (those associated with the former Lon Nol administration) and attempting to identify those individuals who fell into that category. These actions i) show that **Yim Tith** was aware of the common plan to identify and remove enemies and ii) constitute significant contributions to the plan.

#### Meeting of Kirivong District Artisan Unit

18. At a meeting of the Kirivong District Artisan Unit, **Yim Tith** told the assembled workers that they “had to be careful and work hard because there were many enemy hiding among us”.<sup>19</sup> He also indicated that enemies would be subject to harsh arbitrary punishment: he “warned that any person could be disappeared at any time.”<sup>20</sup> In the context of the meeting, Am Kun, one of the workers attending, understood that “the word enemy referred to those workers who had not completed their work plan. If this happened, they accused the workers of being the enemy.”<sup>21</sup>

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<sup>16</sup> **D118/45** Hem Chhuon WRI, A14, EN 00923040 [“I attended a meeting chaired by Ta Tit at Wat Prey Rumdeng, and Ta Tit declared UY Sim, a former Lon Nol official as traitor. At that time, UY Sim was shackled, and ordered to walk around to identify those who had served in the Lon Nol administration. UY Sim did not point at anyone that time.”].

<sup>17</sup> **D118/45** Hem Chhuon WRI, A14, EN 00923040 [“After the event, I have never seen UY Sim again; he must have been taken to be killed.”].

<sup>18</sup> **D118/45** Hem Chhuon WRI, A19-23, EN 00923040-41 [“I attended another meeting chaired by [Yim Tith] when he visited a worksite. At that meeting, he talked about [...] enemies’ activities. [...] Those enemies referred to those people evacuated from Phnom Penh or those whose relatives had worked in the Lon Nol administration.”].

<sup>19</sup> **D118/33** Am Kun WRI, A28, 30, 37, EN 00911434-35 [“A28: [...] I used to attend the meeting with Ta Tit when he came to the artisan unit place. [...] A30: [...] Sometimes he came to hold the meeting once in 3 months--not every month. [...] A37: He said that we had to be careful and to work hard because there were many enemy hiding among us; and he warned that any person could be disappeared at any time. I did not see any person disappearing at the artisan unit place.”]. Am Kun states that he did not see anyone disappearing at his workplace and that if he personally was unable to complete his workplan, he would “just report it to [his] supervisor, and nothing would happen to [him].” See **D118/33** Am Kun WRI, A15, EN 00911433, A37, EN 00911435.

<sup>20</sup> **D118/33** Am Kun WRI, A28-30, 37, EN 00911434-35. Am Kun stated that he did not see anyone disappearing at his workplace and that if he personally was unable to complete his workplan, he would “just [report] it to [his] supervisor, and nothing would happen to [him].” See **D118/33** Am Kun WRI, A15, 37, EN 00911433, 35.

<sup>21</sup> **D118/33** Am Kun WRI, A38, EN 00911435.



19. As in the previous example, **Yim Tith**'s statements show that he knew of and shared the plan to identify and eliminate perceived enemies. The criminal nature of the plan is made obvious by his assertion that enemies "could be disappeared at any time."

Discussion of "Yuon Khmer" who "embedded their agents inside the cadre networks"

20. At other meetings of workers in Kirivong District, **Yim Tith** discussed what he characterised as "Yuon Khmer" who "spied on us and embedded their agents inside the cadre networks".<sup>22</sup> **Yim Tith** also stated that, to counter this threat, the CPK "collected information from networks at the village and commune level and reported to the district. The district reported to the province. The province reported to the Centre."<sup>23</sup> He instructed the assembled workers to be vigilant regarding these "embedded agents" and report them to the upper level.<sup>24</sup>
21. **Yim Tith**'s indication that these "Yuon Khmer" had secretly embedded themselves inside the "cadre networks" makes it clear that he was referring not to Vietnamese government forces operating inside Cambodia, but rather to members of the CPK's own ranks whose loyalty was questioned. As in the previous examples, **Yim Tith**'s comments define a group of enemies (in this case, CPK cadres believed to be loyal to Vietnam) and describe what is to be done to them: they are to be rooted out through vigilance and monitoring, and reported within the CPK structures.
22. **Yim Tith**'s statements also constitute a contribution to the common criminal plan: as an authority figure in Kirivong District and Sector 13, his instruction to the meeting attendees to "monitor and be vigilant" constituted both an instruction and an encouragement to report anyone suspected of disloyalty to the regime.

Ten-day Sector 13 Meeting Regarding the CIA and KGB

23. Low-level cadre Moeng Vet described a 10-day meeting, which took place in Sector 13's Angkor Chey District.<sup>25</sup> At this meeting, **Yim Tith** was seated on stage at the right-hand side of Sector 13 Secretary Ta Saom – the place usually reserved for the deputy secretary

<sup>22</sup> **D219/406** You Phnom WRI, A174, 177, EN 01139571-72 ["[Yim Tith] talked about the 'Yuon' Khmer. [...] The[y] spied on us and embedded their agents inside the cadre networks from commune-level, district level, all the way up to the Cent[re]."].

<sup>23</sup> **D219/406** You Phnom WRI, A179, EN 01139572.

<sup>24</sup> **D219/406** You Phnom WRI, A185-186, EN 01139573 ["Q: Did Ta Tith state that we had to take measures to counter the embedded Vietnamese? A185: Just to monitor and be vigilant. Q: Did he say that the people had to help watch and track them down? A186: Monitor to find them and report to the upper level."].

<sup>25</sup> **D219/488** Moeng Vet WRI, A40-41, 46-48, 51, EN 01170587-89.

of the sector,<sup>26</sup> though Moeng Vet was unsure of **Yim Tith**'s precise position at this time.<sup>27</sup> The meeting attendees included sector, district, and possibly commune-level cadres from Sector 13.<sup>28</sup> The district secretaries were seated in the front row of the audience, facing **Yim Tith** and Ta Saom on stage, "as if [they] were watching a movie"<sup>29</sup> – an indication that **Yim Tith** was senior to the assembled district secretaries at the time of this meeting.

24. At the meeting, Sector 13 Secretary Ta Saom told the attendees that the enemies were the KGB and the CIA, and that "[t]he CIA network was affiliated with the United States of America and the KGB was affiliated with Vietnam."<sup>30</sup> Attendees were also reminded that "when we made a mistake, the Party could do anything to us."<sup>31</sup>
25. Following the main meeting, smaller groups met for questioning and self-criticism sessions.<sup>32</sup> The subject matter of these sessions reveal to whom Ta Saom was referring to when he discussed the CIA and KGB: Moeng Vet said that when he was questioned during one of these sessions:

I had to report everything I had done. If I was found to have relatives staying in Phnom Penh, I would be regarded as having affiliation with the CIA. If I had relatives who had come from Kampuchea Krom, I would be regarded as having affiliation with the Vietnamese KGB.<sup>33</sup>

26. Anyone attending this meeting and the subsequent self-criticism sessions would have been aware of the common criminal plan to classify all city dwellers and Khmer Krom

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<sup>26</sup> **D219/488** Moeng Vet WRI, A37, 39-41, 46-48, 51, 57-58, EN 01170587-89 ["A37: [...] In 1976, I saw Ta Tith sitting on the right hand side of the Sector Secretary during a meeting. That meant he was about to be promoted. [...] Q: When you saw Ta Tith sitting on the right hand side of Ta Saom in the sector meeting, did you think that he was in the position of an assistant or deputy? A39: To the best of my knowledge, the person who sat on the right hand side was the deputy. Q: How many times did you see Ta Tith sitting on the right hand side of the Sector Secretary? In what year were those meetings held? A40: I saw him once in 1976, when the meeting was held behind the Angkor Chey District Hall [...] in Angkor Chey Commune. [...] A41: Maybe it was in late 1976."]; **D219/899.1.4** Moeng Vet, T. 26 Jul 2016, 11.04.58-11.06.38.

<sup>27</sup> **D219/488** Moeng Vet WRI, A37-39, 60-63, EN 01170587, 89.

<sup>28</sup> **D219/488** Moeng Vet WRI, A42, 47, EN 01170587-88.

<sup>29</sup> **D219/488** Moeng Vet WRI, A58, EN 01170588-89 ["Ta Tith sat on the stage next to Ta Saom facing the people. It was as if we were watching a movie. The rest of the people were sitting in front of the stage, facing the stage."].

<sup>30</sup> **D219/488** Moeng Vet WRI, A45, 64, EN 01170588-89; **D219/899.1.4** Moeng Vet, T. 26 Jul 2016, 11.13.25-11.16.10.

<sup>31</sup> **D219/488** Moeng Vet WRI, A49, EN 01170588 ["Ta Saom gave a speech. He presented documents and the result of work to the Party. After this other people to spoke about the three flags of the Party; the three flags included loyalty toward the Party, the commitment to serve the Party, and the self-devotion to the Party. This reminded us that when we made a mistake, the Party could do anything to us."].

<sup>32</sup> **D219/488** Moeng Vet WRI, A45, EN 01170588.

<sup>33</sup> **D219/488** Moeng Vet WRI, A45, EN 01170588; **D219/899.1.4** Moeng Vet, T. 26 Jul 2016, 13.53.04-13.59.48.

as enemies and targets for extrajudicial arrests, punishments, and executions. Given **Yim Tith**'s prominence and authority at the time, his attendance at this meeting and conspicuous position as one of just three cadres on stage shows that he shared the goals and worked to further this criminal plan. His presence on stage without contradicting Ta Saom amounted to an implicit endorsement of the plan to search for "enemies" and to punish without legal process those who made "mistakes." Thus, **Yim Tith** encouraged subordinate cadres present to carry out the common criminal plan.

#### Regular Meetings with All Commune Committees in Kirivong District

27. Along with the other members of the Kirivong District Committee, **Yim Tith** regularly participated in meetings with representatives from all nine communes in Kirivong District.<sup>34</sup> At these meetings, all three members of the Kirivong District Committee (including **Yim Tith**) spoke about enemies, including ordering the members of the commune committees "to report enemies to the district echelon."<sup>35</sup> This category included those who "objected [to work] or said that [they were] sick. Then, [they] would be accused of being an enemy."<sup>36</sup> After the communes reported to the district, the district echelon sent letters instructing that "enemies" be either educated or sent to the district.<sup>37</sup> Toem Phal further stated that at these district-level meetings, commune-level cadres were informed of the ultimate fate of enemies sent to the district. He said: "the meetings mentioned killings: 'As long as they are the enemy, they must be killed.'"<sup>38</sup> Toem Phal also confirmed that arrestees were never seen again.<sup>39</sup> Like the other meetings **Yim Tith** participated in, these meetings i) show that he shared the common plan to eliminate enemies through the commission of crimes and ii) constitute significant contributions to the achievement of the plan.

#### ii. **YIM TITH'S DIRECT AND INDIRECT SUBORDINATES ACTIVELY MONITORED AND INVESTIGATED THE POPULATION TO IDENTIFY PERCEIVED ENEMIES**

28. The process of searching for "enemies" was actively carried out by **Yim Tith**'s subordinates in Kirivong District. You Phnom, a commune militiaman from Kouk Prech Commune in Kirivong District, stated that he "obtained information on whether or not

<sup>34</sup> **D219/471** Toem Phal WRI, A34-37, 39, 46-47, 49, EN 01154809-11.

<sup>35</sup> **D219/471** Toem Phal WRI, A43-47, 49, EN 01154811-12.

<sup>36</sup> **D219/471** Toem Phal WRI, A45, EN 01154811.

<sup>37</sup> **D219/471** Toem Phal WRI, A45, EN 01154811. *See also* **D118/23** Toem Phal WRI, A42, EN 00967021.

<sup>38</sup> **D219/471** Toem Phal WRI, A60, EN 01154813.

<sup>39</sup> **D219/471** Toem Phal WRI, A60, EN 01154813.

the people followed instructions, followed plans, had arguments, or stole anything, for instance” and reported his findings to the Kouk Prech commune chief<sup>40</sup> – a subordinate of the Kirivong District Committee. This monitoring included determining whether “the newlyweds slept together.”<sup>41</sup>

29. This monitoring was ordered because “[t]hey wanted to find out whether there were people in that regime who were improper, did not follow their orders, or were traitors: in short, any opponents.”<sup>42</sup> Those identified as enemies were arrested; You Phnom indicated that the commune militia arrested people for “[n]ot following orders, stealing food to eat, and [...] opposition and work-related opposition, refusing to obey.”<sup>43</sup> As a militiaman, You Phnom was well aware that “[w]hen they learned that anyone had not listened to their orders, they took that person to be killed.”<sup>44</sup>
30. Similarly, Toem Phal, the member of the Kampeaeng Commune Committee in Kirivong District, confirmed that information on “espionage and bad actors” was sent from the commune militia to the district secretary.<sup>45</sup> The district echelon then sometimes sent orders to the commune militias to carry out arrests and send the prisoners to the district level.<sup>46</sup>
- iii. **YIM TITH’S ACTIVE PARTICIPATION IN THE IMPRISONMENT, INTERROGATION, AND KILLING OF SUSPECTED ENEMIES DEMONSTRATES THAT HE SHARED THE COMMON CRIMINAL PLAN AND CONSTITUTES CONTRIBUTIONS TO THE COMMON CRIMINAL PLAN**
31. The security centre at Wat Pratheath, where prisoners were kept shackled and malnourished, and where at least 900 suspected enemies were killed,<sup>47</sup> was one of **Yim**

<sup>40</sup> **D219/406** You Phnom WRI, A12-16, EN 01139550.

<sup>41</sup> **D219/406** You Phnom WRI, A20, EN 01139551 [“Q: When they had you work as a reporter on newlywed husbands and wives, what kinds of information were you looking for? How was that different from spying on ordinary people? A20: There was no difference. I looked to see if the newlyweds slept together.”].

<sup>42</sup> **D219/406** You Phnom WRI, A25, EN 01139551 [“Q: What were the plans, orders, and objectives related to marriage vows and newlyweds sleeping together? A25: They wanted to find out whether there were people in that regime who were improper, did not follow their orders, or were traitors: in short, any opponents.”]. Nop Ngim also stated that she was instructed by Ta Mok to monitor which workers at the Srae Ambel salt field worked hard and which did not on an occasion when Ta Mok came to visit the salt field along with Yim Tith. *See* **D118/285** Nop Ngim WRI, A5-7, EN 01044674.

<sup>43</sup> **D219/406** You Phnom WRI, A65-66, EN 01139557.

<sup>44</sup> **D219/406** You Phnom WRI, A26, EN 01139552 [“They wanted to know if people followed their regulations and plans. When they learned that anyone had not listened to their orders, they took that person to be killed.”].

<sup>45</sup> **D219/471** Toem Phal WRI, A7-8, EN 01154805.

<sup>46</sup> **D219/471** Toem Phal WRI, A16-19, EN 01154807.

<sup>47</sup> *See* **V.A.1.a.iv**. Crimes – Southwest Zone – Sector 13 – Wat Pratheath Security Centre – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance).

**Tith**'s primary tools for implementing the CPK's enemies policy in the Southwest Zone. Those detained at Wat Pratheat fell into the categories of enemies defined at meetings at which **Yim Tith** was present and in which he participated. Prison guard Dok Chann said that "the serious crime prisoners were those who had been accused of tendencies related to the previous regime. [...] [M]ost of them were evacuees and 17 April people."<sup>48</sup> Prisoner Hor Yan stated that the other prisoners were "city workers" and that he was detained there because of a family link to the Lon Nol regime and because he planned to flee to Vietnam.<sup>49</sup>

32. By virtue of his position on the Kirivong District Committee, **Yim Tith** was the superior of Pring, the Security Office Chairman, and Pring reported to **Yim Tith**.<sup>50</sup> **Yim Tith** visited the security centre on multiple occasions and spoke with Pring and the other

<sup>48</sup> **D219/87** Dok Chann WRI, A12, EN 01056882 ["Generally Pring was the one who reviewed the reports that described the kinds of wrongdoing of the prisoners from the communes. For example, the minor crime prisoners were those who had stolen food supplies, and the serious crime prisoners were those who had been accused of tendencies related to the previous regime. [...] I did not know much about the serious crime prisoners, because most of them were evacuees and 17 April people."].

<sup>49</sup> **D105/6** Hor Yan WRI, A62-64, EN 00841982 ["Q: Who were the enemies? A62: They were Cambodians who were city workers. Q: And who else? A63: Those who stole small things to feed their children. Q: Of what were you accused? A64: Because I stole potato for my father, and because my younger brother-in-law worked in aviation and was arrested here, I was also arrested the following night."]; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217606 ["The guerillas arrested me as I was planning to flee to Viet Nam with another guy"].

<sup>50</sup> **D219/86** Dok Chann WRI, A6-7, EN 01056873 ["A6: [...] Wat Pratheat Pagoda was a prison of the district. [...] Q: To whom did Pring report in District 109? A7: [...] After Ta Tam and Yeay Bau transferred away, Ta Tith became District Committee and Yeay Khoeun was his deputy."]; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217606-07 ["This was the district prison, under Dok Chan, with Pring. [...] Teut, Tom, Bau (f), and Nam were above the Security Office."]; **D219/369** Ork Chan WRI, A97, EN 01128260 ["Q: Who was the superior of the prison chief? A97: The district committee was."]. *See also V.A.1.a.iii.* Crimes – Southwest Zone – Sector 13 – Wat Pratheat Security Centre – Authority Structure and Communication.

staff.<sup>51</sup> He sometimes inspected the prisoners in their cells.<sup>52</sup> **Yim Tith** also personally conducted interrogations of prisoners at Wat Pratheat.<sup>53</sup> On one occasion, prisoner Tun Soun was close enough to hear **Yim Tith** asking one of the prisoners, “Where are you from? How many people are there in your group? Why did you want to escape? Where did you escape to?”<sup>54</sup> These questions were obviously an effort to identify other CPK

- <sup>51</sup> **D219/108** You Phnom WRI, A8, EN 01076892-93 [“Ta Tith and Ta Tom often came to inspect the security office, but I did not know what they did. [...] I only saw them talking with security office staff.”]; **D219/406** You Phnom WRI, A166-168, EN 01139570-71 [“Q: How many times did you see Ta Tith at the prison? A166: I saw him at the prison twice. I often saw him when he attended meetings with people. [...] A167: I saw him speaking. [...] A168: He was talking to his staff, and I dared not go near them.”]; **D219/86** Dok Chann WRI, A9-10, EN 01058674-75 [“when [Yim Tith and Yeay Khoeun] came they only met with Security Office Chairman Pring. They did not come to visit regularly. Sometimes they came once every two or three months and sometimes once a year. Most of the time they called Pring to meet with them at their place. [...] They did not enter the detention rooms to speak to the prisoners, but sometimes they spoke to us, the staff.”]; **D105/6** Hor Yan WRI, A22, EN 00841978 [“Q: How often did you see Ta Tit come to this prison? A22: I saw him come here about more than 10 times because it was in the phase of mass killings.”]; **D105/5** Ork Chan WRI, A98-100, EN 00803451; **D118/156** Ork Chan WRI, A75, EN 00980474; **D219/369** Ork Chan WRI, A83-87, 89-92, EN 01128260; **D118/22** Tun Soun WRI, A16, EN 00976607 [“Generally, only Ta Tit, or Ta Tom or Yeay Bau, came to inspect the prisoners after prisoners had been arrested and sent to Voat Preah Thiet Pagoda. I knew this through hearing militiamen and Ta Tit interrogating the prisoners.”]; **D219/346** Tun Soun WRI, A48-49, EN 01116113 [“Q: How many times did Tith visit the prison? A48: During the four days when I was there, I saw him twice. Q: Did they all come on those two occasions? A49: On the first occasion, I saw Bo and Tith. On the second occasion, I saw only Tith.”].
- <sup>52</sup> **D105/5** Ork Chan WRI, A99-100, EN 00803451 [“A99: [Yim Tith] just walked around to see prisoners and returned. Q: Did he enter the detention office? A100: Yes. The detention centre or the detention office consisted of three rooms.”]; **D118/156** Ork Chan WRI, A61-63, 66-67, EN 00980472 [“A61: [Yim Tith] looked at those who were to be killed and those who were not to be killed. Those who were to be killed were pulled out straightaway for execution. [...] A62: He walked around and looked at the prisoners in the detention cells. [...] A63: [...] he did not talk to those prisoners. He only walked around looking at them. [...] Q: While Ta Tit was looking at prisoners in the detention cells, how did he know who was to be killed and who was not to be killed? A66: Ta Tit had his networks. As I knew it, he had the name lists from the Sector of who was to be killed and who was not to be killed. Q: Did you ever see the lists from the Sector? A67: No, I did not see them, because I was a prisoner: they would not have let me know that.”]; **D219/369** Ork Chan WRI, A88, EN 01128260.
- <sup>53</sup> **D118/22** Tun Soun WRI, A16, EN 00976607 [“Generally, only Ta Tit, or Ta Tom or Yeay Bau, came to inspect the prisoners after prisoners had been arrested and sent to Voat Preah Thiet Pagoda. I knew this through hearing militiamen and Ta Tit interrogating the prisoners.”]; **D219/110** Tun Soun WRI, A1, 3-4, EN 01076896-97 [“Q: [...] Can you confirm whether you actually saw Ta Tith interrogate prisoners? A1: Yes, I did. [...] A3: I saw Ta Tith interrogate a prisoner twice. The first time, he interrogated a prisoner with Yeay Bau, and the second time, he interrogated a prisoner by himself. [...] A4: I saw Ta Tith and Yeay Bau call a prisoner out of detention to beneath a nearby monastery, and then I saw them stand and talk with that prisoner. Ta Tith was at the security office then for only about 20 minutes. At first, he talked with the prisoner for a short time beneath the monastery. After that, he met and talked with guards working at the security office before he left. [...] The prisoner was not mistreated or beaten. I do not know what happened to that prisoner after the interrogation.”]; **D219/346** Tun Soun WRI, A26, 47-49, EN 01116111, 13.
- <sup>54</sup> **D219/110** Tun Soun WRI, A6, EN 01076898 [“Ta Tith came by horse cart that time with two messengers. When he arrived, he also went beneath the monastery and told Born to bring him the prisoner. I could not hear in detail when he spoke with the prisoner. I could only hear some of it. He asked the prisoner, ‘Where are you from? How many people are there in your group? Why did you want to escape? Where did you escape to?’ That prisoner was not mistreated or beaten by Ta Tith during his interrogation. It took no more than 10 minutes. After that, Ta Tith told the guards to take the prisoner back to detention, and then he got on his horse cart. I do not know what happened to the prisoner after Ta Tith left.”]; **D219/346** Tun Soun WRI, A54-56, EN 01116113 [“A54: [...] On the first occasion, Ta Tith came with his messengers. Then a

“enemies,” and an effort to further the criminal plan’s goal of identifying “enemies” to be detained and/or executed without judicial process. On another occasion, **Yim Tith** interrogated six to eight prisoners at Wat Pratheath.<sup>55</sup>

33. **Yim Tith** also contributed to the common criminal plan by ordering extrajudicial killings at Wat Pratheath. Prisoner Ork Chan recalled **Yim Tith** bringing orders to kill on one of his visits,<sup>56</sup> and according to prisoner Hor Yan, on one occasion when **Yim Tith** visited the security centre, a number of prisoners were killed and their gallbladders removed.<sup>57</sup>

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prisoner was taken out, and he interrogated the prisoner. He interrogated them for not more than ten minutes. [...] A55: [...] Ta Tith came with two messengers in order to interrogate the prisoners. [...] A56: [...] I heard Ta Tith asking these questions: ‘How many of you are there? Where do you come from?’”].

55 **D219/346** Tun Soun WRI, A62, EN 01116114 [“Q: When Ta Tith conducted interrogation, how many prisoners were interrogated? A62: Many prisoners were interrogated; however, each prisoner was interrogated for not more than ten minutes. Around six to eight prisoners were interrogated. Ta Tith interrogated only one prisoner at a time.”].

56 **D105/5** Ork Chan WRI, A95-97, EN 00803450-51 [“A95: [Yim Tith] came here with an order from the Sector saying which prisoners would be killed. [...] A96: When he came, he walked around to see prisoners, and if there was a killing plan from the Sector, the planned killing had to occur. Q: You mean that Ta Tit brought along himself a list of prisoners to be killed, don’t you? A97: This matter was their secret plan. They did not allow us to know about it. Only the prison chief would know about it.”]; **D118/156** Ork Chan WRI, A58-60, EN 00980472 [“Q: In your previous interview numbered ERN 00803450, you stated, ‘Ta Tit went to Voat Preah Theat Pagoda Prison and brought orders from sector level to execute prisoners.’ How did you know that the order was from sector level? A58: Because the law during the Khmer Rouge era was to follow the hierarchy; there had to be orders from sector level before district level killed. Q: Could district level issue an order to kill prisoners? A59: No, they could not kill. The prison chief could execute the prisoners only when he received orders from above. Q: You said that the prison chief received orders from upper echelon to kill prisoners. Who issued such kill orders to the prison chief? A60: Someone from the district delivered the kill orders to the prison chief.”].

57 **D105/6** Hor Yan WRI, A12-14, EN 00841977 [“A12: [...] I saw Ta Tit because he came to this security office when they planned to kill prisoners and came to take human gallbladders. Ta Tit then came here by car. [...] A13: When the prison filled up, Ta Tit came to give an order to kill the prisoners. Pits were then dug up to dump them after their gallbladders were cut off. Q: When did this happen? A14: I may not remember, but maybe in 1977 or 1978, killings intensified because the plan to attack from the Vietnamese army had come to light.”]; **D118/155** Hor Yan WRI, A22-26, 34-35, EN 00975859-91 [“A22: [...] When Ta Tit and Ta Nam came to the prison, they always cut open the prisoners’ abdomens to get the gallbladders, but I do not know what they did with them. [...] A23: They had the prison chief and the [militiamen] do this, and when they sliced open the prisoner’s abdomens they tied the prisoners at three spots before they cut open the prisoners’ abdomens to take the gallbladders. [...] A24: Ta Nam ordered the prison chief, Pring, to do this. Q: For Ta Tit, did you ever hear Ta Tit order anyone to slice open the prisoners’ abdomens? A25: Ta Tit and Ta Nam were colleagues, so they were alike. Q: When Ta Nam ordered the slicing open of the prisoners’ abdomens to take the gallbladders, was Ta Tit also present there? A26: Yes, Ta Tit was also there, and they loaded the gallbladders in a vehicle and took them away, but I did not know where they were taken. [...] Q: When those prisoners had their abdomens sliced open, were Ta Tit and Ta Nam also there? A34: Ta Tit and Ta Nam were also there, next to the car. Q: When the prisoners had their abdomens sliced open to get their gallbladder, were those gallbladders taken to Ta Tit and Ta Nam, or what? A35: Yes, they were tied as a bunch and given to Ta Tit and Ta Nam, who were waiting at the car.”]; **D219/326** Hor Yan WRI, A32-36, EN 01112036-37 [“Q: Could you please clarify what happened when they cut the gallbladders from prisoners in front of Ta Tith? A32: They took prisoners out and cut through their stomachs to remove their gallbladders. That happened at a location about 50 metres away from the prison. Then they took the gallbladders to Ta Tith who was in his car. He did not go to see the killing. From a distance I saw them counting the gallbladders in the car. The gall bladders were then kept in a bin. Q: Do you think that Ta Tith saw the staff disembowelling the prisoners and taking their gallbladders or was he waiting in his car? A33: No, I don’t. He was in his car and he did not see it. Q: Do you think that those who were taken to be killed and had their gallbladders removed were arrested before

**Yim Tith** and Ta Nam then drove off with the harvested gallbladders.<sup>58</sup>

34. **Yim Tith** also ordered other extrajudicial killings in Kirivong District outside of the Wat Pratheat Security Centre. In an interview in August 1980, the former chief of Ream Andaeuk Commune in Kirivong District stated that **Yim Tith** ordered him to kill 200 people.<sup>59</sup> This commune chief, named Ngaol, also made it clear that commune-level authorities could kill only with the approval of the district and that most victims were handed over to district security forces for execution following their arrest by the commune authorities.<sup>60</sup> The people killed included teachers, students, intellectuals, and two people suspected of planning to flee to Vietnam.<sup>61</sup> Ngaol said that **Yim Tith** personally “came to make sure” that he killed the two accused of planning to flee to Vietnam, and that **Yim Tith** considered this “treason”<sup>62</sup> – a fact that parallels **Yim Tith**’s attempt to identify individuals planning to “escape” while interrogating the prisoner at Wat Pratheat. Because Ngaol passed away in the 1990s, OCIJ was unable to interview him to corroborate the account recorded by Ben Kiernan.<sup>63</sup> The account is corroborated in part, however, by the evidence of cadre Soeum Chhoeun, who recalled that Ngaol was

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Ta Tith arrived or they were taken to be killed after Ta Tith arrived? A34: They had planned it well ahead of time. They took the prisoners to be killed the night before the new prisoners were brought in. Q: You said they had plans to arrest the newly arrived prisoners before Ta Tith came that night, and the next day they would be taken to be killed when Ta Tith came. Is that correct? A35: Yes, it is. Q: Do you know why they were arrested? A36: Yes, I do. They took new prisoners in because they were still well and healthy. The old prisoners were skinny and ill.”]; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217607 [“The gall bladders were removed from those executed. Tom and Bau came to get the gall bladders, hundreds of them. Teut came only occasionally.”].

<sup>58</sup> **D118/155** Hor Yan WRI, A22-26, EN 00975859-90 [“A26: [...] Ta Tit was also there, and they loaded the gallbladders in a vehicle and took them away, but I did not know where they were taken.”].

<sup>59</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678590 [“Ngaol was ordered to kill two hundred people. These directives always came from district chief Tith who instructed Ngaol to arrest people and hand them over to district security forces. Those executed in 1975 included teachers, students, and intellectuals. More were killed in 1976, including a Hanoi-trained CPK cadre who had tried to implement orders ‘not badly.’ Ngaol says most of the killings were the work of Kirivong district security forces. ‘We could only kill people in the subdistrict if the district [level] approved.’”]. See also **D219/726.1.1** Ben Kiernan’s notes from interview with Ngaol, EN 01312560, 62-63.

<sup>60</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678590 [“Ngaol says most of the killings were the work of Kirivong district security forces. ‘We could only kill people in the subdistrict if the district [level] approved.’”]. See also **D219/726.1.1** Ben Kiernan’s notes from interview with Ngaol, EN 01312560, 62-63.

<sup>61</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678590. See also **D219/726.1.1** Ben Kiernan’s notes from interview with Ngaol, EN 01312560, 62-63.

<sup>62</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678590 [“[Ngaol] also [admitted] executing two people who planned to flee to Vietnam. Tith considered this ‘treason,’ and told Ngaol to ‘kill them off.’ ‘The district chief came to make sure I did it.’”]. See also **D219/726.1.1** Ben Kiernan’s notes from interview with Ngaol, EN 01312560, 62-63.

<sup>63</sup> OCIJ was unable to conduct a follow-up interview with Ngaol as he passed away in 1993 or 1996. In light of Ngaol’s unavailability and Ben Kiernan’s detailed notes of his conversation with him, reliance on this evidence is reasonable. See **D219/48** WRIA, EN 01032580-81 [establishing that Ngaol is deceased].



the commune chief of Ream Andaeuk Commune.<sup>64</sup>

35. There is also evidence that, while serving at the Sector 13 level, **Yim Tith** ordered the Tram Kak District security chief to carry out extrajudicial arrests.<sup>65</sup>

iv. CONCLUSION: YIM TITH WAS INVOLVED IN EVERY PHASE OF THE IMPLEMENTATION OF THE COMMON CRIMINAL PLAN IN THE SOUTHWEST ZONE

36. The evidence discussed above shows that **Yim Tith** was involved in all aspects of the implementation of the CPK enemies policy in those parts of the Southwest Zone under his control. First, he spoke at meetings (or attended in a prominent role of leadership and endorsement) at which various categories of enemies were defined and instructions were given that they must be located and reported through the CPK hierarchy. Second, this process of identification was carried out, both at those same meetings, and by monitoring carried out by **Yim Tith**'s indirect subordinates (like commune militia) on the instructions of his direct subordinates (like commune chiefs). Third, the enemies identified were arrested without legal process. Fourth, the enemies were eliminated as perceived threats through the commission of crimes charged, including imprisonment, torture, and murder, again by **Yim Tith**'s direct and indirect subordinates and under **Yim Tith**'s direct supervision and pursuant to his orders. The evidence for each stage of this process comes from different witnesses who tell a remarkably consistent story. Thus, there is clear and consistent evidence that there was a policy of defining, identifying, and eliminating perceived enemies and opponents of the regime through the commission of crimes carried out in parts of the Southwest Zone under **Yim Tith**'s authority. There is also clear and consistent evidence that **Yim Tith** shared this criminal purpose and contributed to it.

b. YIM TITH'S CONTRIBUTION TO THE CPK'S FORCED MARRIAGE POLICY IN THE SOUTHWEST ZONE

37. In the Southwest Zone, **Yim Tith** instructed the population under his control that they were required to marry and have children in order to achieve the CPK's goals. Specifically, he "told people to get married, have children, create new families, and create new soldiers."<sup>66</sup> He made these statements "frequently, many times [...] every single

<sup>64</sup> **D219/189** Soeum Chhoeun WRI, A18-20, EN 01079817.

<sup>65</sup> **D219/34** Ek (Ul) Hoeun WRI, A33, EN 01053575 ["According to my understanding, Ta Tith and Yeay Chaem ordered District Security Chairman Ta Soeun, to arrest people."].

<sup>66</sup> **D219/406** You Phnom WRI, A188, EN 01139573.

year.”<sup>67</sup>

38. His statements show that **Yim Tith** was aware of, and shared, the CPK’s policy of increasing its birth rate through forced marriages in order to increase the number of workers and soldiers under the regime. **Yim Tith**’s other statements, acts, and conduct show that he was aware that his instructions in general constituted mandatory orders that were often enforced *via* the commission of horrific crimes. He therefore must have understood that, in the coercive circumstances of the DK regime, his instruction for people to marry and have children was understood as a mandatory order and would result in the regime arranging non-consensual marriages for both civilians and cadres who were expected to consummate the marriages regardless of the absence of consent of one or both partners.

### **3. YIM TITH’S OTHER ACTS AND CONDUCT IN THE SOUTHWEST ZONE**

39. By virtue of his various positions, **Yim Tith** exercised authority in a number of functional and subject-matter areas within the Southwest Zone administration. He had responsibilities related to politics, logistics, economics, food distribution, and propaganda.<sup>68</sup> He passed orders related to rice farming and canal construction to low-level unit chiefs and spoke in district-level meetings about work plans and agricultural production.<sup>69</sup>
40. These functions were not necessarily criminal in nature, but they illustrate the degree of **Yim Tith**’s authority and the power and influence he wielded. **Yim Tith** also had access to and control over an abundant food supply. Moeng Vet, a military messenger who occasionally brought requests for food to **Yim Tith**, said that there were “30 to 40 pigs kept [at **Yim Tith**’s office] and there were bananas and papayas grown around the office.”<sup>70</sup> Moeng Vet also indicated that “Yim Tith was the one who made the decisions regarding the distribution” of this food.<sup>71</sup> In the deprived circumstances of the Khmer Rouge regime, this abundance is another indication of **Yim Tith**’s status and prominence.

<sup>67</sup> **D219/406** You Phnom WRI, A191-192, EN 01139574.

<sup>68</sup> **D219/358** Luon Mul WRI, A10, 55, 94, EN 01116344, 48, 51; **D219/111** Mao Chhorm WRI, A49, 69, EN 01076908-09, 11; **D219/488** Moeng Vet WRI, A12, EN 01170584; **D219/369** Ork Chan WRI, A5-7, EN 01128256.

<sup>69</sup> **D219/379** Lach Sambath WRI, A15, EN 01132635; **D118/21** Tim Phy WRI, A27-28, 32, EN 00967012; **D219/471** Toem Phal WRI, A32-35, 39, EN 01154809-10.

<sup>70</sup> **D219/488** Moeng Vet WRI, A14, EN 01170584.

<sup>71</sup> **D219/488** Moeng Vet WRI, A12, EN 01170584 [“YIM Tith was the one who made the decisions regarding the distribution of, for instance, three pigs, vegetables, bananas, papayas and so on. If he agreed with the request people from the economic section would collect these things.”].

#### D. YIM TITH'S PARTICIPATION IN THE COMMON CRIMINAL PLAN IN THE NORTHWEST ZONE

41. In late 1976 or early 1977, Ta Mok began sending groups of Southwest Zone cadres to assume various responsibilities and carry out various tasks in the Northwest Zone.<sup>72</sup> These transfers continued intermittently until the end of the DK regime.<sup>73</sup>
42. Evidence shows that the primary purpose of these transfers was to facilitate the implementation of the common criminal plan in the Northwest Zone. Prior to their transfer, Ta Mok told Southwest Zone cadres that the reason they were being sent was to “get rid of” Northwest Zone cadres, who were suspected of betrayal.<sup>74</sup> Ta Mok’s nephew Hem Moeun said:

We were sent to the Northwest Zone because they wanted to get rid of the Northwest Zone cadres. Only the Southwest Zone cadres and soldiers were sent to take control over the Northwest Zone. The Northwest Zone residents hated us very much because we came to control them.<sup>75</sup>

43. Ta Mok told Nop Ngim that her Northwest Zone predecessor was “contemptible” and a “traitor”.<sup>76</sup> Tram Kak District Secretary Pech Chim, a subordinate of Ta Mok who was sent to the Central Zone for similar reasons, confirmed that the reason for the Southwest Zone takeover of the Northwest Zone was the belief that “the Northwest Zone cadres

<sup>72</sup> See, e.g. **D219/34** Ek (UI) Hoeun WRI, A36-37, EN 01053576 [“Q: What did you know about the transfer of Southwest Zone cadres to the Northwest Zone? A36: Three hundred cadres were sent from the Southwest to the Northwest Zone in March 1977. Q: Who decided to send the 300 cadres from Takeo to the Northwest Zone? A37: Ta Mok was the one who decided to send the 300 cadres to the Northwest Zone, because Ta Mok was Southwest Zone Committee.”]; **D219/654** Sok Cheat WRI, A78, EN 01207520 [“Ta Mok took the Southwest cadres to control Sector 1.”]. See also **V.B.1**. Crimes – Northwest Zone – The Purge.

<sup>73</sup> See, e.g. **D118/96** Loch Eng WRI, A19-20, EN 00974058 [Loch Eng was aware of “three or four phases” of transfers of Southwest Zone people to the Northwest Zone, with the earliest occurring in 1976].

<sup>74</sup> **D118/150** Hem Moeun WRI, A23-24, EN 00975010.

<sup>75</sup> **D118/150** Hem Moeun WRI, A23-24, EN 00975010 [Witness was Mok’s nephew and traveled extensively with Mok: “Before my division was sent to Battambang, we were ordered to get rid of the Northwest Zone people. However, when we arrived, we did not find any traitors. [...] Ta Mok was the one who issued the order. Ta Mok said, ‘It is likely that the Northwest Zone people will betray us, so we must put our forces there.’”], A60, EN 00975014-15 [“Ta Tit brought his forces from Takeo with Ta Mok. In Battambang, Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the Northwest Zone during Ta Mok’s absence. We were sent to the Northwest Zone because they wanted to get rid of the Northwest Zone cadres. Only the Southwest Zone cadres and soldiers were sent to take control over the Northwest Zone. The Northwest Zone residents hated us very much because we came to control them.”].

<sup>76</sup> **D123/2/2.17a** Nop Ngim DC-Cam Statement, EN 01155598 [“A: [Ta Mok] said, ‘The group of the contemptible Phim are traitors. The contemptible Phim, who has been assigned by our Angkar to Samlout, is a traitor. People are not allowed to eat cooked rice. Even rice plates are not available. People eat cooked rice with their hands. He has collected all the plates. He is a traitor. And people are not allowed to pick up coconuts for food.’ Q: Did Ta Mok say that? A: Yes.”].

betrayed Angkar”.<sup>77</sup> Low-level cadres understood this as well. When asked why Ta Mok sent Im Chaem to the Northwest Zone, Moeng Vet said: “I only heard that there were traitors whose positions had to be changed.”<sup>78</sup> Ta Mok told Loch Eng’s group of Southwest Zone workers that they were being transferred to the Northwest Zone because “the Northwest Zone cadres were spoiled by having affairs with women, riding motorcycles to work and drinking wine. They were materialistic.”<sup>79</sup>

44. It was in the context of this larger project that **Yim Tith** was sent to the Northwest Zone to hold various positions and carry out various tasks in furtherance of the common criminal plan.

### ***1. YIM TITH’S POSITIONS IN THE NORTHWEST ZONE***

#### **a. FORMAL POSITIONS**

45. **Yim Tith** held a number of important positions in the Northwest Zone. He served as

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<sup>77</sup> **D118/79** Pech Chim WRI, A9, EN 00947189 [“I heard that the Northwest Zone cadres betrayed Angkar and later the cadres in the North Zone and the Central Zone also betrayed Angkar and as a result, Ta Mok took command over these Zones.”]; **D118/259** Pech Chim WRI, A54, EN 01000673 [“After Yeay Chaem and other cadres arrived in the Northwest Zone, I secretly asked other people and I learned that ‘there was an issue; there were traitors within the ranks’, so the Southwest cadres were sent to the Northwest.”].

<sup>78</sup> **D219/488** Moeng Vet WRI, A139, EN 01170598 [“Q: Why did Ta Mok send Yeay Chaem to the Northwest Zone? A139: I do not know. I only heard that there were traitors whose positions had to be changed.”]. *See also* **D118/285** Nop Ngim WRI, A37, 40, EN 01044680. *See also* **D219/34** Ek (UI) Hoeun WRI, A38, EN 01053576.

<sup>79</sup> **D118/96** Loch Eng WRI, A11-12, EN 00974057; **D219/627** Loch Eng WRI, A5, EN 01187739.

Sector 1 Secretary<sup>80</sup> and also served as the Northwest Zone Deputy Secretary,<sup>81</sup> while Ta

- <sup>80</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.39.42-10.43.35 [“Tith, the chief of Sector 1. I knew him. [...] He was from the southwest.”]; **D118/285** Nop Ngim WRI, A7, EN 01044674 [“As far as I know, Ta Tith was Sector 1 Committee, Battambang, in 1978.”], A63, EN 01044685; **D219/835** Nop Ngim WRI, A92, EN 01432960 [“When we came to the zone, I knew that Om Tith was Sector 1 Com and Om Mok was Zone Com.”]; **D219/210** Lek Piv WRI, A4, EN 01088522 [“Ta Tith was a new Secretary of Sector 1 after Ta Pet disappeared.”]; **D123/2.17a** Nop Ngim DC-Cam Statement, EN 01155610; **D219/236** Lek Piv WRI, A18, EN 01092932 [“[Yim Tith] was on the committee of Sector 1. I am not certain of the roles of Ta Pet and Ta Tith.”]; **D118/136** Chhean Hea WRI, A7, 21-23, EN 00969638, 41; **D219/233** Chhean Hea WRI, A8, 21, EN 01090007, 09 [“Ta Tith and Ta Nim took over Sector 1 and the Northwest Zone after Ta Pet had been arrested.”]; **D1.3.11.15** Heng Teav alias Ta Pet Interview by Steve Heder, EN 00426119; **D219/368** Chhoeung Bean WRI, A11-15, EN 01117716; **D219/689** Sok Cheat WRI, A20, EN 01216244 [“The Southwest Zone cadres, particularly Ta Tith, were sent to be in charge of the cooperatives in Sector 1.”], A81, EN 01216253 [“Ta Tith came to control the Sector before I fled into the forest.”]; **D219/85** Vy Phann WRI, A2, EN 01061168 [“The Sector 1 Chairman then was also from the Southwest Zone. His name was Ta Tith.”]; **D118/245** Chuon Than WRI, A4, EN 01029378 [“One day during that period, I was called to attend a meeting in Phnum Sampov during which I saw Ta Tith, the committee chairman of Sector 1.”], A18, EN 01029382 [“Q: How did they introduce Ta Tith at the meeting? A18: They said at the time that Ta Tith was on the Sector 1 committee.”]; **D118/299** Chuon Than WRI, A24, EN 01044757; **D118/208** Ek (Ul) Hoeun WRI, A64, EN 00981818; **D119/70/4** Ek (Ul) Hoeun DC-Cam Statement, EN 01050192. Ta Mok appointed Yim Tith as Sector 1 Secretary: D219/430 Chhoeung Bean WRI, A117, EN 01128723. The appointment occurred in approximately July 1978: D219/430 Chhoeung Bean WRI, A95, EN 01128720 [“Q: [...] When did Ta Tith come to power and replace Ta Pet? A95: He came to power prior to or in July 1978 because Ta Tith chaired the meetings at the mobile unit in September 1978. He came to chair the meetings by riding in a Jeep.”]; **D219/368** Chhoeung Bean WRI, A39-40, EN 01117718 [“A39: Tuol Andaet was a place where sugar cane was planted, and it was also one of the places where Ta HENG Teav or Ta Pet was stationed. [...] Ta Pet was removed from his position and replaced by Ta Tith. Q: When did Ta Tith replace Ta Pet? A40: Ta Tith replaced Ta Pet in July or August 1977.”]; **D219/430** Chhoeung Bean WRI, A99, EN 01128720 [“Q: [...] You told me in your previous interview (D219/368) that Ta Tith came to replace Ta Pet in July or August 1977 (at Answer 40). Today you told me that it happened before or in July 1978. Can you tell me which one is correct? A99: It was in 1978.”].
- <sup>81</sup> **D118/108** Loem Tim WRI, A16-18, EN 00976924 [“I knew Ta Tith; he was in charge of the Northwest Zone. [...] I knew Ta Tit when our security guards were sent to attend an assembly at Battambang University in Battambang town Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone. I also knew that Ta Tit came to Battambang before Ta Mok. He was there probably one year before the Vietnamese soldiers arrived. [...] Probably in mid 1978 [...] Ta Tit was introduced as on the Committee of the Northwest Zone at that time [...] Ta Ruos Nhim and Ta Kan were arrested later about five to six months before the arrival of the Vietnamese.”], A27, EN 00976926 [“Q: When you attended the assembly in Battambang was Ta Nhim there? A27: No, he was not. Ta Tit was the most senior there.”]; **D118/271** Chhean Hea WRI, A34, EN 01029422 [“They arrested Ta Nhim first, and about five months later they arrested Ta Keu. Ta Tith and Ta Mok replaced them.”]; **D118/150** Hem Moeun WRI, A59-61, 65, EN 00975014-15 [“Ta Tit and Ta Bit were Ta Mok’s subordinates. [...] In Battambang, Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the Northwest Zone during Ta Mok’s absence. [...] Ta Mok made an announcement in front of the army that ‘Ta Tit is in charge of the zone when I am absent.’ [...] I first met him in late 1977 or early 1978 in Battambang, but I might be wrong because it was a long time ago.”]; **D118/222** Hem Moeun WRI, A14, EN 00988134 [“Q: In the previous interview in question-answer 61, you said, ‘Ta mok announced in a meeting at Battambang that Ta Tith was the person who would replace him in the Northwest Zone whenever he was absent.’ When was that meeting held? Did many people attend that meeting? A14: I heard this announcement about one week after I arrived in Battambang Province. I did not guard at the meeting place; I was guarding along the way, and saw many people coming to attend the meeting.”]; **D118/69** Nuon Muon WRI, A14, 16-17, EN 00950727 [“A14: [...] Ta Tith became Deputy Chairman of Ta Mok’s Northwest Zone, in charge of Sector 1. [...] Q: Why did you know that Ta Tith was Deputy of the Northwest Zone? A16: Because at the time there were only two high-ranking figures from the Southwest Zone – they were Ta Mok and Ta Tith, not anyone else. Q: Did they ever announce that Ta Tith became Deputy of the Zone? A17: They never announced that. I knew that through people and Southwest cadres who controlled a cooperative and union.”]; **D219/917** Chey Touch WRI, A11, 13, 15, EN 01519526 [“when I was relocated to Daun Teav in Battambang I heard of [Yim Tith] [...] I heard people talking about him in a worker meeting. [...] [Ta Bo] just said that Ta Tith was the Secretary of the

Mok was the Northwest Zone Secretary.<sup>82</sup> **Yim Tith**'s position as deputy zone secretary was a powerful one: Ta Mok's nephew Hem Moeun stated that "Ta Mok made an announcement in front of the army that 'Ta Tit is in charge of the zone when I am absent'" and that "in Battambang, Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the

Zone."]; **D105/8** Han Thy WRI, A27, EN 00903457 ["I met [Yim Tith] just twice. During my second meeting, he asked me to hold a meeting from the people in Kantueu commune in order to remove Ta Paet from his position in the Northwest Zone, and for him to rise to the zone's secretary."]; **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, 1980, EN 00170728 [Interview 18: "In tambon 1 of which Sadau was a part, the Secretary was Ta Tith who previously had been secretary of the District of Kirilom in the Southwest. The Northwest Region Committee members who had previously been arrested included Ros Nhim (Secretary), Ta Keu (Deputy-secretary) and Khleung (Member). In the Northwest at that time it seemed that Ta Tith was acting Regional Secretary but Ta Mok also visited occasionally."]; **D123/2/1.1a** Top Seung DC-Cam Statement, EN 01069524 ["A cadre from here arrived at the Northwest Zone. He was Zone Committee. Uncle Tith is still alive. I lived with him since 1979."]; **D219/34** Ek (Ul) Hoeun WRI, A43, EN 01053577 ["Ta Mok ordered SAOM Dan, Tram Kak District Office Chairman, to prepare name lists of the cadres who were assigned to take charge of the Northwest Zone. I saw the name lists, in which Ta Tith was assigned to take charge of Battambang, and Ta Chay and Yeay Chaem were assigned to go to Preah Netr Preah District."]. See also **D118/63** Han Thy WRI, A29-30, EN 00945852-53 ["Ta Tit attended a meeting held in Svay Bei Deum. I did not know him before. Only after he arrived at the meeting I was told that he was Ta Tit. He was in the Northwest Zone committee. [...] He said that he came from the Southwest zone. He announced that 'he came here to replace the Northwest cadres'. He did not say anything else."]; **D105/4** Huy Krim WRI, A20, EN 00787165 ["Ta Mok and Ta Tith were known as the Zone Committee."]; **D118/75** Huy Krim WRI, A25, EN 00976618 ["Once [Sokh's militiamen who were in charge of the prison at Thoamayuth Pagoda] they told me that Ta Tit, the Zone Committee Member, would be coming to lead a meeting."]; **D219/835** Nop Ngim WRI, A91, EN 01432959 ["I knew that Om Mok and Om Tith were zone level."]; **D123/1/1.4a** Nhoek Ly alias Ta Kim DC-Cam Statement, EN 01390380 ["Q: But who was Northwest Zone Com[mittee]? A: I do not know who they brought in back then, because there were [...] Ta Tith for one and Ta Mok for one and whoever else of theirs. [...] I knew that Ta Mok came to be Zone Com[mittee] and that he grasped things therein."]; **D1.3.11.53** Ten Cheum SOAS Interview, EN 00217752 ["Cheum stated that the Northwest Zone Committee consisted of Ta Mok, Teut and Rin."]; **D118/65** Chim Chanthoeun WRI, A28, EN 00950708; **D118/136** Chhean Hea WRI, A10, EN 00969639 ["Q: You said Ta Tit was a close aide of Ta Mok who controlled the Northwest Zone: Did you mean Ta Tit also held some position in the Northwest Zone? A10: Sure! Ta Tit held a position in the Zone as well."]; **D219/117** Top Seung WRI, A78-79, EN 01079022; **D219/515** Chheun Chhuoy WRI, A30, EN 01156943-44 ["Ta Tith held the position of Zone Committee for about two or three months. [...] The master of ceremonies introduced Ta Tith to the attendees as being Zone Committee or possibly the Sector Committee, I don't know."], A47, EN 01156947 ["Ta Pet suddenly disappeared, and Ta Tith was introduced as Zone Committee."], A57, EN 01156949; **D219/268** Nom Phoun WRI, A43, 48, EN 01098485; **D219/373** Nom Phoun WRI, A89-90, 117, EN 01128273, 75-76; **D219/34** Ek (Ul) Hoeun WRI, A43, EN 01053577 ["Ta Mok ordered SAOM Dan, Tram Kak District Office Chairman, to prepare name lists of the cadres who were assigned to take charge of the Northwest Zone. I saw the name lists, in which Ta Tith was assigned to take charge of Battambang, and Ta Chay and Yeay Chaem were assigned to go to Preah Netr Preah District."].

<sup>82</sup> **D118/285** Nop Ngim WRI, A60, EN 01044684 ["Ta Mok was Northwest Zone Secretary."]; **D219/368** Chhoeung Bean WRI, A22-23, EN 01117716 ["A22: [Ta Mok] was in charge of the entire Zone. He was in charge of three provinces including Pursat, Battambang Province and Siem Reap. Q: How did you come to know about this? A23: I was informed about this when I attended a meeting in which Ta Mok was introduced to the meeting. He was the Zone Secretary."]; **D118/136** Chhean Hea WRI, A7, EN 00969638 ["Q: When you fled into the jungle, who were the committee members of the Northwest Zone? A7: Ta Mok controlled the zone as a whole and Ta Mok's close aide was Ta Tit while Ta Tit's deputy was Ta Nim."]; **D118/150** Hem Moeun WRI, A18, 35, 60, EN 00975009, 11, 14 ["A18: Ta Mok was in charge of all zones in Cambodia. Ta Mok ranked the second after POL Pot. [...] Q: Yesterday you said that Ta Nhim was taken to Phnom Penh. Who took his position? A35: Ta Mok replaced Ta Nhim. Ta Mok was in charge of the whole country. He could command anyone. [...] A60: In Battambang, Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the Northwest Zone during Ta Mok's absence."].

Northwest Zone in Ta Mok's absence."<sup>83</sup> Evidence shows that Ta Mok continued to serve as the Southwest Zone Secretary after his appointment as Northwest Zone Secretary, and also had responsibilities in the North, Central, East, and West Zones.<sup>84</sup> Ta Mok's responsibilities outside the Northwest Zone (including as a member of the CPK Standing Committee, as Southwest Zone Chairman, and as a leader of forces fighting the Vietnamese and conducting purges in the rest of the country) would have required frequent travel. Ta Mok's absence necessarily meant that **Yim Tith**'s position as deputy zone secretary required him to frequently serve as acting zone secretary.

46. Various witnesses also identified **Yim Tith** as the secretary of Sectors 2,<sup>85</sup> 3,<sup>86</sup> and 4.<sup>87</sup> He was also identified as a committee member of the Sector 3 Committee.<sup>88</sup> Whether he formally held sector-level positions outside Sector 1 or not, others' perceptions of him as

<sup>83</sup> **D118/150** Hem Moeun WRI, A60-61, EN 00975014-15; **D118/222** Hem Moeun WRI, A14, EN 00988134.

<sup>84</sup> **D118/79** Pech Chim WRI, A9, EN 00947189 ["[Ta Mok] was the Southwest Zone Secretary until the collapse of the Khmer Rouge regime. In addition to that, due to the insurgencies in 1978, he was also in charge of the Northwest zone, the North Zone, and the Central Zone. I heard that the Northwest Zone cadres betrayed Angkar and later the cadres in the North Zone and the Central Zone also betrayed Angkar and as a result, Ta Mok took command over these Zones."]; **D118/259** Pech Chim WRI, A56, EN 01000673; **D118/150** Hem Moeun WRI, A47, EN 00975013 [Witness was Mok's nephew and traveled extensively with Mok: "Q: Was Ta Mok still in charge of the Southwest Zone while he was working in Battambang? A47: Yes. He was still in charge of both zones."]; **D118/222** Hem Moeun WRI, A10, EN 00988133; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, 23 Nov 2009, fn 24, EN 00412101 ["The Zone Standing Committee is the Zone Secretary. Since the Zones evolved, please read the following details: [...] New Southwest Zone: Mok – West Zone: Sy (after Sy had been arrested on April 1978, Mok became the Secretary of both the Southwest and West Zones). – Northwest Zone: Nhim (he was arrested in around May 1978. Mok became the Secretary of the Northwest Zone on top of the previous posts). – New North Zone: Se (after Se had been arrested on 11 October 1978, Mok became the Secretary of the Southwest, West, Northwest and new North Zones)."].

<sup>85</sup> **D219/684** Chheoun Von WRI, A13, 20, EN 01214807 ["I heard them saying that [Yim Tith] was the Sector Secretary. The unit chief was the one who introduced him as the Sector Secretary. [...] I heard the unit chief saying that he was the Secretary of Sector 2 and then I echoed what he said."].

<sup>86</sup> **D219/294** Moul En WRI, A42-43, EN 01111830-32 ["A42: YIM Tith commanded Sector 3. [...] Q: Did you learn YIM Tith was Sector 3 Secretary due to your position as the district chief? A43: Yes, I did."]; **D219/900.1** Chou Yorn DC-Cam Statement, EN 01208090-91 ["When he came to live in Battambang Province, he was the sector committee chief. [...] Ta Tith seemed to be in Sector 3."]. *Note* Moul En later says that Bavel District may have been in Sector 2, but this is highly unlikely based on its location. *See* **D219/294** Moul En WRI, A110, EN 01111838 ["Q: During this meeting was YIM Tith announced as the Sector 3 Secretary? A110: After spending last night recollecting this event, I am not certain if Ta Tith was appointed as Sector 3 or Sector 2 Secretary. However, I recall clearly that Bavel District was ceded to be under YIM Tith."]. *See also* **D118/64** Pol Seun WRI, A4, EN 00950698 ["At that time I worked as a militia man in Phnom Krapeu commune, Phnom Sampov district in Sector 3."], A21-22, EN 00950700 ["Q: Did you hear the name of Ta Tit? A21: I heard of his name but I never met or saw him or knew who he was. Q: Who told you about Ta Tit? A22: I heard it from Ta Rak, the commune chief. He spoke about him but I did not know his position."]; **D119/65** Tum Soeun WRI, A226, EN 00966813; **D219/627** Loch Eng WRI, A12, EN 0118741.

<sup>87</sup> **D105/8** Han Thy WRI, A7, EN 00803455 ["Ta Tit then served as secretary of Sector 4."]; **D118/63** Han Thy WRI, A34-35, EN 00945853; **D118/96** Loch Eng WRI, A29, EN 00974060 [Yim Tith was chief of the sector containing Boeng Prey Commune]; **D219/627** Loch Eng WRI, A4, EN 01187739 [Boeng Prey Commune was located in Doun Teav District]; **D219/884** Loch Eng WRI, A4-8, EN 01476049.

<sup>88</sup> **D219/928** Nhem Hean WRI, A86, EN 01451504 ["I did not know Ta Tith's office, but I heard that he was on Sector 3 Committee."]; **D118/85** Chea Choeun WRI, A25, 27, 29, EN 00967046.

the secretary of those sectors illustrate his personal prominence and the significance of his role as the deputy secretary of the Northwest Zone.

47. As is the case with his Southwest Zone positions, it is difficult to precisely identify the dates during which **Yim Tith** held each of his positions in the Northwest Zone. There is some evidence that Ta Mok appointed **Yim Tith** as Sector 1 Secretary in approximately July 1978,<sup>89</sup> around the time of the arrest of the previous Sector 1 Secretary, Ta Pet, and Northwest Zone Secretary Ros Nhim, with Ros Nhim having been accused of having affiliations with the Vietnamese.<sup>90</sup> (Ros Nhim was arrested on approximately 11 June 1978 and imprisoned in S-21.<sup>91</sup>)

b. POSITION AS *DE FACTO* LEADER PRIOR TO FORMAL APPOINTMENT

48. Well before he was formally appointed as Sector 1 Secretary and Northwest Zone Deputy Secretary, however, **Yim Tith** was a powerful *de facto* leader in the Northwest Zone. In this, he was similar to his sponsor and protector Ta Mok, who, although he was leading the takeover of the Northwest Zone by Southwest Zone cadres, also had no formal position in the Northwest Zone until the arrest of Ros Nhim, at which point Mok became Northwest Zone Secretary.<sup>92</sup> Similarly, even before being formally appointed as Sector

<sup>89</sup> **D219/430** Chhoeung Bean WRI, A117, EN 01128723 [“Q: Today you said that Ta Tith came to replace Ta Pet before or in July 1978. Do you know who ordered him to replace Ta Pet? A117: The person who ordered him was Ta Mok. Ta Mok was in Sector 1 when Ta Tith started working on the sector committee.”]; **D219/368** Chhoeung Bean WRI, A39-40, EN 01117718 [“A39: Tuol Andaet was a place where sugar cane was planted, and it was also one of the places where Ta HENG Teav or Ta Pet was stationed. [...] Ta Pet was removed from his position and replaced by Ta Tith. Q: When did Ta Tith replace Ta Pet? A40: Ta Tith replaced Ta Pet in July or August 1977.”]; **D219/430** Chhoeung Bean WRI, A99, EN 01128720 [“Q: [...] You told me in your previous interview (D219/368) that Ta Tith came to replace Ta Pet in July or August 1977 (at Answer 40). Today you told me that it happened before or in July 1978. Can you tell me which one is correct? A99: It was in 1978.”].

<sup>90</sup> **D118/136** Chhean Hea WRI, A35, 37, EN 00969643; **D118/150** Hem Moeun WRI, A16-19, EN 00975009; **D118/222** Hem Moeun WRI, A11, EN 00988133; **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181115; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 14398, EN 01222915 [Moul Un alias Sambatt alias Nhim, Secretary of the Northwest Zone]. Some prominent Sector 1 cadres, including Ta Say, Ta Nop, and Ta Sou, were arrested by cadres under the control of Yim Tith and Ta Nim. **D118/271** Chhean Hea WRI, A29, EN 01029421 [Messenger and bodyguard for Heng Teav alias Ta Pet: “My older cousin named CHHAM Luy, who is still alive, told me that Ta Say, Ta Nob, and Ta Sou were north-west inhabitants, and they were arrested by the Southwest cadres, who were led by Ta Tith and Ta Nim, and all were sent to Tuol Sleng Prison.”]; **D219/233** Chhean Hea WRI, A19, EN 01090008; **D118/136** Chhean Hea WRI, A35, EN 00969643 [“[Ros Nhim] was arrested and sent to Tuol Sleng as he had been accused of betrayal by having affiliations with the Vietnamese.”].

<sup>91</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678487, 710 [“Ros Nhim, secretary of the Northwest Zone, was arrested on 11 June 1978, eight days after So Phim’s suicide. He was told he was being transferred to Phnom Penh. Mok replaced him as Zone secretary.”]; **D1.3.15.2** Karl D. Jackson, ed., *Cambodia, 1975-1978: Rendezvous with Death*, “The Organization of Power” by Timothy Carney, EN 00105154; **D1.3.18.2** Muol Sambath alias Ros Nhim S-21 Confession, EN 00780859 [dated 14 Jun 1978].

<sup>92</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678710 [“Ros Nhim, secretary of the Northwest Zone, was arrested on 11 June 1978, eight days after So Phim’s suicide. He was told he was being transferred to Phnom Penh. Mok replaced him as Zone secretary.”]; **D118/103.3** Kaing Guek Eav alias Duch Final



1 Secretary and Northwest Zone Deputy Secretary, **Yim Tith** was publicly introduced as someone who “had come to help govern Sector 1.”<sup>93</sup>

49. The earliest evidence of **Yim Tith** exercising an important *de facto* leadership role in the Northwest Zone is from late 1976 or early 1977, when he participated in a prominent role in a meeting at Kanghat Dam.<sup>94</sup> From that point onward, **Yim Tith** participated in and contributed to the common criminal plan in the Northwest Zone in a variety of ways, including leading meetings, inspecting worksites, and ordering killings.

## **2. YIM TITH’S CONTRIBUTIONS TO THE COMMON CRIMINAL PLAN IN THE NORTHWEST ZONE**

50. **Yim Tith**’s contributions to the common criminal plan in the Northwest Zone mirrored the contributions he had previously made in the Southwest Zone.

### **a. YIM TITH’S CONTRIBUTIONS TO THE IMPLEMENTATION OF THE CPK’S ENEMIES POLICY**

- i. AT LARGE, PUBLIC MEETINGS, YIM TITH CALLED FOR ENEMIES TO BE SMASHED. HE ALSO INSTRUCTED HIS SUBORDINATES TO MONITOR SUSPECTED ENEMIES AND REPORT THEM THROUGH THE CPK HIERARCHY
51. At least eight witnesses gave evidence of **Yim Tith** participating in and contributing to the enemies policy at meetings in the Northwest Zone. He did this by, *inter alia*, (1) defining categories of enemies; (2) ordering his subordinates to report suspected enemies to the CPK hierarchy; (3) informing cadres and ordinary people that they were being monitored for suspected enemy activity; (4) explicitly stating that enemies were to be “smashed” or killed; and (5) making public announcements when arrests and killings had been carried out.

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Written Submission, 23 Nov 2009, fn 24, EN 00412101 [“The Zone Standing Committee is the Zone Secretary. Since the Zones evolved, please read the following details: [...] New Southwest Zone: Mok – West Zone: Sy (after Sy had been arrested on April 1978, Mok became the Secretary of both the Southwest and West Zones). – Northwest Zone: Nhim (he was arrested in around May 1978. Mok became the Secretary of the Northwest Zone on top of the previous posts). – New North Zone: Se (after Se had been arrested on 11 October 1978, Mok became the Secretary of the Southwest, West, Northwest and new North Zones).”].

<sup>93</sup> **D219/85** Vy Phann WRI, A3, EN 01061168 [“Ta Pet announced at the meeting that Ta Tith, who was from the Southwest Zone, had come to help govern Sector 1. At that time, there was a mass assembly attended by approximately 700 to 800 participants including ordinary people and the village, commune, and district chairpersons. That assembly was held at Kanghat Dam worksite.”].

<sup>94</sup> See **III.D.3.a.** Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone - Yim Tith’s Other Acts & Conduct in the Northwest Zone – Yim Tith’s Earliest Appearance in the Northwest Zone.

Nop Ngim

52. Nop Ngim, who was a subordinate of **Yim Tith**,<sup>95</sup> recalled that at multiple meetings, “Ta Mok and Ta Tith [...] instructed us that we must smash any enemy that opposed Angkar.”<sup>96</sup> She stated that she understood that the use of the term “smash” meant “that enemy must be killed”<sup>97</sup> and that “I was told to conduct surveillance and monitor the enemies.”<sup>98</sup>
53. Nop Ngim also recalled being told “to be vigilant regarding the enemies who could hide in our unit” and that “Ta Mok and Ta Tith told us that if we saw the enemies first we had to warn them to change. If they did not change we would have to take them to be killed.”<sup>99</sup> The cadres in attendance understood that they had to report suspected enemies up the CPK hierarchy; as Nop Ngim said: “If we did not report the security issues to [Ta Mok and **Yim Tith**] we would have problem ourselves.”<sup>100</sup>
54. Ta Mok and **Yim Tith** gave these instructions to large groups of cadres. Nop Ngim said that some of these meetings were attended by “[h]undreds of secretaries, district committee and commune committee members”,<sup>101</sup> while another was attended by “more than 100” “representatives from the districts and Sectors”.<sup>102</sup> Some of the meetings took

<sup>95</sup> **D118/285** Nop Ngim WRI, A31, 44, EN 01044678, 01044681 [“I was a Samlout District Deputy Secretary. [...] Generally, the reports were made from cooperative to commune, from commune to district, from district to Sector, and from Sector to Zone. The reports were made in that sequence. These were written reports. Oral reports were made in meetings, but a messenger sent the written reports. A district received the hand-written instructions from the Sector, not the Zone. When sending reports to a more senior level, a district had to send them to the Sector, not the Zone. The instructions or reports that were sent from the Sector at that time were hand-written by Uncle Tith.”]; **D219/298** Nop Ngim WRI, A4, 6, EN 01111859 [“I was assigned to be the deputy secretary of Samlot District for only seven months. I started to be the secretary deputy in 1978. Later, we escaped from the Vietnamese troops when the Khmer Rouge regime collapsed in 1979. [...] Samlot District was located in Sector 1.”]; **D123/2/2.17a** Nop Ngim DC-Cam Statement, EN 01155610 [“A: [...] Ta Tith was in charge of Samlout District. Q: How could he be in charge of Samlout District? A: He was in Samlout District. He often went to Samlout District. Q: Did he often go there? A: Yes, he did. Q: Since he was superior, did he supervise you? A: Yes, he did. Q: So he must have been Sector Committee? A: Yes, he was. This is what I want to say. Q: You and your husband worked directly under him... [inaudible]. Is this correct? A: Yes, it is.”].

<sup>96</sup> **D118/285** Nop Ngim WRI, A56, EN 01044684 [“Ta Mok and Ta Tith talked about the enemy situation. They instructed us that we must smash any enemy that opposed Angkar. [...] I understood the phrase ‘Any enemy who betrays us, we must smash, meaning that enemy must be killed.’”]; **D219/835** Nop Ngim WRI, A99, EN 01432961 [confirming A56 from D118/285]. See also **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.55.25-10.59.24 [“Ta Mok and Ta Tith instructed us like what you said about the enemies and also about how – about the destroying of enemies. If those enemies had [...] come into our unit, we would have been killed. I was told to conduct surveillance and monitor the enemies.”].

<sup>97</sup> **D118/285** Nop Ngim WRI, A56, EN 01044684 [“I understood the phrase ‘Any enemy who betrays us, we must smash, meaning that enemy must be killed.’”].

<sup>98</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.55.25-10.59.24.

<sup>99</sup> **D219/298** Nop Ngim WRI, A16, EN 01111860-61.

<sup>100</sup> **D219/298** Nop Ngim WRI, A19, EN 01111861.

<sup>101</sup> **D219/298** Nop Ngim WRI, A14, EN 01111860.

<sup>102</sup> **D118/285** Nop Ngim WRI, A55, EN 01044683.

place at Ta Mok's house.<sup>103</sup> Nop Ngim's husband, Preap Kap, corroborated her regular attendance of meetings with **Yim Tith**.<sup>104</sup>

55. It is clear from Nop Ngim's evidence that the enemies referred to by **Yim Tith** and Ta Mok were internal enemies – Cambodians perceived as being disloyal to the CPK – rather than, for example, invading Vietnamese forces. This follows from the approach that Ta Mok and **Yim Tith** mandated for treatment of these enemies: “first [...] warn them to change” and then, if they did not, “take them to be killed.”<sup>105</sup> Nop Ngim described the enemies discussed by Ta Mok and **Yim Tith** as “undercover enemies.”<sup>106</sup> Finally, Nop Ngim indicated that when instructed to report on “security issues” she reported individuals who had engaged in “moral misconduct” as well as “some other concerns regarding the security such as the fight among the people, the stealing of things and so on”<sup>107</sup> – clearly references to the ordinary Cambodians under her control.

#### Vy Phann

56. A deputy village chairperson in Sector 1 named Vy Phann recalled attending a meeting at Kanghat Dam of 700 to 800 people which included many ordinary people as well as village, commune, and district chairpersons.<sup>108</sup> **Yim Tith** was introduced at that meeting as someone “who was from the Southwest Zone” and “had come to help govern Sector 1.”<sup>109</sup> Following his introduction, **Yim Tith**:

talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.<sup>110</sup>

57. At the same meeting, **Yim Tith** listened silently and took notes as a commune chairman reported that those caught committing moral misconduct or infidelity in his commune would be killed.<sup>111</sup> **Yim Tith** thus left no doubt that the policies he supported included

<sup>103</sup> **D219/298** Nop Ngim WRI, A14, EN 01111860. In a later WRI, Nop Ngim asserted that she only saw Ta Mok at one meeting. See **D219/835** Nop Ngim WRI, A121-122, EN 01432964-65.

<sup>104</sup> **D219/62** Preap Kap WRI, A61-63, EN 01053913-14.

<sup>105</sup> **D219/298** Nop Ngim WRI, A16, EN 01111860-61.

<sup>106</sup> **D219/835** Nop Ngim WRI, A130, EN 01432966.

<sup>107</sup> **D219/298** Nop Ngim WRI, A22, 35, EN 01111861, 63.

<sup>108</sup> **D219/85** Vy Phann WRI, A3, 9, EN 01061168, 72.

<sup>109</sup> **D219/85** Vy Phann WRI, A3, EN 01061168 [“Ta Pet announced at the meeting that Ta Tith, who was from the Southwest Zone, had come to help govern Sector 1.”].

<sup>110</sup> **D219/85** Vy Phann WRI, A5, EN 01061169.

<sup>111</sup> **D219/85** Vy Phann WRI, A7, EN 01061170.

extrajudicial killings.

58. Although Vy Phann recalled the date of this meeting as November 1978,<sup>112</sup> several factors make it more likely that it occurred in November 1977. First, Vy Phann indicated that Ta Pet was at the meeting,<sup>113</sup> and Ta Pet had already been arrested by November 1978.<sup>114</sup> Second, Vy Phann associated the meeting with the arrival of the Southwest Zone group, and said that happened “around one year before the Vietnamese arrived.”<sup>115</sup> Finally, though it is not entirely clear, Vy Phann appeared to associate the meeting temporally with the collapse of the Kanhgath Dam,<sup>116</sup> which happened in approximately mid-1977.<sup>117</sup>

### Chuon Than

59. Chuon Than, a low-level cadre in charge of a small mobile unit, also heard **Yim Tith** give orders at a meeting to “smash” those believed to be enemies. That meeting, which took place in the compound of Wat Phnom Sampeou, was attended by approximately 100 people, including unit, cooperative, commune, and district chairpersons from both Sectors 1 and 3.<sup>118</sup> At the meeting, **Yim Tith**:

said he had received a lot of information from the cooperative chairpersons regarding the thefts and enemy’s activities at many bases. He instructed us to follow up on those activities continuously. If we followed up and saw such activities, we had to take those people to be reeducated before we smashed them and reported to the upper echelons.<sup>119</sup>

<sup>112</sup> **D219/85** Vy Phann WRI, A3, EN 01061169.

<sup>113</sup> **D219/85** Vy Phann WRI, A3, EN 01061168.

<sup>114</sup> **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181104.

<sup>115</sup> **D219/85** Vy Phann WRI, A3, EN 01061169.

<sup>116</sup> **D219/85** Vy Phann WRI, A3, EN 01061168.

<sup>117</sup> See, e.g. **D219/374** Khin Khim WRI, A188-189, EN 01120054; **D219/721** Suom Bao WRI, A19, EN 01216213; **D219/430** Chhoeung Bean WRI, A56, 59, EN 01128715; **D219/310** Voan Samut WRI, A5, EN 01111937.

<sup>118</sup> **D118/245** Chuon Than WRI, A4, EN 01029378, A16-19, EN 01029381-82 [“Ta Tith was the one who discussed all of the points I just mentioned. He said he had received a lot of information from the cooperative chairpersons regarding the thefts and the enemy’s activities at many bases. He instructed us to follow up on those activities continuously. If we followed up and saw such activities, we had to take those people to be re-educated first before we smashed them and reported to the upper echelons.”]; **D118/299** Chuon Than WRI, A22, EN 01044756.

<sup>119</sup> **D118/245** Chuon Than WRI, A17, EN 01029382 [“Ta Tith was the one who discussed all of the points I just mentioned. He said he had received a lot of information from the cooperative chairpersons regarding the thefts and the enemy’s activities at many bases. He instructed us to follow up on those activities continuously. If we followed up and saw such activities, we had to take those people to be re-educated first before we smashed them and reported to the upper echelons.”].

This meeting appeared to have taken place in early or mid-1978.<sup>120</sup>

### Chhoeung Bean

60. Chhoeung Bean described **Yim Tith**'s role in two important meetings. The first took place in August or September 1978 and was attended by a group of 70 to 80 mobile unit members.<sup>121</sup> At that meeting, **Yim Tith** characterised people who stole potatoes, pumpkins, or bananas as "burrowing enemies" and told attendees that they must report all such misconduct or they themselves would be considered enemies as well.<sup>122</sup> He also cautioned the mobile unit members against cooperating with the "burrowing enemy" Vietnamese or CIA.<sup>123</sup> Several of **Yim Tith**'s subordinates were also present at the meeting.<sup>124</sup>
61. **Yim Tith** presided over the second meeting, held at Wat Bay Damram, in September or October 1978.<sup>125</sup> That meeting, attended by 50 to 70 people,<sup>126</sup> "was intended to ask about CIA and Yuon agents and burrowing enemies who served the Yuon."<sup>127</sup> **Yim Tith** "indoctrinated people not to betray the Southwest group's leadership, no[t] to betray their policies and leadership."<sup>128</sup> This meeting was also attended by a number of **Yim Tith**'s subordinates.<sup>129</sup>

### Touch Mary

62. An ordinary worker named Touch Mary attended a large meeting at which **Yim Tith** spoke in MOUNG District.<sup>130</sup> At that meeting, **Yim Tith** told the attendees that "enemies

<sup>120</sup> **D118/245** Chuon Than WRI, A4, 12, EN 01029378, 80; **D118/299** Chuon Than WRI, A11, EN 01044754.

<sup>121</sup> **D219/368** Chhoeung Bean WRI, A87-90, EN 01117722-23; **D219/430** Chhoeung Bean WRI, A126-127, EN 01128724; **D219/533** Chhoeung Bean WRI, A2, EN 01178471.

<sup>122</sup> **D219/533** Chhoeung Bean WRI, A13-14, EN 01178473 ["Speaking of burrowing enemies, Ta Tit said that even people who stole and boiled potatoes and pumpkins were regarded as burrowing enemies. [...] What happened had to be reported to him. If not, he would say we were burrowing enemies. We had to report to him about enemies who stole potatoes, pumpkins, and even bananas. Ta Tit did not say what would happen. He only stated that if anything took place, person Ka or person Kha had to report immediately."].

<sup>123</sup> **D219/368** Chhoeung Bean WRI, A90, EN 01117722 ["Another issue which Ta Tith raised was that he prohibited us from serving the Vietnamese and the CIA, the latter of which was an agency serving the Vietnamese."]; **D219/533** Chhoeung Bean WRI, A11, EN 01178473.

<sup>124</sup> **D219/533** Chhoeung Bean WRI, A3-7, EN 01178472.

<sup>125</sup> **D219/368** Chhoeung Bean WRI, A94, EN 01117723.

<sup>126</sup> **D219/368** Chhoeung Bean WRI, A94, EN 01117723.

<sup>127</sup> **D219/533** Chhoeung Bean WRI, A37, EN 01178476-77.

<sup>128</sup> **D219/533** Chhoeung Bean WRI, A37-38, EN 01178476-77 ["Q: Previously, you also told us that when you and Ta Tith attended the second meeting at Wat Bay Damram Pagoda (Document D219/368, Answer 94), that Ta Tith told people to 'maintain a strong stance.' What does that mean? A38: He indoctrinated people not to betray the Southwest group's leadership, not to betray their policies and leadership."].

<sup>129</sup> **D219/533** Chhoeung Bean WRI, A36, EN 01178476.

<sup>130</sup> **D219/836** Touch Mary WRI, A158-160, 165-166, EN 01399420-21.

were undercover in our sector, in our villages and units.”<sup>131</sup> He also threatened the attendees, saying “that there was surveillance and that we should be careful about ourselves.”<sup>132</sup> Touch Mary said in particular that those who were unable to complete their work were considered enemies, and would be taken to be killed.<sup>133</sup> Listening to **Yim Tith**, Touch Mary said: “Those of us who were old enough were scared, scared of being summoned away, that he would kill us.”<sup>134</sup> Touch Mary was personally aware of the disappearance of many people.<sup>135</sup>

### Loch Eng

63. Witness Loch Eng, a worker in Boeng Prey Commune originally from the Southwest Zone, also attended a meeting at which **Yim Tith** gave the attendees instructions to monitor and report their fellow workers. **Yim Tith** “said we had to be careful and track bad persons” and “ensure there were no spies or agents in our respective villages and Communes”.<sup>136</sup> He also ordered village and commune chiefs to “track any cadres or ordinary people who took irregular action and report to the District. They would decide what was to be done.”<sup>137</sup> The import of these words, and the effect on the workers, must be understood in the context of a speech given to them by Ta Mok before their departure for the Northwest Zone. Ta Mok threatened: “I allow all of you to go [to the Northwest

<sup>131</sup> **D219/836** Touch Mary WRI, A162, EN 01399420 [“Q: Did he speak about enemies? A 162: Yes, he did. He raised examples of enemies. He said that enemies were undercover in our sector, in [our] villages and units.”].

<sup>132</sup> **D219/836** Touch Mary WRI, A168, EN 01399421 [“He spoke in detail about work matters, saying with regard to work matters that there was surveillance and that we should be careful about ourselves.”].

<sup>133</sup> **D219/836** Touch Mary WRI, A168, EN 01399421 [“He spoke in detail about work matters, saying with regard to work matters that there was surveillance and that we should be careful about ourselves. If we were [not] able to do the work, they said we were enemies, and they summoned us to go to a meeting in another location, but this meeting in another location was them taking us to be killed.”]. *Note* the English translation omits the word “not”, which appears in Khmer. The ICP has applied for a corrected translation.

<sup>134</sup> **D219/836** Touch Mary WRI, A169, EN 01399421.

<sup>135</sup> **D219/836** Touch Mary WRI, A175-177, EN 01399422 [“A175: [...] If it came to the point where we sat down to rest, they summoned us to a meeting. Once someone had gone to a meeting, they disappeared, as long as they went to the meeting. Q: Did you ever see anyone who disappeared or not? A176: Yes, I did. Q: How many persons did you see? A177: I [saw] quite a lot of them.”].

<sup>136</sup> **D118/96** Loch Eng WRI, A34, EN 00974060. At the time Loch Eng gave this statement in 2016, he did not recognise Yim Tith’s picture. However, the photo shown to him post-dated the DK period by several decades and in light of the consistency of Loch Eng’s evidence with other evidence regarding Yim Tith’s positions and actions, his inability to recognise this picture does not affect the credibility of his evidence. **D219/884** Loch Eng WRI, A17-19, EN 01476050.

<sup>137</sup> **D118/96** Loch Eng WRI, A35, EN 00974060. *Note* Loch Eng also stated that near the end of the Khmer Rouge regime, shortly before the arrival of the Vietnamese, there was an amnesty and Yim Tith made an announcement that wrongdoers would be forgiven and pardoned. He also stated that coercion and intimidation ceased near the end of the Khmer Rouge regime: **D219/627** Loch Eng WRI, A18, 20, 31, EN 01187741-43.

Zone] by truck, but I am not sure whether your ash will be sent back in a bowl.”<sup>138</sup>

Moul En

64. **Yim Tith** also participated in and contributed to the implementation of the enemies policy in private meetings with his subordinates. Bavel District Secretary Moul En stated that, when **Yim Tith** came to visit at the Bavel District Office, he “had instructed us [...] to fend off enemies.”<sup>139</sup> Moul En also stated that the term “enemy [...] referred to anyone who opposed, betrayed, complained or failed to work according to plan. In short anyone who was unable to perform their task well for Angkar was regarded as an enemy” and that “[i]f someone failed to work according to plan he would be killed.”<sup>140</sup> Moul En was personally aware that “[t]hose dubbed as the enemies were evacuated to an unknown location by truck.”<sup>141</sup>

Soeun Mat

65. In addition to openly making threats against “enemies”, **Yim Tith** also boosted the terror campaign by making sure that people were aware that his threats were indeed carried out. Soeun Mat described a meeting at Kanghat Dam attended by thousands of mobile unit workers that **Yim Tith** presided over in 1977.<sup>142</sup> At that meeting, it was publicly announced (either by **Yim Tith** or someone under his authority<sup>143</sup>) that “Ta Kao had been arrested and taken to be killed at Mong Chen. Ta Pet was arrested too.”<sup>144</sup> The reason given for the arrests of Ta Pet and Ta Kao was that they were “traitors.”<sup>145</sup> This announcement serves to demonstrate once again that the threats made by **Yim Tith** were not idle, and that he fully intended that “enemies” be arrested and killed. These announcements also constitute further contributions to the common criminal plan, as they serve as additional implied threats and incitement.

Conclusion regarding Yim Tith’s participation in meetings in the Northwest Zone

66. **Yim Tith**’s presence and statements at these meetings show that he shared the intent of

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<sup>138</sup> **D118/96** Loch Eng WRI, A9, EN 00974056.

<sup>139</sup> **D219/294** Moul En WRI, A81, EN 01111834.

<sup>140</sup> **D219/294** Moul En WRI, A81, EN 01111835.

<sup>141</sup> **D219/294** Moul En WRI, A83, EN 01111835.

<sup>142</sup> **D219/538** Soeun Mat WRI, A17, 21-22, 24, 30, 44, 49, EN 01173575-76, 78, 80-81.

<sup>143</sup> At one point in his WRI, Soeun Mat said that Yim Tith had made the announcement. At another place, he said that he was sure that Yim Tith presided over the meeting but that he did not know who made the announcement. See **D219/538** Soeun Mat WRI, A17, 49, EN 01173575, 81.

<sup>144</sup> **D219/538** Soeun Mat WRI, A44, EN 01173580.

<sup>145</sup> **D219/538** Soeun Mat WRI, A17, EN 01173575.

the members of the common plan to eliminate perceived CPK enemies through the commission of crimes, including extrajudicial killings. His presence and statements also amounted to instructions or encouragement to his subordinates to commit crimes and thus constitute contributions to the common criminal plan as well.

67. Witnesses supply remarkably consistent accounts of **Yim Tith**'s participation in the program of defining, identifying, and destroying enemies in both the Southwest Zone and the Northwest Zone, and from the beginning of the Khmer Rouge regime until the end. The evidence shows that **Yim Tith** consciously and deliberately participated in the common criminal plan from the first days of the Khmer Rouge regime until the last.

ii. **YIM TITH'S PERSONAL INVOLVEMENT IN ARRESTS, IMPRISONMENT, AND KILLINGS**

68. As he had in the Southwest Zone, **Yim Tith** also furthered the common criminal plan to extrajudicially arrest, imprison, and kill enemies in the Northwest Zone by issuing orders for arrests and killings and by visiting security centres in his area of responsibility.

Sao Chobb

69. Sao Chobb said that "[i]n 1976 and 1977, Ta Tith assigned [members of the Koas Krala District military] to search for the CIA agents and Vietnamese."<sup>146</sup> These perceived enemies were arrested and killed by a number of people, including the commander of the Koas Krala District military, a cadre named An.<sup>147</sup> Around the time of these killings, An told Sao Chobb that it was **Yim Tith** who had instructed him to kill these perceived enemies.<sup>148</sup> When asked how many people An had killed in response to these orders, Sao Chobb responded that there were "thousands of people".<sup>149</sup> Sao Chobb personally

<sup>146</sup> **D219/982** Sao Chobb WRI, A33, EN 01517552; **D219/983** Sao Chobb WRI, A10-11, EN 01519557.

<sup>147</sup> **D219/982** Sao Chobb WRI, A26-27, EN 01517552 ["Q: Later on you heard about the killings, how did you hear that information? A26: [Yim Tith] assigned other person to do it. At that time the person who he had assigned to carry out the killings, later came to work with me and told me about that. [...] A27: [...] I knew the story from him. His name was An."], A33, EN 01517552 ["The killings took place from 1975 until 1977 when the Southwest Zone cadres arrived. In 1976 and 1977, Ta Tith assigned them to search for the CIA agents and Vietnamese."], A31, EN 01517552 ["There were thousands of people. At that time I even asked [An] what had those people done wrong that he had to arrest and kill them. He said that they were the CIA agents and Vietnamese."], A34, EN 01517552 ["When [An] came to arrest them, he said that they were the CIA agents."], A38, EN 01517553 ["An was a company commander in the district military unit."]; **D219/983** Sao Chobb WRI, A10-11, EN 01519557; **D219/956** Sao Chobb WRI, A49, EN 01456268; **D219/980** Sao Chobb WRI, A9, EN 01517544. Regarding An's position, *see also* **D131/2.1.86** Name list of soldiers of Koas Krala district in Sector 1, EN 01149146 [listing An as "Division Chairperson, Koas Krala District Military, Sector 1."].

<sup>148</sup> **D219/982** Sao Chobb WRI, A28, EN 01517552 ["Q: What did An tell you? A28: I asked him who assigned him to be a killer like that. He said Tith did."].

<sup>149</sup> **D219/982** Sao Chobb WRI, A31-32, EN 01517552 ["Q: Do you remember how many people were arrested and killed by An then? A31: There were thousands of people. [...] He said that they were the CIA agents and Vietnamese. [...] A32: He went to arrest people for many times, not just one time."].



witnessed some of the arrests and killings.<sup>150</sup> Many of the victims were new people.<sup>151</sup>

70. In order to facilitate these killings, **Yim Tith** and Ta Mok met frequently with An and An's deputy, Pak.<sup>152</sup> Sao Chobb indicated that **Yim Tith** and Ta Mok met with these killers at the Koas Krala District Centre once a month for four or five months.<sup>153</sup> The meetings "were about searching for the CIA agents and Vietnamese" and at the meetings, Ta Mok and **Yim Tith** gave An and Pak "work plans [...] to implement."<sup>154</sup> As a result of the killings, **Yim Tith** and Ta Mok promoted An, Pak, and a third cadre who had a major role in the killings.<sup>155</sup> Sao Chobb was emphatic that these meetings and the resulting arrests occurred "before the arrival of the Southwest Zone group"<sup>156</sup> indicating

<sup>150</sup> **D219/982** Sao Chobb WRI, A29, EN 01517552 ["I saw him killing. I saw him arresting and killing people."]; **D219/983** Sao Chobb WRI, A33-34, 36-40, EN 01519561-62 ["I used to see them killing. [...] Regarding to the killing, they took people to be killed at a place called Chhleav locating south of this Phnom Thippadei Mountain. As for how they killed them, they sometimes clubbed and sometimes shot the [victims]. [...] They were competing with each other to show who could kill more people. There were about 1,000 people killed there [at Chhleav]."].

<sup>151</sup> **D219/982** Sao Chobb WRI, A37, EN 01517553.

<sup>152</sup> **D219/982** Sao Chobb WRI, A40-41, 45-47, EN 01517553 ["I saw them coming to hold the meetings often. [...] They were from the district including Ta Tith, An, Pak, Thach and Ta Mok. [...] They held their meetings in Kos Krala. The meetings were about searching for the CIA agents and Vietnamese."]. Regarding Pak's position, see **D131/2.1.86** Name list of soldiers of Koas Krala district in Sector 1, EN 01149146 [listing Pak as "Division Chairperson, Koas Krala District Military, Sector 1."].

<sup>153</sup> **D219/983** Sao Chobb WRI, A3-4, EN 01519556 [Witness was a platoon leader in Koas Krala District: "Q: Yesterday [...] [w]e also spoke about the three men namely An, Pak, and Thach who often held the meetings with Ta Tith. Where was the place they held the meetings? A3: It was in the district center of Kos Krala district. [...] A4: They came to hold a meeting once a month."]; A16-17, EN 01519558 ["Q: [...] how many times approximately did you see Ta Mok, Ta Tith, Pak, An and Thach holding their meeting? A16: They held it once a month for about four to five times. Q: When you saw them coming to hold a meeting, did you see both of them coming or just one of them? A17: There were Ta Tith, Ta Mok, district committees and cooperative committees. When they came I saw both of them coming."]; A42, EN 01519563 ["Q: Who ordered the arrests at that time? A42: At that time they came to hold a meeting once a month. After the meeting the arrests were made. At that time there were Ta Mok, Ta Tith, the district committees and the cooperative committees."].

<sup>154</sup> **D219/982** Sao Chobb WRI, A47, EN 01517553 ["The meetings were about searching for the CIA agents and Vietnamese."]; **D219/983** Sao Chobb WRI, A13, EN 01519557 ["Q: When you talked with Pak, An and Thach, did you ask them or did they tell you about the functions and ranks of Ta Tith and Ta Mok? A13: They were leaders. They came to hold meeting and gave them work plans and to implement. Ta Tith and Ta Mok were from the upper echelon."]. See also **D219/983** Sao Chobb WRI, A14, EN 01519558 ["Q: Did you know what Ta Tith, Pak, An and Thach had talked about in their meeting when they met? A14: I did not know that. But after their meeting An, Pak and Thach carried out their activity to go to arrest people."].

<sup>155</sup> **D219/982** Sao Chobb WRI, A40-44, EN 01517553 ["A40: There were three killers in Kos Krala district. They were Pak, An and Thach. [...] Pak was in the same unit with An. He was at the company level. He later rose to the rank in the regiment. [...] A41: Thach was in the same unit with them, but he was a deputy. The commander was An, while Pak was a deputy, and Thach was a member. As for these three men at that time, after they had killed more people, they were promoted to the higher rank. Q: Who then promoted these three men? A42: I thought it was Ta Tith and Ta Mok who did that for they were the upper echelon. Q: What makes you think that they two men promoted them? A43: I saw it like that. They promoted them. They came to hold meeting to discuss that. Q: Who came more often to hold the meetings? A44: Ta Tith and Ta Mok did."].

<sup>156</sup> **D219/983** Sao Chobb WRI, A30-31, EN 01519560-61 ["Q: You talked about An, Pak and Thach attending meeting with Ta Mok and Ta Tith and the arrests that took place afterward. I want to ask were these arrests

that they happened shortly after **Yim Tith**'s first arrival in the area, which preceded the larger group of Southwest Zone cadres.<sup>157</sup> His memory in this regard is corroborated by witness Chhum Vanny, who recalled that Pak was arrested shortly after the arrival of the Southwest Zone cadres.<sup>158</sup>

### Chhoeung Bean

71. Witness Chhoeung Bean stated that he heard from an arrested relative that **Yim Tith** ordered a Northwest Zone cadre named Ta Saman to arrest some of those imprisoned at Khnang Kou Prison.<sup>159</sup> He also stated that, as Vietnamese forces were approaching in December 1978, **Yim Tith** ordered the killing of *all* prisoners remaining in the Wat Bay Damram detention facility, and the killing was carried out by militiamen under the control of a subordinate of **Yim Tith** known as Ta Nen.<sup>160</sup>

### Ta Pet

72. Former Sector 1 Secretary Ta Pet, also known as Heng Teav, discussed an occasion on which **Yim Tith** ordered his soldiers to kill a group of Northwest Zone soldiers who were suspected of rebelling against the Southwest Zone authorities and killing civilians.<sup>161</sup> Before being killed, **Yim Tith**'s victims were forced to walk around shouting: "Dear fellow citizens, I have committed a big mistake by escaping to the jungle. I request Angkar to kill me. Please do not follow me."<sup>162</sup>

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taking place before the arrival of the Southwest Zone or during the time the Southwest Zone was arriving? A31: Before, before, I have specified that two times already."], A59, EN 01519565.

<sup>157</sup> See **III.D.3.a.** Yim Tith's Positions, Acts, and Conduct – Yim Tith's Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith's Other Acts and Conduct in the Northwest Zone – Yim Tith's Earliest Appearance in the Northwest Zone.

<sup>158</sup> **D219/20** Chhum Vanny WRI, A47, 51-52, EN 01050470-71.

<sup>159</sup> **D219/533** Chhoeung Bean WRI, A159-161, EN 01178499-500 ["A159: [...] They said that Ta Tith ordered Ta Saman to arrest them and their relatives and detain them in the detention office in July or August 1978. Sari and Sarou were good people. [...] Q: Who said that Ta Tith ordered Ta Saman to arrest Sari and Sarau? A160: Sarau told me. [...] A161: [...] It was his own assumption that that Ta Saman was ordered to arrest him and his relative. Ta Saman said, 'You betrayed the nation and people, and you did not give people sufficient food.'"].

<sup>160</sup> **D219/533** Chhoeung Bean WRI, A103-104, 108, EN 01178487-88 ["Q: Were prisoners detained in the detention office of Wat Bay Damram Pagoda when people drove the ox-carts to the uplands? A104: When they escaped and drove the ox-carts to the uplands, prisoners had all been taken to be killed. When people drove those cadres by ox-carts to the uplands, there were no more prisoners in Wat Bay Damram Pagoda or Sister Chou's house. [...] Q: You said that the prisoners were taken to be killed. Who killed those prisoners? A108: Prisoners were all taken to be killed. The Southwest militiamen of Ta Nen took the prisoners to be killed under Ta Tith's instruction."].

<sup>161</sup> **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181080-81 ["Yes, he arrested those who had killed citizens. Tit instructed soldiers in his army to kill those murderers. Those murderers were soldiers from the Northwest Zone."].

<sup>162</sup> **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181080-81 ["he arrested those who had killed citizens. Tit instructed soldiers in his army to kill those murderers. Those murderers were soldiers

Ek (Ul) Hoeun

73. Cadre Ek Hoeun (also called Ul Hoeun) heard from his cousin, who was personally involved in the killings, that **Yim Tith** had ordered the killing of thousands of students, factory workers, Chinese, and Vietnamese at Ta An Camp in Preah Net Preah District.<sup>163</sup>

iii. YIM TITH'S VISITS TO SECURITY CENTRES IN THE NORTHWEST ZONE

74. In addition to ordering killings, **Yim Tith** also visited security centres in his area of responsibility at which unlawful imprisonment, torture, and murder were being committed, including the security centre at Chak Kakaoh<sup>164</sup> and the Koas Krala District Security Centre.<sup>165</sup>

iv. EVIDENCE SHOWS THAT THE PACE OF KILLINGS IN THE NORTHWEST ZONE INCREASED FOLLOWING YIM TITH'S ARRIVAL

75. The implementation of the enemies policy in the Northwest Zone intensified following **Yim Tith**'s arrival.<sup>166</sup> It reached its greatest intensity at the end of the DK regime, shortly before the Vietnamese invasion.<sup>167</sup> A number of witnesses emphasised the connection between **Yim Tith**'s arrival and the increase in killings. For example, Ta Pet's nephew

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from the Northwest Zone. There were three to four of them. They were, in fact, soldiers under his command. [...] They, escorted by tanks, were made to walk around and shout: 'Dear fellow citizens, I have committed a big mistake by escaping to the jungle. I request Angkar to kill me. Please do not follow me.' They were instructed to say that."].

<sup>163</sup> **D118/209** Ek (Ul) Hoeun WRI, A138-149, EN 00983584 ["A138: [...] I heard an executioner from the Northwest Zone say that thousands of people including students in the Northwest Zone were killed. [...] A139: A cousin of mine, one of the executioners in the Northwest Zone, told me about that. [...] A141: [...] The killing took place at Ta An Camp located west of Battambang Province. The camp was under Ta Tith's management. Q: In what year did the killings take place? A142: In 1978 and 1979. [...] A143: [...] He said that it was Ta Tith's order. Initially, they collected Khmer, Chinese, and Vietnamese to be killed because they had lived under the Lon Nol administration. [...] A144: They were collected from Battambang. Students were also included. Q: In what district is this execution site located? A145: In Preah Netr Preah District. Q: Did your cousin hear or witness with his own eyes that it was Ta Tith who issued the order to have those people killed? A146: Yes. Ta Tith ordered the students and factory workers killed; however, no ordinary people were killed at that time. [...] A148: I learned about this from my cousin alone."].

<sup>164</sup> **D219/983** Sao Chobb WRI, A19-20, 24-25, 47, 49, 53, EN 01519558-59, 63-64.

<sup>165</sup> **D219/983** Sao Chobb WRI, A56-57, EN 01519564-65.

<sup>166</sup> **D219/654** Sok Cheat WRI, A75, EN 01207519 ["When Ta Tith came, the killings became more intense in Sector 1."], A78, EN 01207520 ["It was notorious that after Ta Tith entered, many people disappeared."]; **D219/689** Sok Cheat WRI, A105, EN 01216256 ["During Ta Tith's control, all types of people were taken to be killed, even babies. There were no exceptions. I saw skulls about the size of my knee. Babies were also taken to be killed; no one could escape."], A17, EN 01216244 ["When the Southwest Zone cadres arrived, the genocide started. They arrested people for re-education every day. At that time, Ta Tith was in charge. People were taken for re-education every day. It was in 1977."], A52, EN 01216248; **D118/136** Chhean Hea WRI, A83, EN 00969649; **D219/233** Chhean Hea WRI, A22-23, EN 01090009 ["Q: You said Ta Nim and Ta Tith killed many people in Sangkae and Battambang Districts. Can you tell us who were taken to be killed? A22: Yes, that is right. Many people were killed [...] Simply speaking, young, old, women, and children were killed."].

<sup>167</sup> **D118/136** Chhean Hea WRI, A83, EN 00969649.

Sok Cheat said: “During Ta Tith’s control, all types of people were taken to be killed, even babies. There were no exceptions.”<sup>168</sup> The victims included both former cadres and those in their “networks” and ordinary civilians, including children.<sup>169</sup> According to Sao Chobb, hundreds of cadres were killed in Koas Krala District alone.<sup>170</sup>

v. YIM TITH’S SPECIFIC INTENT TO DESTROY THE VIETNAMESE AND KHMER KROM  
NATIONAL AND RACIAL GROUPS AS SUCH

76. Hatred and suspicion of Vietnam, the Vietnamese, and anything associated with either was a constant theme of **Yim Tith**’s rhetoric regarding enemies. **Yim Tith** “talked about the Yuon enemy” and “said we had to be vigilant against the Yuon enemy.”<sup>171</sup> **Yim Tith** also “talked about fighting the Yuon” and “talked about internal enemies burrowing inside our movement and said Yuon [...] were hiding among us.”<sup>172</sup> He said that the “Vietnamese had their agents embedded inside the Khmer Rouge ranks”<sup>173</sup> and complained about “‘Yuon’ Khmer” embedded within the CPK ranks.<sup>174</sup> During meetings, **Yim Tith** “always talked about the Vietnamese enemies” and “alleged that the Vietnamese wanted to swallow our country.”<sup>175</sup>
77. **Yim Tith**’s hostility toward the Vietnamese encompassed the Khmer Krom as well, because as a matter of CPK policy, they “were regarded as Vietnamese because they

<sup>168</sup> **D219/689** Sok Cheat WRI, A105, EN 01216256-57 [“During Ta Tith’s control, all types of people were taken to be killed, even babies. There were no exceptions. I saw skulls about the size of my knee. Babies were also taken to be killed; no one could escape.”], A17, EN 01216244 [“When the Southwest Zone cadres arrived, the genocide started. They arrested people for re-education every day. At that time, Ta Tith was in charge. People were taken for re-education every day. It was in 1977.”].

<sup>169</sup> **D219/689** Sok Cheat WRI, A17, 105, EN 01216244, 56; **D219/654** Sok Cheat WRI, A75, 78, EN 01207519-20.

<sup>170</sup> **D219/763** Sao Chobb WRI, A104-106, EN 01337031 [“Hundreds of cadres, junior and senior, were killed in Koas Krala.”].

<sup>171</sup> **D219/943** Lam Lin WRI, A37, EN 01523946.

<sup>172</sup> **D219/85** Vy Phann WRI, A4-5, EN 01061169 [“At that time, Ta Tith [...] talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.”].

<sup>173</sup> **D219/406** You Phnom WRI, A184, EN 01139573.

<sup>174</sup> **D219/406** You Phnom WRI, A175-177, EN 01139572 [“He talked about the ‘Yuon’ Khmer. [...] He said the ‘Yuon’ violated our territory. [...] The[y] spied on us and embedded their agents inside the cadre networks from commune-level, district level, all the way up to the Center.”]. *See also* **D219/763** Sao Chobb WRI, A134-135, EN 01337034; **D118/136** Chhean Hea WRI, A13-14, EN 00969639-40 [“Ta Tit announced that the Northwest Zone leaders were traitors as they were affiliated with the Vietnamese.”]; **D118/77** Nang Ny WRI, A30, EN 00970456 [“[Yim Tith] said that [...] the Northwest group had ‘Khmer bodies with Yuon heads.’ They accused them of collaborating with Vietnam. That was why they arrested and killed the Northwest cadres.”]; **D219/515** Chheun Chhuoy WRI, A30, 31, 33-34, 44, 55, EN 01156944-45, 47, 49.

<sup>175</sup> **D219/236** Lek Piv WRI, A19, EN 01092933.

lived in Vietnamese territory.”<sup>176</sup> Ta Mok explained that “those who lived in Vietnamese territory were all Vietnamese” and that “all Vietnamese were our enemies.”<sup>177</sup>

78. Toem Phal, a commune committee member in Kirivong District, stated that orders for the killing of many Khmer Krom in Kouk Prech Commune in Kirivong District were received from the Kirivong District Committee at the time that **Yim Tith** served on that committee.<sup>178</sup>
79. This suspicion and hatred of the Vietnamese eventually crystallised into a policy of annihilation. At a large meeting at Kanghat Dam late in the DK period, **Yim Tith** said that the CPK leaders “wanted to purge the Yuon enemy [...] The purpose of the meeting was to talk about this matter.”<sup>179</sup> In discussing that meeting, one of the attendees said: “Anyone who could speak Vietnamese and connected with Vietnamese blood was executed.”<sup>180</sup>
80. In addition to propagating the CPK’s message of hate and hostility toward the Vietnamese (including Khmer Krom) to his subordinates and ordinary citizens of the areas under his control, **Yim Tith** also contributed to the campaign against them by ordering that they be killed. According to Sao Chobb, **Yim Tith** ordered the killing of “thousands” of “CIA agents and Vietnamese” shortly after his first arrival in 1976 or 1977.<sup>181</sup> In 1978 or 1979, **Yim Tith** again ordered the killing of thousands, including

<sup>176</sup> **D219/900** Moul En WRI, A83-84, EN 01517480 “[Khmer Krom] were regarded as Vietnamese because they lived in Vietnamese territory. [...] they said that those who lived in Vietnamese territory were all Vietnamese and the Khmer-Vietnamese people who lived in Khmer territory were also regarded as Vietnamese. For them, those who lived in Vietnamese territory were all Vietnamese.”]

<sup>177</sup> **D219/900** Moul En WRI, A84, 87, EN 01517480 “[Ta Mok] said that all Vietnamese were our enemies. Soldiers had to take necessary measures against them.”]. *See also* **D219/488** Moeng Vet WRI, A45, EN 01170588 “[The enemies were] the KGB and the CIA. [...] [T]he KGB was affiliated with Vietnam. [...] If I had relatives who had come from Kampuchea Krom I would be regarded as having affiliation with the Vietnamese KGB.”].

<sup>178</sup> **D219/471** Toem Phal WRI, A108-144, EN 01154820-25; **D118/23** Toem Phal WRI, A43-51, EN 00967021-22.

<sup>179</sup> **D219/953** Chhoeung Chhoeuth WRI, A16, 62, 64, 70-75, EN 01451712, 17-18 “[Yim Tith] said they wanted to purge the Yuon enemy. [...] The purpose of the meeting was to talk about this matter. Anyone who could speak Vietnamese and connected with Vietnamese blood was executed.”]. *See also* **D219/85** Vy Phann WRI, A5, EN 01061169 “[he talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.”].

<sup>180</sup> **D219/953** Chhoeung Chhoeuth WRI, A16, EN 01451712, A62, 64, 70-75, EN 01451717-18 “[Yim Tith] said they wanted to purge the Yuon enemy. [...] The purpose of the meeting was to talk about this matter. Anyone who could speak Vietnamese and connected with Vietnamese blood was executed. [...] I only heard him speaking about the Yuon enemy.”].

<sup>181</sup> **D219/982** Sao Chobb WRI, A26-33, EN 01517552 “[Yim Tith] assigned other person to do it [the killings]. [...] His name was An. [...] I asked [An] who assigned him to be a killer like that. He said Tith did. [...] I saw [An] killing. I saw him arresting and killing people. [...] I saw that in Kos Krala. [...] There

Vietnamese and Chinese.<sup>182</sup>

81. This evidence of **Yim Tith**'s *animus* toward the Vietnamese and Khmer Krom combined with the evidence of the annihilation of the Vietnamese and Khmer Krom in areas under **Yim Tith**'s control constitutes clear and consistent evidence that **Yim Tith** intended to destroy the Vietnamese national group in Cambodia (including particularly the Khmer Krom whom he and the other JCE members viewed as untrustworthy because of their perceived Vietnamese nationality).

b. **YIM TITH'S CONTRIBUTIONS TO THE IMPLEMENTATION OF THE CPK'S FORCED MARRIAGE POLICY**

82. As he had in the Southwest Zone, **Yim Tith** contributed to the implementation of the CPK's forced marriage policy in the Northwest Zone. **Yim Tith** was involved in the wedding ceremony presided over by Ta Mok<sup>183</sup> at which a group of about 38 women were forced to marry a group of disabled soldiers they had met just that day. One of the women, Samlout Deputy District Secretary Nop Ngim, testified that there were 38 couples that were forced to marry in the same ceremony and some of them cried, adding:

I also cried. I was disappointed, very disappointed since I had never seen my would-be husband before the marriage day, although we were in the army. But if I had [...] refused, I would have been killed, so I had to bear the situation.<sup>184</sup>

83. Her husband, Preap Kap, stated that he did not even realise that his group was going to be married until they arrived at the Samlout District Office – they had been told that they were going to a meeting for political education.<sup>185</sup> Preap Kap added that “No-one asked

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were thousands of people. At that time I even asked him what had those people done wrong that he had to arrest and kill them. He said that they were the CIA agents and Vietnamese. [...] The killings took place from 1975 until 1977 when the Southwest Zone cadres arrived. In 1976 and 1977, Ta Tith assigned them to search for the CIA agents and Vietnamese. The searches and arrests took place continuously until the arrival of the Southwest Zone cadres.”]; **D219/983** Sao Chobb WRI, A10-11, EN 01519557 [“A10: I asked them why people were arrested and what did they do wrong. They said that those people were CIA, Yuons, and the agents of the 2 B [2<sup>nd</sup> Bureau] of the Yuon. I asked all of them, An, Pak and Thach, about that. Q: What was 2 B? A11: 2 B, CIA and Yuon were all the same. They used these terms.”].

<sup>182</sup> **D118/209** Ek (Ul) Hoeun WRI, A138-144, EN 00983584 [“I heard an executioner from the Northwest Zone say that thousands of people including students in the Northwest Zone were killed. [...] A cousin of mine, one of the executioners in the Northwest Zone, told me about that. [...] The killing took place at Ta An Camp located west of Battambang Province. The camp was under Ta Tith's management. [...] [My cousin] said that it was Ta Tith's order.”], A145, EN 00983584 [“Q: In what district is this execution site located? A145: In Preah Netr Preah.”]. See also **D105/5** Ork Chan WRI, A40-43, 55, EN 00803445-46 [Kirivong District Committee's role in arrests and killings of Khmer Krom].

<sup>183</sup> **D118/285** Nop Ngim WRI, A73, EN 01044686 [“Q: Did Ta Tith attend the wedding? A73: He came and talked to Ta Mok before the wedding started, but I did not know what he talked to Ta Mok about.”].

<sup>184</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.41.32-10.43.35.

<sup>185</sup> **D219/62** Preap Kap WRI, A51, EN 01053911.

me whether or not I wanted to get married. But we had to follow their orders and instructions, otherwise we would have problems.”<sup>186</sup>

84. **Yim Tith** provided beds and hammocks for the newlyweds to sleep in,<sup>187</sup> and following the ceremony, told them that they had to “love each other”,<sup>188</sup> putting clear coercion on couples that were obvious victims of forced marriage to engage in sexual relations. **Yim Tith** told the newlyweds: “Please, Friends, do as the Organization has organized things,” which Nop Ngim understood to mean that the newlyweds were required to sleep with each other.<sup>189</sup>

c. **YIM TITH’S CONTRIBUTION TO THE IMPLEMENTATION OF THE CPK’S ENSLAVEMENT POLICY**

85. **Yim Tith** made contributions to the agricultural and economic aspects of the common criminal plan, which amounted to and involved the commission of enslavement and other crimes, in both the Southwest Zone and the Northwest Zone. Because all of the charged crimes related to these policies occurred in the Northwest Zone, all evidence of his contribution to these policies is gathered in this section.
86. The CPK’s agricultural and economic policies required keeping a massive workforce enslaved in inhumane conditions with the twin goals of controlling the people (and thereby pre-empting any potential opposition) and increasing agricultural production.<sup>190</sup> Keeping workers docile and productive in the terrible conditions imposed on them necessitated the creation of a climate of terror through the commission of crimes. Workers and low-level cadres were given unachievable production goals and deadlines and threatened with harm or death if they failed to meet them. They were simultaneously deprived of food, rest, and hygienic facilities. This allowed the CPK to extract maximum productivity from its workforce at minimum cost, while simultaneously eliminating the workers’ ability to protest or oppose any aspect of their treatment or of the Khmer Rouge

<sup>186</sup> **D219/62** Preap Kap WRI, A75, EN 01053916.

<sup>187</sup> **D219/62** Preap Kap WRI, A44, EN 01053909.

<sup>188</sup> **D219/62** Preap Kap WRI, A46-47, EN 01053910-11.

<sup>189</sup> **D219/835** Nop Ngim WRI, A149-152, EN 01432970 [“Om Tith was the one who put us together. [...] He said, Please, Friends, do as the Organization has organized things. Q: What was meant by the Organization has organized things[?] A150: We must do as the Organization organized things from our hearts. Q: Did doing things in accordance with the Organization mean that you women must sleep with the man who was your husband? A151: Yes. Once one was married, it was then a must to be sleeping there together. Q: Is it correct that this was [...] what you understood by Ta Tith’s instructions? A152: Yes.”]; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.06.50-11.07.54.

<sup>190</sup> See **VIII.B.1.b.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enslavement Policy.

regime.

87. **Yim Tith** was instrumental in creating the climate of fear that allowed this system to function. He made it clear that people who failed to finish their assigned work – *i.e.* “lazy” people – would be considered enemies and subjected to harsh punishments, including disappearance and death. At a meeting of the Kirivong District Artisan Unit, he told the workers that they “had to be careful and work hard” and “warned that any person could be disappeared at any time,” a threat that an attendee understood as applying to workers who failed to reach their quotas.<sup>191</sup> Regarding cotton production at a particular worksite, **Yim Tith** said that “If cotton cannot be grown, if grubs eat the cotton, then grubs will eat humans too”,<sup>192</sup> a clear threat that if the crop failed, the workers or supervisors might be killed. In addition to making explicit threats regarding the failure to meet production goals, **Yim Tith** also made implicit threats by using the same meetings to address topics related to the monitoring and “smashing” of enemies and setting production goals and exhorting workers to work harder.<sup>193</sup> Chheun Chhuoy recalled a

<sup>191</sup> **D118/33** Am Kun WRI, A28-30, 37-38, EN 00911434-35 [“A28: [...] I used to attend the meeting with Ta Tit when he came to the artisan unit place. [...] Q: Did Ta Tit ever speak about the enemy? A37: He said that we had to be careful and to work hard because there were many enemy hiding among us; and he warned that any person could be disappeared at any time. I did not see any person disappearing at the artisan unit place. [...] Q: When Ta Tit spoke about the hiding enemy, what kind of enemy he referred to? A38: Based on my understanding, the word enemy referred to those workers who had not completed their work plan. If this happened, they accused the workers of being the enemy.”]. *Note* Am Kun stated that he did not see anyone disappearing at his workplace and that if he personally was unable to complete his workplan, he would “just [report] it to [his] supervisor, and nothing would happen to [him].” *See* **D118/33** Am Kun WRI, A15, 37, EN 00911433, 35.

<sup>192</sup> **D219/64** Peou Koeun WRI, A30, EN 01053949 [“I heard from others that Ta Tith ordered Ta Keu, ‘If cotton cannot be grown, if grubs eat the cotton, then grubs will eat humans too.’”].

<sup>193</sup> **D118/45** Hem Chhuon WRI, A19, EN 0092304 [“At that meeting, [Yim Tith] talked about production of 3 tons of paddy per hectare and enemies’ activities. At that time, although we got startled, we had to come up with ‘three tonnes per hectare’ phrase.”]; **D219/85** Vy Phann WRI, A3, EN 01061168 [“Ta Pet announced at the meeting that Ta Tith, who was from the Southwest Zone, had come to help govern Sector 1. At that time, there was a mass assembly attended by approximately 700 to 800 participants including ordinary people and the village, commune, and district chairpersons. That assembly was held at Kanghat Dam worksite.”], A4-5, EN 01061169 [“A4: During the meeting he talked about fighting the Yuon. [...] Q: Did Ta Tith talk about internal enemies of Angkar? A5: Yes, he talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.”], A7, EN 01061170 [describing a commune chief named Chen reporting on the killing of people caught committing moral misconduct and then stating “While Chheng was reporting this, Ta Tith and Ta Pet were sitting, listening, and taking notes. Then all four cooperative/commune chairpersons were called to report crop yields in villages in each commune.”]; **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 [“Moreover, they also encouraged the people to work harder while farming in pursuance of the yield of five or six tons of rice. They also mentioned secret agents and those who were connected with Yuon networks.”], A55, EN 01156949 [“Only Ta Tith spoke at the meeting.”]; **D219/406** You Phnom WRI, A174-177, EN 01139571-72 [“Q: You mentioned that Ta Tith spoke during meetings. What kind of meetings? A174: Meetings to educate the people about digging canals putting up dams and producing crops. [...] A175: [...] He talked about the ‘Yuon’ Khmer. [...] A176: He said the ‘Yuon’ violated our territory. [...] A177: The[y] spied on us and embedded their agents inside the



meeting where **Yim Tith** encouraged “the people to work harder while farming,” while later reminding the attendees about “secret agents and those who were connected with Yuon networks.”<sup>194</sup> Similarly, at the meetings described by Nop Ngim at which **Yim Tith** told his subordinates that they must first reeducate and then kill enemies, he also “encouraged [them] to manage [their] work smoothly [...] and to try to construct and develop the country.”<sup>195</sup> The juxtaposition of discussions of smashing enemies and discussions of achieving economic goals would have made it clear to everyone present that their safety depended on successful work performance, an impression which would have been reinforced by the ongoing crimes against workers.<sup>196</sup> It would also have been clear to lower-level cadres in attendance (such as mobile unit chiefs) both that their own safety depended on successful production and that there would be no consequences for abusing workers under their control in order to reach the leadership’s high quotas.

88. In addition to threatening workers, **Yim Tith** also made sure that workers knew they were being watched. At a meeting attended by Touch Mary, **Yim Tith** said “with regard to work matters that there was surveillance and that we should be careful about ourselves.”<sup>197</sup> Understandably, she understood this as a threat that those who were unable to complete their work could be harmed or killed,<sup>198</sup> in part because she was herself aware of a large number of disappearances for “offences” such as getting sick or sitting down

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cadre networks from commune-level, district level, all the way up to the Center.”]; **D219/836** Touch Mary WRI, A161-162, 168, 170, EN 01399420-21; **D219/111** Mao Chhorm WRI, A59, 63, 65, 67, EN 01076910 [“Ta Tith used have everyone to attend general meetings. [...] They held meetings to have the people build irrigation systems, fight the enemy, and so on.”]; **D219/117** Top Seung WRI, A92, 95, 98, EN 01079024 [“I recall that during the study session, Ta Tith spoke about building dams and canals to irrigate paddies in order to develop the country rapidly.”], A100, EN 01079025 [“He said that we had to work hard to build dams and canals in order to supply enough food to people and to not let enemies attack us or deprive us of rice.”]; **D118/245** Chuon Than WRI, A12, EN 01029380, A16-17, EN 01029381-82 [“As far as I can recall, at the meeting at the time, they discussed rice production of as many as three to four tons of rice per hectare. They also discussed the selection of good rice seeds, and they instructed us to grow some strategic crops such as potatoes, sugar cane or pumpkins and etc. [...] Ta Tith was the one who discussed all of the points I just mentioned. He said he had received a lot of information from the cooperative chairpersons regarding the thefts and the enemy’s activities at many bases. He instructed us to follow up on those activities continuously. If we followed up and saw such activities, we had to take those people to be re-educated first before we smashed them and reported to the upper echelons.”].

<sup>194</sup> **D219/515** Chheun Chhuoy WRI, A30, 55, EN 01156944, 49.

<sup>195</sup> **D219/298** Nop Ngim WRI, A15, EN 01111860.

<sup>196</sup> See **V.B.2.b.iv.** Crimes – Northwest Zone – Sector 1 – Thipakdei Cooperative – Crimes; **V.B.2.c.iv.** Crimes – Northwest Zone – Sector 1 – Kanghat Dam Forced Labour Site – Crimes; **V.B.2.d.iv.** Crimes – Northwest Zone – Sector 1 – Kampong Kol Sugar Factory – Crimes; **V.B.4.b.iv.** Crimes – Northwest Zone – Sector 4 – Kampong Prieng Commune – Crimes.

<sup>197</sup> **D219/836** Touch Mary WRI, A168, EN 01399421 [“[Yim Tith] spoke in detail about work matters saying with regard to work matters that there was surveillance and that we should be careful about ourselves.”].

<sup>198</sup> **D219/836** Touch Mary WRI, A168, EN 01399421 [“If we were [not] able to do the work, they said we were enemies, and they summoned us to go to meeting in another location, but this meeting in another location was them taking us to be killed.”].

to rest.<sup>199</sup> **Yim Tith** also made sure his subordinates understood they were required to monitor their workers' productivity; Nop Ngim recalls that **Yim Tith** and Ta Mok instructed her to keep track of which workers were working hard ("active", in their words) and which were not.<sup>200</sup>

89. **Yim Tith's** threats had the intended effect of creating a climate of terror that drove workers to increase their efforts to produce as much as possible. Dos Doeun, a worker at Kanghat Dam, said that when **Yim Tith** came to the worksite to "[check] on those who were working", "[i]f anyone was lazy, they would be taken to be killed."<sup>201</sup> Kanghat Dam worker Sorm Vanna gave a telling account of the effect of **Yim Tith's** presence in the minds of both workers and unit chiefs: "Normally, before Ta Tith came to view our unit working, the unit chief warned us not to stop working. If the cadre who was in charge arrived and saw us not working, he would disappear."<sup>202</sup> Sorm Vanna also said he was told by his unit chief that "if we saw Ta Tith coming anywhere, we had to be careful because wherever Ta Tith went, people would be taken away" and also stated that "[w]henever we saw Ta Tith coming, we knew people would definitely disappear."<sup>203</sup> Similarly, Sok Rom, a worker at a worksite in Kirivong District, recounted the fear that spread among the workers when **Yim Tith** visited the worksite, stating: "While working, the unit members said 'Ta Tit goes there; don't talk! [we should] work hard'. As the superiors came, the unit members told each other not to talk. We didn't dare to stop working because we were afraid of them."<sup>204</sup>
90. This climate of fear affected the lower-level cadres who supervised workers as well. Top Seung, who worked in a mobile unit at the Kanghat Dam, recalled that every time **Yim Tith** visited the worksite, Top Seung's supervisor Ye called a meeting, urging the

<sup>199</sup> **D219/836** Touch Mary WRI, A175-177, EN 01399422 ["A175: [...] if someone was only moderately ill, we did not dare tell anyone. If it came to the point where we sat down to rest, they summoned us to a meeting. Once someone had gone to a meeting, they disappeared, as long as they went to the meeting. Q: Did you ever see anyone who disappeared or not? A176: Yes, I did. Q: How many persons did you see? A177: I [saw] quite a lot of them."].

<sup>200</sup> **D219/835** Nop Ngim WRI, A33, EN 01432951.

<sup>201</sup> **D219/797** Dos Doeun WRI, A218-219, EN 01337081 ["[Yim Tith] checked on those who were working. [...] If anyone was lazy, they would be taken to be killed."].

<sup>202</sup> **D219/239** Sorm Vanna WRI, A5, EN 01092950.

<sup>203</sup> **D219/46** Sorm Vanna WRI, A39, 41, 44, EN 01050674-75 ["I heard in my mobile unit that if we saw Ta Tith coming anywhere, we had to be careful because wherever Ta Tith went, people would be taken away. [...] if we saw Ta Tith during daytime, people would disappear that night. [...] I really saw the disappearances of people. Ta Tith did not come to my worksite, but he just walked across the worksite toward the worksite leader's place. Whenever we saw Ta Tith coming, we knew people would definitely disappear."].

<sup>204</sup> **D119/108.2** Sok Rom DC-Cam Statement, EN 00989711.

workers to work harder.<sup>205</sup> Similarly, Sorm Vanna's unit chief warned the unit to not stop working every time before **Yim Tith** came to inspect the worksite, knowing that "[i]f the cadre who was in charge arrived and saw us not working, he would disappear."<sup>206</sup>

91. Evidence shows that even workers who had never seen **Yim Tith** were conscious of **Yim Tith**'s explicit and implicit threats to their safety. Khun Samoeun recalled that, while he had never seen **Yim Tith**, he was aware of the terror **Yim Tith** spread throughout the worksite, stating that the troops in his unit told him: "If we work slowly or do not work well, Ta Tith will take us to be killed."<sup>207</sup>
92. This fear was the indispensable fuel that kept the DK production machine running beyond capacity in the dire conditions imposed by the CPK. Without it, the twin goals of maximum production at minimum cost and a weak and docile population could not be achieved. **Yim Tith**'s significant contributions to the creation of this climate of fear thus furthered the agricultural and economic aspects of the common criminal plan. **Yim Tith**'s threats also amounted to implicit instructions and encouragement to his subordinates to commit crimes against workers in order to reach production goals and control the population. This constitutes an additional significant contribution to the common criminal plan.
93. In addition to making threats, **Yim Tith** was also actively engaged in setting and announcing production goals,<sup>208</sup> exhorting exhausted workers to work even harder,<sup>209</sup> and monitoring levels of production.<sup>210</sup> While not inherently criminal if considered in isolation, in the context of the prevailing climate of fear heightened by **Yim Tith**'s threats and the wider criminal context of the DK regime, these activities constituted further

<sup>205</sup> **D219/117** Top Seung WRI, A153, EN 01079032 ["every time after Ta Tith came to meet Ye, she always called a meeting to urge us to work harder."].

<sup>206</sup> **D219/239** Sorm Vanna WRI, A10, EN 01092950 ["Normally, before Ta Tith came to view our unit working, the unit chief warned us not to stop working. If the cadre who was in charge arrived and saw us not working, we would disappear."].

<sup>207</sup> **D219/9** Khun Samoeun WRI, A28-29, EN 01047799 ["I heard troops in my unit talking about Ta Tith. [...] I heard, 'If we work slowly or do not work well, Ta Tith will take us to be killed.'"].

<sup>208</sup> **D118/45** Hem Chhuon WRI, A19, EN 00923040; **D118/149** Ham Saom WRI, A19-20, 22, EN 00974995; **D219/515** Chheun Chhuoy WRI, A30, EN 01156944; **D219/294** Moul En WRI, A174-175, EN 01111844; **D118/245** Chuon Than, A12, 16, 01029380-81.

<sup>209</sup> **D219/943** Lam Lin WRI, A36, EN 01523946 ["[Yim Tith] said that we had to strive hard to yield more rice produce so that the army could be fed."]; **D219/111** Mao Chhorm WRI, A65, EN 01076910 ["Ta Tith talked about two points: Those in the rear had to work hard to increase production, and those at the front had to strive to fight the enemy."]; **D219/416** Lies Kung WRI, A1, 11-12, EN 01135073, 76; **D219/117** Top Seung WRI, A100, EN 01079025; **D118/76** Chuch Punlork WRI, A42-43, EN 00976629-30; **D219/515** Chheun Chhuoy WRI, A30, EN 01156944; **D219/62** Preap Kap WRI, A45-46, EN 01053910.

<sup>210</sup> **D219/298** Nop Ngim WRI, A16, EN 01111861.

significant contributions to the common criminal plan. This is especially so in light of the fact that some of the production goals set by **Yim Tith** were extreme even by DK standards.<sup>211</sup>

94. **Yim Tith** was well aware of the dire conditions prevailing at worksites under his control. He closely monitored the agricultural production in areas under his control and regularly inspected worksites in both the Northwest and Southwest Zones, including salt fields, rice-producing areas in communes, dams and other irrigation-related construction sites, and railroads.<sup>212</sup> According to Moul En, the purpose of these inspections was to “check if we had been following [**Yim Tith**’s] plan.”<sup>213</sup> During his inspections, he spoke to both ordinary workers and unit chiefs.<sup>214</sup> In addition, during his inspections, at meetings, and through written reports, his subordinates regularly and frequently reported to **Yim Tith** regarding progress on agricultural production and construction projects as well as data, such as the total number of people, the total number of sick people, and whether the people had enough clothes and food.<sup>215</sup>
95. **Yim Tith**’s indifference to the suffering inflicted on the workers by the inhumane conditions prevailing at worksites in the Northwest Zone is demonstrated by the fact that conditions worsened considerably after **Yim Tith** took power in the area. For example, the food ration at the Kanghat Dam decreased when **Yim Tith** took over supervision

<sup>211</sup> **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 [“Moreover, they also encouraged the people to work harder while farming in pursuance of the yield of five or six tons of rice.”], A55, EN 01156949 [“Only Ta Tith spoke at the meeting.”]; **D118/149** Ham Saom WRI, A19-20, 22, EN 00974995 [“Q: When you were at those meetings at the district office near Kang Hat Bridge, who chaired them. A19: Ta Tit was the chairman. [...] Q: What was the agenda at the first meeting? A22: They said we had to produce from three to seven tons of dry paddy per hectare.”].

<sup>212</sup> **D219/928** Nhem Hean WRI, A11, EN 01451498; **D219/373** Nom Phoun WRI, A55-56, EN 01128270; **D219/268** Nom Phoun WRI, A51, EN 01098486; **D219/117** Top Seung WRI, A72, EN 0107921; **D118/136** Chhean Hea, A7, EN 00969638; **D219/239** Sorm Vanna WRI, A7, EN 01092950; **D219/763** Sao Chobb WRI, A51-52, 71, 81, 139, 141-144, 146-147, 149, EN 01337024, 26, 28, 35-36; **D219/981** Sao Chobb WRI, A50, 54-58, 61, EN 01502688-89; **D118/285** Nop Ngim WRI, A8, 17, EN 01044675-76.

<sup>213</sup> **D219/294** Moul En WRI, A76, 81, EN 01111834 [“[**Yim Tith**] had come to inspect the rice fields and other crops to check if we had been following his plan”].

<sup>214</sup> **D219/117** Top Seung WRI, A143-146, EN 01079030 [“I saw Ta Tith talking to unit chiefs there; for example, Ye. [...] When he met me, he said hello to me and asked me how my work was. [...] He did not speak about security issues. He spoke only about dam construction.”].

<sup>215</sup> **D118/285** Nop Ngim WRI, A44, EN 01044681-82; **D219/298** Nop Ngim WRI, A16, EN 01111861 [“In the meetings, the data including the mortality rate and birth rate and production of transplant in each commune level was discussed. Sometimes, Ta Mok and Ta Tith ordered a representative of each commune and district to report on what happened in each commune and district.”]; **D219/835** Nop Ngim WRI, A140-141, EN 01432968; **D219/294** Moul En WRI, A98-99, EN 01111836; **D219/85** Vy Phann WRI, A7, EN 01061170; **D219/488** Moeng Vet WRI, A44, EN 01170587; **D219/294** Moul En WRI, A98, 161-162, EN 01111836, 43.

there<sup>216</sup> and working hours increased.<sup>217</sup>

96. In combination, **Yim Tith**'s explicit and implicit threats to workers and low-level cadres; his implicit instruction to subordinates to commit crimes to achieve goals; the climate of fear he intentionally created; his active efforts to keep himself informed of conditions and events at worksites; the frequent commission of crimes at worksites of precisely the kind threatened by **Yim Tith**; and the deliberately inflicted inhumane conditions prevailing at worksites constitute clear and consistent evidence of **Yim Tith**'s criminal responsibility for the portions of the JCE that amounted to or involved these crimes. **Yim Tith** was aware of and shared the common plan to achieve the CPK's agricultural and economic goals through the commission of crimes; he intended that the crimes be committed and he made his own unique and significant contributions to advance the JCE in this regard.

### 3. **YIM TITH'S OTHER ACTS AND CONDUCT IN THE NORTHWEST ZONE**

#### a. **YIM TITH'S EARLIEST APPEARANCE IN THE NORTHWEST ZONE**

97. **Yim Tith** first rose to prominence as a *de facto* leader in the Northwest Zone even before Ta Mok dispatched the first large group of Southwest Zone cadres to the Northwest Zone. Sao Chobb, a platoon leader in Koas Krala District, described a three-day study session held at the Kanghat Dam in late 1976 or early 1977 presided over by Sector 1 Secretary Ta Vanh at which **Yim Tith** spoke.<sup>218</sup>
98. The timing of this study session is established by five mutually corroborating facts. First, Sao Chobb's recollection is that the study session occurred in 1976.<sup>219</sup> Second, Sao Chobb was injured in approximately mid-1976, spent three months in the hospital in Battambang, and then attended this study session shortly after his release from the

<sup>216</sup> **D219/368** Chhoeung Bean WRI, A117, EN 01117727.

<sup>217</sup> **D219/689** Sok Cheat WRI, A74, EN 01216251 ["Under [Ta Pet's] control, we worked until 10.00-11.00 p.m., and then we could take rest. When Ta Tith came, we dared not rest; we worked until 1.00 a.m. That was the difference. Under [Ta Pet's] control, there were not many militiamen on guards during our working time. Under Ta Tith, when we were working, there were always militiamen inspecting our work. Under [Ta Pet], there were only mobile unit chiefs, company commanders, and platoon commanders inspecting us; there were no militiamen inspecting or guarding us. My group was named 'the front battle', and we worked day and night."].

<sup>218</sup> **D219/956** Sao Chobb WRI, A13-16, 22, EN 01456265-66; **D219/980** Sao Chobb WRI, A22-23, EN 01517545; **D219/981** Sao Chobb WRI, A3-5, 9, EN 01502684-85; **D219/763** Sao Chobb WRI, A65-71, EN 01337026.

<sup>219</sup> **D219/956** Sao Chobb WRI, A13-16, EN 01456265 ["Q: [...] In what year did you first meet Ta Tith? A13: I first met him in 1976. [...] A14: In 1976, I met him in Battambang. I met him at Kang Hort Dam worksite."], A22, EN 01456266 ["Q: When did Ta Mok arrive in the Northwest Zone? A22: In 1976, we all went to study at Kang Hort Dam worksite. All the cadres from all sectors went to study there."].

hospital,<sup>220</sup> suggesting a date in late 1976. Third, at the time of the study session, Ta Vanh was still the secretary of Sector 1,<sup>221</sup> and Ta Vanh was arrested and entered S-21 on 20 June 1977,<sup>222</sup> meaning that the meeting must necessarily have occurred before that date. Fourth, Sao Chobb recalled that this study session occurred before the collapse of the Kanghat Dam,<sup>223</sup> which occurred in approximately July 1977.<sup>224</sup> Finally, Sao Chobb stated that the meeting occurred at a time when “the Southwest Zone soldiers had not arrived yet” and said that **Yim Tith** arrived before other Southwest Zone cadres.<sup>225</sup> (The timing of **Yim Tith**’s arrival in the Northwest Zone is also corroborated by the evidence of Ta Pet’s bodyguard, Chhean Hea, who recalls that cadres subordinate to **Yim Tith** carried out the arrests of Sector 1 cadres Ta Nop and Ta Say.<sup>226</sup> Ta Say entered S-21 in

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- <sup>220</sup> **D219/956** Sao Chobb WRI, A15, EN 0146265 [“At the time I was wounded, I knew Ta Tith.”], A55-57, 59-63, EN 01456269-70 [“Q: You remember that you went to clear the forest and then you were hit by shrapnel in 1976. Do you remember in what month it happened? A55: I do not remember what month it was. It would have been in mid-1976. [...] Q: You said that you were sent to Battambang and stayed there for three months. How do you remember that it was three months? A57: I know that I stayed in Battambang for three months. After I returned, I was assigned to lead a children’s unit. It was then when I met with Ta Mok. [...] Q: After you were assigned to lead the soldiers, was it long until you met Ta Mok? A62: I met Ta Mok at that time, after I left the hospital. Then, I went to take the study session after my wound had been treated. I led the soldiers to join the meeting and to take the study session about the cooperative work in various communes and districts to see how much progress the communes and district had made. Q: When and where did you first meet Ta Tith? A63: I met him at that time. It was during the study session.”].
- <sup>221</sup> **D219/956** Sao Chobb WRI, A30, EN 01456266 [“Q: While you were taking the study sessions, who were the committee members and Secretary of Sector 1? A30: Ta Vanh was the secretary of Sector 1.”]; **D219/981** Sao Chobb WRI, A48, EN 01502688 [“Q: While you attended the study session at Kanghat dam, who was overall in charge in the area? A48: At the time there was Ta Vanh, and besides him I did not know them. They were in charge of units and they led people to work.”].
- <sup>222</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77].
- <sup>223</sup> **D219/981** Sao Chobb WRI, A12-13, EN 01502686 [“Q: Do you recall how long after the meeting was held the dam collapsed? A13: I do not recall it. It collapsed later on.”].
- <sup>224</sup> **D219/374** Khin Khim WRI, A188-189, EN 01120054; **D219/721** Suom Bao WRI, A19, EN 01216213 [the dam broke in July or August of 1977]; **D219/430** Chhoeung Bean WRI, A56, EN 01128715 [“Q: Did the sluice breaking incident take place before or after Ta Vanh was arrested in June or July 1977? A56: It happened before Ta Vanh was arrested.”]; **D219/689** Sok Cheat WRI, A19, EN 01216244; **D219/310** Voan Samut WRI, A5, EN 01111937 [the dam collapsed in July 1977]; **D219/409** Ang Sar WRI, A9, 28, EN 01142875, 78; **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237 [“peasants have joined hands in repairing the damaged ‘Kanghat’ dam, built since the dry season of 1977”]; **D219/654** Sok Cheat WRI, A68, 70, EN 01207517; **D118/281** Keo Sokha WRI, A11, EN 01040513.
- <sup>225</sup> **D219/956** Sao Chobb WRI, A35, EN 01456267 [“Q: When you met Ta Tith, had the Southwest Zone cadres and soldiers arrived yet? A35: At that time, the Southwest Zone soldiers had not arrived yet. At that time, Ta Tith arrived first [earlier than the others].”]; **D219/981** Sao Chobb WRI, A14-15, EN 01502686 [“Q: From your last response, do you mean that Ta Mok and Ta Tith attended the study session at that location before the arrival of the Southwest group at the dam and in the area? A15: Yes.”], A22, EN 01502686 [“The meeting was held before the arrival of the Southwest group.”].
- <sup>226</sup> **D118/271** Chhean Hea WRI, A29, EN 01029421 [“My older cousin named CHHAM Luy, who is still alive, told me I that Ta Say, Ta Nob, and Ta Sou were north-west inhabitants, and they were arrested by the Southwest cadres, who were led by Ta Tith and Ta Nim, and all were sent to Tuol Sleng Prison.”].

late June or early July of 1977, while Ta Nop entered S-21 in September of 1977.<sup>227</sup>)

99. According to Sao Chobb, the study session was attended by hundreds of people,<sup>228</sup> cadres from “all districts”<sup>229</sup> and “all sectors”.<sup>230</sup> **Yim Tith** and the incumbent Sector 1 Secretary Ta Vanh trained the cadres on topics “like losing or gaining profit or about progress.”<sup>231</sup> Ta Vanh also discussed “defending against enemies in all forms.”<sup>232</sup> **Yim Tith** and Ta Mok introduced themselves to the attendees at the meeting.<sup>233</sup> Sao Chobb said that **Yim Tith** and Ta Mok “were leaders who led meetings and study sessions. We did what we were instructed to do.”<sup>234</sup> Ta Mok and Ta Vanh “explained to the trainees how to give orders to different levels.”<sup>235</sup> Following the study session, attendees returned to their units and disseminated the information received to their subordinates.<sup>236</sup>
100. Attendees at the study session were able to see the conditions at the Kanhgath Dam worksite, where workers struggled with a heavy workload despite insufficient food.<sup>237</sup> Despite these conditions, Ta Vanh, **Yim Tith**, and others encouraged the workers to keep working hard.<sup>238</sup>

<sup>227</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1394, EN 01222390 [Doeuk Pheach alias Nop, Member of Sector 1, 12-Sep-77], Number 7765, EN 01222640 [Ros Mao alias Than or Peang or Say, Former Secretary of Sector 1, 26-Jun-77 or 10-Jul-77].

<sup>228</sup> **D219/981** Sao Chobb WRI, A37-38, EN 01502687-88.

<sup>229</sup> **D219/981** Sao Chobb WRI, A37, EN 01502687-88 [“There were quite a lot of people [...]. They came from all districts.”].

<sup>230</sup> **D219/956** Sao Chobb WRI, A16, EN 01456265 [“At that time, cadres from all sectors came to take a study session at Kang Hort Dam.”], A22, EN 01456266 [“In 1976, we all went to study at Kang Hort Dam worksite. All the cadres from all sectors went to study there.”].

<sup>231</sup> **D219/956** Sao Chobb WRI, A24-25, EN 01456266.

<sup>232</sup> **D219/981** Sao Chobb WRI, A25, 30, EN 01502687 [“Q: Who spoke about the enemy? A30: It was Ta Vanh.”].

<sup>233</sup> **D219/981** Sao Chobb WRI, A16-17, EN 01502686 [“Q: Let’s speak about the detail of the study session. How did you know they were Ta Mok and Ta Tith? [...] A17: They introduced themselves.”].

<sup>234</sup> **D219/981** Sao Chobb WRI, A66-67, EN 01502690.

<sup>235</sup> **D219/982** Sao Chobb WRI, A7-8, EN 01517549.

<sup>236</sup> **D219/980** Sao Chobb WRI, A20, EN 01517545.

<sup>237</sup> **D219/981** Sao Chobb WRI, A50-57, EN 01502688-89 [Witness was a platoon leader in Koas Krala District: “Q: Did Ta Mok and Ta Tith also visit the site? A50: Yes they all did. Q: Were people still working as usual at the dam site when the study session was opened? A51: People were working as usual. Q: Regarding those people or guests like you who went to see the site, were you able to see how the people there lived? A52: We could see people were living at bushes here and there at the dam site. [...] Q: Did Ta Mok, Ta Tith or visitors speak to the people or workers there? [...] A55: They spoke to the people saying: ‘Comrades since our country is still poor, please try to engage in the struggle. Our country is still poor and lacking.’ [...] A56: The people there were not happy since they did not have enough to eat. They had to work because they were forced to. It was difficult to work when they did not have enough to eat. [...] A57: It’s simply because they did not have enough to eat and they did what they were asked to do so that’s why they were not happy.”].

<sup>238</sup> **D219/981** Sao Chobb WRI, A58, EN 01502689 [“Q: Who spoke to the people telling them they had to strive to work since we were still poor? A58: It was Ta Vanh, Ta Tith, the District Committee and my group.”].

## b. OTHER ACTS AND CONDUCT IN THE NORTHWEST ZONE

101. During at least part of the period prior to his appointment as Sector 1 Secretary, **Yim Tith** was based in Tuol Andaet, a location about a kilometre from the Kanghat Dam sluice gates,<sup>239</sup> where he worked alongside the incumbent Sector 1 Secretary, Ta Pet.<sup>240</sup> **Yim Tith** occupied a building there with an office and a meeting room.<sup>241</sup> During this period, Ta Pet oriented **Yim Tith** to the structure of and work at the Kanghat Dam.<sup>242</sup> **Yim Tith** also gathered information about Northwest Zone cadres from Ta Pet during this period.<sup>243</sup> Ta Pet and **Yim Tith** were seen travelling around the sector together in their Jeep, and during this period, Ta Pet gave lists of people to be arrested and reeducated to his subordinates.<sup>244</sup> **Yim Tith** also regularly met with Ros Nhim at Ros Nhim's residence for a period of about a year prior to Ros Nhim's arrest.<sup>245</sup>
102. **Yim Tith** also received orientation and guidance from a Northwest Zone cadre named Ta Saman, who was described as an "executioner"<sup>246</sup> and who, in mid- to late 1977, was involved in mass killings and the harvesting of human gallbladders from prisoners.<sup>247</sup> Ta Saman provided **Yim Tith** with information about the geography and organisational

<sup>239</sup> **D219/430** Chhoeung Bean WRI, A89, EN 01128719.

<sup>240</sup> **D219/368** Chhoeung Bean WRI, A33-34, EN 01117717-18; **D219/430** Chhoeung Bean WRI, A94, EN 01128720; **D219/654** Sok Cheat WRI, A6, 22-23, EN 01207506, 08.

<sup>241</sup> **D219/368** Chhoeung Bean WRI, A82-83, EN 01117722.

<sup>242</sup> **D219/430** Chhoeung Bean WRI, A86-90, EN 01128719-20.

<sup>243</sup> **D219/430** Chhoeung Bean WRI, A96, EN 01128720 ["Suy told me that Ta Tith was trying to get information from Ta Pet. The Southwest Zone cadres were spying on the Northwest Zone cadres."].

<sup>244</sup> **D219/292** Lek Piv WRI, A17, 19, EN 01111808 [Witness served as a commune chief and deputy commune chief in Sector 1: "A17: When they needed to take people to be educated, they would inform me of the names of the people whom they needed. Then I went to inform [those people] to pack their belongings because they were called to be educated. Afterwards, I never saw them again, and I learnt through word of mouth that those who were taken to be educated had died. Ta Pet, Ta Thon and Ta Neng gave me name lists. [...] Q: At the time when people were called to be educated, do you know whether Ta Tith had arrived and was working in the sector? A19: Yes, I do. Ta Tith had arrived in the sector. He always travelled back and forth with Ta Pet in their Jeep A1 and A2."].

<sup>245</sup> **D118/137** Chhorn Vorn WRI, A27-30, EN 00970083 ["I have heard of Ta Tit from the Southwest. When Ta Tit [...] came to visit Ta Nhim's house every evening. [...] I did not know what they talked about [...] Ta Tit arrived in Battambang less than a year before Ta Nhim was arrested. [...] He was fairly tall with a large face."]; **D219/237** Chhorn Vorn WRI, A6, 15, EN 01092936-37.

<sup>246</sup> **D219/465** Chhoeung Bean WRI, A23-24, EN 01139585 ["A23: Ta Saman was an executioner. Everyone was afraid of him. Q: Did you ever witness Ta Saman killing anyone? A24: No, I never saw personally him kill anyone. As I told you in my first interview, people were taken to be killed at Spung."]; **D219/689** Sok Cheat WRI, A70, EN 01216250 ["Everyone knows Ta Saman because he was so savage. He killed people mercilessly. Everyone talks about him. I have heard about him, but I have never seen him. It must be true. That is why, people talked about it."].

<sup>247</sup> **D219/430** Chhoeung Bean WRI, A76-78, EN 01128717-18 ["I saw Ta Saman marching people to be killed. [...] On one occasion they took the gallbladders from people whom they had killed and tied them to a column that they used to tie my hammock to sleep. The incident took place in August or September 1977 during the rainy season."]; **D219/465** Chhoeung Bean WRI, A18-20, EN 01139584.



structure of the Northwest Zone.<sup>248</sup> **Yim Tith** later promoted Ta Saman, who was one of the few Northwest Zone cadres to survive the purge.<sup>249</sup>

103. **Yim Tith** was well-acquainted with the living conditions of the population in the areas under his control. In the large meetings he led for Sector 1 cadres, “Ta Tith talked about the overall situation in the Sector he was in charge of and the situations in the districts in his Sector. He also advised the various district representatives in his Sector.”<sup>250</sup> At meetings that **Yim Tith** attended with his subordinates, there was discussion of demographic and economic information such as “data including the mortality rate and birth rate and production of transplant in each commune,”<sup>251</sup> establishing that **Yim Tith** would have been well aware of the effects of the common plan policies on the ability of the people to survive in the territory he controlled.
104. **Yim Tith** also required monthly written reports from his subordinates regarding things such as the size of the population in their districts; the number of sick people; the availability and sufficiency of clothes and food; and the occurrence of conflicts within the population.<sup>252</sup> He regularly provided handwritten instructions to his subordinates in Samlout District<sup>253</sup> and inspected the district once or twice a month.<sup>254</sup>
105. **Yim Tith** also demonstrated and exercised his authority as the Sector 1 Secretary by presiding over meetings of cadres at which he discussed Party policies. For example, **Yim Tith** presided over meetings approximately once every 10 days for all of the cooperative-level cadres in Koas Krala District.<sup>255</sup> He addressed a meeting attended by hundred of cadres from cooperatives, districts, and mobile units<sup>256</sup> in Banan (at Banan

<sup>248</sup> **D219/430** Chhoeung Bean WRI, A21, EN 01128710-11; **D219/465** Chhoeung Bean WRI, A31, EN 01139587 [“Q: Do you know why Ta Saman was promoted? A31: The reason for his promotion was that Ta Tith did not know about the area, and he wanted to know about the organisational structure of the former cadres who had been removed before Ta Tith’s arrival. Ta Tith arrived around April 1978. [...] Ta Saman was just the person who showed Ta Tith the path.”].

<sup>249</sup> **D219/465** Chhoeung Bean WRI, A31, EN 01139587 [“Q: Do you know why Ta Saman was promoted? A31: The reason for his promotion was that Ta Tith did not know about the area, and he wanted to know about the organisational structure of the former cadres who had been removed before Ta Tith’s arrival. Ta Tith arrived around April 1978. [...] Ta Saman was just the person who showed Ta Tith the path.”], A35, EN 01139588 [“Q: Who promoted Ta Saman? A35: Ta Tith.”].

<sup>250</sup> **D118/285** Nop Ngim WRI, A55, 84, EN 01044683-84, 88-89.

<sup>251</sup> **D219/298** Nop Ngim WRI, A16, EN 01111861; **D219/835** Nop Ngim WRI, A140-141, EN 01432968.

<sup>252</sup> **D118/285** Nop Ngim WRI, A45, EN 01044682. *See also* **D219/835** Nop Ngim WRI, A132-134, EN 01432966-67.

<sup>253</sup> **D118/285** Nop Ngim WRI, A44, EN 01044681 [“The instructions or reports that were sent from the Sector at that time were hand-written by Uncle Tith.”].

<sup>254</sup> **D118/285** Nop Ngim WRI, A65, EN 01044685.

<sup>255</sup> **D219/210** Lek Piv WRI, A4-8, EN 01088522-23.

<sup>256</sup> **D219/689** Sok Cheat WRI, A41, EN 01216247.

Loeur Pagoda) near the end of the year in 1977.<sup>257</sup> **Yim Tith** instructed the attendees to “follow Angkar’s orders.”<sup>258</sup> **Yim Tith** also presided over meetings at the Kanghat Dam worksite on a regular basis. These meetings were attended by people from all of the districts in Sector 1 – demonstrating **Yim Tith**’s authority over the entire sector.<sup>259</sup>

106. Ta Mok, **Yim Tith**, and Ta Pet all spoke at a meeting convened at Wat Ta Moem at which they emphasised that Cambodia “had been liberated and made fully independent so we did not need to depend on any other countries.”<sup>260</sup>
107. **Yim Tith**’s responsibilities in Sector 1 included oversight of security throughout the sector, as demonstrated by the fact that he instructed the Samlout District authorities to build a new security office in the district in late 1978.<sup>261</sup> Evidence also shows that he had authority to make arrests and to resolve security problems in Sector 3.<sup>262</sup> He was also in control of the sector military.<sup>263</sup>
108. **Yim Tith** visited the secretary of Bavel District, in Sector 3, at the district office to inspect the rice fields and other crops, ensure that the district was following its plan, and give instructions regarding enemies.<sup>264</sup> He also had regular written communication with the Bavel District Secretary through his messengers.<sup>265</sup>
109. Battambang University was used as a meeting location for the Northwest Zone Committee both before<sup>266</sup> and after the arrival of the Southwest Zone cadres. Ta Mok

<sup>257</sup> **D219/654** Sok Cheat WRI, A75-76, EN 01207519; **D219/689** Sok Cheat WRI, A37, 40, EN 01216247 [“Q: In your previous interview, you told us that you first met YIM Tith in late 1977 in a meeting. When you first met him, had Ta Pet been arrested? Or was he still working as the Sector 1 Secretary in the Northwest Zone? A37: When I met Ta Tith in the meeting in Banan, my uncle had not been arrested yet.”].

<sup>258</sup> **D219/689** Sok Cheat WRI, A43, EN 01216247 [“Q: Did Ta Tith address the meeting? A43: Yes, he did. He said, ‘Comrades, please follow Angkar’s orders.’”], A73, EN 01216251 [“Q: In the meeting you attended in which YIM Tith gave a speech in late 1977, did YIM Tith speak about enemies of Angkar? A73: He did not say anything about that. In the meetings, they talked about plans to build a dam, dig canals, and build a dam across Kanghat stream to get water for rice farming. They did not talk about other things besides this.”].

<sup>259</sup> **D219/292** Lek Piv WRI, A23-25, EN 01111809 [“Q: Where were the people who attended the meeting and received advice from Ta Tith from? A24: They were from all of the districts in Sector 1. I recall that they were from ROUNG, BANAN Districts, KOAS KRALA District and other districts in Sector 1.”]; **D219/236** Lek Piv WRI, A17, EN 01092932.

<sup>260</sup> **D219/292** Lek Piv WRI, A28, EN 01111809-10.

<sup>261</sup> **D118/285** Nop Ngim WRI, A51-52, EN 01044682-83 [“At that time, there was not yet a security office in Samlout, but there was a plan to build a security office in Ou Reang Khen Commune. [...] The district received a plan for security office construction from the Sector via a letter with Ta Tith’s name written on it. In the letter, the Sector instructed the district to build a 10 metre x 10 metre security office”]; **D219/835** Nop Ngim WRI, A137-139, EN 01432967.

<sup>262</sup> **D219/294** Moul En WRI, A190-191, EN 01111845.

<sup>263</sup> **D219/294** Moul En WRI, A191, EN 01111845.

<sup>264</sup> **D219/294** Moul En WRI, A76, 81, EN 01111834.

<sup>265</sup> **D219/294** Moul En WRI, A98, EN 01111836.

<sup>266</sup> **D118/136** Chhean Hea WRI, A33, EN 00969642.

occupied a house on the university campus when he was in the Northwest Zone.<sup>267</sup> **Yim Tith** exercised his authority as deputy zone secretary by summoning military leaders to meetings at Battambang University.<sup>268</sup>

### E. CONCLUSION

110. There is clear and consistent evidence that **Yim Tith** was an important CPK leader in both the Southwest and Northwest Zones whose power and prominence steadily increased throughout the jurisdictional period of the ECCC. Highly consistent evidence from independent witnesses establishes that he made significant contributions to all aspects of the joint criminal enterprise spanning the two zones.

## IV. CPK AUTHORITY STRUCTURE AND COMMUNICATION

111. In the DK regime, **Yim Tith** and other regional leaders implemented the criminal policies of the Communist Party of Kampuchea. By using the CPK authority structure and methods of communication, Party policies and orders originating from the Centre were passed down through regional authorities, particularly zone-, sector-, and district-level Party organisations. **Yim Tith** and other members of the JCE used the individuals at all levels of this authority structure, over all of whom they had authority and influence, to commit the crimes for which the ICP requests indictment.

### A. NATIONAL SYSTEM

112. The CPK Statute identified the Central Committee as the “highest operational unit throughout the country.”<sup>269</sup> The Central Committee had a total of at least 30 members.<sup>270</sup> The Central Committee comprised members of the Standing Committee and included

<sup>267</sup> **D118/150** Hem Moeun WRI, A11, EN 00975008 [“[Ta Mok’s] house was on the campus of the University of Battambang.”], A42-43, EN 00975012 [“[Ta Mok] was staying on the university campus.”]; **D118/136** Chhean Hea WRI, A33, EN 00969642.

<sup>268</sup> **D118/150** Hem Moeun WRI, A61, EN 00975015 [Witness was Mok’s nephew and traveled extensively with Mok: “Ta Mok made an announcement in front of the army that ‘Ta Tit is in charge of the zone when I am absent.’ Ta Tit used to invite military commanders to the meetings on the university campus.”]. See also **D118/222** Hem Moeun WRI, A32, EN 00988138 [Witness was Mok’s nephew and traveled extensively with Mok: “At one point when I crossed from Pursat Province to Kampong Chhnang Province, I saw a military base on the mountain there. I heard that Ta Mok was stationed there. At that time, I saw Ta Tith in a vehicle with a driver who was his messenger, and that vehicle was on the way to the military base on that mountain. I knew the driver was his messenger because in that regime only the messengers could drive a vehicle for the upper-level cadres and other cadres to go to other places. I did not know the name of his messenger. Ta Tith did not have any soldiers to escort or protect his vehicle.”].

<sup>269</sup> **D1.3.20.1** DK Statute, Art. 7.1, EN 00184038.

<sup>270</sup> **D1.3.36.1** Khieu Samphan WRI, EN 00539265; **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, EN 00170750.

military, zone-, and sector-level leaders.<sup>271</sup>

113. In practice, the Standing Committee<sup>272</sup> was the highest and most authoritative unit within the CPK and the DK government.<sup>273</sup> Khieu Samphan stated that “the political line and decision making process were [...] established at the standing committee,”<sup>274</sup> and Duch has declared that it was “the most important body within the Party.”<sup>275</sup> The headquarters of the Central and Standing Committee in Phnom Penh was known as “Office 870”.
114. During the DK period, the Standing Committee had seven members, five of whom were “full rights” members.<sup>276</sup> Southwest Zone Secretary Ta Mok, brother-in-law of **Yim Tith**, was one of the five “full rights” members of the Standing Committee.<sup>277</sup>
115. Directives of the Central and Standing Committees were sent to zone offices, military divisions, and ministries, where they were disseminated to sectors, districts, and other lower echelons.<sup>278</sup> Explicit instructions were provided in directives on how they were to be communicated and implemented.<sup>279</sup>
116. Before 17 April 1975, the CPK divided the country into five core regions with coded

<sup>271</sup> **D1.3.36.1** Khieu Samphan WRI, EN 00539265; **D6.1.93** Kaing Guek Eav alias Duch WRI, EN 00242903-04; **D6.1.95** Kaing Guek Eav alias Duch WRI, EN 00244242; **D6.1.1067** Kaing Guek Eav alias Duch WRI, EN 00147606; **D6.1.1063** Kaing Guek Eav alias Duch WRI, EN 00204353; **D6.1.1072** Kaing Guek Eav alias Duch WRI, EN 00198224; **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105140-41; **D117/36.1.20** Stephen Heder and Brian Tittmore, *Seven Candidates for Prosecution*, EN 00393581; **D1.3.17.1** Elizabeth Becker, *When the War Was Over*, EN 00237887.

<sup>272</sup> **D6.1.1065** Kaing Guek Eav alias Duch WRI, EN 00147570; **D6.1.1066** Kaing Guek Eav alias Duch WRI, EN 00147584; **D6.1.1067** Kaing Guek Eav alias Duch WRI, EN 00147602; **D6.1.1051** Kaing Guek Eav alias Duch WRI, EN 00154910; **D6.1.1056** Kaing Guek Eav alias Duch WRI, EN 00194551; **D6.1.92** Kaing Guek Eav alias Duch WRI, EN 00242188; **D6.1.93** Kaing Guek Eav alias Duch WRI, EN 00242901.

<sup>273</sup> **D1.3.36.1** Khieu Samphan WRI, EN 00539264; **D6.1.1065** Kaing Guek Eav alias Duch WRI, EN 00147570; **D6.1.91** Kaing Guek Eav alias Duch WRI, EN 00242874; **D6.1.1166** CPK Standing Committee Minutes, 22 Feb 1976, EN 00182546; **D6.1.1101** CPK Standing Committee Minutes, 8 Mar 1976, EN 00183360-62; **D1.3.29.1** Ieng Sary DC-Cam Statement, EN 00417600; **D6.1.1259** Khieu Samphan SOAS Interview, EN 00184680.

<sup>274</sup> **D1.3.36.1** Khieu Samphan WRI, EN 00539264.

<sup>275</sup> **D6.1.91** Kaing Guek Eav alias Duch WRI, EN 00242874.

<sup>276</sup> **D1.3.36.1** Khieu Samphan WRI, EN 00539265; **D1.3.29.4** Kaing Guek Eav alias Duch WRI, EN 00147521; **D6.1.1065** Kaing Guek Eav alias Duch WRI, EN 00147570; **D6.1.1070** Kaing Guek Eav alias Duch WRI, EN 00195577-78; **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, EN 00170749.

<sup>277</sup> **D1.3.36.1** Khieu Samphan WRI, EN 00539265; **D6.1.899** Khieu Samphan Interview by Meng-Try Ea, EN 00000929; **D1.3.29.1** Ieng Sary DC-Cam Statement, EN 00417600; **D1.3.29.4** Kaing Guek Eav alias Duch WRI, EN 00147521; **D6.1.1070** Kaing Guek Eav alias Duch WRI, EN 00195577; **D6.1.477** Chuon Prasith WRI, EN 00346941; **D6.1.1077** So Hong alias Salot Ban WRI, EN 00223595; **D6.1.987** So Hong alias Salot Ban WRI, EN 00503164; **D6.1.1074** Phyu Phun WRI, EN 00223585; **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, EN 00170749.

<sup>278</sup> **D6.1.503** Norng Sophang WRI, EN 00483968-69; **D6.1.786** Iep Duch WRI, EN 00223512-13; **D117/36.1.22** CPK Central Committee Directive, 11 Jul 1977, EN 00305412; **D6.1.473** CPK Central Committee Directive, 20 Jun 1978, EN 00275220.

<sup>279</sup> **D6.1.473** CPK Central Committee Directive, 20 Jun 1978, EN 00275220.

numbers: the Northeast (108), North (304), Northwest (560), Southwest (405) and East (203) Zones and the “Special Zone” consisting of the area around Phnom Penh.<sup>280</sup> Immediately after 17 April, the West Zone (401) was created from a portion of the Southwest Zone and several autonomous zones.<sup>281</sup> In mid-1977, a seventh zone was created when the previous autonomous Sectors 103 and 106 became the new North Zone (801), and the old North Zone was renamed the Central Zone.<sup>282</sup>

117. Zones were subdivided into units known as sectors, which were in turn divided into districts.<sup>283</sup> A district was composed of several communes or sub-districts, which contained numerous villages. Farming and other traditional labour practices were reorganised into “cooperatives.”<sup>284</sup>
118. Zones, sectors, and districts were instrumental in implementing the directives of the CPK Central and Standing Committees throughout the country. A three-person committee consisting of a secretary, deputy secretary, and member governed each echelon in the CPK organisational hierarchy.
119. For example, zone committees were responsible for overseeing the implementation of Party plans, tasks, and lines in the sectors, districts, and communes down to the lowest Party units in that zone, “reporting to the Central Committee on the situation and the work of the Zone.”<sup>285</sup> The committees at the sector, district, commune, and village levels fulfilled a similar function of implementing the tasks assigned by the CPK upper echelon and reporting to the upper echelon on their respective situations and work.<sup>286</sup>
120. Each committee member was generally tasked with a particular role: the secretary was

<sup>280</sup> **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border* (Chap Lonh Statement), EN 00170743; **D6.1.594** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396426; **D6.1.1085** Tha Sot WRI, EN 00226107; **D6.1.521** Noem Sem WRI, EN 00365658.

<sup>281</sup> **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105141 [Throughout this document, geographic references are to the zones as defined in the following official map of Democratic Kampuchea: **D1.3.27.1** Administrative Map of DK.].

<sup>282</sup> **D6.1.736** Kaing Guek Eav alias Duch WRI, EN 00403922; **D1.3.16.1** Ke Pauk’s Autobiography, EN 00089714; **D6.1.697** Suon Kanil alias Neang WRI, EN 00384426; **D6.1.724** Prum Son WRI, EN 00422380-82.

<sup>283</sup> **D1.3.20.1** CPK Statute, Jan 1976, Arts 7, 12-20, EN 00184038-44.

<sup>284</sup> **D1.3.17.6** Pol Pot Speech, 29 Sep 1977, EN 00012693; **D1.3.20.1** CPK Statute, Jan 1976, Art. 9, EN 00184039.

<sup>285</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 19, EN 00184043-44; **D1.3.30.2** Telegram 4 from Pok to Brother Pol, 2 Apr 1976, EN 00182658-60; **D1.3.30.1** Telegram 15 from Chhon to Brother Pol, 30 Nov 1975, EN 00185064-65; **D1.3.27.3** Report from Mo-560, 29 May 1977, EN 00183010-18.

<sup>286</sup> **D1.3.20.1** CPK Statute, Jan 1976, Arts 10, 13, 16, EN 00184039-43; **D1.3.27.2** Report from Sector 4, 28 May 1977, EN 00183603.

responsible for appointing and removing members of the committee, the deputy secretary was responsible for security, and the member was responsible for economics.<sup>287</sup>

121. According to the CPK Statute, zone committees were required to “hold ordinary meetings once every three months to examine, monitor, and deliberate on old work and to bring up new work.”<sup>288</sup> Zone committee members generally held positions in the CPK Standing and/or Central Committees.<sup>289</sup> In most zones, each of the sector secretaries attended the meetings of the zone committee and held a position as either the zone deputy secretary, member, or alternate member of the zone committee.<sup>290</sup>
122. Similarly, the CPK Statute provided that sector committees should hold meetings on a monthly basis.<sup>291</sup> Sector committees were tasked with coordinating all work done in the sector in line with Party policy.<sup>292</sup> The sector committee was responsible for ensuring that persons in the sector were ideologically and politically prepared in accordance with the “Party line”.<sup>293</sup> The sector committee was also charged with administering “discipline”<sup>294</sup> and the “defence” of the DK regime.<sup>295</sup> The sector committee was required to report to the upper echelon on the situation in the area.<sup>296</sup>
123. According to the CPK Statute, district committees were required to hold monthly meetings.<sup>297</sup> They were to lead and oversee the work of all cadres, branches, cooperatives, and military in their area in accordance with the “Party line”.<sup>298</sup> The district committee was also directed by the Party to ensure the ideological and political teaching of all persons in the district and the “defence” of the DK regime.<sup>299</sup> This included administering “discipline”.<sup>300</sup> The district committee was required to maintain “a system of reporting to the upper echelon on the situation and the work of the district”.<sup>301</sup>

<sup>287</sup> **D6.1.1533** Craig C. Etcheson Written Record of Analysis, EN 00142840; **D219/702.1.142** Bun Loengchaugh WRI, EN 00274103-04; **D6.1.529** Uk Bunchhoeun DC-Cam Statement, EN 00350203.

<sup>288</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 20, EN 00184044.

<sup>289</sup> **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, Account of Chap Lonh, EN 00170750.

<sup>290</sup> **D6.1.651** Pech Chim WRI, EN 00379303.

<sup>291</sup> **D1.3.20.1** CPK Statute, Jan 1976, Arts 14, 17, EN 00184042-43.

<sup>292</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 16(1)-(3), EN 00184042-43.

<sup>293</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 16(2)-(3), EN 00184042-43.

<sup>294</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 16(4), EN 00184043.

<sup>295</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 16(2)-(3), EN 00184042-43.

<sup>296</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 16(4), EN 00184043.

<sup>297</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 14, EN 00184042.

<sup>298</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 13(1)-(3), EN 00184041.

<sup>299</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 13(1)-(3), EN 00184041.

<sup>300</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 13(4), EN 00184042.

<sup>301</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 13(4), EN 00184042.

124. The DK Constitution gave the Revolutionary Army of Kampuchea (“RAK”), formally created in 1975, the task to “defend the State power” and “help to build [the] country.”<sup>302</sup> The three branches of the RAK – the regular or main-force army, the sector army, and the militias or chhlorps – provided internal and external security under the absolute leadership of the CPK.<sup>303</sup> At the zone level, a number of standing divisions were kept in place, charged with the day-to-day security of the zone.<sup>304</sup> Districts also maintained battalions for local defence<sup>305</sup> in addition to controlling local militias.<sup>306</sup>
125. The CPK established a system in which lower echelons regularly reported to the upper echelons on their “situation” and “work”.<sup>307</sup> The communication system allowed the Standing Committee to issue directives to the lower echelons, enabling the Standing Committee to maintain tight control over the implementation of Party policies. The CPK employed a variety of means to maintain communication, including a nationwide radio system, telephones, telegraphs, and messengers.<sup>308</sup>
126. CPK leaders also regularly used written documents such as letters, memoranda, reports, policy directives, and official publications to disseminate instructions and policy.<sup>309</sup> The *Revolutionary Flag* and *Revolutionary Youth* publications were the official sources for internal dissemination of CPK policy.<sup>310</sup> These publications were distributed to party members at the zone, sector, district, and commune levels<sup>311</sup> and were read out during meetings and study sessions.<sup>312</sup>

## B. SOUTHWEST ZONE

127. The Southwest Zone was divided into four sectors.<sup>313</sup> The ICP requests that **Yim Tith** be

<sup>302</sup> **D1.3.20.2** Constitution, 6 Jan 1976, Art. 19, EN 00184837-38.

<sup>303</sup> **D1.3.20.1** CPK Statute, Jan 1976, Art. 27, EN 00184046; **D117/36.1.23** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396426-27.

<sup>304</sup> **D6.1.503** Norng Sophang WRI, EN 00483970; **D6.1.734** Sokh Chhien WRI, EN 00374947-48.

<sup>305</sup> **D219/702.1.9** Chea Chinit WRI, EN 00425881; **D219/702.1.149** Tea Tit WRI, EN 00284712-13; **D118/259** Pech Chim WRI, A17, 90, 108, 112-113, EN 01000667, 77, 80; **D193/11.1.2** Sann Lorn WRI, A863-865, 887-889, EN 01050442-43, 46; **D119/16** Kao Chheng WRI, A10-11, EN 00919149-50; **D118/275** Bun Thoeun WRI, A46, EN 01031932; **D118/274** Bun Thoeun WRI, EN 01031972.

<sup>306</sup> **D118/259** Pech Chim WRI, A108, 112-113, EN 01000680; **D193/11.1.2** Sann Lorn WRI, A863-865, 887-889, EN 01050442-43, 46; **D119/16** Kao Chheng WRI, A10-11, EN 00919149-50.

<sup>307</sup> **D1.3.20.1** CPK Statute, Jan 1976, EN 00184042; **D1.3.19.1** CPK Central Committee Decision, 30 Mar 1976, EN 00182809; **D1.3.34.2** Report from Southwest Zone to Angkar, 3 Jun 1977, EN 00185243-45, EN 00185246; **D118/275** Bun Thoeun WRI, A28-31, EN 01031929.

<sup>308</sup> **D1.3.15.1** Craig Etcheson Written Record of Analysis, EN 00142834-00142835.

<sup>309</sup> **D6.1.512** Kim Vun WRI, EN 00365642.

<sup>310</sup> **D6.1.716 31** Yung Yem WRI, EN 00375696.

<sup>311</sup> **D6.1.681** Yun Kim WRI, EN 00412192-93; **D6.1.723** Lohn Dos WRI, EN 00407793.

<sup>312</sup> **D6.1.677** Duk Suo WRI, EN 00404732; **D6.1.734** Sokh Chhien WRI, EN 00374951.

<sup>313</sup> **D118/152** Pok Touch WRI, A25-28, EN 00979104.

sent to trial for crimes occurring in Sector 13 of this zone. Throughout the DK period, Ta Mok was the Southwest Zone Secretary.<sup>314</sup> His subordinates on the Southwest Zone Committee included Ta Si,<sup>315</sup> Ta Bit,<sup>316</sup> and Ta Chab.<sup>317</sup> The zone committee received orders from the Central Committee<sup>318</sup> and then disseminated those instructions to lower levels through meetings and education sessions, which specifically included warnings about “enemies” and against making mistakes.<sup>319</sup> The zone committee also coordinated forced marriages conducted at the lower levels.<sup>320</sup> From 1976 onwards, Ta Mok ordered **Yim Tith** and other prominent cadres<sup>321</sup> to be sent from the Southwest Zone to the Northwest Zone.

128. The Southwest Zone made weekly and monthly reports to Office 870 based on information passed from the lowest levels upwards.<sup>322</sup> The lower echelons reported on security within the districts, such as capturing “enemies”<sup>323</sup> and provided detailed information on rice production, including the number of hectares to be planted in each district.<sup>324</sup> The Southwest Zone sent messages and instructions to the sectors through telegrams.<sup>325</sup>

### 1. SECTOR 13

129. Sector 13 was divided into five districts.<sup>326</sup> The ICP requests that **Yim Tith** be sent to trial for crimes occurring in three of these: Tram Kak, Koh Andet, and Kirivong districts.<sup>327</sup>

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<sup>314</sup> **D118/275** Bun Thoeun WRI, A46, EN 01031932; **D118/259** Pech Chim WRI, A17, 90, EN 01000667, 75.  
<sup>315</sup> **D117/36.1.3** Chuon Thi WRI, A2, EN 00513313; **D118/151** Khiev Nov WRI, A6, EN 00979093-94.  
<sup>316</sup> **D118/151** Khiev Nov WRI, A6, EN 00979093-94; **D119/87** Moeng Vet WRI, A27, EN 00982740.  
<sup>317</sup> **D118/151** Khiev Nov WRI, A6, EN 00979093-94.  
<sup>318</sup> **D219/398** Ruos Suy WRI, A38, 47, 50, EN 01147801-03; **D118/259** Pech Chim WRI, A55-58, EN 01000673-74, A60-63, EN 01000674.  
<sup>319</sup> **D193/11.1.2** Sann Lorn WRI, A744-749, EN 01050425; **D117/36.1.3** Chuon Thi WRI, A2, EN 00513313; **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951847 .  
<sup>320</sup> **D219/28** Ma Sim WRI, A94-98, EN 01067890; **D219/294** Moul En WRI, A20, EN 01111829.  
<sup>321</sup> **D193/8.2** Ek (UI) Hoeun WRI, A42, EN 01053577.  
<sup>322</sup> **D1.3.1.19** CPK Central Committee Decision, 30 Mar 1976, EN 00182809; **D6.1.960** CPK Statute, Jan 1976, EN 00184042; **D1.3.34.2** Report from Southwest Zone to Angkar, 3 Jun 1977, EN 00185243-46.  
<sup>323</sup> **D1.3.34.2** Report from Southwest Zone to Angkar, 3 Jun 1977, EN 00185243.  
<sup>324</sup> **D1.3.34.2** Report from Southwest Zone to Angkar, 3 Jun 1977, EN 00185244; **D6.1.1230** Report from Ruos Nhim to Office 870, 16 May 1978, EN 00321961-63.  
<sup>325</sup> **D219/636** Khoem Vai WRI, A14, EN 01207667.  
<sup>326</sup> District 105 (Tram Kak District), District 106 (Angkor Chey District), District 107 (Treang District), District 108 (Koh Andet District) and District 109 (Kirivong District); **D347/2.1.55** Khmer Rouge Zone Map.  
<sup>327</sup> **D118/204** Mut Mao WRI, A31, EN 00983621; **D118/242** Khoem Boeun WRI, A39, EN 01057683 .



130. Ta Saom was the Sector 13 Committee Secretary until 1976<sup>328</sup> when he was replaced by Ta Prak.<sup>329</sup> Meas Muth was the deputy secretary of the Sector 13 Committee.<sup>330</sup> **Yim Tith** became a member of the Sector 13 Committee in 1976, subsequently served as deputy secretary and then secretary,<sup>331</sup> and was a key leader in the sector until the end of the DK regime.<sup>332</sup>
131. The Sector 13 Committee oversaw study sessions, propaganda, education, work, and security, among other matters.<sup>333</sup> Sector meetings were frequently held with all the district and/or commune secretaries within the sector where instructions were passed down from the upper echelons.<sup>334</sup> These meetings discussed matters such as CPK policy, work projects, living conditions, vigilance against enemies, and information on what was happening at lower levels.<sup>335</sup>
132. Meetings between Sector 13 leaders and district-level cadres were held two to three times per month.<sup>336</sup> They discussed issues such as identifying internal “enemies”.<sup>337</sup> The sector committee also held an annual meeting which all district leaders attended.<sup>338</sup> These meetings were used to instruct leaders on broad issues including politics and military

<sup>328</sup> **D118/151** Khieu WRI, A4, EN 00979093; **D118/204** Mut Mao WRI, A18, EN 00983619; **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951849.

<sup>329</sup> **D118/274** Bun Thoeun WRI, A21, EN 01031974; **D219/228** Nut Nov WRI, A1, EN 01087486-87.

<sup>330</sup> **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951849; **D118/259** Pech Chim WRI, A41, EN 01000671; **D119/156** Chhoeun WRI, A12, EN 01044842-43.

<sup>331</sup> **D119/85** Moeng Vet WRI, A9, 11-12, 23-24, 41, EN 00982714, 16, 19; **D119/84.2** Moeng Vet DC-Cam Statement, EN 01212286-87; **D119/84** Moeng Vet WRI, A34, EN 00982707; **D219/488** Moeng Vet WRI, A34-37, 40-41, 93-95, 103, EN 01170587, 92-93; **D219/86** Dok Chann WRI, A7, EN 01056874; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/79** Pech Chim WRI, A18, 20, EN 00947190; **D219/34** Ek (UI) Hoeun WRI, A21-22, EN 01053573-74; **D118/208** Ek (UI) Hoeun WRI, A60, 63, 73, 86-87, EN 00981818-20; **D118/34** Nut Nov WRI, A9-10, EN 00911440; **D219/228** Nut Nov WRI, A1, EN 01087486-87; **D118/92** Nop Nan WRI, A16-17, EN 00967028; **D219/636** Khoem Vai WRI, A38, 45, EN 01207672-73.

<sup>332</sup> **D118/79** Pech Chim WRI, A17, EN 00947190; **D118/259** Pech Chim WRI, A136-137, EN 01000683; **D118/305** Top Phan WRI, A99-101, EN 01045530. *See also* **D219/55** Hor Yan WRI, A42, EN 01053839; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819.

<sup>333</sup> **D118/259** Pech Chim WRI, A23, EN 01000669; **D119/84** Moeng Vet WRI, A29-31, EN 00982705-06.

<sup>334</sup> **D119/84** Moeng Vet WRI, A16, 18, EN 00982703; **D118/204** Mut Mao WRI, A36, EN 00983622; **D118/274** Bun Thoeun WRI, A30-33, 66-69, 72, EN 01031975, 81; **D219/28** Ma Sim WRI, A74-78, EN 01067887-88.

<sup>335</sup> **D119/156** Chhoeun WRI, A17-19, EN 01044844; **D118/242** Khoem Boeun WRI, A68, 83, 87-91, 98-99, 332-333, EN 01057687, 89-92, 731; **D119/108** Sok Rum WRI, A54-55, EN 00986257-58; **D118/274** Bun Thoeun WRI, A34, EN 01031976; **D219/488** Moeng Vet WRI, A42, 44, 45, EN 01170587-88.

<sup>336</sup> **D6.1.960** CPK Statute, Jan 1976, Art. 17, EN 00184043; **D118/242** Khoem Boeun WRI, A87, EN 01057690; **D118/259** Pech Chim WRI, A36, EN 01000670.

<sup>337</sup> **D118/242** Khoem Boeun WRI, A98-100, EN 01057692.

<sup>338</sup> **D118/274** Bun Thoeun WRI, A30, 35, EN 01031975-76; **D6.1.688** Bun Thoeun WRI, EN 00384406; **D118/21** Tim Phy WRI, A22, EN 00967011.

affairs.<sup>339</sup> Similarly, district-level meetings were used to instruct commune leaders on CPK policies two or three times a month.<sup>340</sup> Commune and cooperative leaders<sup>341</sup> were instructed on topics such as work projects,<sup>342</sup> food production,<sup>343</sup> and purging internal “enemies”.<sup>344</sup> Issues from these lower levels were transmitted to the district level.<sup>345</sup>

133. Sector 13 received regular reports from district committees which were then sent to the Southwest Zone.<sup>346</sup> Sector leaders communicated reports to Southwest Zone Secretary Ta Mok regarding security offices in Sector 13.<sup>347</sup> District committees provided reports to Sector 13.<sup>348</sup> Only authorised messengers delivered written reports from the districts to the sector.<sup>349</sup> These reports contained information from the lower echelons on internal and external “enemies”, food production, work projects, and workers’ living conditions.<sup>350</sup>
134. Commune leaders had to provide regular detailed reports to their respective district.<sup>351</sup> These were delivered to district leaders by messengers throughout Sector 13.<sup>352</sup> Commune leaders also prepared lists containing names, ages, and family details of those in the commune every two or three months.<sup>353</sup> The lists were used when implementing the forced transfer of people to different communes.<sup>354</sup>
135. Village chiefs also created written biographies that contained information on people’s

<sup>339</sup> **D6.1.688** Bun Thoeun WRI, EN 00384406-07; **D6.1.960** CPK Statute, Jan 1976, EN 00184043; **D118/274** Bun Thoeun WRI, A34, EN 01031976.

<sup>340</sup> **D6.1.688** Bun Thoeun WRI, EN 00384405; **D6.1.960** CPK Statute, Jan 1976, EN 00184039, 42. *See also:* **D118/242** Khoem Boeun WRI, A305-306, EN 01057727; **D118/103.1** Phan Chhen WRI, A45, EN 00490541.

<sup>341</sup> **D118/242** Khoem Boeun WRI, A159, EN 01057704.

<sup>342</sup> **D6.1.688** Bun Thoeun WRI, EN 00384405; **D6.1.960** CPK Statute, Jan 1976, Art. 17, EN 00184043; **D118/242** Khoem Boeun WRI, A159, EN 01057704 [Witness was Cheang Tong Commune (Tram Krak District, Takeo Province) chief from 1973 to 1979: “In the normal meetings, they talked about the work to be done, the lack of food and water for the people, and so on”].

<sup>343</sup> **D118/242** Khoem Boeun WRI, A68, 83, 159, EN 01057687, 89, 704; **D6.1.688** Bun Thoeun WRI, EN 00384405; **D6.1.960** CPK Statute, Jan 1976, Art. 17, EN 00184043.

<sup>344</sup> **D118/242** Khoem Boeun WRI, A98-100, EN 01057692.

<sup>345</sup> **D118/242** Khoem Boeun WRI, A82-83, 88, EN 01047689-90.

<sup>346</sup> **D6.1.650** Pech Chim WRI, EN 00379171, 73; **D6.1.1230** Report from Ruos Nhim to Office 870, 16 May 1978, EN 00321961.

<sup>347</sup> **D6.1.652** Pech Chim WRI, EN 00380137-38.

<sup>348</sup> **D6.1.650** Pech Chim WRI, EN 00379171, 73; **D6.1.1230** Report from Ruos Nhim to Office 870, 16 May 1978, EN 00321961.

<sup>349</sup> **D193/11.1.2** Sann Lorn WRI, A580, EN 01050404.

<sup>350</sup> **D1.3.34.2** Report from Southwest Zone to Angkar, 3 Jun 1977, EN 00185243, 45-46; **D6.1.1230** Report from Ruos Nhim to Office 870, 16 May 1978, EN 00321961-63.

<sup>351</sup> **D6.1.960** CPK Statute, Jan 1976, EN 00184040; **D219/138** You Vann WRI, EN 01059272, 77; **D6.1.650** Pech Chim WRI, EN 00379171, 73. *See also* **D6.1.651** Pech Chim WRI, EN 00379305.

<sup>352</sup> **D118/275** Bun Thoeun WRI, A28-31, EN 01031929.

<sup>353</sup> **D193/11.1.2** Sann Lorn WRI, A630, 653, 655, EN 01050413.

<sup>354</sup> **D193/11.1.2** Sann Lorn WRI, A627-628, 725, EN 01050410, 22.

backgrounds and ethnicities<sup>355</sup> that were sent to the commune and district level.<sup>356</sup> Based on this information, further lists were prepared<sup>357</sup> of those to be “swept completely clean”, naming those within targeted groups such as ethnic Vietnamese, Khmer Krom, and others deemed “enemies”.<sup>358</sup> Forced marriages were also reported from the commune through to Sector 13, and leaders from the lower echelons regularly sent lists of couples to be married.<sup>359</sup>

a. KIRIVONG DISTRICT

136. Kirivong District was divided into nine communes.<sup>360</sup> Four of the charged crime sites were located in the following communes: Wat Angkun execution site in Kampeaeng Commune, Wat Pratheat Security Centre and Slaeng Village Forest execution site in Kouk Prech Commune, and Preal Village execution site in Saom Commune.<sup>361</sup>
137. From at least 1975, **Yim Tith** was the Kirivong District Secretary or Deputy Secretary<sup>362</sup> and continued to hold these positions through April to May 1978.<sup>363</sup> Simultaneously, he

<sup>355</sup> **D193/11.1.2** Sann Lorn WRI, A615-616, EN 01050409; **D118/209** Ek (UI) Hoeun WRI, A38, 45, 47, EN 00983572-73.

<sup>356</sup> **D193/11.1.2** Sann Lorn WRI, A617-619, 622, EN 01050409-10.

<sup>357</sup> **D118/209** Ek (UI) Hoeun WRI, A45, 47, EN 00983573; **D6.1.470** List of Khmer Krom people from Kus commune, 29 Apr 1977, EN 00366665; **D6.1.1216** List of Khmer Krom people in Ang Ta Saom, 30 Apr 1977, EN 00290262.

<sup>358</sup> **D118/209** Ek (UI) Hoeun WRI, A38, 45, 47, EN 00983572-73; **D6.1.470** List of Khmer Krom people from Kus commune, 29 Apr 1977, EN 00366665; **D6.1.1216** List of Khmer Krom people in Ang Ta Saom, 30 Apr 1977, EN 00290262.

<sup>359</sup> **D118/242** Khoem Boeun WRI, A111, EN 01057695.

<sup>360</sup> Kampeaeng, Kouk Prech, Ream Andaeuk, Angk Prasat, Prey Rumdeng, Prey Ampok, Preah Bat Choan Chum, Saom, and Ta Ou; **D219/471** Toem Phal WRI, A35, EN 01154809. *But see:* **D6.1.971** Ministry of Education of Democratic Kampuchea, *Political Geography of Democratic Kampuchea*, 1977, EN 00814525.

<sup>361</sup> Wat Angkun execution site: **D219/379** Lach Sambath WRI, A5, EN 01132634 [“I was evacuated from Phnom Penh to Kampeng Commune, District 109.”]. Wat Pratheat Security Centre: **D3/22.2** Wat Pratheat Site Identification Report, Annex: Kouk Prech Commune Diagram, EN 00650936. Slaeng Village Forest execution site: **D118/169.1.19b** Kien Phoen Summary of Complaint, EN 00511538 [“the complainant together with 100 other people were transferred to Slaeng Village, Kampeaeng Sub/district (Slaeng was in Kouk Prech Sub-district previously), Kirivong District, Takeo Province.”]. Preal Village execution site: **D105/21** WRIA, Account of Nguon Kimmeng, EN 00803438 [“I went to Priel Village, Saom Commune, Kirivong District, Takeo Province [...] in order to locate the Execution Sites allegedly discovered in Preil Village and Saom Village”].

<sup>362</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584.

<sup>363</sup> **D219/358** Luon Mol WRI, A10, EN 01116344 [“In 1975, [...] Ta Tith was the deputy [Kirivong District Secretary].”], A13, EN 01116344; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-

implemented CPK polices in the Northwest Zone. The district committee communicated regularly with commune officials through district-wide meetings<sup>364</sup> and written communications.<sup>365</sup> The committee ordered commune officials to report on people who were deemed enemies and to discuss arrests. In these reports and discussions, the Khmer Krom were identified as the enemy.<sup>366</sup> The district committee sent lists of people to be arrested to the communes and the district military.<sup>367</sup>

#### b. TRAM KAK DISTRICT

138. Tram Kak District, designated District 105 during the DK regime,<sup>368</sup> was divided into at least 12 communes.<sup>369</sup> The charged crime site of Kraing Ta Chan Security Centre (aka

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41, EN 01116110-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605 **D219/379** Lach Sambath WRI, A13-15, 22, EN 01132635-36.

<sup>364</sup> **D219/471** Toem Phal WRI, A33-37, 43, 45-46, 49, 60, EN 01154809-13 [“Planning meetings [with commune committees] were held at the [Krivong] district office. [...] Normally five persons from each the communes attended the meetings [...] The meetings were held irregularly. Sometimes they occurred once every fortnight or every week or every ten days [...] They spoke about the issue of tracking the enemy [...] Yes, the [Krivong District Committee at] the meeting[s] mentioned killings: ‘As long as they are the enemy, they must be killed.’”]; **D219/358** Luon Mol WRI, A58, 96, EN 01116348, 51 [“They held a meeting once a month to talk about any plans to improve the district. Village and commune chiefs would be summoned to attend the meetings [...] The meeting attendees to be educated were the commune level, commune deputy, commune members, village chiefs, village deputies and village members.”]; **D118/21** Tim Phy WRI, A22, EN 00967011; **D219/369** Ork Chan WRI, A32, EN 01128257 [“Ta Tith, Ta Tom and other people attended the meetings.”]; **D219/66** Kung Chhom WRI, A57, EN 01053986; **D219/406** You Phnom WRI, A175-186, 195, EN 01139572-74 [“Q: Did Ta Tith talk about internal security issues [at meetings]? A175: Yes, he did. He talked about the ‘Yuen’ Khmer. [...] A184: He [Yim Tith] said the Vietnamese had their agents embedded inside Khmer Rouge ranks. [...] A186: [Yim Tith said to] [m]onitor to find [embedded Vietnamese] and report to the upper level. [...] the male and female youth.”]; **D118/305** Top Phan WRI, A59, EN 01045525; **D219/521** Tim (Toeb) Phy WRI, A38-42, 48, EN 01167994-95; **D219/189** Soeum Chhoeun WRI, A19, EN 01079817. *See also* **D219/488** Moeng Vet WRI, A40-47, EN 01170587-88.

<sup>365</sup> **D219/471** Toem Phal WRI, A45, EN 01154811 [“We were ordered to report enemies to the [Krivong] district echelon. Then, the district echelon would send a letter telling stating what to do with the enemies.”]; **D219/358** Luon Mol WRI, A31, EN 01116346 [“In general, the letters from the communes to the districts were about the arrests of people. When the letters sent from the districts to the communes they would be about asking for consideration and decision to take action whether someone had to be killed. For example, if a commune person made a report about who was an enemy and at that time, a district could response back after finding that he was really the enemy. The accused person then had to be killed.”]. *See also* **D118/302** Pann Sarou WRI, A87-91, EN 01045481-82.

<sup>366</sup> **D219/471** Toem Phal WRI, A134-136, EN 01154823-24; **D105/5** Ork Chan WRI, A40-43, EN 00803445.

<sup>367</sup> **D219/471** Toem Phal WRI, A9, 15-16, EN 01154805-06; **D118/302** Pann Sarou WRI, A87, EN 01045481. *See also* **D219/488** Moeng Vet WRI, A121, EN 01170596; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217607.

<sup>368</sup> *See, e.g.* **D315.1.9** Van Soeun, T. 3 Mar 2015, 13.51.10-13.53.38 [“Tram Kak district was also known as District 105 in Sector 13.”]; **D219/899.1.4** Moeng Vet, T. 26 Jul 2016, 09.38.25-09.41.14 [“Sector 13 was in Southwest Zone.”], 09.50.15-09.53.05 [“Q: [...] can you name the districts that were included in Sector 13 at that time? A: [...] numbers were designated to districts such as district 105, Tram Kak district”].

<sup>369</sup> *See, e.g.* **D219/702.1.103** Pech Chim, T. 24 Apr 2015, 11.25.43-11.28.12; **D6.1.651** Pech Chim WRI, EN 00379305; **D347/2.1.47** Tram Kak District Map [depicts 11 of the communes within Tram Kak District]; **D6.1.711** Tram Kak District Site Identification Report, EN 00428010-11 [discusses evidence relating to seven communes within Tram Kak District].

District 105 Reeducation Office) was located in Kus Commune.<sup>370</sup> Tram Kak was the birthplace of Zone Secretary Ta Mok<sup>371</sup> and served as a stronghold of the CPK during the 1960s and early '70s. By 1977, it was designated a model district for others to emulate.<sup>372</sup> The leaders of Tram Kak District, often related to Ta Mok,<sup>373</sup> were highly trusted and, consequently, many were sent to other parts of DK to replace “traitorous” cadres. As a result, the Tram Kak District Committee changed several times during the regime.

139. At the beginning of the DK regime, Ta Mok’s daughter, Khom, served as district secretary until early 1976.<sup>374</sup> Her deputy, Ta Keav, then filled the role until May or June 1976<sup>375</sup> and was then succeeded by Pech Chim, who had previously been a district

<sup>370</sup> **D6.1.652** Pech Chim WRI, EN 00380133 [“That Security Center [was] located in Kraing Ta Chan village, Kous commune, District 105 (Tram Kak district), Takeo province.”].

<sup>371</sup> See, e.g. **D364/2.1.4** Neang Ouch alias Ta San, T. 9 Mar 2015, 10.59.16-11.01.09 [“[Ta Mok’s] home village was in Trapeang Thum commune, Tram Kak district”]; **D315.2.6** Riel Son, T. 17 Mar 2015, 09.14.06-09.15.09 [“Ta Mok lived in Prakeab village, Trapeang Thum Khang Tboung commune”]; **D6.1.686** Sao Han WRI, A29, EN 00413900; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678585 [“Tram Kak was Mok’s birthplace”].

<sup>372</sup> **D6.1.542** *Revolutionary Flag*, Jun 1977, EN 00406849-50 [the Central Committee recognized Tram Kak as a model district and awarded it the 1976 Honorary Red Flag]; **D6.1.813** FBIS, *Revolutionary Organization Gives Awards to Three Districts*, 23 Jul 1977, EN 00168509-11; **D315.3.1** Chou Koemlan, 26 Jan 2015, 14.30.12-14.32.34 [“It was said that the region 105 Tram Kak districts, it was a model district compared to other districts. Tram Kak, District 105 achieved and got much harvest. I heard from the chief of the unit that the upper echelon praised Tram Kak district. Angkar admired the district because the district had good labour, had good irrigation system and had good harvest during DK periods”]; **D219/702.1.103** Pech Chim, T. 24 Apr 2015, 14.19.43-14.23.12 [“I was [assigned to Tram Kak district] at that time and Ta Mok presented [the ‘red honorary medal’] to me [...] he just placed it on the table and said, ‘Give it to Party 105 and all other cadres who had endeavoured to work on the rice production. You’ve scored number 1’, and the flag was placed before me.”].

<sup>373</sup> See, e.g. **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678538 [“Mok carefully placed a network of family members in various important positions in his Zone. These included two brothers-in-law, four sons, two daughters, and five sons-in-law. They were all promoted through the ranks, most after serving time in Mok’s home district, Tram Kak, known as District 105 of Region 13.”]

<sup>374</sup> See, e.g. **D315.1.14** Neang Ouch alias Ta San, T. 10 Mar 2015, 11.14.43-11.18.04 [the witness, Ta Mok’s brother-in-law, identified Mok’s daughter Khom as chief of Tram Kak District after the 1970 coup]; **D315.1.19** Pech Chim, T. 21 Apr 2015, 15.09.16-15.10.26 [“Q: The person you’re referring to as the female Khom, was this the same person who was the daughter of Ta Mok? A: Yes, that is correct. She’s the wife of Muth. And she was chief of the district party.”]; **D6.1.652** Pech Chim WRI, EN 00380135 [“After the liberation in 1975, Khom was still the secretary of District 105 until early 1976 when Khom fell sick”]; **D6.1.692** Phan Chhen WRI, A7, EN 00426282; **D118/242** Khoem Boeun WRI, A284, EN 01057724.

<sup>375</sup> **D315.1.19** Pech Chim, T. 21 Apr 2015, 15.24.30-15.26.39 [“Khom was the chairperson of the party. And Keav was the deputy. [...] He was in charge of providing education to the people and the party within the district. And he would work together with Khom; wherever he was, Khom was there.”]; **D6.1.652** Pech Chim WRI, EN 00380135-36 [“After Khom fell sick, Ta Keav, who was her deputy, took over her work [...] After Khom had moved to Kampong Som, Ta Keav replaced her as the secretary of District 105. After Ta Keav became the secretary of District 105 for about two to three months [...] they wanted to take Ta Keav to work as the assistant to the Sector. [...] After Ta Keav left, Ta Soam told me to replace Ta Keav as the secretary. I recalled that I became the secretary of District 105 about in May or June of 1976.”]; **D6.1.782** Iep Duch WRI, EN 00223474 [“Ta Keav was the District Secretary”].

committee member and was also a distant relative of Ta Mok.<sup>376</sup> Pech Chim controlled the district until February 1977 when he was transferred to the Central Zone,<sup>377</sup> and his elder brother, Kith (Kit), replaced him as secretary.<sup>378</sup> After Kith was transferred to Kandal Province, Ta Chay led the district until he, too, was transferred.<sup>379</sup> Ta Mok's younger brother-in-law, Neang Ouch *alias* Ta San, then held the position until the regime fell in 1979.<sup>380</sup>

140. The policies of the CPK leadership were implemented in Tram Kak following a highly organised hierarchical chain of command. Orders and instructions were passed down from the Party and zone levels to the lower ranks, often through meetings or site visits.<sup>381</sup>

<sup>376</sup> **D219/702.1.101** Pech Chim, T. 23 Apr 2015, 10.37.18-10.41.47 ["I am related to Ta Mok. Apparently, we were [distant] relatives. [...] he was not my mother's biological nephew; he was a [distant] nephew."]; **D315.2.5** Phneu Yav, T. 17 Feb 2015, 10.41.25-10.42.54 ["I know only Ta Chim because he used to visit Samraong [...] he was the district chief of Tram Kak."]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.23.48-15.25.50 ["Ta Chim was the District 105 Chief."]; **D315.1.3** Saut Saing, T. 25 Mar 2015, 11.16.20-11.17.53 ["every combatant or every villager knew that Ta Chim was the district chief."]; **D6.1.652** Pech Chim WRI, EN 00380136 ["After Ta Keav left, Ta Soam told me to replace Ta Keav as the secretary. I recalled that I became the secretary of District 105 about in May or June of 1976."]; **D6.1.651** Pech Chim WRI, EN 00379308 [during the 1975 evacuation: "At that time I was the member of the District. Khom was the chairperson, and Keav was Khom's deputy. As the member of the District committee, I was assigned to be in charge of economics and food."].

<sup>377</sup> **D6.1.651** Pech Chim WRI, EN 00379306 ["As I can recall it, I was transferred to the Central Zone on 12 February 1977."]; **D315.1.21** Ul (Ek) Hoeun, T. 8 May 2015, 15.19.07-15.21.02 ["[Pech Chim] went to the North Zone to take charge of the Chamkar Andoung rubber plantation"]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.23.48-15.25.50 ["soldiers there said about it that Ta Chim was no longer a district chief, then he went to take charge of a rubber plantation in Kampong Cham."].

<sup>378</sup> *See, e.g.* **D6.1.651** Pech Chim WRI, EN 00379306 ["I was transferred to the Central Zone in Kampong Cham in February 1977. At that time it may be my elder brother Kith [...] took over [my post]"]; **D315.1.14** Neang Ouch *alias* Ta San, T. 10 Mar 2015, 13.54.09-13.56.41 [referring to **D6.1.295**, EN 00388587 dated 18 Oct 1977: "I wrote this to Brother Kit. [...] Kit was the secretary of Tram Kak district."]; **D315.1.8** Phan Chhen, T. 25 Feb 2015, 15.16.35-15.18.52 ["Pich Kit was the elder brother of Pech Chim and he became the chief."].

<sup>379</sup> **D364/2.1.4** Neang Ouch *alias* Ta San, T. 9 Mar 2015, 15.19.20-15.20.51 ["[Ta Kit] went to Kandal province and then Ta Chay became the Secretary of the district"], 15.17.20-15.19.20 ["Ta Chay was the Secretary of Tram Kak district"]; **D315.2.6** Riel Son, T. 17 Mar 2015, 10.52.04-10.54.12 ["at the time, the district chiefs were Ta Chay, Ta Chim."]; **D118/242** Khoem Boeun WRI, A28, EN 01057681.

<sup>380</sup> Although Neang Ouch *alias* Ta San denied being District Secretary (**D364/2.1.4** Neang Ouch *alias* Ta San, T. 9 Mar 2015, 09.45.14-09.46.44, 13.43.34-13.45.02, 15.17.20-15.24.29), numerous witnesses confirmed he held that position. *See, e.g.* **D315.2.6** Riel Son, T. 17 Mar 2015, 10.57.01-10.59.14 ["Ta San, the younger brother-in-law of Ta Mok [...] was the last district chief."]; **D315.1.9** Van Soeun, T. 3 Mar 2015, 14.13.14-14.15.04 ["I met Ta San in 1977. [...] When I saw or met him, he was the chief of the Tram Krak district."]; **D118/242** Khoem Boeun WRI, A28, EN 01057681 ["The last Tram Kak District Committee was Ta San. For me, I also worked as Tram Kak District Committee with Ta San in October 1978 [...] Ta San had been Tram Kak District Committee long before me."]; **D6.1.782** Iep Duch WRI, EN 00223474 ["later Ta San the younger brother in law of Ta Mok came to govern [Tram Kak district] all the way until [the regime] fell."].

<sup>381</sup> *See, e.g.* **D6.1.653** Pech Chim WRI, EN 00381028 [former Tram Kak District Secretary: "I saw NUON Chea once when I went to study in Phnom Penh, at which time NUON Chea was the teacher. That was the training for all the district secretaries of the entire country."]; **D267.1.80** Pech Chim, T. 1 Jul 2013, 11.21.01-11.23.08 ["[the training with Nuon Chea] was conducted at Borei Keila. [...] It was not only for the district committees, it was also for the sector committees [...] There were more than 800 participants, to my best estimation. [...] it lasted for almost a month"], 14.40.06 ["it was in late 1976 when I studied

As the instructions were implemented, progress reports were generated that were sent back up the chain.<sup>382</sup> Through this regimented system of communication, CPK policies and orders were carried out as intended in Tram Kak District.

### c. KOH ANDET DISTRICT

141. Koh Andet District was divided into six communes.<sup>383</sup> Two of the charged crime sites, Wat Ang Srei Muny Security Centre and Prey Sokhon execution site, were located in

with him.”]; **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 13.35.42-13.42.05 [“Ta Mok accompanied the three Khmer Rouge leaders who travelled in a vehicle, and they were Pol Pot, Khieu Samphan and Nuon Chea. [...] They visited the Ou Chambak canal worksite” and also the “K1 cooperative” in Tram Kak District], 14.21.52-14.23.34 [the four leaders visited in early 1977], 14.26.49 [the leaders inspected the canal site and “just pointed their fingers that this area should be dug deeper so that we could irrigate much water to achieve three to six tons per hectare”], 14.29.51 [the head of units and the committee of the commune and district were called to meet with the leaders; later the workers “were told that we need to work hard so that we could finish our work within 10 or 15 days” so that they could be “sent to another place to dig another canal.”]; **D315.3.4** Oem Saroeurn, T. 26 Mar 2015, 09.22.47-09.32.36, 10.32.11-10.41.11 [describing how the Ou Chambak canal worksite was visited in 1977 by Ta Mok and a group of three leaders who were identified by her unit chief as “Nuon Chea, Khieu Samphan and Pol Pot”]; **D315.1.14** Neang Ouch alias Ta San, T. 10 Mar 2015, 11.11.16-11.13.07 [“In 1976, Ta Mok was still at the Southwest Zone and I met him probably once a month or once every two months when he came to Takeo for study sessions. [...] Chiefs of communes and districts were called for meetings at the district level.”]; **D6.1.652** Pech Chim WRI, EN 00380138 [“Ta Mok talked about the work plans for doing rice farming, and instructed [Sector Secretary] Ta Soam to lead this or that work.”]; **D6.1.650** Pech Chim WRI, EN 00379170 [describing how the district received work plans from the Sector through meetings or by letter]; **D219/702.1.103** Pech Chim, 24 Apr 2015, 09.45.12-09.46.52 [“I attended various meetings and then I got instructions and then I disseminated the instructions.”]; **D315.1.16** Nut Nov, T. 12 Mar 2015, 14.13.32-14.17.05 [as a commune official: “I attended the meeting at the district level as well as at the sector level. Such a meeting was held at least once a month”]; **D315.2.6** Riel Son, T. 17 Mar 2015, 11.16.05-11.20.21; **D315.2.5** Phneu Yav, T. 17 Feb 2015, 10.11.06-10.13.00; **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 14.40.05-14.42.58.

<sup>382</sup> See, e.g. **D6.1.808** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 17 Jan 1977, EN 00168469 [referencing “reports received early this month from every region” and “findings after visits to each of our bases”]; **D1.3.34.2** Report from Southwest Zone to Angkar, 3 Jun 1977 [situation report from the Zone to the Centre that includes production progress from Tram Kak District and reports on living conditions and captures]; **D315.1.8** Phan Chhen, T. 25 Feb 2015, 10.08.45-10.10.23 [“The report [went] through the chain of command; for example, the unit to the village, the village to the commune, the commune to the district, the district to the sector, and the sector to the zone. This was a regular chain of command.”]; **D219/899.1.1** Khoem Boeun, T. 4 May 2015, 11.24.18-11.25.48 [“When there were reports from the village to the commune, the commune would forward those report[s] to the district”], 10.41.30-10.43.55 [the district orally reported to Sector 13 about economic, political and military matters]; **D315.1.14** Neang Ouch alias Ta San, T. 10 Mar 2015, 14.09.10-14.13.21 [all offences had to be the subject of a report that was sent to the sector office, which decided what to do]; **D219/702.1.101** Pech Chim, T. 23 Apr 2015, 10.10.24-10.12.02 [the monthly report from the district to the sector about the management of the district, hostile conflict in the district, and harvest production was sent to the upper level and included measures they planned to take in the future]; **D315.1.16** Nut Nov, T. 12 Mar 2015, 15.10.23-15.11.18 [“The commune would make a report and the report would be forwarded to the upper echelon, who would make a decision on the matter”].

<sup>383</sup> Prey Khlea, Thlea Prachum, Pech Sar, Prey Yuthka, Romenh and Krapum Chhuk; **D119/16** Kao Chheng WRI, A1, 8, 22, EN 00919148-49, 51; **D219/568** Mom Phalla WRI, A29, 53, EN 01182725, 27; **D119/18** WRIA, Account of Hoy Pon, EN 00893288; **D6.1.819** FBIS, *Report on 11, 12, 14 February Border Clashes with SRV*, 15 Feb 1978, EN 00169244; **D118/128** Chao Ny WRI, A31, EN 00970007 (Krapum Chhuk). But see **D6.1.971** Ministry of Education of Democratic Kampuchea, *Political Geography of Democratic Kampuchea*, 1977, EN 00814525.

Prey Khla Commune.<sup>384</sup> The Koh Andet District Committee Secretary was Sieng until his transfer to Kirivong District in 1976.<sup>385</sup> Im Chaem was then appointed secretary of the district.<sup>386</sup> Ta Mok's brother-in-law, Neang Ouch *alias* Ta San, was the Koh Andet Deputy Secretary under both Sieng<sup>387</sup> and Im Chaem.<sup>388</sup> After Im Chaem led the first Southwest cadres to purge the Northwest Zone in 1977,<sup>389</sup> Ta Chan became the Koh Andet District Secretary<sup>390</sup> while Neang Ouch became the Tram Kak District Secretary.<sup>391</sup>

142. The district committee organised the cooperatives and communes in Koh Andet, assigned people to work, and held meetings attended by the lower echelons.<sup>392</sup> Meeting attendees were instructed to seek out “internal enemies”<sup>393</sup> and discussions included, *inter alia*: “smashing” those who committed moral offences;<sup>394</sup> fighting the invading “Yuong”;<sup>395</sup> and, maintaining strict vigilance against those who could be “spies”.<sup>396</sup> In 1976, a large meeting in Koh Andet also discussed the plan to relocate Southwest cadres to the Northwest Zone.<sup>397</sup> The district committee controlled security within Koh Andet,<sup>398</sup> which included ordering lower-level cadres to target groups deemed “enemies”.<sup>399</sup>

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<sup>384</sup> **D119/9** Wat Ang Srei Muny Detention Centre Site Identification Report, EN 00887253; **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887251.

<sup>385</sup> **D118/259** Pech Chim WRI, A18, EN 01000668; **D119/82** Neang Ouch alias Ta San WRI, A17, EN 00981139; **D119/84.2** Moeng Vet DC-Cam Statement, EN 01212279; **D119/84** Moeng Vet WRI, A21, EN 00982704; **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951845.

<sup>386</sup> **D123/1/5.1a** Im Chaem DC-Cam Statement, EN 00089782-84; **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951845; **D118/208** Ek (UI) Hoeun WRI, A64-68, EN 00981818; **D119/108** Sok Rum WRI, A47-48, 105, EN 00986255, 68; **D119/16** Kao Chheng WRI, A19-21, 24, 26, EN 00919151. *See also* **D118/181** Riel Son WRI, A224-226, EN 00982662; **D118/259** Pech Chim WRI, A39, EN 01000671.

<sup>387</sup> **D118/259** Pech Chim WRI, A39, EN 01000671; **D119/16** Kao Chheng WRI, A6, EN 00919149.

<sup>388</sup> **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951845-46.

<sup>389</sup> **D119/65** Tum Soeun WRI, A30-31, 40-44, EN 00966782-84; **D106/5** Tum Soeun WRI, A6-13, EN 00805994; **D219/37** Suon Mot WRI, A31-35, EN 01053617; **D118/153** Long Vonn WRI, A53, EN 00978776; **D119/30** Phoun Senty WRI, A5, EN 00938204; **D123/1/5.1b** Im Chaem DC-Cam Statement, EN 00951798-99; **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951852.

<sup>390</sup> **D119/82** Neang Ouch alias Ta San WRI, A34, 42-49, EN 00981143, 00981145-46.

<sup>391</sup> **D123/1/5.1c** Im Chaem DC-Cam Statement, EN 00951846 [“my deputy was Ta Mok’s younger brother-in-law [...] Grandfather San”]; **D118/242** Khoem Boeun WRI, A28, EN 01057681; **D219/34** Ek (UI) Hoeun WRI, A6-7, 13, EN 01053571-72; **D118/208** Ek (UI) Hoeun WRI, A113, EN 00981822. *See also* **D6.1.210** Letter from Tram Kak District Secretary San to Chhoeun on 7 Aug 1978, EN 00831486.

<sup>392</sup> **D123/1/5.1b** Im Chaem DC-Cam Statement, EN 00951795; **D119/82** Neang Ouch alias Ta San WRI, A45-46, EN 00981145; **D118/242** Khoem Boeun WRI, A159, EN 01057704.

<sup>393</sup> **D118/242** Khoem Boeun WRI, A87, 91, EN 01057690-91.

<sup>394</sup> **D6.1.688** Bun Thoeun WRI, EN 00384409.

<sup>395</sup> **D119/108** Sok Rum WRI, A47-48, EN 00986255.

<sup>396</sup> **D118/274** Bun Thoeun WRI, A30, 34, EN 01031975-76; **D6.1.688** Bun Thoeun WRI, EN 00384407-08.

<sup>397</sup> **D119/108** Sok Rum WRI, A48-50, EN 00986255-56.

<sup>398</sup> *See, e.g.* **D118/167** Van Soeun WRI, A54-57, 71-72, EN 00980285, 87; **D118/209** Ek (UI) Hoeun WRI, A17-18, EN 00983569-70.

<sup>399</sup> **D118/209** Ek (UI) Hoeun WRI, A32-38, 108, EN 00983571-72, 81; **D119/16** Kao Chheng WRI, A10-11, EN 00919149-50.



### C. NORTHWEST ZONE 1977 – 1979

143. The Northwest Zone was divided into seven sectors.<sup>400</sup> The ICP requests that **Yim Tith** be sent to trial for crimes occurring in Sectors 1, 2, 3, 4, 5, and 7 of this Zone. In 1977, Muol Sambath *alias* Ros Nhim *alias* Ta Kao was the Northwest Zone Secretary.<sup>401</sup> Kung Sophal *alias* Ta Keu was the deputy secretary<sup>402</sup> and Heng Teav *alias* Ta Pet was the second deputy secretary of the committee.<sup>403</sup> Other zone committee members included Ta Say, Ta Vanh, and Ta Tom.<sup>404</sup> Ros Nhim was purged in 1978<sup>405</sup> and replaced by Ta

<sup>400</sup> **D219/193** Vat Phat WRI, A298, EN 01079914; **D118/102** Toat Thoeun WRI, A181, EN 00974049.

<sup>401</sup> **D118/28** Chhan Chhoeun WRI, A3, EN 00901000; **D219/263** Chham Luy WRI, A16, EN 01097408; **D67.9** Chhit Yoeuk DC-Cam Statement, EN 00731127; **D105/3** Nuon Muon WRI, A8, EN 00787174; **D118/86** Nhoek Ly *alias* Ta Kim WRI, A13, EN 00976961; **D123/1/2.53** Bou Mao DC-Cam Statement, EN 00969890; **D119/66** Bin Heuy WRI, A4, EN 00975037; **D6.1.685** Lim Sat WRI, A1, EN 00412157; **D5/1024** Thon Thy CPA, EN 01192091. *See also* **D219/373** Nom Phoun WRI, A44, EN 01128269. *See contra* **D219/181** Por Bandeth WRI, A12, EN 01077036; **D5/1840** Kong Phearin CPA, EN 01235970; **D193/11.1.2** Sann Lorn WRI, A737-738, EN 01050424.

<sup>402</sup> **D34.1.9** Heng Teav Transcript of Interview, EN 01181125-26; **D219/674** Kaing Guek Eav *alias* Duch WRI, A35, EN 01213437; **D118/154** Toat Thoeun WRI, A34, EN 00978788; **D118/69** Nuon Muon WRI, A11, EN 00950727 [“Ta Keu was also Zone Deputy, like Ta Paet”]; **D118/136** Chhean Hea WRI, A3, 6, EN 00969637-38; **D118/86** Nhoek Ly WRI, A13, EN 00976961.

<sup>403</sup> **D118/154** Toat Thoeun WRI, A34, EN 00978788 [“Both Ta Keu and Ta Pet were Ta Nhoem’s deputies”]; **D6.1.116** Tes Heanh WRI, EN 00275412; **D118/69** Nuon Muon WRI, A11, EN 00950727; **D118/76** Chuch Punlork WRI, A32, EN 00976628; **D219/430** Chhoeung Bean WRI, A47, EN 01128714; **D118/136** Chhean Hea WRI, A3, 6, EN 00969637-38; **D219/373** Nom Phoun WRI, A42-44, EN 01128269; **D219/538** Soeun Mat WRI, A14, EN 01173574.

<sup>404</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7765, EN 01222640 [Ros Mao *alias* Than or Peang or Say, Chief of Zone Office (member of Northwest Zone and former Sector 1 Secretary), 26 Jun or 10 Jul 77]; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A18, EN 00976924 [“Ta Say, the Zone Committee and in Office 560”]; **D219/702.1.4** Lim Sat, T. 2 May 2013, 15.32.58-15.34.43 [“Ta Kan from the zone committee and Ta Vanh also from zone committee.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.21.06-09.23.27 [“Mr. Vanh was in charge of commerce in the entire Battambang province”]; **D118/278** Nam Im WRI, A169, EN 01031804; **D118/136** Chhean Hea WRI, A54, EN 00969646; **D6.1.715** Saloth Ban *alias* So Hong or Lot Nitya WRI, EN 00361016-17; **D**; **118/173** Van Chauk WRI, A22, EN 00981758; **D118/102** Toat Thoeun WRI, A31, EN 00974018; **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181126 [“Ta Tom was also a member.”]; **D118/150** Hem Moeun WRI, A32, EN 00975011.

<sup>405</sup> **D1.3.18.2** Muol Sambath *alias* Ros Nhim S-21 Confession, 14 Jun 1978, EN 00780859 [“Moul Oun *alias* Sambath *alias* Nhim, former secretary of Northwest Zone.”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 14398 [Moul Un *alias* Sambatt (Nhim), Secretary of Northwest Zone, M, 56]; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, 1996, EN 00678710; **D287/2/1.1** Notes of interview of Heang Teav *alias* Ta Pet by Steve Heder, EN 00217619; **D118/86** Nhoek Ly *alias* Ta Kim WRI, A4, EN 00976958; **D24** Tes Heanh WRI, EN 00710291; **D118/136** Chhean Hea WRI, A35, 55, EN 00969643, 46; **D219/263** Chham Luy WRI, A16, EN 01097408; **D219/551** Heng Khly WRI, A55-56, EN 01178559; **D219/689** Sok Cheat WRI, A32-33, EN 01216246; **D6.1.991** Uk Soeum WRI, A5, EN 00491350; **D118/106** Huon Choeum WRI, A6-7, EN 00978418.

Mok.<sup>406</sup> Ta Keu and Ta Pet were also removed and arrested in 1978.<sup>407</sup>

144. Ta Mok was the secretary of both the Northwest Zone and Southwest Zone.<sup>408</sup> **Yim Tith** became the deputy secretary<sup>409</sup> and acted as the *de facto* secretary of the Northwest Zone

<sup>406</sup> **D123/1/5.1c** Im Chaem Transcript of Interview, EN 00951861; **D105/3** Nuon Muon WRI, A12-13, EN 00787174; **D219/551** Heng Khly WRI, A55-56, EN 01178559; **D118/106** Huon Choeum WRI, A6-7, EN 00978418; **D118/150** Hem Moeun WRI, A35, EN 00975011; **D118/1** UK Soeum WRI, A5, 7, EN 00876119; **D219/233** Chhean Hea WRI, A11, EN 01090007-08; **D118/86** Nhoek Ly WRI, A20-21, EN 00976963; **D118/102** Toat Thoeun WRI, A33, EN 00974020; **D119/66** Bin Heuy WRI, A9, EN 00975038; **D118/153** Long Vun WRI, A18, EN 00978770. See also **D219/233** Chhean Hea WRI, A8-9, EN 01090007; **D219/294** Moul En WRI, A106, EN 01111837; **D24** Tes Heanh WRI, EN 00710290-91; **D118/84** Toch Phoeun WRI, A15, EN 00976936. See *contra* **D67.9** Chhit Yoeuk DC-Cam Statement, EN 00731138; **D219/589** Choem Bunret WRI, A22, EN 01178772.

<sup>407</sup> **D1.3.4.6** Kung Sophal alias Keu S-21 Confession, 4 Nov-5 Dec 1978, EN 00797073; **D6.1.882** Kaing Guek Eav alias Duch WRI (Military Court), EN 00326765; **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181104; **D1.3.11.15** Heang Teav OCP Statement, EN 00426120; **D219/233** Chhean Hea WRI, A9, 14, 16-18, EN 01090007-08; **D118/86** Nhoek Ly alias Ta Kim WRI, A13, 20-21, EN 00976961, 63; **D219/515** Chheun Chhuoy WRI, A27, 48, EN 01156943, 47-48; **D219/538** Soeun Mat WRI, A17, EN 01173575; **D219/654** Sok Cheat WRI, A78, EN 01207520; **D118/102** Toat Thoeun WRI, A33, EN 00974020; **D118/136** Chhean Hea WRI, A2, 6, EN 00969636-38.

<sup>408</sup> **D118/153** Long Vun WRI, A14-15, EN 00978770; **D118/150** Hem Moeun WRI, A45, 47, EN 00975012-13; **D193/11.1.2** Sann Lorn WRI, A775, EN 01050428; **D219/62** Preap Kap WRI, A36, EN 01053908; **D219/636** Khoem Vai WRI, A116-117, EN 01207685.

<sup>409</sup> **D118/108** Loem Tim WRI, A16-18, EN 00976924 [“I knew Ta Tith; he was in charge of the Northwest Zone. [...] I knew Ta Tit when our security guards were sent to attend an assembly at Battambang University in Battambang town Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone. I also knew that Ta Tit came to Battambang before Ta Mok. He was there probably one year before the Vietnamese soldiers arrived. [...] Probably in mid 1978 [...] Ta Tit was introduced as on the Committee of the Northwest Zone at that time [...] Ta Ruos Nhim and Ta Kan were arrested later about five to six months before the arrival of the Vietnamese.”], A27, EN 00976926 [“Q: When you attended the assembly in Battambang was Ta Nhim there? A27: No, he was not. Ta Tit was the most senior there.”]; **D118/271** Chhean Hea WRI, A34, EN 01029422 [“They arrested Ta Nhim first, and about five months later they arrested Ta Keu. Ta Tith and Ta Mok replaced them.”]; **D118/69** Nuon Muon WRI, A14, 16-17, EN 00950727 [“A14: [...] Ta Tith became Deputy Chairman of Ta Mok’s Northwest Zone, in charge of Sector 1. [...] Q: Why did you know that Ta Tith was Deputy of the Northwest Zone? A16: Because at the time there were only two high-ranking figures from the Southwest Zone – they were Ta Mok and Ta Tith, not anyone else. Q: Did they ever announce that Ta Tith became Deputy of the Zone? A17: They never announced that. I knew that through people and Southwest cadres who controlled a cooperative and union.”]; **D219/917** Chey Touch WRI, A11, 13, 15, EN 01519526 [“when I was relocated to Daun Teav in Battambang I heard of [Yim Tith] [...] I heard people talking about him in a worker meeting. [...] [Ta Bo] just said that Ta Tith was the Secretary of the Zone.”]; **D219/373** Nom Phoun WRI, A89, EN 01128273 [“A89: Ta Tith was more powerful because Ta Vanh was on the sector committee, but Ta Tith was on the zone committee with Ta Nhim, alias Kilo. Q: How had you known that Ta Tith worked at the same zone level with Ta Nhim? A90: I was in the mobile unit. I hear people saying this.”], A117, EN 01128275-76 [“At first, the battlefield committee, who was the master of ceremonies, announced the presence of the meeting chairmen whom they called Angkar’s upper echelons. Afterward the battlefield committee read and announced the presence of Ta Vanh, the sector committee, Ta Tith, the zone committee, and Ta Nhim, the Northwest Zone Secretary. They announced that Ta Tith was the Zone Deputy Secretary.”]; **D105/8** Han Thy WRI, A27, EN 00903457 [“I met [Yim Tith] just twice. During my second meeting, he asked me to hold a meeting from the people in Kantueu commune in order to remove Ta Paet from his position in the Northwest Zone, and for him to rise to the zone’s secretary.”]; **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, 1980, EN 00170728 [Interview 18: “In tambon 1 of which Sadau was a part, the Secretary was Ta Tith who previously had been secretary of the District of Kirilom in the Southwest. The Northwest Region Committee members who had previously been arrested included Ros Nhim (Secretary), Ta Keu (Deputy-secretary) and Khleng (Member). In the Northwest at that time it seemed that Ta Tith was acting Regional Secretary but Ta Mok also visited occasionally.”]; See also **D118/63** Han Thy WRI, A29-30, EN 00945852-53 [“Ta Tit attended

Committee in Ta Mok's absence.<sup>410</sup> Although Ta Mok and **Yim Tith** previously exercised authority as *de facto* leaders of the Northwest Zone, they assumed formal authority as Northwest Secretary and Deputy Secretary, respectively, in mid-1978. Around this time in June 1978, Sarun was appointed to the Northwest Zone Committee.<sup>411</sup>

145. Northwest Zone committee members held meetings<sup>412</sup> where sector and district attendees were told to live and work in accordance with the "Party line".<sup>413</sup> At these meetings, they discussed, amongst other issues, "rules and regulations", enemies (including the Vietnamese and Northwest Zone cadres), work, solidarity, and the delivery of items to newlyweds.<sup>414</sup>

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a meeting held in Svay Bei Deum. I did not know him before. Only after he arrived at the meeting I was told that he was Ta Tit. He was in the Northwest Zone committee. [...] He said that he came from the Southwest zone. He announced that 'he came here to replace the Northwest cadres'. He did not say anything else."]; **D105/4** Huy Krim WRI, A20, EN 00787165 ["Ta Mok and Ta Tith were known as the Zone Committee."]; **D118/75** Huy Krim WRI, A25, EN 00976618 ["Once [Sokh's militiamen who were in charge of the prison at Thoamayuth Pagoda] they told me that Ta Tit, the Zone Committee Member, would be coming to lead a meeting."]; **D219/835** Nop Ngim WRI, A91, EN 01432959 ["I knew that Om Mok and Om Tith were zone level."]; **D118/136** Chhean Hea WRI, A10, EN 00969639 ["Q: You said Ta Tit was a close aide of Ta Mok who controlled the Northwest Zone: Did you mean Ta Tit also held some position in the Northwest Zone? A10: Sure! Ta Tit held a position in the Zone as well."].

- <sup>410</sup> **D118/150** Hem Moeun WRI, A59-61, 65, EN 00975014-15 ["Ta Tit and Ta Bit were Ta Mok's subordinates. [...] In Battambang, Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the Northwest Zone during Ta Mok's absence. [...] Ta Mok made an announcement in front of the army that 'Ta Tit is in charge of the zone when I am absent.' [...] I first met him in late 1977 or early 1978 in Battambang, but I might be wrong because it was a long time ago."]; **D118/222** Hem Moeun WRI, A14, EN 00988134 ["Q: In the previous interview in question-answer 61, you said, 'Ta mok announced in a meeting at Battambang that Ta Tith was the person who would replace him in the Northwest Zone whenever he was absent.' When was that meeting held? Did many people attend that meeting? A14: I heard this announcement about one week after I arrived in Battambang Province. I did not guard at the meeting place; I was guarding along the way, and saw many people coming to attend the meeting."].

- <sup>411</sup> **D6.1.616** Uk Soeum SOAS Interview, EN 00352106"; **D6.1.1052** Kaing Guek Eav alias Duch WRI, EN 00160720"; **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105152 [listing Central Committee Member "Sarun alias Saroun" from the Northwestern Region as, inter alia "regional Party Secretary (1978), former Party Secretary, Sector 7"].

- <sup>412</sup> **D118/63** Han Thy WRI, A24, EN 00945852; **D219/538** Soeun Mat WRI, A82-84, EN 01173588, A21-25, EN 01173576; **D219/654** Sok Cheat WRI, A30, 75-76, EN 01207509, 19; **D6.1.991** Uk Soeum WRI, A5, EN 00491350; **D219/193** Vat Phat WRI, A272-275, EN 01079911; **D219/292** Lek Phiv WRI, A28, EN 01111809-10; **D118/69** Nuon Muon WRI, A22-23, EN 00950728; **D119/66** Bin Heuy WRI, A15, EN 00975040.

- <sup>413</sup> **D6.1.991** Uk Soeum WRI, A5, EN 00491350; **D118/86** Nhoek Ly WRI, A21-22, EN 00976962- 63.

- <sup>414</sup> Rules and Regulations: **D219/528** Lonh Lun WRI, A74-75, 77, EN 01168075 [In Sector 4: "Q: Yesterday you said that you knew very well that Northwest cadres were accused of being traitors, and Ta Mok openly made such an accusation in front of you. Where did Ta Mok say this? A74: He said that at Prey Touch Pagoda in Prey Touch Village, south of Kach Roteh, along the national road. [...] A75: [...] after high-level Northwest cadres were arrested, all the remaining level cadres were called to attend a meeting to be informed about rules and regulations and to receive warnings to make us aware. [...] A76: The meeting was held in early 1978."]. Enemies: **D219/298** Nop Ngim WRI, A16, EN 01111860-61 [At the monthly meetings at Ta Mok's house: "We were advised to be vigilant regarding the enemies who could hide in our unit [in Samlout District]. At that time, Ta Mok and Ta Tith told us that if we saw the enemies first we had to warn them to change. If they did not change we would have to take them to be killed."]; **D219/974.1.2**

146. The instructions from the Centre to the zone included working hard to increase crop production<sup>415</sup> and searching out internal “enemies” including KGB agents and the “Yuen”.<sup>416</sup> These orders and instructions were passed down from the zone level to the lower ranks at site visits, meetings, and study sessions.<sup>417</sup> Committee members visited

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Nop Ngim, T. 5 Sep 2016, 10.57.23-10.59.24 [“Ta Mok and Ta Tith instructed us [...] about the enemies and also [...] about the destroying of enemies. [...] I was told to conduct surveillance and monitor the enemies.”]; **D219/835** Nop Ngim WRI, A99, 102, EN 01432961-62 [“They spoke those words giving instructions not to let the enemy do anything to the units of organization in our locations. [...] Sometimes the enemy was inside our very own ranks.”], *confirming* **D118/285** Nop Ngim WRI, A56, 79-91, 104, 116-118, 130, 161, EN 01044684, 58-59, 62-64, 66, 71; **D118/108** Loem Tim WRI, A17, 22, EN 00976924-25 [“at Battambang University in Battambang town [...] Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone. [...] He told us to protect the factory from the Vietnamese in case they came to rob or set fire to the factory.”]; **D219/649** Loem Tim WRI, A62, 64, 69, EN 01207440 [“They told us to safeguard the factory just in case the enemy set fire to the factory. [...] They just told us to be cautious lest Yuen set fire to the factory. [...] people in the convention were to join hands in preventing the enemy from setting the factory on fire or destroying it.”]; **D219/931** Prak Soeun WRI, A21, 26-28, EN 01492930-31 [Witness worked at Kampong Kol Sugar Factory in Sector 1: “in early 1978 [...] Ta Mok gave a speech. [...] He said that all the Northwest Zone cadres had betrayed Angkar. [...] He also said that, in that zone, there were many bandits.”]; **D219/528** Lonh Lun WRI, A74, 76-77, EN 01168075 [In Sector 4: “Q: Yesterday you said that you knew very well that Northwest cadres were accused of being traitors, and Ta Mok openly made such an accusation in front of you. Where did Ta Mok say this? A74: He said that at Prey Touch Pagoda in Prey Touch Village, south of Kach Roteh, along the national road. [...] A76: The meeting was held in early 1978. [...] A77: [...] they just reminded us to be vigilant because all the Northwest group were traitors.”]. *Work*: **D219/835** Nop Ngim WRI, A87, EN 01432959 [Ta Mok “instructed us to work”]. *Solidarity*: **D219/835** Nop Ngim WRI, A87, EN 01432959 [Ta Mok instructed attendees “to have solidarity with one another, and not to quarrel and have disputes with one another.”]. *Newlyweds*: **D219/62** Preap Kap WRI, A44, EN 01053909 [In Samlout District, “Ta Mok [...] told Ta Tith to transport beds, mosquito nets, and hammocks for the newly-wed disabled persons.”].

<sup>415</sup> **D219/294** Muol En WRI, A174, EN 01111844; **D219/515** Chheun Chhuoy WRI, A30-31, EN 01156944; **D219/654** Sok Cheat WRI, A29, EN 01207509; **D193/11.1.2** Sann Lorn WRI, A744-746, EN 01050425.

<sup>416</sup> **D118/63** Han Thy WRI, A24, EN 00945852; **D219/538** Soeun Mat WRI, A69-74, 82-84, EN 01173585-86, 88; **D219/515** Chheun Chhuoy WRI, A30-31, EN 01156944; **D219/193** Vat Phat WRI, A272-274, EN 01079911; **D118/69** Nuon Muon WRI, A22-23, EN 00950728.

<sup>417</sup> *Site Visits*: **D219/423** Yon Yoeun WRI, A45, EN 01135133 [“Occasionally, Ta Mok and Ta Pet came for a tour of Tuol Mtes worksite.”]; **D219/931** Prak Soeun WRI, A21, 40-41, EN 01492930, 33 [At Kampong Kol Sugar Factory, Ta Mok “frequently [...] came to inspect, to give assignments and to give orders directly” “in 1978.”]; **D219/649** Loem Tim WRI, A12, 31, EN 01207431, 35 [Ta Mok “only came to do inspections [...] [i]n 1978 – just a few months prior to the arrival of the Vietnamese.”]. *Meetings*: **D219/931** Prak Soeun WRI, A19, 21, 26, EN 01492930-31 [Witness worked at Kampong Kol Sugar Factory in Sector 1: “during a meeting, there was an announcement that [...] Ta Mok now controlled the two zones [...] in early 1978. [...] Ta Mok gave a speech.”]; **D118/108** Loem Tim WRI, A7, EN 00976922 [“Ta Mok, from the Centre, would attend the meeting. Ta Sien, from the Zone, also attended the meeting. [...] Ta Sien also came from the Southwest Zone.”], A17, 27, EN 00976924, 26 [“I knew Ta Tit when our security guards [at Kampong Kol Sugar Factory] were sent to attend an assembly at Battambang University in Battambang town. Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone. [...] Ta Tit was the most senior there.”]; **D219/649** Loem Tim WRI, A13, 15, EN 01207431-32 [At Kampong Kol Sugar Factory in Sector 1, “I saw zone authorities [...] attending in the meetings there [...] He [Ta Mok] went to meet the senior leaders from the Southwest Zone.”]; **D219/62** Preap Kap WRI, A44, EN 01053909-10 [In Samlout District, “Ta Mok [...] told Ta Tith to transport items. Following the orders, [...] Ta Tith had those things transported, although he did not do it himself. [...] I [...] saw the handwritten letter, which read, ‘From Sector 1 Committee, Tith’ with a signature beneath it.”]; **D219/835** Nop Ngim WRI, A124, EN 01432965 [“Q: How many times did Ta Mok go to your house both in Battambang and Samlout? A124: He came there quite often four five or six times. Sometimes it was once a month sometimes once in two months.”]; **D219/298** Nop Ngim WRI, A13-14, EN 01111860 [“There was a large meeting at Ta Mok’s house. I attended it with many leaders of the sector and district. [...] Hundreds of secretaries, district committee and commune committee members attended the meetings at Ta Mok’s house. They were held

worksites,<sup>418</sup> presided over forced marriage ceremonies,<sup>419</sup> and instructed the lower echelons regarding security issues such as ordering that certain people be sent for “education” – meaning they would be killed.<sup>420</sup> As the instructions were implemented, progress reports were generated that were sent up the CPK echelons to the zone committee.<sup>421</sup>

once a month. Those meetings were called the monthly exclusive meetings. I remember I attended those meetings on seven occasions because I worked at the district level for only seven months. Sometimes, Ta Mok and Ta Tith were the chairs of the meetings. Sometimes only one of them was chairing it”; **D219/864** Long Khen WRI, A22-23, EN 01373641 [“The meeting was held in Sector 4, at a mobile unit, in Sala Trav. It was presided over by a Zone Secretary [...] in 1978. [...] The meeting members included the mobile unit workers in Sector 4 and my fertilizing-producing group. The presiding guests were the zone committee members [...] from the Southwest Zone.”]; **D219/528** Lonh Lun WRI, A74, EN 01168075 [In Sector 4: “Q: Yesterday you said that you knew very well that Northwest cadres were accused of being traitors, and Ta Mok openly made such an accusation in front of you. Where did Ta Mok say this? A74: He said that at Prey Touch Pagoda in Prey Touch Village, south of Kach Roteh, along the national road.”]; **D219/836** Touch Mary WRI, A194-196, 199, EN 01399425-26 [“I heard others saying that Ta Mok had come down to Battambang [...] I only know that it was in Sector 4. [...] He came maybe two or three months before the end of the war. [...] It was a meeting of rather big shots, not meeting of us ordinary people.”], A207, EN 01399427 [In Sector 4, a big unit chief named Seun “told us that Ta Mok had given this and that orders”]. Study sessions: **D118/285** Nop Ngim WRI, A56, 84, EN 01044684, 89 [“Ta Mok [...] talked [...] I attended only once, when the District Secretary could not attend [...] probably in 1978. [...] There were about 100 participants from the communes and districts in Sector 1 in the training.”]; **D219/835** Nop Ngim WRI, A79-85, EN 01432958-59 [“I went to study in Battambang for three or four days [...] At that time was at Samlout District participated in my capacity as Samlout District There were three or four of us. [...] it was at Ta Mok’s house. While I was living in Samlout there was only that one meeting. There were four women including me coming from Samlout to participate in the meeting [...] it was a zone meeting.”]; **D123/2/2.17a** Nop Ngim DC-Cam Statement, EN 01155620 [“Dany: So those who worked in communes and sectors had to come to attend the training there. Ngim: They had to come and stay there. Dany: However, the majority of the trainees were from districts and sectors when Ta Mok went there. [...] The majority of them were from Takeo Province, the Southwest Zone, when Ta Mok went to Battambang Province. Is this correct? Ngim: Yes”]; **D219/62** Preap Kap WRI, A61-63, EN 01053913-14 [Witness was a Southwest Zone soldier married to Nop Ngim on Samlout District committee in 1978: “I accompanied my wife to attend a meeting at Ta Tith’s place [...] I accompanied her five or six times. [...] Ampil Prahaong was village or commune. It was situated on the road from Battambang City to Pailin just beyond the railway. [...] I accompanied her [Nop Ngim] to attend training held in Battambang two times. We had to stay there for three days for that purpose. [...] I did not attend the training sessions”]; **D219/528** Lonh Lun WRI, A91, 93, EN 01168077-78 [Witness was a cooperative committee member in Sector 4: “Sometimes the Zone organised study sessions. [...] When the Zone level organised a study session, they would inform the Sector level, and then the Sector level would inform the district level to send cadres to attend the study session. [...] They [Southwest Zone cadres] did the same, but I did not attend any study sessions with them.”].

<sup>418</sup> **D219/373** Nom Phoun WRI, A51, EN 01128270; **D219/627** Loch Eng WRI, A20-22, EN 01187742.

<sup>419</sup> **D219/62** Preap Kap WRI, A44-46, 51, 59, EN 01053909-11, 13; **D219/650** Ten Loeng WRI, A8, 16, EN 01207457-58. *See also* **D219/193** Vat Phat WRI, A346, EN 01079921; **D219/294** Muol En WRI, A221-222, EN 01111848.

<sup>420</sup> **D193/11.1.2** Sann Lorn WRI, A863-865, EN 01050442-43; **D219/551** Heng Khly WRI, A101, EN 01178567; **D219/654** Sok Cheat WRI, A64, EN 01207516; **D219/292** Lek Phiv WRI, A16-19, EN 01111808; **D219/294** Muol En WRI, A81, EN 0111834. *See also* **D219/294** Muol En WRI, A190-191, EN 01111845; **D193/11.1.2** Sann Lorn WRI, A744-749, EN 01050425.

<sup>421</sup> **D118/285** Nop Ngim WRI, A44, EN 01044681 [The witness was on Samlout District committee in Sector 1: “the reports were made from Sector to Zone [...] These were written reports [...] messenger sent the written reports.”]; **D219/298** Nop Ngim WRI, A16, 19, 22, EN 01111861, 63 [“In the meetings, the data including the mortality rate and birth rate and production of transplant in each commune level was discussed. Sometimes, Ta Mok [...] ordered a representative of each commune and district to report on

## 1. SECTOR 1

147. Sector 1 included Koas Krala, Sangkae, and Samlout Districts.<sup>422</sup> The ICP requests that **Yim Tith** be sent to trial for crimes occurring in all three of these districts.
148. As discussed in more detail in the *Purges* section of this Submission,<sup>423</sup> Northwest Zone cadres on the Sector 1 committee and their successors were arrested and sent to S-21.<sup>424</sup> In the case of Secretary Ta Pet, he was demoted to deputy secretary before he was arrested and imprisoned.<sup>425</sup> **Yim Tith** was formally appointed Sector 1 Secretary in mid-1978,<sup>426</sup> although the evidence makes clear that he previously exercised *de facto* authority throughout the Northwest Zone long before his formal appointment. In Sector 1, **Yim**

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what happened in each commune and district. [...] We reported [...] about the security concerns. If [...] people had committed some mistakes [...] we would have to report [...] [W]e reported on some other concerns regarding the security such as the fight among the people the stealing of things. [...] I reported on three persons to Ta Mok and Ta Tith. Amongst them two men engaged in the fight. [...] Another person [...] committed the moral misconduct”].

<sup>422</sup> Koas Krala District: **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088864; **D219/292** Lek Phiv WRI, A2, EN 01111806; **D219/20** Chhum Vanny WRI, A37, EN 01050469; **D118/19** Yoeng Yean WRI, A5, EN 00912315. Sangkae District: **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482; **D118/138** Tiep Tith WRI, A8, EN 00970093; **D118/136** Chhean Hea WRI, A62, EN 00969647; **D219/538** Soeun Mat WRI, A7, EN 01173573. Samlout District: **D131/2.1.83** Name List of Cadres of Samlaut District, Sector 1, EN 01149092; **D6.1.580** Telegram 513 from Chann to Office S-21, 20 Oct 1977, EN 00143354; **D219/298** Nop Ngim WRI, A6, EN 01111859; **D118/106** Huon Choeum WRI, A46, EN 00978426; **D118/136** Chhean Hea WRI, A2, EN 00969636; **D118/102** Toat Thoeun WRI, A181, EN 00974049.

<sup>423</sup> See **V.B.1**. Crimes – Northwest Zone – The Purge.

<sup>424</sup> Secretary Chea Huon: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77]; **D219/430** Chhoeung Bean WRI, A6, EN 01128709; **D219/85** Vy Phann WRI, A3, EN 01061169. Previous Secretary Ros Mao: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7765, EN 01222640 [Ros Mao alias Than or Peang (Say), Chief of Zone Office (Member of Northwest Zone) (Former Secretary of Sector 1) (Deputy Secretary of Sector 1), 26-Jun-77 or 10-Jul-77]; **D118/69** Nuon Muon WRI, A11, EN 00950726-27; **D118/102** Toat Thoeun WRI, A16, EN 00974015; **D219/85** Vy Phann WRI, A3, EN 01061169; **D219/268** Nom Phoun WRI, A35, EN 01098484. Deputy Secretary Mol Sot: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6273, EN 01222575 [Mol Sot alias Prum, Construction of Water Gate in Sector 1, 29-Oct-77] (*note*: **D219/368** Chhoeung Bean WRI, A33, EN 01117717; **D219/465** Chhoeung Bean WRI, A5, EN 01139579); **D118/102** Toat Thoeun WRI, A20, EN 00974016 [“Ta Prum was Ta Vanh's deputy.”]. See *contra* **D219/464** Tiep Tith WRI, A28, EN 01151248 [“Ta Prum [...] District Committee.”].

<sup>425</sup> Secretary: **D219/654** Sok Cheat WRI, A6, 22, EN 01207506, 08; **D219/85** Vy Phann WRI, A2-3, EN 01061168-69; **D219/233** Chhean Hea WRI, A5, EN 01090007; **D219/390** Hang Suom WRI, A1, EN 01130574; **D118/149** Ham Saom WRI, A29, EN 00974996; **D219/548** Ing Oem WRI, A26, EN 01193237; **D118/135** Chhom Youn WRI, A4, 20, EN 00970435, 37. Demotion and imprisonment: **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181114 [“After they had arrested Ta Nhim [...], they assigned A Tith, who was with [...] Mok, as secretary and me as his deputy.”], EN 01181104 [“I was removed from my work [...] arrested and imprisoned at Kampong Speu.”].

<sup>426</sup> **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181114 [“After they had arrested Ta Nhim [...] they assigned A Tith [...] as secretary”] (see **D1.3.18.2** S-21 Muol Sambath alias Ros Nhim S-21 Confession, EN 00780859 [Secretary of Northwest Zone, dated 14 June 1978]). See also **D219/210** Lek Piv WRI, A4, EN 01088522; **D219/263** Chham Luy WRI, A36, EN 01097410; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.39.42-10.43.35; **D219/85** Vy Phann WRI, A2-3, EN 01061168; **D118/136** Chhean Hea WRI, A9, EN 00969639; **D219/689** Sok Cheat WRI, A20, EN 01216244; **D118/149** Ham Saom WRI, A21, 28, EN 00974995-96.

**Tith** was assisted by Ta Pet for one or two months and by Ta Nim.<sup>427</sup>

149. The sector committee often communicated with the lower ranks and general population at site visits,<sup>428</sup> meetings, and study sessions,<sup>429</sup> and through letters, written orders, and

<sup>427</sup> Ta Pet: **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181114 [“I was assigned as Sector 1 Deputy Secretary. After they had arrested Ta Nhim [...] they assigned A Tith [...] as secretary and me as his deputy.”]. According to Ta Pet, he was arrested one or two months after Ta Nhim’s arrest, although he recalled Ta Nhim being arrested later than the date of Ta Nhim’s S-21 confession, *see* **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181152-53 [When Ta Nhim was arrested, his son made phone calls to Phnom Penh “around the same month – August”, EN 01181104 [“Around September or October 1978, I was arrested and imprisoned”]. **Ta Nim**: **D118/136** Chhean Hea WRI, A23, EN 00969641 [“Q: Who became the committee members of Sector 1 [...]?” A23: [...] Ta Nim.”], A7, EN 00969638 [“Ta Tith’s deputy was Ta Nim.”]. *See also* **D219/263** Chham Luy WRI, A61, EN 01097411; **D118/243** Chham Luy WRI, A14, EN 01029402; **D219/894** Kao Porn WRI, A19, EN 01412967.

<sup>428</sup> **D219/117** Top Seung WRI, A75, 88, 143, EN 01067708, 10, 18 [Yim Tith “came to inspect” Kang Hort Dam worksite “approximately twice a month.” “I saw Ta Tith talking to unit chiefs there”]; **D219/928** Nhem Hean WRI, A14, 21, EN 01451499; **D219/368** Chhoeung Bean WRI, A24, EN 01117717.

<sup>429</sup> **D219/210** Lek Phiv WRI, A4, 6-7, EN 01088522-23 [“all the cooperative committee chiefs and deputies were called to attend a meeting [...] in Sangkae District in every ten days [...] led by Ta Tith. [...] I know that there were representatives from nine cooperatives in Koas Krala District who attended the meetings. Other people also attended”]. **Kanghat Dam and vicinity**: **D219/236** Lek Phiv WRI, A17-18, EN 01092932 [At Kanghat Dam worksite, Yim Tith “attended the meetings. [...] He was on the committee of the Sector 1.”]; **D219/292** Lek Phiv WRI, A35, EN 01111811 [“I was called by Ta Pet and Ta Tith to Chramak Lake [...] Ta Son, who replaced me at Phnom Thipakdei Mountain Cooperative, and other cooperative chairpersons attended the training. The training lasted for three days. It was held shortly before the fall of the Khmer Rouge regime”]; **D219/85** Vy Phann WRI, A3, 5, EN 01061168-69 [Ta Pet publicly announced at the forced labour site that “Ta Tith, who was from the Southwest Zone, had come to help govern Sector 1.”] (*Note* The meeting occurred in 1978. *See* **D219/245** WRIA, Account of Vy Phann, EN 01080973.); **D219/953** Chhoeung Chhoeuth WRI, A55-56, EN 01451716 [“I saw him [Ta Tith] coming to the meeting. [...] I was told that he had come to replace Ta Peth.”]. **Wat Banan**: **D219/689** Sok Cheat WRI, A40-42, EN 01216247 [“The meeting was held at Banan Loer pagoda. [...] There were [...] cadres, people from the cooperatives, people who were on the district committee, mobile unit representatives and youth representatives. There were hundreds of them.” Ta Pet and Ta Nhim did not attend the meeting.] (*Note* Yim Tith attended the meeting, *see* **D219/654** Sok Cheat WRI, A75, EN 01207519.); **D219/515** Chheun Chhuoy WRI, A30, 33, 44, EN 01156944-45, 47 [“The meeting was held in approximately November 1978” “[a]fter Ta Pet disappeared [...] at Wat Banan Krom Pagoda. The meeting took one week, and it was chaired by Ta Tith [...] as [...] possibly the Sector Committee”. “[A]bout 3,000 to 4,000” “unit members from throughout Sangkae District were invited”]; **D219/538** Soeun Mat WRI, A50, 72, 75, 77, 79, EN 01173581, 86-87 [“The meeting in Banan was held in 1979 [...] but the Khmer Rouge regime had not collapsed yet. [...] The meeting [...] was held in [...] Wat Banan Pagoda. [...] There were about 400 to 500 soldiers. [...] Unit chiefs from other cooperatives attended [...] I saw him [Yim Tith] first-hand.”]. **Bay Damram Commune**: **D118/77** Nang Ny WRI, A24-25, EN 00970455-56 [“Ta Tith held the microphone and made announcements when he held a meeting with the people in Baydamram. Other than Ta Tit, there were the Cooperative Committee and the military from the Southwest. [...] The meeting was [...] three months before the Vietnamese came.”]; **D219/412** Koch Rien WRI, A31, EN 01142932. **With Samlout District Committee**: **D118/285** Nop Ngim WRI, A56, 84, EN 01044684, 89 [“Ta Tith talked [...] I attended only once, when the District Secretary could not attend [...] probably in 1978. [...] There were about 100 participants from the communes and districts in Sector 1 in the training. The trainers were Sector 1 cadres including Ta Tith.”], A65, EN 01044685 [Yim Tith “came to Samlout once or twice a month. He went to the district office and met the District Secretary”]; **D219/835** Nop Ngim WRI, A116, 161, EN 01432963-64, 71 [Witness was a Southwest Zone cadre on Samlout District committee: “Q: Did you ever also participate in a meeting in Ta Tith’s house or not? A116: He summoned me [...] once, and I came from Samlout. [...] A161: It was a one-day meeting [...] from 7.00 a.m. to 4.00 p.m.”]. **Battambang Town**: **D219/117** Top Seung WRI, A92-94, 96-97, 99, EN 01067711-12 [The witness attended approximately two or three study sessions at Anlong Vil in Battambang Town before the arrival of the Vietnamese with approximately 20 to 30 Northwest and Southwest Zone cadres. Her unit chair told her that “Ta Tith was Sector 1 Committee.”].

reports.<sup>430</sup> **Yim Tith** sent instructions on delivering beds and other items to newlyweds, and a plan to construct a new security centre.<sup>431</sup> The meetings discussed enemies such as “those who were connected with Yuon networks” and those “who were told to confess”, loyalty to the Party, solidarity, and agricultural production.<sup>432</sup> Meetings were also used to communicate demotions and to disseminate orders to arrest.<sup>433</sup> As the instructions were implemented, progress reports were generated that were sent up the echelons to the sector

<sup>430</sup> **D219/62** Preap Kap WRI, A44, EN 01053909-10 [“I [...] saw the handwritten letter, which read, ‘From Sector 1 Committee, Tith’ with a signature beneath it.”]; **D118/285** Nop Ngim WRI, A44, 51-52, EN 01044681-83 [“The instructions or reports that were sent from the Sector at that time were hand written by Uncle Tith. [...] The district received [...] from the Sector [...] a letter with Ta Tith’s name written on it [...] in late 1978, probably in October 1978, before the Khmer Rouge regime collapsed.”] (*Note* **D219/835** Nop Ngim WRI, A137, EN 01432968). *See also* **D219/654** Sok Cheat WRI, A64, EN 01207516 [“The sector committee issued the orders.”].

<sup>431</sup> **D219/62** Preap Kap WRI, A44, EN 01053909-10 [Regarding the “transport beds, mosquito nets, and hammocks for the newly-wed disabled persons [...], Ta Tith had those things transported”]; **D118/285** Nop Ngim WRI, A51, EN 01044682 [“The district received a plan for security office construction from the Sector via a letter with Ta Tith’s name written on it. In the letter, the Sector instructed the district to build a 10 metre x10 metre security office”].

<sup>432</sup> Enemies: **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 [“[A]t Wat Banan Krom [...] master of ceremonies introduced Ta Tith to the attendees as [...] possibly the Sector Committee, [...] At the meeting, they mentioned [...] former LON Nol commandos, and those in that category who were told to confess. They also mentioned the history of Kampuchea Krom. [...] They also mentioned secret agents and those who were connected with Yuon networks.”]; **D219/953** Chhoeung Chhoeuth WRI, A70-73, EN 01451718 [Near Kanhath Dam worksite: “He said they wanted to purge the Yuon enemy [...] Ta Tith said that [...] [a]nyone who could speak Vietnamese and connected with Vietnamese blood was executed.”], A82, 84, EN 01451719; **D219/117** Top Seung WRI, A100, 147, EN 01067712, 18; **D219/236** Lek Phiv WRI, A17, 19, EN 01092932-33. *See contra* **D219/953** Chhoeung Chhoeuth WRI, A78, EN 01451718 [“He [Ta Tith] spoke about good things only.”]. Loyalty and solidarity: **D219/953** Chhoeung Chhoeuth WRI, A82, 84, EN 01451718-19 [“He told us not to rebel against the Southwest Zone cadres. He told us to work together [...] with the Southwest Zone cadres.”]; **D219/835** Nop Ngim WRI, A87, EN 01432959 [Yim Tith instructed attendees “to have solidarity with one another, and not to quarrel and have disputes with one another.”]; **D219/210** Lek Phiv WRI, A8, EN 01088523 [“Mainly he [Ta Tith] talked about strengthening the spirit of the people so that they would believe in the Party”]. Agricultural production: **D219/292** Lek Phiv WRI, A35, EN 01111811 [“I was called by Ta Pet and Ta Tith to Chramak Lake [...] they started to train me about their policies and farming.”]; **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 [“[A]t Wat Banan Krom [...] master of ceremonies introduced Ta Tith to the attendees as [...] possibly the Sector Committee, [...] they also encouraged the people to work harder while farming in pursuance of the yield of five or six tons of rice.”]; **D219/835** Nop Ngim WRI, A87, EN 01432959 [Yim Tith “instructed us to work”].

<sup>433</sup> Demotion: **D219/465** Chhoeung Bean WRI, A21, 40, 44, 46, EN 01139585, 90-93 [“Ta Yaun was the controller of the Kanhath Dam construction project. [...] Ta Yaun attended a meeting with Ta Tith and Ta Pet at their place at Tuol Andaet”. After the meeting, Ta Yaun told “me that we no longer had any duties at the 40-pillared house [...] He meant that his position no longer existed.”] (*Note* The meeting occurred between June and August 1978, shortly before Yaun and Chhoeung Bean fled Kanhath Dam, *see* **D219/368** Chhoeung Bean WRI, A65, 144, EN 01117720, 31; **D219/430** Chhoeung Bean WRI, A35, 71, EN 01128713, 17; **D219/465** Chhoeung Bean WRI, A37, EN 01139589.). Orders to arrest: **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079-80 [Witness was a Northwest Zone cadre on the Sector 1 committee until he was demoted: “soldiers [...] under my command [...] I instructed” to release “around forty citizens” at the “only” prison in Banan. “[T]hey were released for three days and were later arrested.” The arrester “was Ta Tit, the sector secretary.”]; **D1.3.11.15** Heng Teav alias Ta Pet Interview by Steve Heder, EN 00426118-19. The arrests would have been carried out by Yim Tith’s subordinates upon Yim Tith’s instructions. *See also* **D219/368** Chhoeung Bean WRI, A141, EN 01117730; **D219/373** Nom Phoun WRI, A115, EN 01128275 (*see contra* **D219/373** Nom Phoun WRI, A111, EN 01128275); **D219/46** Sorm Vanna WRI, A44, EN 01050675.



committee.<sup>434</sup>

#### a. KOAS KRALA DISTRICT

150. Koas Krala District contained nine communes/cooperatives.<sup>435</sup> The charged crime site of Koas Krala Security Centre was located in Koas Krala Commune and Thipakdei

<sup>434</sup> **D105/8** Han Thy WRI, A23, EN 00803457 [Witness was a commune chief in the district: “Ideas on all work had to be exchanged with him [Yim Tith]. If you did not report it would not be alright, especially the issues of the Vietnamese and Chinese nationals.”]; **D219/533** Chhoeung Bean WRI, A165, 170, EN 01178501-02 [“Soum, the [Khnam Kou] prison deputy chairman [...] reported to the sector.”]; At Kanghat Dam: **D219/654** Sok Cheat WRI, A19, 31, EN 01207508-10 [“I reported to the sector committee Angkar. [...] I provided them with written reports [...] a few times per month. I was the commissionaire, so I had to report directly to the upper echelon because I was literate”]; **D219/85** Vy Phann WRI, A7, EN 01061170 [At Kanghat Dam forced labour site, “Chheng reported activities that occurred in seven communes under his administration. [...] Ta Tith [...] [was] sitting, listening and taking notes. [...] Reports were made by the cooperative/commune chairmen of Kantueu Muoy and Kantueu Pir [...] by the cooperative/commune chairman of Prayuth, now called Kanghat Village, and Rung, now called Chaeng Meanchey Commune.”]; **D219/533** Chhoeung Bean WRI, A220, EN 01178510 [“Ta Saman [...] was infamous for [...] reporting to Ta Tith about the Northwest cadres.”]; Reports from Samlout District Committee: **D118/285** Nop Ngim WRI, A44, EN 01044681 [In general, “the reports were made [...] from district to Sector [...] These were written reports [...] messenger sent the written reports. [...] When sending reports to a more senior level, a district had to send them to the Sector not the Zone.”], A45, EN 01044682 [Witness was instructed by Yim Tith to report “whenever the people in the district had any conflicts”], A65, EN 01044685 [Yim Tith “went to the district office and met the District Secretary to receive overall information in the district.”]; **D219/835** Nop Ngim WRI, A132, 134, EN 01432966-67 [In Samlout District, written reports were “done once a month [...] from the district to the sector. It was the chairperson who did it. [...] the sector was Ta Tith’s place, so they would then reach Ta Tith.”], A140-142, EN 01432968-69 [“Q: In your interview, document number D219/298 [...] in Question and Answer 18, you responded that he asked us how many babies were born per month. Who had you report about such issues? [...] A140: It was Om Tith at the sector who asked this. [...] A141: [...] from the districts to the sectors: how many babies were born [...] [w]e did this annually. [...] A142: This was done [...] by my chairperson.”]; **D219/298** Nop Ngim WRI, A16, 19, 22, 35, EN 01111861, 63 [“In the meetings, the data including the mortality rate and birth rate and production of transplant in each commune level was discussed. Sometimes, [...] Ta Tith ordered a representative of each commune and district to report on what happened in each commune and district. [...] We reported [...] about the security concerns. If [...] people had committed some mistakes [...] we would have to report [...] [W]e reported on some other concerns regarding the security such as the fight among the people the stealing of things [...] I reported on three persons to [...] Ta Tith. Amongst them two men engaged in the fight. [...] Another person [...] committed the moral misconduct”].

<sup>435</sup> **D219/236** Lek Phiv WRI, A2, EN 01092930 [“There were nine cooperatives in Koas Krala District at that time.”]; **D219/292** Lek Phiv WRI, A6, EN 01111806 [“there were nine cooperatives in Koas Krala District.”]; **D219/210** Lek Phiv WRI, A7, EN 01088523 [“there were representatives from nine cooperatives in Koas Krala District who attended the meetings.”]. *See also* **D219/417** Meas Proeung WRI, A34, EN 01135091 [“Q: Do you recall the names of the cooperatives in Koas Krala District? A34: Yes, I do. There was Paen Cooperative, Ou Krabau Cooperative, Koah Char, Ta Mok Cooperative, and Prey Ruessei Cooperative.”]; **D219/763** Sao Chobb WRI, A26, EN 01337020 [“Q: Besides Koas Krala Cooperative, were there any cooperatives in the district? A26: [...] There were so many but I cannot remember them. One cooperative was in Koas Krala, and there were four or five other cooperatives.”]. During the DK regime, the terms “commune” and “cooperative” were used interchangeably in Koas Krala District, *see, e.g.* **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Numbers 14, 21, 64, EN 01149129-30, 36; **D118/4** Kan Choek WRI, A3, EN 00935584 [“The Kos Krala commune committee chief was Yan, and Suom was his deputy. Phan was Kos Krala village chief. Ta Yeun was district committee chief, Ta Leng was his deputy and Ta Chheut was the committee member. In the district, Ta Pei was in charge of district commerce. [...] Ta Pei was killed.”]; **D219/547** Chhan Laung WRI, A8, EN 01174572 [“Ta Yan was the Koas Krala cooperative chairman.”]; **D219/763** Sao Chobb WRI, A24, 26, EN 01337020 [“Ta Yeun was the cooperative chief in Koas Krala. [...] One cooperative was in Koas Krala, and there were four or five other cooperatives.”].

Cooperative was located in Thipakdei Commune. As discussed in the *Purges* section of this Submission,<sup>436</sup> Koas Krala District Secretary Yeun was arrested by Southwest Zone cadres and disappeared.<sup>437</sup> The deputy secretary, named Leng, was arrested and sent to S-21, entering in October 1977.<sup>438</sup> Following that, the Koas Krala District Committee members were Ta Nen and Ta Thon.<sup>439</sup> In addition, a Southwest Zone cadre named Kim

<sup>436</sup> See **V.B.1. Crimes – Northwest Zone – The Purge.**

<sup>437</sup> **D219/983** Sao Chobb WRI, A59, EN 01519565 [“The Southwest Zone group came in mid-[19]77 to embed among the local people. At the end of [19]77 their troops arrived. When they arrived, they started removing cadres of the Northwest Zone group including district committees. They then arrested and killed them.”]. Secretary Yeun: **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Number 1, EN 01149128; **D219/236** Lek Phiv WRI, A4, EN 01092931 [“Brother Yeun, a Koas Krala District Secretary”]; **D219/292** Lek Phiv WRI, A14-15, EN 01111807-08 [“Yeun was a district chairperson [...] Northwest zone [cadre]”]; **D219/210** Lek Phiv WRI, A3, EN 01088522 [“Ta Yeun [...] on the district committee of Koas Krala District.”], A6, EN 01088522 [“Ta Yeun, who was on the district committee of Koas Krala District, [...] However, [...] Yeun [...] disappeared”]; **D219/624** Pei Poeut WRI, A7, EN 01187717 [“Ta Yeun was the former governor of Koas Krala District.”]; **D219/625** Pei Poeut WRI, A19, EN 01187731; **D118/4** Kan Choek WRI, A3, EN 00935584; **D219/514** Sien Soem WRI, A24, EN 01167968; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356 [“Ta Yoeun, [...] arrested by the Southwest cadres.”]; **D118/3** Pek Em WRI, A4, EN 00978794; **D219/763** Sao Chobb WRI, A29, EN 01337021.

<sup>438</sup> **D219/983** Sao Chobb WRI, A59, EN 01519565 [“The Southwest Zone group came in mid-[19]77 to embed among the local people. At the end of [19]77 their troops arrived. When they arrived, they started removing cadres of the Northwest Zone group including district committees. They then arrested and killed them.”]. Deputy Secretary Leng, in charge of military: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11668, EN 01222811 [Thoeun Leng, Member of Koh Krala District in Sector 1 (Deputy Secretary of Koh Krala District in Sector 1), 18-Oct-77 or 12-Oct-77]; **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Number 2, EN 01149128; **D219/292** Lek Phiv WRI, A14-15, EN 01111808 [“Leng, a district deputy chairperson, [...] Northwest zone [cadre]”]; **D219/210** Lek Phiv WRI, A3, EN 01088522 [“Ta Leng, [...] on the district committee of Koas Krala District.”]; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356 [“Ta Leng, [...] arrested by the Southwest cadres.”]; **D219/763** Sao Chobb WRI, A29, EN 01337021; **D219/983** Sao Chobb WRI, A60, EN 01519565-66. Member Chheut: **D118/4** Kan Choek WRI, A3, EN 00935584. Touch Pei, the cadre in charge of district commerce for Koas Krala District, was also removed from his position and arrested. **D131/2.1.86** Name List of Commerce Ministry and Office of Koas Krala District, Number 1, EN 01149146; **D219/624** Pei Poeut WRI, EN 01187714 [Ta Pei was Pei Poeut’s father], A1, 3-4, EN 01187716 [“When they arrested my father, they sent him to be detained at Wat Koas Krala Pagoda. [...] He was arrested when the Khmer Rouge Regime had nearly collapsed. [...] At that time, the Southwest Zone group was in charge of this place.”]; **D219/625** Pei Poeut WRI, EN 01187725 [Ta Pei was Pei Poeut’s father]; **D118/294** Lay Eng WRI, A9, EN 01037356 [“Ta Pey [...] arrested by the Southwest cadres.”]; **D118/5** Tum Pheuy WRI, A10, EN 00935592 [“Ta Pei who was in charge of district commerce”]; **D118/4** Kan Choek WRI, A3, EN 00935584 [“Ta Pei was killed.”]; **D219/142** Tep Sarun WRI, A38, 92, EN 01063711, 20 [“His name was Ta Pei. But later he was taken away to be killed [...] I saw the arrests with my own eyes.”]

<sup>439</sup> **D219/236** Lek Phiv WRI, A1, 9, EN 01092930-31 [“Q: [...] Do you remember in what month of early 1977 [you] were appointed as the [Thipakdei] cooperative chief? A1: Yes [...] [i]t might be in February 1977. [...] A9: [...] Ta Nen and Ta Thon, [...] were on the District Committee.”]; **D219/210** Lek Phiv WRI, A2, EN 01088522 [“During the Khmer Rouge regime, my revolutionary name was Ta Leang. This name was the only one that people knew for me.”]; **D118/244** Phar Pet WRI, A9, EN 01029411 [“As far as I knew, Ta Nen was on the district committee, but I did not know of what district.”]; **D219/168** WRIA, Account of Lek Phiu alias Ta Lean, EN 01063557 [“As cooperative chief LEK had contact with Ta Thom (Koas Krala district), Ta Neu and went to meetings with Ta Tith, Ta Mok, and Nhim.”]. See also **D219/953** Chhoeng Chhoeuth WRI, A51, EN 01451716 [“Q: Do you still remember the names of the people who came in the second stage? A51: I only remember their chief. He was called Ta Nen.”], A54, EN 01451716 [“Q: When you stated that Nen came to oversee the work here, of what was he in charge? A54: He was in charge of the cooperatives.”]. See contra **D219/417** Meas Proeung WRI, A34, EN 01135091 [“Ta Koeung

and Kim's deputy, Paong, assumed prominent leadership positions in the district.<sup>440</sup>

151. Information flowed up the hierarchy in Koas Krala District and orders flowed down. Village chiefs reported to cooperative chiefs, who reported to the district secretary, who in turn reported to the Sector 1 Secretary.<sup>441</sup> Similarly, orders were passed down along the zone-sector-district-cooperative chain of command.<sup>442</sup> Following the purge of the district committee, Ta Nen and Ta Thon had the authority to order people to attend "education" sessions, which in fact meant their disappearance.<sup>443</sup> Ta Nen and Ta Thon were also the superiors of cooperative chief Ta Son, who in turn was the superior of the Thipakdei prison chief.<sup>444</sup> Ta Son also had the authority to order killings.<sup>445</sup> Kim and Paong had the authority to issue arrest orders to their subordinates, visit prisons, and identify suspected enemies.<sup>446</sup>

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and Yeay Kuok, who were husband and wife were in charge of the five cooperatives [in Koas Krala District]."; **D131/2.1.85** Name list of Cadre and people of Koas Krala District of Region 1, EN 01149140; **D118/290** Kong Vach WRI, A64, EN 01066775 ["Q: Can you reconfirm that the District Committee members who came to your [Thmei] village were the same cadres throughout the entire Khmer Rouge regime? A64: Yes, they were the same people."].

<sup>440</sup> **D219/624** Pei Poet WRI, A7, EN 01187717 ["Kim came to replace Ta Yeun. [...] the former governor of Koas Krala District."]; **D219/625** Pei Poet WRI, A31, EN 01187734 ["I only knew that Koem and Paong, [...] were from the Southwest Zone"]; **D118/4** Kan Choek WRI, A16, 18, EN 00935585-86 ["Ta Kim, a Southwest person, became cooperative chief in Kos Krala village. [...] Ta Paong was his deputy."]; **D219/547** Chhan Laung WRI, A25, 55, EN 01174574-75, 79 ["He [Paong] was a southwest cadre who had come later and arrested people there. [...] He came from the east. He was perhaps from Khmer Krom. He was from the Southwest Zone, because of his accent."]. *See contra* **D219/417** Meas Proeung WRI, A34, EN 01135091 ["Ta Koeung and Yeay Kuok, who were husband and wife were in charge of the five cooperatives [in Koas Krala District]."].

<sup>441</sup> **D219/514** Sien Soem WRI, A4, EN 01167963 ["The village chief reported to the commune chief, who was also Cooperative Committee. [...] When I transported prisoners [to Koas Krala Security Centre], the [Khvaeng] village chief reported to the commune chief who was also Southwest cadre, but do not remember his name."]; **D219/236** Lek Phiv WRI, A4, EN 01092931 ["I reported to Brother Yeun, a Koas Krala District Secretary who reported to Ta Pet."] (*Note* the witness stated Ta Pet was Secretary of Sector 1 at **D219/210** Lek Phiv WRI, A1, EN 01088521); **D219/292** Lek Phiv WRI, A32, EN 01111810.

<sup>442</sup> **D219/292** Lek Phiv WRI, A16, EN 01111808.

<sup>443</sup> **D219/292** Lek Phiv WRI, A16, EN 01111808 ["I recall some of the Southwest Zone cadres; their names are Ta Thon and Ta Neng. [...] Ta Thon and Ta Neng called people to receive education. Those that went to receive education disappeared. People who were called to be educated disappeared."].

<sup>444</sup> **D219/236** Lek Phiv WRI, A9, EN 01092931 ["[Son] followed the orders of Ta Nen and Ta Thon, who were on the District Committee."]; **D219/517** Soy Chhoeun WRI, A95, EN 01166183 ["Ta Phoeuk, the [Phnum Thipakdei] prison chief, worked under the instruction of the cooperative chief, Ta Son."].

<sup>445</sup> **D219/517** Soy Chhoeun WRI, A75, EN 01166178 ["at Phnum Thipakdei Mountain. [...] Ta Son [...] ordered the waiting shooters, including Ta Yan, to shoot and kill prisoners."]. Witness Toch Bunthy attributed killings at an execution site that "was about half a kilometre from the foot of Phnum Thiapkdei", which is a similar distance to where witness Khin Khien said prisoners were killed, to Ta Son, *see* **D219/172** Toch Bunthy WRI, A20-21, EN 01076962-63; **D219/14** Khin Khien WRI, A94, EN 01047714.

<sup>446</sup> **D219/624** Pei Poet WRI, A18, EN 01187721 ["Q: Do you know the names of the soldiers who tied you and brought you to the forest at that time? A18: Well, they were the soldiers who guarded over there and followed the orders of Kim and Paong. The person who brought us to the killing place was Dan"], A10-11, EN 01187718 [Kim and Paong "held a meeting for three days at Wat Doun Ba Pagoda and they announced that they would be screening for only good rice seeds and would remove the bad rice seeds."]; **D219/625** Pei Poet WRI, A31, EN 01187734 [Witness was imprisoned at Koas Krala Security centre:

152. Village chiefs attended meetings at the “district level [...] about once every fortnight” and, following the meetings, passed down work plans and information regarding enemies to the workers they supervised.<sup>447</sup> District-level cadres set the work plans for base-level cadres in villages and encouraged them to work harder.<sup>448</sup>
153. **Yim Tith** exercised significant direct, personal control over Koas Krala District. Following the disappearance of District Secretary Yeun, **Yim Tith** personally began running the regular meetings with the chiefs of all of the cooperatives in Koas Krala District that Yeun had previously run.<sup>449</sup> At these meetings, **Yim Tith** instructed the cooperative chiefs to strengthen the spirit of the people “so that they would believe in the Party”.<sup>450</sup>

#### b. SANGKAE DISTRICT

154. Sangkae District was divided into at least four communes.<sup>451</sup> Four of the charged crime sites were located in these communes: Kanghat Dam forced labour site was located in Kanghat Commune, Kampong Kol Sugar Factory was located in Kampong Kol Commune, Banan Security Centre was located in Kantueu Commune, and Khnang Kou

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“Koem and Paong, [...] often came in and out of that place.”], A5, EN 01187728 [“Because they were related to my family members such as my parents. At that time, the Khmer Rouge regarded us as being in the same line and they accused us of being the traitorous line. They used the words that they screened and kept only good seeds.”].

<sup>447</sup> **D118/290** Kong Vach WRI, A29, EN 01066771 [Witness lived in Thipakdei village: “Q: In your previous interview, you mentioned that your first village chief was Voeun, and later Voeun was taken to be killed. Chhan was assigned to replace Voeun. Chhan was a cadre from the Southwest Zone. Is this correct? A29: Yes”], A117-120, EN 01066783 [“I only heard that Chhan went to attend the meetings at the district level [...] about once every fortnight [...] to receive plans.” Afterwards, Chhan held meetings to tell the people about the plans and talked about traitorous enemies.]. *See also* **D219/549** Ing Oeum WRI, A21-24, 28, EN 01178542-43 [“Q: When you were working at Tuol Mtes, did you attend any meetings when the Southwest group arrived? A21: During rice-threshing time there were meetings to plan the work [...] A22: The meetings were held once every five days, or once every week [...] A23: They were held at the worksite. [...] A24: They were the meetings in the mobile unit, so everyone had to attend. [...] A28: The major meetings were not held at the worksite. They were held at Kanghat Worksite.”].

<sup>448</sup> **D118/290** Kong Vach WRI, A57, 59, 60, 62, EN 01066774-75 [At a village at Phnum Thipakdei: “[V]ery often” Southwest Zone “district-level cadres came to my village to set plans for the base-level cadres [...] in order to encourage us to work harder.”].

<sup>449</sup> **D219/210** Lek Phiv WRI, A4, 6-7, EN 01088522-23. *See also* **D219/236** Lek Phiv WRI, A4, 17, EN 01092931-32; **D219/292** Lek Phiv WRI, A21, EN 01111809.

<sup>450</sup> **D219/210** Lek Phiv WRI, A8, EN 01088523.

<sup>451</sup> These communes were Kanghat, Kampong Kol, Kantueu, and Bay Damram. Kanghat: **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 76, EN 01149080; **D118/138** Tiep Tith WRI, A8, EN 00970093; **D219/268** Nom Phoun WRI, A10, EN 01098482. Kampong Kol: **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 49, EN 01149075. Kantueu: **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482; **D118/149** Ham Saom WRI, A3, EN 00974993; **D219/410** Hoem Chhongly WRI, A8, EN 01142890. Bay Damram: **D219/751** Vor Ruom WRI, A17, EN 01305921; **D219/516** Yon Han WRI, A2, EN 01166151.

Security Centre was located in Bay Damram Commune.<sup>452</sup>

155. As detailed in the *Purges* section of this Submission,<sup>453</sup> upon the arrival of Southwest Zone cadres, Northwest Zone cadres on the district committee disappeared or were demoted.<sup>454</sup> After the Southwest arrival, lower echelons still “reported to higher levels.”<sup>455</sup> CPK authorities often communicated with the lower ranks and general population through orders and at meetings.<sup>456</sup> They discussed work production and

<sup>452</sup> Kanghat Dam forced labour site: **D118/138** Tiep Tith WRI, A8, EN 00970093. Kampong Kol Sugar Factory: **D1.3.22.2** *Revolutionary Youth*, Apr 1976, EN 00392458; **D118/106** Huon Choeum WRI, A12, EN 00978419; **D118/108** Loem Tim WRI, A2, EN 00976921. Banan Security Centre: **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482. Khnan Kou Security Centre: **D219/90** Koch Rien WRI, A59, EN 01081753; **D219/751** Vor Ruom WRI, A15, 17, EN 01305921.

<sup>453</sup> See **V.B.1**. Crimes – Northwest Zone – The Purge.

<sup>454</sup> Secretary Vey/Vai: **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 1, EN 01149069; **D118/149** Ham Saom WRI, A9, 11-12,14, EN 00974994-95 [In 1975 “Ta Vai was the chief of Sangkae District. [...] Ta Vai [...] disappeared when the Southwest zone people came. [...] The Southwest zone people assumed their positions”]; **D118/138** Tiep Tith WRI, A12, EN 00970094 [“Q: Were Ta Yean [...] District throughout? A12: I knew that they were District Committee up until arrival of the Southwest cadres.”]; **D118/135** Chhom Youn WRI, A12, EN 00970436; **D219/654** Sok Cheat WRI, A72, EN 01207518; **D219/953** Chhoeung Chhoeurt WRI, A37, EN 01451714; **D219/868** Chheauy Chea WRI, A18, EN 01390227. Deputy Secretary Ta Yan: **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 2, EN 01149069; **D118/149** Ham Saom WRI, A9-12, 14, EN 00974994-95 [In 1975 in “Sangkae District [...] Ta Yan was the deputy chief. [...] Ta Yan disappeared when the Southwest zone people came. [...] The Southwest zone people assumed their positions”]; **D219/654** Sok Cheat WRI, A72, EN 01207518; **D219/452** Thy Chea WRI, A7, EN 01149277. See contra **D118/135** Chhom Youn WRI, A12, EN 00970436 [“Ta Yan was member.”]. Member Ta Yean: **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 89, EN 01149082; **D118/138** Tiep Tith WRI, A12, EN 00970094 [“Q: Were [...] Ta Vai District throughout? A12: I knew that they were District Committee up until arrival of the Southwest cadres.”]. See contra **D118/135** Chhom Youn WRI, A12, EN 00970436 [“TA Yean was [...] deputy”]; **D219/953** Chhoeung Chhoeurt WRI, A37, EN 01451714-15 [“the deputy chairperson was Ta Yeang”]. District military chair Thay: **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 90, EN 01149082 [Thay, Past: Chairperson of District Military, Present: Chairperson of Kantueu Commune Cooperative, Sangkae District, Sector 1]; **D118/138** Tiep Tith WRI, A11, EN 00970094; **D118/135** Chhom Youn WRI, A33, EN 00970438.

<sup>455</sup> **D219/117** Top Seung WRI, A118, 124, EN 01067714-15. See also **D219/465** Chhoeung Bean WRI, A15-16, EN 01139583; **D219/654** Sok Cheat WRI, A44, EN 01207512.

<sup>456</sup> Orders: **D219/654** Sok Cheat WRI, A64, EN 01207516 [At Kanghat Dam, “the commanders followed the orders from the upper echelon. The lower level followed the upper level.”]; **D219/85** Vy Phann WRI, A15, EN 01061174 [“Southwest soldiers and Phan, the Kantueu Pir Commune Committee who was also from the Southwest, [...] order[ed] the workers in Khnan Kou Detention Office”]; **D219/90** Koch Rien WRI, A127, EN 01081761 [In Bay Damram Commune, “the upper level ordered [...] arrests. [...] Those who came to arrest were soldiers.”]; **D219/117** Top Seung WRI, A148, EN 01067719 [At Kanghat Dam, “we received instructions from the upper echelon [the battalion]”]; **D219/538** Souen Mat WRI, A53, 103-04, EN 01173582, 91-92. Meetings: **D219/928** Nhem Hean WRI, A80, EN 01451504 [At Kanghat Dam: “Squads met once every three days. Groups met once every week”]; **D219/465** Chhoeung Bean WRI, A16, EN 01139583 [At Kanghat Dam: “The meetings were [...] weekly and [...] monthly.”]; **D219/368** Chhoeung Bean WRI, A74, EN 01117721 [At Kanghat Dam: “The meetings at the ‘40-pillar house’ were held twice every month. Sometimes, all the cooperative chairpersons and all the unit chairpersons were invited to attend the meetings. However, other times, only the cooperative chairpersons were invited to attend the meetings.”]. See also **D219/448** Yat Yoeun WRI, A46, EN 01149255 [“Southwest cadre [...] Chuong who was Sangkae District Committee came to look at Tuol Mtes Canal. I saw him twice while I was working there for month.”].

enemies, and issued arrest and execution orders.<sup>457</sup>

### c. SAMLOUT DISTRICT

156. Samlout District was divided into at least eight communes.<sup>458</sup> The charged crime of other inhumane acts (forced marriage) occurred throughout this district. As detailed in the *Purges* section of this Submission,<sup>459</sup> Northwest Zone cadres on the district committee were arrested and, in the case of its member, sent to S-21.<sup>460</sup> Regiment Deputy Commander Pok Sophat was put in charge of Samlout District for two months,<sup>461</sup> then the following Southwest Zone cadres took control of the District Committee: Secretary Leng, Deputy Secretary Nop Ngim, and Member Thi, who was Leng's husband.<sup>462</sup>
157. The district committee held exclusive meetings amongst themselves and issued instructions to the lower echelons, including militiamen.<sup>463</sup> They "inspect[ed] work in the communes" and held meetings with "people who had committed [...] mistakes" to

<sup>457</sup> Work production: **D219/465** Chhoeung Bean WRI, A15, EN 01139583 ["The district committee [...] made certain suggestions, and gave guidance with a view to strengthening the stance and spirit of the people so they might make more effort in agricultural production."]; **D219/117** Top Seung WRI, A153, EN 01067719 ["every time after Ta Tith came to meet Ye, she always called a meeting to urge us to work harder."]. Enemies: **D219/465** Chhoeung Bean WRI, A15-16, EN 01139583 [Attended by the district committee: "In the meetings, [...] militiamen were assigned to follow and monitor those who reportedly had dug and stolen potatoes since such people were considered to betray the collective."]; **D219/117** Top Seung WRI, A148, 150, EN 01067719. Arrest and execution orders: **D219/90** Koch Rien WRI, A127, EN 01081761 [In Bay Damram Commune, "the upper level ordered [...] arrests. [...] Those who came to arrest were soldiers."]; **D219/85** Vy Phann WRI, A15, EN 01061174; **D219/538** Souen Mat WRI, A53, 103-104, EN 01173582, 91-92.

<sup>458</sup> The communes were Phlov Meas, Chamlang Kuoy, Kranhung, Samlout, Ta Sanh, Ou Da, Ou Reang Khen, and Srae Andoung. **D118/285** Nop Ngim WRI, A36, EN 01044679; **D123/2/2.17a** Nop Ngim DC-Cam Statement, EN 01155604-05; **D131/2.1.83** Name List of Cadres and People of Samlout District, Sector 1, Numbers 4-5, 9, EN 01149092-93.

<sup>459</sup> See **V.B.1**. Crimes – Northwest Zone – The Purge.

<sup>460</sup> Secretary Phau: **D131/2.1.83** Name List of Cadres of Samlaut District, Sector 1, Feb 1978, Number 1, EN 01149092; **D219/380** Pok Sophat WRI, A28, EN 01123451 ["Ta Pho, who was on the old Samlot District Committee, had been arrested. [...] Pho was called to attend the study session headed by ROS Nhim."]; **D219/298** Nop Ngim WRI, A9, EN 01111859. Member Chorn Luy: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1157, EN 01222378; **D131/2.1.83** Name List of Cadres of Samlaut District, Sector 1, Number 2, EN 01149092.

<sup>461</sup> **D219/380** Pok Sophat WRI, A28, EN 01123451 ["I was only in charge [...] for two months. At that time, Pho was called to attend the study session headed by ROS Nhim."], A11, 18-19, 30, EN 01123449, 51.

<sup>462</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.38.14-10.41.32 ["I was there for six or seven months with Leng. [...] I worked with Leng in the district. I was the subordinate since I could not read and write. [...] [Leng] was chief of the district. [...] She was from Takeo"], 10.38.14-10.39.42 ["Q: So were you then the deputy secretary? A: Yes"]; **D118/285** Nop Ngim WRI, A31, 33, EN 01044678-79 ["I was a Samlout District Deputy Secretary. [...] Bang Thi who was Bang Leng's husband was a member [...] born in Takeo Province"], A28-29, 59, EN 01044678, 84; **D219/62** Preap Kap WRI, A57-58, EN 01053913.

<sup>463</sup> Meetings: **D219/835** Nop Ngim WRI, A121, EN 01432964 ["monthly meetings [...] amongst ourselves in the district every month."]; **D219/298** Nop Ngim WRI, A14, EN 01111860 [In Battambang Town, "once a month [...] exclusive meetings [...] I attended"]. Issued instructions: **D118/285** Nop Ngim WRI, A34, EN 01044679 ["As district secretary, Bang Leng's duty was [...] supplying instructions through unit chairpersons and group leaders. Regarding security, she ha[d] the task of assigning militiamen to guard"].

“warn them to not do th[em] again” otherwise “they would be arrested and detained in a prison.”<sup>464</sup> As the instructions were implemented, progress reports were generated that were sent through the CPK authority structure to the district committee.<sup>465</sup>

## 2. SECTOR 2

158. Sector 2 was divided into at least three districts. The ICP requests that **Yim Tith** be sent to trial for crimes occurring in Bakan District.
159. During the DK regime, Sector 2 was located mainly in Pursat Province,<sup>466</sup> and occupied the higher ground on the southern side of National Road 5, opposite Sector 7.<sup>467</sup> It encompassed part of Krakor District, Maong District, and, after the merger of Sector 7’s Bakan Kraom District with Sector 2’s Bakan Leu District, the entirety of Bakan District.<sup>468</sup>

<sup>464</sup> **D118/285** Nop Ngim WRI, A36, EN 01044679 [“My primary duty was to inspect work in the communes.”]; **D219/298** Nop Ngim WRI, A20, EN 01111861 [“I invited the people who had committed the mistakes to meet me. I would warn them to not do this again. If they did not follow me they would be arrested and detained in a prison.”].

<sup>465</sup> Reports: **D118/285** Nop Ngim WRI, A44, EN 01044681 [In general, “the reports were made from cooperative to commune, from commune to district [...] These were written reports [...] messenger sent the written reports.”], A54, EN 01044683 [“When I visited the communes in Samlout District, I noticed the following: the people lived in small houses. They received reasonable amounts of food and they worked according to the working hours. The district reported that situation to the Sector.”]; **D219/835** Nop Ngim WRI, A132, 141, EN 01432966-68 [In Samlout District, written reports were “done once a month in the communes, from the communes to the district”. Reports on monthly birth rates were done “from the communes to the districts [...] annually.”]. Biographies: **D219/62** Preap Kap WRI, A56, EN 01053912 [“documents relevant to my biography were also sent to Yeay Leng for information.”]; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 14.25.20-14.26.55 [“we had to make a monthly biography, for example from which village they came”] (*Note* D219/298 Nop Ngim WRI, A29, EN 01111862).

<sup>466</sup> *See, e.g.* **D219/430** Chhoeung Bean WRI, A69, EN 01128717 [“Sector 2 of Pursat Province.”].

<sup>467</sup> **D118/202** Prak Sarin WRI, A15, EN 00986208 [“Sector 7 was located [...] on the other side of the road [from Sector 2].”]. Sector 7 was situated north of National Road 5, while Sector 2 lay to the south. However, since Sector 2 was on higher ground than Sector 7, many witnesses refer to Sector 2 as being “above” Sector 7. This distinction is reflected in the district names Bakan Leu (“Upper Bakan” – Sector 2), and Bakan Kraom (“Lower Bakan” – originally Sector 7). Krakor District was similarly divided. *See, e.g.* **D219/586** Khun Mon WRI, A93, EN 01178710 [“The area located below the national road was Sector 7, and the sector which stretched above and further from the national road was Sector 2.”]; **D118/122** Thek Bunroeun WRI, A12, EN 00975862 [“Bakan district at that time was divided into two districts included the lower part [on the north side] of National Road 5 was called Bakan Kraom, and the upper part [on the south side] of National Road 5 was called Bakan Leu”]; **D6.1.937** Ben Kiernan, *Genocide and Democracy in Cambodia*, EN 00430229 [Map entitled Administrative Divisions of Democratic Kampuchea]; **D219/193** Vat Phat WRI, A138, EN 01079894.

<sup>468</sup> **D219/936** Duch Chantha WRI, A22-23, EN 01492989 [Messenger for Khan, (Deputy) Secretary of Sector 2: “Q: Where did you drive [Khan]? A22: To Bakan District, MOUNG District, and Krakor District. Q: Did you ever drive him anywhere outside Sector 2? A23: No, I did not.”]; **D118/278** Nam Im WRI, A30, EN 01031784 [“Sector 2 covered the districts of Krakor, MOUNG Ruessei and Bakan.”]; **D219/921.2** Chap Puth DC-Cam Statement, EN 01530136 [“Q: How many districts were there in Sector 2? A: There was Krakor District as I know. [...] There were Maong and Bakan Districts.”]. *See also* **D6.1.546** Telegram from Office 560, 29 May 1977, EN 00143455-56 [“Region 2: [...] Number of big dams: 6 (in Maong, Bakan and Krakor)”. With reference to the later merger of Bakan Leu (Upper Bakan) and Bakan Kraom (Lower Bakan), *see* para. 168.

160. Groups of Southwest Zone cadres began arriving in Sector 2 in late 1976 or early 1977,<sup>469</sup> and by August 1977, the Northwest cadres on the sector committee had all been arrested and sent to S-21.<sup>470</sup> Sector 2 then experienced two waves of control.<sup>471</sup> First, Southwest Zone cadre Ben briefly took over as sector secretary,<sup>472</sup> but was replaced in late 1977 or early 1978, after a matter of months, by former Sector 31 (West Zone)<sup>473</sup> Secretary Vean Em *alias* Sarun, who held the position until the fall of the DK regime.<sup>474</sup> Around June 1978, Sarun was appointed to the Northwest Zone Committee together with Ta Mok and Yim Tith.<sup>475</sup>

<sup>469</sup> **D219/57** Kong Run *alias* Kong Sarun WRI, A43, EN 01040561 [“Q: Do you remember the exact month and year those female cadres arrived in your area? A43: [...] that was in late 1976 [...] there was a state of turmoil as Northwest Zone cadres were no longer trusted. Therefore, later on, they sent Southwest Zone cadres there.”]; **D219/222** Touch Seng *alias* Yeay Yan WRI, A33, EN 01088578 [the witness discusses when she and her Bakan District Committee colleagues arrived in Pursat from the Southwest Zone: “Q: When exactly did you come to Pursat? A33: It was probably during February or March 1977.”]; **D6.1.991** Uk Soeum WRI, A2, EN 00491348 [the witness became the Rumlech Cooperative chair in early 1977 (appointed by Yeay Rim (*see* A3)): “The call for re-education and disappearance of [Rumlech Commune officials] occurred in early 1977 when the Southwest Zone people came to take control of the Northwest Zone.”].

<sup>470</sup> *See V.B.1.b.ii. Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 2.*

<sup>471</sup> *See, by way of summary, D6.1.991* Uk Soeum WRI, A20, EN 00491354 [“soon after the cadres of the Northwest Zone were accused of being traitors, the Southwest Zone people came to control the Northwest Zone. Approximately one year later, they searched and found the Southwest people were traitors and then the Western people came to have another sort of control.”].

<sup>472</sup> **D219/223** Nuon Rin WRI, A28, EN 01088595 [“Q: Were those who came from Takeo to replace Khan and KONG Sam Oeun men or women? A28: [...] Ben was their successor. He came to replace them for only a few months.”]; **D219/187** Phan Khorn WRI, A31, EN 01104747 [“in 1977, a man named Ben from the Southwest Zone became the chairman of Sector 2. Ben was arrested after he had become the chairman of Sector 2 for about five months.”]; **D219/8** Yang Sokhom *alias* Yang Han WRI, A124, EN 01047785 [“Q: While you were in Pursat, who was Sector Secretary? A124: The Sector Secretary was Bin.”]; **D219/242** Ap Chroeng *alias* Ran WRI, A16, EN 01092976 [“Ben was from the Southwest Zone.”], A25, EN 01092977 [“Q: When did Ben come to Pursat? A25: He arrived in 1977.”].

<sup>473</sup> **D6.1.988** Sou Nan *alias* Yeay Nan WRI, A24, EN 00508566 [Former West Zone cadre appointed by Sarun as Kandieng District Secretary (*see IV.C.5. CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 7*): “I knew that Sarun became the Sector 31 committee of Kampong Chhnang province in 1976.”]; **D6.1.989** Meas Voeun WRI, A22, EN 00491657 [“The West Zone was comprised of three sectors: Sector [31], Kampong Chhnang Province [...] Ta Sarun was the Sector 31 secretary”]; **D6.1.985** Sao Phen WRI, A1, EN 00508571; **D117/36.1.1** Koem Sokh WRI, EN 00231665; **D6.1.349** Kev Kin WRI, EN 00290501.

<sup>474</sup> *See, e.g. D219/223* Nuon Rin WRI, A28-30, EN 01088595 [“A28: [Ben] was arrested and taken away. [...] A29: Ta Sarun was the new Secretary of the sector. [...] Q: How long did Ta Sarun manage Sector 2? A30: [...] Ta Sarun came to manage Sector 2 instead of Ben. Ta Sarun stayed there until the Vietnamese arrived.”]; **D219/187** Phan Khorn WRI, A31, EN 01104747 [“After [Ben was arrested], Ta Sarun became the chairman of Sector 2 until the fall of the Khmer Rouge regime in 1979. Ta Sarun was from Kampong Chhnang of the West Zone.”]; **D219/188** Phan Khorn WRI, A57-58, EN 01106434 [“I attended this [sector] meeting about 3 months after Ta Sarun arrived here. It might be in 1977. [...] they called [Ta Sarun] the Sector committee.”]; **D219/921.2** Chap Puth DC-Cam Statement, EN 01530144 [“Ta Sarun, the Sector Secretary, was so mean. [...] He remained in power until 1979.”]; **D118/278** Nam Im WRI, A176, EN 01031805; **D6.1.988** Sou Nan *alias* Yeay Nan WRI, A19, 24, EN 00508565-66; **D118/1** Uk Soeum WRI, A6, EN 00876119.

<sup>475</sup> **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 [“Sarun was [...] also in the Northwest Zone Com, replacing Koe.”]; **D6.1.1052** Kaing Guek Eav *alias* Duch WRI, EN 00160720; **D1.3.15.2** Timothy Carney,



161. Throughout these exchanges of power, Ta Mok enjoyed ultimate control over Sector 2 and the Southwest and West Zone forces under his command.<sup>476</sup> Mok and Sarun met,<sup>477</sup> and Mok passed on orders for dissemination in the sector.<sup>478</sup> Mok also visited the sector frequently,<sup>479</sup> including Phum Veal prison,<sup>480</sup> and gave orders in meetings with leaders in the sector, including district secretaries and cooperative chiefs.<sup>481</sup>

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*The Organization of Power*, EN 00105152. See further para 144.

<sup>476</sup> At least by late March-early April 1978, when Chou Chet alias Sy, West Zone Secretary was arrested, Ta Mok had fully taken control of the West Zone, in addition to his position as Southwest and Northwest Zone Secretary. See, e.g. **D1.3.29.2** Kaing Guek Eav alias Duch WRI, EN 00149916-17 [“Chou Chet alias Si of the West was smashed (don’t remember the year) along with Chou Chet’s links, and some cadre from the Southwest and put in their place. But the crucial thing is that Ta Mok was put in charge as Secretary of the West, on top of his position as Secretary of the Southwest. [...] Ta Mok went to be Secretary of the Northwest on top of everything else. Truckloads of Ta Mok forces and West forces belonging to Huot Heng alias Pal were transported to the Northwest.”]; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, fn. 24, EN 00412101 [“West Zone: Sy (after Sy had been arrested on April 1978, Mok rose to become the Secretary of both the Southwest and West Zones.”] (cited in Case 002-**D427** Closing Order, fn. 3026). See also **D219/193** Vat Phat WRI, A215, 217, EN 01079904 [“Q: Which Zones did Ta Mok control? A215: I know only three Zones: The Southwest, the West, and the Northwest. [...] A217: I attended a military meeting in Battambang during which they announced that Ta Mok controlled the three Zones. I do not remember in which year the meeting took place.”].

<sup>477</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A104, 106, EN 01364083 [Bakan District Secretary: “A104: [...] I knew that Ta Sarun attended the meetings with [Ta Mok]. [...] Q: Ta Sarun told you that he had attended the meetings with Ta Mok. [...] Is that right? A106: Yes, it is.”]; **D219/869** Sek Sam At alias Yeay Rim WRI, A8, 42, EN 01365558, 61 [“[Ta Mok and Ta Sarun] went to meet each other in Battambang. [...] Ta Sarun gave the instructions and he went to meet the higher echelon”].

<sup>478</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A103, EN 01364083 [“[Ta Mok] gave orders through Sarun.”], A106-107, EN 01364083 [“Ta Sarun told you that he had attended the meetings with Ta Mok. He further told you that Ta Mok had ordered which people to target, conduct research and do away with – they were those people who were affiliated with the Vietnamese people. Is that right? A106: Yes, it is. [...] A107: [Sarun] received the plan. He called all the people for the meetings. Then, the plan was delivered to us”].

<sup>479</sup> **D219/842** Lam Savuon WRI, A62, EN 01485114 [“Q: Each time Ta Mok came, did Yeay Rim always accompany him? A62: Yes, she did. She would accompany him to visit villages, districts and battlefields.”].

<sup>480</sup> **D118/123** Thoeuk Yoeun WRI, A65 [68], EN 00975880 [“Ta Mok visited [the Veal Village] Prison twice.”]; **D118/125** Chab Khuong WRI, A104, EN 00976597 [“I heard that Ta Mok used to visit Veal Village Prison.”].

<sup>481</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A93-94, EN 01364082-83 [“Q: So, the meetings presided over [by] Ta Mok were truly held. Is that right? A93: Yes, it is. There were meetings [...] Q: [...] Please confirm whether or not you attended the meetings with Ta Mok? [...] A94: I confirm that I attended the meetings”]; **D219/793.1** Transcript *Enemies of the People*, EN 01322985 [Yeay Rim (confirmed in **D219/860**, A27-30, EN 01363595-96): “Yes, I received orders from the upper levels, levels like the provincial level and so on, from higher up, from the national.”]; **D219/842** Lam Savuon WRI, A61, EN 01485114 [“Q: [...] How many times did you see Ta Mok having meetings with Yeay Rim? A61: I saw [Ta Mok] on many occasions. Sometimes he attended the conferences in Phnom Kravanh District and Bakan District. He visited those places many times.”]; **D219/611** Lam Savuon WRI, A73, 77, EN 01185836 [Yeay Rim’s messenger: “Q: Did you ever go with Yeay Rim to any other places? A73: I did. I went to attend meetings at Moung, in Battambang, and Pursat. [...] A77: [Yeay Rim] talked about her work with those who served at the upper level”], A126-131, EN 01185843 [The witness accompanied Yeay Rim to Moung, Battambang to attend a meeting with senior leaders, including Ta Mok.]; **D219/587** Sok Pan WRI, A71-80, EN 01178733-34 [while the witness lived with and worked as a cook for Yeay Rim in Bakan District in 1978 (see A20-21, 24-25, EN 01178727), she saw high-level Khmer Rouge cadres from the Centre / Phnom Penh come to talk with Yeay Rim “many times”]; **D6.1.991** Uk Soeum WRI, A3, 5, EN 00491349-50 [Former chief of Rumlech Cooperative describing regular meetings of Bakan district

162. On at least one occasion in mid- to late 1978, Sarun and Bakan District Secretary Yeay Rim attended one of the regular meetings of Northwest zone, sector, and district officials, including Mok and **Yim Tith**, at Battambang University,<sup>482</sup> at which plans were set out for the coming year.<sup>483</sup> At the end of the regime, Mok convened a meeting of cadres at which he ordered the killing of East Zone evacuees.<sup>484</sup>
163. Within Sector 2, the sector and district secretaries passed down orders from their superiors, and in turn reported on activities at the cooperative level.<sup>485</sup> Sector 2 secretaries

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cooperative chiefs in Ta Lo which were presided over by Ta Mok, Ta Sarun and Yeay Rim, concerned with “fulfilment of the Party’s plan”. He also describes attending a meeting in the former cinema in Pursat town presided over by Ta Mok who made announcements about traitors in the Northwest Zone]; **D5/1338/3** Pen Sochan, T. 12 Oct. 2016, 14.14.43-14.18.47 [testifying regarding forced marriage orders in Khnar Totueng Commune, Bakan Leu District: “[Roem] said that she received orders from Ta Mok and that if I wanted to know more, I should exhume Ta Mok’s body and ask him. [...] she received instructions from other people [...] she said that if we wanted to know the truth, then we should go to ask the dead body of Ta Mok because the wedding was how it was organized back then. [...] When I went to meet her and when we asked her the question, she said that the upper echelon ordered her to organize the marriage so that people could produce children for Angkar.”], 15.32.15-15.34.38; **D118/278** Nam Im WRI, A177, 186, EN 01031805-06.

<sup>482</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A120, 122-123, 130-131, EN 01364085 [“Q: The answer in the record states that you attended a meeting at a place known today as Battambang University. [...] Ta Tith, Ta Mok, and Im Chaem also partook in that meeting. Do you recall that you attended a meeting which was held at the place known today as Battambang University? A120: Yes, I do. [...] A122: [...] It was in 1978. That was at the end of 1978 when the Vietnamese soldiers attacked and entered Cambodia. It was somewhere around that time. Q: Was Ta Mok present in that meeting? A123: Yes, he was. Ta Mok was present in all the meetings held in Battambang. [...] Q: Did Ta Mok preside over the meeting? A130: Yes, he did. As a chairperson, he also gave his speech, and we always listened to him. [...] Q: Did Ta Sarun attend that meeting? A131: Yes, he did.”]; **D219/294** Moul En WRI, A55-57, 68, 153-156, EN 01111832, 34, 42 [District Chief of Bavel District, Sector 3. Recalls Yeay Rim participating in the meeting at Battambang University “organised for the district and sector levels” in the Northwest Zone “between 18 days and a month after Ta Nhim had been arrested” which Ta Tith, Im Chaem and Ta Mok also attended] *elaborating on* **D219/900** Moul En WRI, A96, EN 01517481 [“After Ros Nhim was arrested, they called us for a meeting. About 20 to 30 of us were called for a meeting. The names of those who had to attend the meeting were called out one by one; and I heard Yeay Rim’s name.”]; **D219/842** Lam Savuon WRI, A41-42, EN 01485112 [“Q: Did you ever hear that Yeay Rim went to a meeting at Battambang University? A41: Yes, I did. [...] A42: She went there quite often.”]. *See also* **D118/271** Chhean Hea WRI, A25, EN 01029420 [“I was Ta Pet’s bodyguard and I always accompanied him to meet with Ta Tith when they needed to have meetings with one another, but I never attended those meetings. I met [Ta Tith] in person only once, at Battambang University.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.21.06-09.23.27 [“And at the party school, Battambang University, [...] when cadres came from different provinces and districts for study sessions chaired by the Zone Committee or chaired by Mr. Nuon Chea.”].

<sup>483</sup> **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 [“I was summoned to Batdambang University twice for meetings [...]. These were conferences of all subdistrict cadre up, reviewing the past and putting forward plans for the next year.”].

<sup>484</sup> **D118/278** Nam Im WRI, A177, 184-187, EN 01031805, 07 [Unit Chief in Bakan District: “A unit chief secretly told me about a plan. He said that ‘Ta 78 planned to kill all the East Zone people within five days’ [...] Ta 78 was referred to Committee 870. [...] Committee 870 laid down a plan to Ta 15 [Ta Mok]. Ta 15 held a meeting to disseminate that plan to lower echelon cadres. The unit chief who attended that meeting to receive the plan told me about this [...] in around January 1979.”].

<sup>485</sup> **D6.1.991** Uk Soeum WRI, A10, EN 00491351 [Rumlech Cooperative Chief appointed by Yeay Rim: “Sector and district secretaries’ roles were to observe people working and to conduct meeting for their subordinates, namely the cooperative chiefs, to announce the plan imposed by the upper echelon for the cooperative chiefs to execute with people at the base level. The announcement of the upper echelon’s plan was made through the sector or district meeting attended by cooperative chiefs. I knew that the sector and

held meetings with district secretaries Pheng, Ren, and Rim, and other area leaders, in which they gave orders and received reports.<sup>486</sup> Those orders were disseminated down the ranks by the district secretaries and carried out by the lower echelons, including cooperative chiefs and militia, and at worksites.<sup>487</sup>

district came to collect documents from the cooperatives reporting about the people's living conditions in order to report in the meeting with their upper echelons.”]; **D219/793.1** Transcript *Enemies of the People*, EN 01322987 [Suon, deputy chairman of the Chhlorp in Sraong Cooperative, Bakan District (confirmed in **D219/188** Phan Khorn WRI, A2, EN 01106427) “I got [my orders] from Bang Khoun and Bang Khoun got his from Bang Rim. And Bang Rim got hers from the sector. The sector got its from who knows who, the biggest chiefs”]; **D118/278** Nam Im WRI, A194, EN 01031807 [Unit Chief in Bakan District: “Committee 870 had a meeting with the sector level, and the sector level held a dissemination meeting with the district level. After that, the district level disseminated to the Cooperative level. Finally, the cooperative committee called me to attend a meeting.”]; **D5/1338/3** Pen Sochan, T. 12 Oct. 2016, 14.10.59-14.12.14 [testifying about Oeun, a unit chief in Khnar Totueng Commune, Bakan Leu District: “[Oeun] said that if I really wanted to know, I should go and ask the district chief [...] since he also received order from that level. And he referred to Bong Roem [...] who was the district chief during the Khmer Rouge regime.”].

<sup>486</sup> See, e.g. **D219/861** Sek Sam At alias Yeay Rim WRI, A77, EN 01364081 [“Q: Was it a chain of command? This means that you received orders or instructions and reported your activities to Sarun? Was it like that? A77: Yes, it was.”]; **D219/869** Sek Sam At alias Yeay Rim WRI, A7, EN 01365558 [“[Ta Sarun] called for the meetings. He and the cooperative people attended the meetings.”]; **D219/222** Touch Seng alias Yeay Yan WRI, A125, EN 01088584 [“When there were work plans, Ren called us to the meetings and told us about the plans. Ren went to attend sector level meetings to receive work plans.”]; **D219/188** Phan Khorn WRI, A57-63, EN 01106434 [Battlefield committee in Bakan District: “A57: I attended this [sector-level] meeting about 3 months after Ta Sarun arrived here. It might be in 1977. [...] A58: [...] at that time they called him the Sector committee. [...] A59: [...] That meeting lasted for 3 days. [...] A60: It was in an old movie theatre in Pursat provincial town. [...] A61: There were many people coming from every place in the Sector. They included the battlefield committees, cooperative committees, and district committees. Q: Did Yeay Rim also attend that meeting? A62: Yes, she did. [...] A63: All attendees were cadres and also soldiers.”]; **D219/223** Nuon Rin WRI, A64, 66-67, EN 01088599 [“A64: [...] However, at night, when there were urgent meetings in Maung or in the province, Tha drove Yeay Rim on a motorcycle to attend the meetings. [...] Q: Did you refer to the meetings at the province as the sector meetings? A66: Yes, I did. The sector meetings were sometimes conducted at the provincial town of Pursat. Q: To your knowledge, did Yeay Rim attend the sector meetings frequently? A67: Yes, she did. She attended the meetings very frequently because she travelled a lot.”].

<sup>487</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A89, EN 01364082 [“I received orders from the upper echelon. Then, I told the lower echelons what the upper echelons had told us.”]; **D219/869** Sek Sam At alias Yeay Rim WRI, A16, 19-20, EN 01365559-60 [“We had received the plan, so we had no choice but to convene the meetings. Thus, we conducted the meetings to disseminate information. [...] Whatever their instructions were, we only followed suit. [...] We convened meetings to provide such instructions. [...] I gave instructions according to Ta Sarun's orders.”]; **D219/222** Touch Seng alias Yeay Yan WRI, A127, EN 01088584 [“Q: Did Ren share information she received from the sector level meetings with you? A127: Yes, she did. She told us our Party wanted all of us to work hard. We then relayed that message to the people in units and groups”]; **D6.1.991** Uk Soeum WRI, A11, EN 00491351-52 [Rumlech cooperative chief: “I [...] knew that the sector or district attended the meeting with upper echelon [...] After the meeting, they [sector or district] called for a cooperative meeting to announce the plan from the upper echelon, for instance, to farm, build dams, to keeps track of enemy [activities] etc.”]; **D219/188** Phan Khorn WRI, A69-72, 79, EN 01106435-36 [Battlefield committee in Sraong Cooperative, Bakan supervising local militia: “They held [meetings] at Yeay Rim's place in the district center. [...] Yeay Rim was the chairperson of the meeting. [...] They called the meeting whenever they received the plan from the upper echelon. [...] What I referred to [by upper echelon] was that the district level went to attend the meeting at the Sector level. [...] After [Yeay Rim] returned from the meeting at the upper echelon, she laid down the plan for the cooperatives.”]; **D118/278** Nam Im WRI, A93-96, EN 01031793-94 [Unit Chief in Bakan District: “A93: At first the cooperative committee received comments from the upper echelon. Then they disseminated the comments to us in meetings. [...] A94: In 1978. Because I was a group chief during that

164. Both Sarun and Rim distributed and promoted the content of *Revolutionary Flag*.<sup>488</sup> They disseminated to Sector 2 cadres CPK policy and ideology, including the policy to smash internal enemies.<sup>489</sup> Orders flowing down the Sector 2 authority structure included orders

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time, they had me attend meetings of the cooperative committee. [...] Q: Did the cooperative committee chairpersons attend meeting with the district committee? A95: Yes, with the district and sector levels. Q: Did the meetings take place before or after the arrival of the Southwest Zone cadres in your area? A96: After the arrival of the Southwest cadres in my area.”], A121-125, EN 01031797-98 [Describing meetings held by Yeays Ren, Yan and Rim at the Bakan “District Hall” in which they talked about “many things such as building, transplanting rice seedlings, achieving plans and enemies’ situation. [...] They said that ‘In Bakan District, the Northwest Zone, there are many infiltrating enemies’.” They called the former Lon Nol officials C.I.A., but when the killings of the Northwest Zone cadres started, the witness realised that they (all the Northwest Zone cadres) were also being referred to.]; **D219/611** Lam Savuon WRI, A62-68, EN 01185835 [Messenger for Yeay Rim describing orders from Yeay Rim to deliver letters to the “village, district and cooperative levels” every two or three days. These letters would call the recipient to “attend a meeting or study session” or whenever Yeay Rim “had any new plan.”], A77, EN 01185836-37 “[Yeay Rim] talked about her work with those [...] on the cooperative committee and frontline committee.”]; **D118/127** Pov Sinuon WRI, A32-33, EN 00979973 [“A32: When they had us digging canals, [Yeay Roem] would show up along the paddy dike or at the canal. In a year, we only saw her at most three times. Q: Did Yeay Roem ever make a speech? A33: Yes, she did. She said, ‘Be loyal to Angkar. In this era is the era of loyalty to *Angkar*. Anyone who betrays Angkar will be moved to another battlefield.’ At that time, they did not use the word ‘kill.’”]. *See also* **D118/125** Chab Khuong WRI, A50-51, EN 00976589 [“If [Yeay Roem] had not issued such orders, no one would have dared to kill people. [...] A51: [...] she was powerful”].

<sup>488</sup> **D6.1.991** Uk Soeum WRI, A15, EN 00491352-53 [“As a cooperative chief, I used to see Revolutionary Flag Magazine [...] Before the Southwest Zone people came to control the Northwest, Ta Nhim the Northwest Zone committee came to disseminate the substance of the Revolutionary Flag Magazine. [...] Ta Sarun and Yeay Rim also stated the same thing about the substance of that magazine. I think that Revolutionary Flag Magazine was useful for the Khmer Rouge cadre to read in order to build class struggle which was mentioned in that magazine.”].

<sup>489</sup> **D179/1.2.11** Kaing Guek Eav alias Duch, T. 27 Mar 2012, 10.05.15-10.07.09 [“With regard to Party’s education, [Revolutionary Flags] focused on three issues. First, the policy of the Party; second, the stance and ideology; and the third one is the organizational policy of the Party”]. With regard to promotion of the CPK enemy policy in *Revolutionary Flag* during 1977 and 1978, *see, e.g.* **D322/8.1.23** *Revolutionary Flag*, Apr 1977, EN 00478496 [“As for the enemies that are ‘CIA’, ‘KGB’, and ‘Y[uon]’ agents [...] smash them even more so they cannot raise their heads. By doing this, we will create the preconditions for us to attack the enemy even stronger during 1978, and in future years and we will achieve additional major victories.”]; EN 00478502 [“One very important issue that has to be concentrated on is clearly unmasking again and again the “CIA” and their agents, the ‘KGB’ and their agents, the territory swallowing ‘Y[uon]’ and their running dogs”]; **D6.1.542** *Revolutionary Flag*, Jun 1977, EN 00446857-58 [“Whip up and educate the masses, the masses inside the Party [...] and have them clearly see how the internal embedded enemies carry out their activities; have them absorb this so they will become an enemy-seeking and enemy-attacking force.”]; **D6.1.740** *Revolutionary Flag*, Oct-Nov 1977, EN 00182549 [“There are concealed enemies everywhere in our ranks, the Centre, the general staffs, the zones and the bases. It would be dangerous not to take measures in time.”]; **D1.3.22.6** *Revolutionary Flag*, May-Jun 1978, EN 00185324 [“We have seen more [...] of the noxious nature of internal enemies [...] we must strengthen the class struggle [...] in order to eliminate successively both internal and external enemies, but particularly internal enemies”], EN 00185342 [“Our duty is therefore is to attack absolutely [...] enemy is being smashed to smithierins, scattered to the winds and liquidated.”].

to forcibly transfer, arrest, and kill enemies<sup>490</sup> such as the Khmer Krom,<sup>491</sup> Northwest

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<sup>490</sup> **D219/222** Touch Seng alias Yeay Yan WRI, A128, EN 01088584 [“Q: Did Ren share information about enemies she received from sector level meetings with you? A128: Yes, she did. She said our Party fought the enemies.”]; **D219/57** Kong Run alias Kong Sarun WRI, A166-167, EN 01040579 [“A166: [...] Whenever there was any plan, prison chiefs were called to a meeting at the district. Upon the prisoner chiefs’ return, killings took place. Q: You said that in 1978, killings of prisoners increased. Did such events take place under the control of the Southwest cadres, or what? A167: Yes, they took place under Southwest cadre control.”]; **D118/126** Mey Savoeun WRI, A68-69, EN 00978760 [“Yeay Roem used to say that all the traitors had to be swept clean from our group [...] I only heard her saying that all of the internal traitors had to be eradicated.”]; **D6.1.991** Uk Soeum WRI, A3, EN 00491348-49 [Former chief of Rumlech Cooperative reporting a meeting of cooperative chiefs with Ta Sarun and Yeay Rim: “Yeay Rim added: Pou, you all must fulfil all of the plans imposed by the Party. Failure to achieve that would, simply mean that you are enemy and you will disappear like them.”].

<sup>491</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A83-84, 86-89, 102-103, 106-107, EN 01364081-83 [Ta Mok passed on orders on dealing with Yuon affiliates through Sarun, who then summoned Yeay Rim and cooperative members to carry out the orders.]; **D219/869** Sek Sam At alias Yeay Rim WRI, A13-14, 27, 42, EN 01365559-61 [“A13: [...] Ta Sarun held meetings to inform the cooperatives. To tell you the truth, I just worked according to my orders. Q: [...] Does ‘work’ here refer to the activities to identify and eliminate the people? A14: Yes, it does. He instructed all the cooperatives to observe to find out if there were any Vietnamese networks that could attack us. [...] Q: Did [Sarun] instruct you to send [Khmer Krom] people to Khnar Tortung? A27: Yes, he did. He gave the instructions during the meeting. [...] Q: The truth was that you ordered the execution of people following the orders that you received from someone else. Is that correct? [...] A42: Ta Sarun gave the instructions and he went to meet the higher echelon.”]; **D118/1** Uk Soeum WRI, A20, EN 00876120 [“I attended a meeting with all cooperative chairmen in Bakan district, and Grandmother Rim spoke about the plan to execute the Khmer Krom.”], A17, EN 00876120 [“in approximately late 1978, there was an order from Bakan District Committee [...] They ordered me to collect and transfer all Khmer Kraom living in Rumlech cooperative to Khnar Totueng Cooperative because they were accused of being linked to the Vietnamese.”]; **D118/122** Thek Bunroeun WRI, A34-35, EN 00975864-65 [“Q: Who gave the order to evacuate the Khmer Krom out of their village? A34: The district chairman gave the order to the cooperative, and the cooperative gave the order to the groups. Q: Who was the district chairperson at that time? A35: Yeay Rem.”]; **D219/188** Phan Khorn WRI, A112-117, EN 01106440-41, especially A112 [“I attended the meeting in Koh Run in which they talked about the plan to sweep clean the Khmer Kraom people. This meeting was held in 1978, and all cooperative chiefs and battlefield committees came to attend it. Yeay Rim chaired the meeting at that time. At first, in 1978 [...] Yeay Rim went to attend the meeting at the Sector. After her return, she said that ‘now we have to round up all the Khmer Krom people from [every] cooperative and put them in one place’.”], A121, 123-130, EN 01106442, A131, EN 01106442 [“I went to attend the meeting where Yeay Rim gave me the order to do these things. It was the order for every cooperative. Yeay Rim ordered me to be in charge for killing all of those Khmer Kroams. This was the order passing on from one person to another in the hierarchy.”]; **D118/278** Nam Im WRI, A93-94, EN 01031793 [“A93: [...] The meetings organized by the cooperative committee also said about agriculture production issues and they said that ‘Khmer Krom people should not be kept because they had Khmer body with Vietnamese head’. Q: When did you hear the phrase ‘Khmer body with Vietnamese head’? [...] A94: In 1978. Because I was a group chief during that time, they had me attend meetings of the cooperative committee.”]; **D6.1.757** Pov Sinuon WRI, EN 00387502 [“As for the order to kill [Khmer Krom], I knew that this order came from the upper Angkar and from yeay (grandmother) Rim.”].

Zone cadres,<sup>492</sup> former Lon Nol officials,<sup>493</sup> and East Zone evacuees.<sup>494</sup>

a. BAKAN DISTRICT

165. Bakan District was eventually divided into at least nine communes.<sup>495</sup> Five of the charged crime sites were located in four of these communes: Phum Veal Security Centre and Prey Krabau execution site in Ta Lou Commune, Svay Chrum Security Centre in Boeng Bat Kandaol Commune, Tuol Seh Nhauv execution site in Khnar Totueng Commune, and

<sup>492</sup> **D219/188** Phan Khorn WRI, A88, EN 01106437 [“Regarding these base cadres, who had the authority to sweep them clean? A88: The arrest order came from the Sector, and it was only Ta Sarun at the Sector level who gave the order. Ta Sarun was in charge of Sector 2 since that time.”]; **D6.1.991** Uk Soeum WRI, A3-5, EN 00491348-50.

<sup>493</sup> **D219/188** Phan Khorn WRI, A68-72, 75-78, EN 01106435-36 [Describing meetings for cooperative officials chaired by Yeay Rim to discuss enemy policy. These meetings were “held many times continuously until the time the Yuon arrived” after district level officials had met with the sector in order to communicate orders received there: “whenever they received the plan from the upper echelon.” Yeay Rim “instructed all cooperatives to search for the soldier, commando, and civil servant from the Lon Nol period. [...] She said that if we found them, we had to kill them. [...] Yeay Rim said, ‘comrades, you must search for them and sweep them clean until no one left’. According to the witness, Rim “said this very often. She said this every time a meeting was held.”].

<sup>494</sup> **D219/188** Phan Khorn WRI, A133, EN 01106443 [“There was an order telling us that these East Zone people were in the Yuon’s string like the Khmer Kroam. The order to kill them came from the Sector to the district and then down to the cooperative and to the battlefield committee and the Chhlorp. After that, the killing of the East Zone people was done in each cooperative.”], A136-138, EN 01106443-44 [“A136: My role was that I was in charge for the killing of the East Zone people. The Cooperative chairperson named Tonn (male) who had ordered me to do it. Tonn was a new person coming to take charge of the Cooperative with Rom. [...] The battlefield committee was one level under the cooperative committee, and the section chief was one level under the battlefield committee. [...] Q: Was Yeay Rim involved in the killing of the East Zone people? A137: Yes, she did not personally participate, but she gave the order to kill the East Zone people. Yeay Rim spoke in the meeting in which she told the cooperative chairpersons and the battlefield committees about the killing of the East Zone people. [...] A138: It was in late 1978.”]; **D6.1.991** Uk Soeum WRI, A5, EN 00491350 [Describing a meeting at the former cinema in Pursat town presided over by Ta Mok, and attended by Sarun and Rim, in which Ta Mok announced that “[...] Angkar evacuated people from the Eastern Zone to live in Northwest Zone and instructed to examine them closely to see if they would oppose the Party’s guideline because when those people were evacuated and located at the sugar refinery factory in Phnom Penh they were found with guns. So they might have a string with the Yuon (Vietnamese)”, confirming **D6.1.616** Uk Soeum SOAS Interview, EN 00352107.

<sup>495</sup> **D118/147.1.43** KRT Research Project Report, EN 00527080 [**Khmar Totueng Commune**: “During the Pol Pot regime [...] he was working in a hospital in Boeng Chhuok village (Khmar Tateng commune, Bakan district, Pursat province)”, EN 00527111 [**Me Tuek Commune**: “they were taken to be killed in Cha Yov village, Me Tuek commune, Bakan district.”], EN 005270104 [**Ou Ta Paong Commune**: “Prey Krabau village in Ou Ta Paong commune, Bakan district, Pursat province was also a killing field.”], EN 00527114 [**Rumlech Commune**: “I also witnessed Khmer Krom being rounded up in Rumlech commune and made to march in straight lines to other parts of Bakan. I was told that they were taken away to Khmar Toteung, Ou Ta Paong, Svay Doun Keo and Ta Lou communes and murdered.”], EN 00527087 [**Snam Preah Commune**: “In 1979 Mr Chroeng was evacuated to Mlech Village [...] Snarm Prah Commune, Bakan District.”], EN 00527119 [**Svay Doun Keo Commune**: “In 1978, the Khmer Rouge ordered me to work at Kbar Taul Village, Svay Doun keo Commune, Bakan District, Pursat Province.”], EN 00527081 [**Ta Lou Commune**: “1976 He moved to Ta Lo commune in Bakan district”, EN 00527086 [**Trapeang Chong Commune**: “In 1975, [witness] was living in Preah Chambok Village, Trapeang Chhornng Commune, Bakan District, Pursat Province.”]; **Boeng Bat Kandal Commune**: **D118/15** Svay Chrum Prison Site Identification Report, EN 00882969 [“During the Democratic Kampuchea Regime [...] Svay C[h]rum Prison was situated deep into the forest in the area of Svay Village, Boeng Bat Kandal Commune, Bakan District, Pursat Province”].

Chanreangsei Pagoda execution site in Rumlech Commune.<sup>496</sup> Sexual violence took place throughout Bakan District.<sup>497</sup>

166. At the beginning of the DK period, Bakan District was divided into two parts: Bakan Leu (Upper Bakan), which was under the jurisdiction of Sector 2, and Bakan Kraom (Lower Bakan) (also known as District 21, Kdat District, or Preah Mlu District<sup>498</sup>), which was under the jurisdiction of Sector 7.<sup>499</sup> Bakan Leu District included Ta Lou, Rumlech, and Khnar Totueng communes and Bakan Kraom District included Boeng Bat Kandaol Commune.
167. Three women from the Southwest Zone: Yeay Ren (secretary), Yeay Rim (deputy secretary), and Yeay Yan (member)<sup>500</sup> replaced the purged Northwest Zone district

<sup>496</sup> **D118/11** Phum Veal Security Centre Site Identification Report, EN 00882686; **D118/15** Svay Chrum Prison Site Identification Report, EN 00882969; **D118/12** Tuol Seh Nhauv Pits Site Identification Report, EN 00882691; **D118/13** Prey Krabau Killing Site Site Identification Report, EN 00882695; **D118/14** Chanreangsei Pagoda Execution Site Site Identification Report, EN 00882953. *See also* **D6.1.758** Chab Khuong WRI, EN 00387496-97 [“Prey Kabav located in Ta Lou Commune”]; **D219/587** Sok Pan WRI, A23, EN 01178727 [“Ta Lou is in Bakan District”]; **D118/235** Khek Chan WRI, A28, EN 01057667. *See V.B.5.e.* Crimes – Northwest Zone – Sector 2 – Sexual Violence in Bakan District.

<sup>497</sup> *See, e.g.* **D219/6** Ouk Heung WRI, A112, EN 01047755 [“I was sent to another place called Kdat District (Bakan Kraom)”]; **D219/193** Vat Phat WRI, A190, EN 01079901 [“District 21, or known as Kdat (or Preah Mlu) [...] I come from Bakan Krom (in the vicinity of Preah Mlu)”]; **D219/653** Ong Sorn WRI, A49, 100, EN 01207494, 500 [“But later, it was not called Preah Mlu District; it was called Kdat District. [...] Later, it was changed to Bakan District.”]; **D118/176** Soem Voern WRI, A120, EN 00981970 [“Bakan District was named District 21”]; **D134/5** Huot Moeng alias Sat Sokhom WRI, A9, EN 00974301.

<sup>499</sup> **D6.1.685** Lim Sat WRI, A1, EN 00412157 [“Bakan district at that time was divided into Bakan Leu and Bakan Kraom.”]; **D219/187** Phan Khorn WRI, A41, EN 01104748 [“The Upper Bakan was in Sector 2 while the Lower Bakan was in Sector 7.”]; **D118/122** Thek Bunroeun WRI, A12, EN 00975862 [“Bakan District at that time was divided into two districts included the lower part [on the north side] of National Road 5 was called Bakan Kraom, and the upper part [on the south side] of National Road 5 was called Bakan Leu”]; **D219/586** Khun Mon WRI, A93, EN 01178710 [“they divided [Bakan] into sectors. The area located below the national road was Sector 7, and the sector which stretched above and further from the national road was Sector 2.”]; **D219/653** Ong Sorn WRI, A39, 41, EN 01207493; **D118/278** Nam Im WRI, A33, EN 01031784-85; **D219/222** Touch Seng alias Yeay Yan WRI, A182, EN 01088589; **D219/611** Lim Savuon WRI, A37, EN 01185830.

<sup>500</sup> *See, e.g.* **D219/345** Noem Lorn WRI, A25, EN 01116101 [“I knew three Southwest Zone cadres on Bakan Loeur District committee, Rim, Yan and Ren.”]; **D219/611** Lam Savuon WRI, A28-29, EN 01185829 [Yeay Rim’s messenger who lived with her until late 1978: “Besides Yeay Rim, there was Yeay Yan. There was also Yeay Ren. There were only three people on the Bakan District Committee, and they were all women. They were from the same district. [...] Yeay Ren was the senior leader. Then it was Yeay Rim. They were chairwoman and deputy chairwoman.”]; **D219/187** Phan Khorn WRI, A33, EN 01104747 [“From 1977 to the time the Khmer Rouge regime fell in 1979, the persons in charge of the Bakan district were all women. They included Yeay Rim, Yeay Yan and Yeay Ren.”]; **D118/278** Nam Im WRI, A112, 119, EN 01031796-97 [“The Bakan District Committee was comprised of Ren, Roem [Rim] and Yan. They are all female. They were from salt fields in the Southwest Zone [...] To my observation, Ren was the chairperson; Roem [Rim] was the deputy, and Yan was the member.”]; **D118/189** Phan Saray WRI, A17, 65-66, EN 00986688, 95-96 [Describing the arrest and replacement of former District Secretary, Ta Taay with Yeay Rim from the Southwest Zone in 1976-1977.]; **D219/8** Yang Sokhom alias Yang Han WRI, A53, EN 01047775 [“The Bakan District Committee was all female, namely Ren and Rim, who had come from the salt fields with me, and Yan.”], A65, EN 01047777 [“Ren was the most senior. She was Bakan District Secretary. She was followed by Rim, and the lowest ranking one was Yan.”]; **D219/222** Touch Seng alias Yeay Yan WRI, A119, EN 01088584 [“Q: Yeay Rim, Yeay Ren and you were on the Bakan

cadres<sup>501</sup> in early to mid-1977. Rim and Yan gave statements to OCIJ, and although they repeatedly attempted to minimise their roles in Bakan District, they both admitted that they had served on the district committee.<sup>502</sup> After a short time, likely when the West Zone cadres arrived, Ren and Yan were removed from the district committee and Yeay Rim became secretary, remaining until the regime fell.<sup>503</sup>

168. Although initially part of Sector 7, during the administration of West Zone cadres Sarun and Pheng (then Bakan Kraom Secretary<sup>504</sup>), Bakan Kraom was merged with Bakan Leu

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District committee in early 1977, weren't you? A119: Yeay Ren was the chief who was in charge of all people in cooperatives. Yeay Rim was in charge of the district mobile unit. I was in charge of the farming unit."]; **D219/223** Nuon Rin WRI, A40, EN 01088596 ["Yeay Ren was the most senior-ranking person. Yeay Yan and Yeay Ren were from Srae Ambel, of the Southwest Zone."]; **D219/590** Long Khlor WRI, A33, 37-39, EN 01178802-03; **D219/586** Khun Mon WRI, A118, 143-144, EN 01178713, 17; **D219/758** Oem Lun WRI, A38-39, 53-54, 59, EN 01251821, 23; **D219/221** Heng Sieng WRI, A87-88, EN 01104767; **D219/587** Sok Pan WRI, A28-30, 41, 92-93, EN 01178728-29, 35; **D219/57** Kong Run alias Kong Sarun WRI, A39-40, EN 01040561; **D118/199** Uong Sav WRI, A23-24, 26, EN 00985107; **D118/1** Uk Soeum WRI, A17, EN 00876120; **D6.1.991** Uk Soeum WRI, A3, EN 00491348-49; **D118/238** Kol Set alias Keo Set WRI, A57, 62-65, EN 01040474-75.

<sup>501</sup> See **V.B.1.b.ii** Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 2.

<sup>502</sup> Yeay Rim: **D6.1.984** Sek Sam At alias Yeay Rim WRI, A15, EN 00492921 ["I was the member of the Bakan district committee, not the district committee or the deputy chief of Bakan district committee."], A24, EN 00492923 ["I was a member of the district committee."]; **D219/861** Sek Sam At alias Yeay Rim WRI, A44-45, EN 01364077-78 [twice confirming that she was on the Bakan District Committee]; **D219/869** Sek Sam At alias Yeay Rim WRI, A99-100, EN 01365567 ["Regarding the organization of the [Phum Veal] prison and security, it was managed by the two elder sisters. I was in charge of the district only at the end of 1978 when Ta Sarun and Ta Pheng came. [...] The two elder sisters were Ren and Yan."]. Yeay Yan: **D219/222** Touch Seng alias Yeay Yan WRI, A119-124, EN 01088584, *particularly* A122 ["Three of us were on the district committee"], A135, EN 01088585 ["We worked together because we were on the same district committee."], A153-154, EN 01088586 ["Q: Where did you attend meetings with Yeay Rim and Yeay Ren? A153: The meetings were held at Ta Lau. It was called Ta Lau District Office. Q: Bakan District Office was located in Ta Lau. Is that correct? A154: Yes, it is."].

<sup>503</sup> See, e.g. **D219/345** Noem Lorn WRI, A26, EN 01116101 ["They arrested Ren and Yan when West cadres arrived around early 1978 or late 1977. These two cadres came from the Southwest Zone. Only Yeay Rim remained there."]; **D219/861** Sek Sam At alias Yeay Rim WRI, A44-45, EN 01364077-78 [twice confirming that she was on the Bakan District Committee and at one point Ren went missing and Yan was arrested]; **D219/869** Sek Sam At alias Yeay Rim WRI, A99-100, EN 01365567 ["I was in charge of the district only [...] when Ta Sarun and Ta Pheng came."]; **D219/222** Touch Seng alias Yeay Yan WRI, A110, EN 01088583 ["By the end of 1977 I was arrested and detained."], A120, EN 01088584 ["Ren had been taken away. Later on, only Yeay Rim remained [in charge of Bakan District], and I was detained."]; **D219/8** Yang Sokhan alias Yang Han WRI, A63, 66-67, EN 01047776-77 [Describing Ren being taken away and Rim being promoted to District Secretary "during the dry season before the Khmer New Year in 1978."]; **D219/223** Nuon Rin WRI, A52, EN 01088597-98; **D6.1.991** Uk Soeum WRI, A20, EN 00491354; **D219/587** Sok Pan WRI, A29-30, 32, 84-86, EN 01178728, 34-35; **D219/590** Long Khlor WRI, A39-40, 44, 46, EN 01178803; **D118/202** Prak Sarin alias Krou Heun WRI, A43-45, EN 00986213; **D118/216** Hang Nget WRI, A74, EN 00985647; **D219/611** Lam Savuon WRI, A31-34, 36, EN 01185829-30; **D118/192** Ven Van WRI, A94-95, EN 00986189; **D118/124** Koem So WRI, A82, 84, EN 00975895; **D6.1.134** Duong Sau WRI, EN 00250740.

<sup>504</sup> As set out in detail in **IV.C.5**. CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 7, after the Northwest Zone cadres were purged in Bakan Kraom, Phal from the Southwest Zone became District Secretary, until he too was arrested in early 1978 and replaced by Ta Pheng from the West Zone.



to form Bakan District,<sup>505</sup> which operated under Sarun's authority.<sup>506</sup> While there is conflicting evidence as to whether Pheng or Rim was secretary of Bakan District once it was merged, the evidence is clear that they worked together until the end of the regime to control the district.<sup>507</sup>

### 3. SECTOR 3

169. Sector 3 was divided into six districts.<sup>508</sup> The ICP requests that **Yim Tith** be sent to trial for crimes occurring in Phnom Sampeou District in Sector 3.

<sup>505</sup> **D219/187** Phan Khorn WRI, A41, EN 01104748 ["When Ta Sarun arrived, he merged the two Bakans into just one Bakan."]; **D6.1.991** Uk Soeum WRI, A19, EN 00491354 ["in 1977 Ta Pheng, the Sector 7 committee coming from the West Zone, called for a meeting in Koh Run with Yeay Rim in order to integrate Bakan Leu and Bakan Krom into only one Bakan district."]; **D219/6** Ouk Heang WRI, A112, EN 01047755 ["Later on, Kdat District and Bakan Leu District merged."]; **D219/223** Nuon Rin WRI, A40, 53, EN 01088596, 98 [Discussing the "merger of Bakan Kraom and Bakan Loeur. [...] First, the two Bakans had two different supervisors. However, when Ta Pheng arrived, the two they were combined and Ta Pheng was in charge of both."].

<sup>506</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A72-74, EN 01364080 ["Q: Did you report to [Sector 2 Secretary] Sarun when you were on Bakan District Committee? [...] A72: [...] Mostly, when Ren was in charge at that place, she directly contacted with him. After Ren left, Uncle Pheng was the one who reported to him. [...] Q: Did you report to Sarun when Ren left? A73: Yes, I did."].

<sup>507</sup> See, e.g. **D219/8** Yang Sokhom alias Yang Han WRI, A66, EN 01047777 ["Later when the Khmer Rouge regime had almost fallen, Ta Pheng arrived. At that time there was great turmoil between Rim and Ta Pheng. I was not clear who was the District Secretary."], A81, EN 01047779 ["Initially Ren chaired the meetings. After Ren was taken away, Rim and Ta Pheng chaired them."], A153, EN 01047788 [confirming that Rim and Ta Pheng gave orders to the cooperative committees]; **D219/187** Phan Khorn WRI, A43, EN 01104748-49 ["Ta Pheng became the deputy of Yeay Rim."]; **D219/188** Phan Khorn WRI, A80, EN 01106436 ["Yeay Rim and Ta Pheng were responsible for [sweeping clean the enemy in Bakan district]. Ta Pheng was in charge of the Lower Bakan, but later on the Upper Bakan and Lower Bakan were merged into just one Bakan."]; **D219/223** Nuon Rin WRI, A40, 42, EN 01088596-97 ["When there was a merger of Bakan Kraom and Bakan Loeur, Ta Pheng also came to manage the district as a superior to Yeay Rim. [...] He was here with Yeay Rim until the Vietnamese arrived."], A53-54, EN 01088598; **D219/590** Long Khlor WRI, A60, EN 01178805 ["Q: Did Ta Pheng and Comrade Rim have the same positions? A60: Ta Pheng was chairman."]; **D219/861** Sek Sam At alias Yeay Rim WRI, A59-60, EN 01364079 ["When [Ren] disappeared, Pheng came to supervise me. [...] it was [Uncle] Pheng who was the chief. I was under his command."]. But see **D219/869** Sek Sam At alias Yeay Rim WRI, A99, EN 01365567 ["I was in charge of the district only at the end of 1978 when Ta Sarun and Ta Pheng came"]; **D219/611** Lam Savuon WRI, A38, EN 01185830 ["[After Yeay Yan left, Yeay Rim] was in charge of Bakan Leu and Bakan Kraom."]; **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 ["Phaeng was in charge of both Bakan Kraom and Bakan Loe districts"].

<sup>508</sup> Phnom Sampeou District: **D6.1.362** Pol Seun WRI, EN 00315904; **D118/64** Pol Seun WRI, A4, EN 00950698; **D118/76** Chuch Punlork WRI, A8, EN 00976625; **D219/421** Tea Nguon WRI, A7, EN 01135107; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8535, EN 01222675, Number 8764, EN 01222686, Number 9601, EN 01222723, Number 9774, EN 01222731. Mongol Borei District: **D118/153** Long Vun WRI, A32, EN 00978773; **D118/93** Prak Soeum WRI, A1, EN 00967035; **D219/489** Nhem Phum WRI, A153-154, EN 01152355; **D219/294** Moul En WRI, A157, EN 01111843. Bavel District: **D118/102** Toat Thoeun WRI, A53, EN 00974025; **D219/649** Loem Tim WRI, A45, EN 01207437; **D219/900** Moul En WRI, A111, EN 01517482. Ampil District: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 214, EN 01222338, Number 897, EN 01222368, Number 1722, EN 01222404, Number 3215, EN 01222452, Number 7903, EN 01222646, Number 9087, EN 01222701. Poipet District: **D219/693** Kang Muon WRI, A69, 75, EN 01224778; **D6.1.693** Sokh Chin, A12, EN 00426294. Thma Koul District: **D219/613** Vorng Sarorn WRI, A36, 50, EN 01185857-59; **D219/930** Em Lay WRI, A29-30, EN 01492913; **D219/421** Tea Nguon WRI, A23, EN 01135111.

170. Evidence indicates that the boundaries of Sector 3 and the districts therein changed during the DK regime, with parts of the sector being incorporated into Sectors 4 and 5 and *vice versa*.<sup>509</sup> **Yim Tith** was identified by numerous witnesses as the secretary of Sector 3.<sup>510</sup> **Yim Tith** likely held this position after Ta Tom was sent to S-21 in June 1978,<sup>511</sup> and may have previously been on the Sector 3 Committee as a member.<sup>512</sup> **Yim Tith** was also deputy secretary of the Northwest Zone and therefore had *de facto* and/or *de jure* power over the sector.<sup>513</sup>
171. The Sector 3 Committee communicated frequently with district-level officials.<sup>514</sup> **Yim Tith** regularly visited worksites and cadres in Sector 3 districts and communicated with lower-level cadres through messengers.<sup>515</sup> The sector committee controlled the district

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<sup>509</sup> **D118/153** Long Vun WRI, A32, 34, EN 00978773; **D219/294** Moul En WRI, A157, EN 01111843.

<sup>510</sup> **D219/263** Chham Luy WRI, A117-119, EN 01097415 [“A117: [...] [A]fter the Southwest Zone cadres arrived, they purged the old cadres. At the time, there were seemingly no cadres left to be in charge in Sector 3. Thus, Ta Tith seemed to be in charge of both Sectors 1 and 3. Q: Why do you assume that Ta Tith was in charge both Sectors 1 and 3? A118: At that time the cadres in Sector 3 were all purged. Therefore, I assumed that Ta Tith also was in charge of Sector 3 [...] A119: It is based on my conclusion.”]; **D219/294** Moul En WRI, A41, EN 01111830 [“The first meeting was with Sector 5 Secretary by the name of Ta Chay and the second meeting was with Sector 3 Secretary by the name of Ta Tith.”], A43, EN 01111831 [“Q: Did you learn YIM Tith was Sector 3 Secretary due to your position as the district chief? A43: Yes, I did.”], A97, 127, EN 01111836, 39-40; **D119/65** Tum Soeun WRI, A226, EN 00966813; **D219/452** Thy Chea WRI, A18, EN 01149279; **D219/627** Loch Eng WRI, A12-13, EN 011887741; **D219/515** Chheun Chhuoy WRI, A58, EN 01156949.

<sup>511</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6857, EN 01222598.

<sup>512</sup> **D219/928** Nhem Hean WRI, A86, EN 01451504 [“I did not know Ta Tith’s office, but I heard that he was on Sector 3 Committee.”]; **D118/85** Chea Choeun WRI, A25, 27, 29, EN 00976946.

<sup>513</sup> See, e.g. **D118/108** Loem Tim WRI, A16-18, 27, EN 00976924, 26; **D118/271** Chhean Hea WRI, A34, EN 01029422; **D118/150** Hem Moeun WRI, A59-61, 65, EN 00975014-15; **D118/222** Hem Moeun WRI, A14, EN 00988134; **D118/69** Nuon Muon WRI, A14, 16-17, EN 00950727; **D219/917** Chey Touch WRI, A11, 13, 15, EN 01519526; **D105/8** Han Thy WRI, A27, EN 00903457; **D219/34** Ek (UI) Hoeun WRI, A43, EN 01053577.

<sup>514</sup> **D219/294** Moul En WRI, A54-55, EN 01111832 [“A54: [...] The second meeting was when [Yim Tith] came to meet me at my place, the Bavel District office. Q: After Bavel District was ceded to Sector 3, where did you meet YIM Tith for the first time? A55: I was called to a meeting held at Battambang University”], A71, EN 01111834 [“Q: You stated that the meeting [at Battambang University] was held for the ranking district and sector cadres including Yeay Chaem. However, the number of participants seems to have been more than the ten persons you stated earlier. A71: The ten attendees had been cadres I knew. I know nothing of the remaining participants as there had been approximately 30 participants in total”], A173, EN 01111844 [“Q: Are you saying you never received orders from the ranking cadres between September 1978 and the end of the Khmer Rouge regime? A173: Under Ta Chay I had received verbal instructions to manage the district security.”], A183, EN 01111845 [“Q: If a security issue arose in the district and you needed assistance, whom did you contact? A183: I immediately requested assistance from the sector army personnel.”], A199, EN 01111846; **D118/299** Chuon Than WRI, A12-13, 21-22, 26, EN 01044754, 56-57.

<sup>515</sup> **D219/294** Moul En WRI, A98-101, EN 01111836-37 [“Q: According to your statement, Bavel District was ceded to Sector 3. You met your new chief. In addition to this, were there any other communications between you and Ta Tith, for example, through his messenger or radio communication? A98: Yes, there were. After he inspected my district office, I communicated with him through his messenger once a week, and sometimes once a month depending on the circumstance. We had communicated about rice production and output or issues arising in relation to other crops such as sugar cane. However, this situation had changed substantially when liberation forces and Vietnamese troops captured Svay Rieng. At that time we

soldiers and militia and ordered arrests.<sup>516</sup>

a. PHNOM SAMPEOU

172. Phnom Sampeou District (now known as Banan District) was divided into seven communes.<sup>517</sup> The charged crime site of Wat Kirirum Security Centre was located in Phnom Sampeou Commune.<sup>518</sup> In 1977, Southwest Zone cadres arrived in Banan District, labelled the incumbent officials “traitors”, and seized power.<sup>519</sup> **Yim Tith** held leadership positions on the Sector 3 and Northwest Zone committees and therefore had *de facto* and *de jure* authority over Phnom Sampeou District.<sup>520</sup> Southwest cadre Ta

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had a final meeting at his office in Boeng Pring, Battambang Province. Q: Do you recall went you met with him for the last time? A99: Yes, I do. It was in late November or early December 1978. Q: In what sector was Boeng Pring located? A100: It was located in Sector 3, to the west of Battambang. Q: When you met YIM Tith for the last time what was discussed? A101: We had discussed the evolving situation in the eastern part of the country because corpses were dumped from trucks in Thma Kaul. I asked him what we should do next.”]; **D118/76** Chuch Punlork WRI, A34, 36, 42, EN 00976628-30 [“A34: I never met and talked to him [Ta Tit] face-to-face, but he came to my worksite [Kouk Ampil Village market, Phnom Sampeou Subdistrict] after Ta Rak had been removed. I met him [Ta Tit] at Ta Rak's house because he also stayed there. I went there because I had to take the farming tools to Ta Phon. I saw him [Ta Tith] taking a rest there [...] A36: Ta Tit stayed there [Ta Rak's house located in Kouk Ampil Village, Phnum Sampov Commune] less than a year, and I saw him almost every day [...] A42: I attended [a] meeting with him [Ta Tit] at the worksite in Kouk Ampil. He [Ta Tit] was not the meeting chairperson at the time [more than a year or two before the Vietnamese arrived.]. The chairperson was the chief of my worksite, but Ta Tit was invited to join and he [Ta Tit] added some comments when necessary. He [Ta Tit] told us to help boost agricultural productivity for Angkar, and he encouraged the people to work hard. I believed that Ta Tit might have held another position there.”].

- <sup>516</sup> **D219/294** Moul En WRI, A183, EN 01111845, A184-185, EN 01111845 [“Q: Do you know if other districts under Ta Chay or YIM Tith had some militiamen? A184: Yes, I do. They were in charge of the district militia. This was the case under the previous District Secretaries. But again as the newcomer I had no command over any militia. Q: Do you think this was a method by which the Southwest cadres were trying to shift the power of control over the militia from the district level to sector level? A185: It might be the case because I was not given any miliamen to be under my supervision at the district level”], A187, EN 01111845 [“I noted that the district soldiers were part of the organizational structure of the Sector at that time.”], A195-196, EN 01111845-46 [“Q: Did the sector echelon cadres have the right to arrest anyone? A195: Yes, they did. Q: Did this rule apply throughout the country? A196: Yes, it was done like this. Whatever they decided, it must be followed.”], A197-199, EN 01111846, A190-191, EN 01111845 [“Q: Do you recall if YIM Tith, the Sector Secretary, had the authority to make arrests or resolve security problems. A190: Yes, I do. He had such authority. Any Sector Secretary had such authority [...] A191: Yes, I do. They were in charge of the sector military affairs”], A192, EN 01111845.

- <sup>517</sup> **D118/86** Nhoek Ly WRI, A2, EN 00976957-58. *See also* **D118/85** Chea Choeun WRI, A48, EN 00976949-50.

- <sup>518</sup> **D118/85** Chea Choeun WRI, A24, EN 00976946; **D118/96** Loch Eng WRI, A23, EN 00974059.

- <sup>519</sup> **D6.1.362** Pol Seun WRI, EN 00315905 [“In 1977, Southwest cadres came to replace the Northwest in the administrative structure. Committees of the Zone, Sector, Districts and Subdistricts of the Northwest were all replaced by those from the Southwest. I heard from the Southwest cadres that all cadres of the Northwest were traitors. Ta Chham, the Phnum Sampov deputy committee, fled to the Thai border.”]; **D6.1.165** Im An WRI, EN 00274159 [“In 1977, there was a meeting at Phnom Sampeou, when the group from the Southwest who came to govern the Sector announced that the Northwest Zone cadres were traitors. Then the Northwest Zone cadres were arrested. For instance, Ta Chham, the Sector 3 Committee [Secretary], was arrested at Sre Thmei by Southwest cadres and disappeared after that.”].

- <sup>520</sup> Sector 3 Secretary: **D219/263** Chham Luy WRI, A117-119, EN 01097415; **D219/294** Moul En WRI, A41, 43, 97, 127, EN 01111830-31, 36, 39-40; **D119/65** Tum Soeun WRI, A226, EN 00966813; **D219/452** Thy Chea WRI, A18, EN 01149279; **D219/900** Moul En WRI, A113, EN 01517482-83; **D219/627** Loch Eng WRI, A12-13, EN 011887741; **D219/515** Chheun Chhuoy WRI, A58, EN 01156949. Northwest Zone

Chheng<sup>521</sup> replaced Phnom Sampeou District Secretary Ta Chham, who was arrested and disappeared.<sup>522</sup> Witnesses recalled Ta Chheng talking about his superior **Yim Tith**<sup>523</sup> and announcing at a meeting that **Yim Tith** and Ta Mok had replaced Ta Nhim in the Northwest Zone.<sup>524</sup>

173. The Phnom Sampeou District Committee communicated with commune officials through district-wide meetings.<sup>525</sup> Village and commune chiefs were required to report orally at meetings and submit written reports to the district.<sup>526</sup> Meeting attendees were told, *inter alia*, that “[o]pposing Angkar was complaining about the policies or plans of upper-level” and those who complained were declared as “enemies”.<sup>527</sup>

#### 4. SECTOR 4

174. Sector 4 was divided into three districts.<sup>528</sup> The ICP requests that **Yim Tith** be sent to

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Deputy Secretary: **D118/108** Loem Tim WRI, A16-18, 27, EN 00976924, 26; **D118/271** Chhean Hea WRI, A34, EN 01029422; **D118/150** Hem Moeun WRI, A59-61, 65, EN 00975014-15; **D118/222** Hem Moeun WRI, A14, EN 00988134; **D118/69** Nuon Muon WRI, A14, 16-17, EN 00950727; **D219/917** Chey Touch WRI, A11, 13, 15, EN 01519526; **D105/8** Han Thy WRI, A27, EN 00903457; **D219/34** Ek (Ul) Hoeun WRI, A43, EN 01053577.

- <sup>521</sup> **D6.1.173** UM Saroeun WRI, EN 00274619 [“Ta Chham was removed from his position of District Committee [Secretary] and replaced by Ta Chheng in 1978 when the Southwest cadres came to govern the Northwest Zone.”]; **D6.1.132** Hun Sa WRI, 00250273 [“Ta Chheng came from the Southwest Zone. I saw the [Southwest] Zone group come to kill the Northwest group.”]; **D219/667** Hun Moeun WRI, A23, EN 01204498 [“Q: You told us that Ta Chham was replaced by a Southwest Zone cadre, named Ta Chheng. Do you remember the month and year when Ta Chheng took over Ta Chham’s position? A23: It was 1977. I do not remember the month because it was a very long time ago. However, the Southwest Zone groups arrived in late 1977”]. *See also* regarding the replacement of Phnom Sampeou District Committee member Hoeun: **D118/64** Pol Seun WRI, A4-9, EN 00950698; **D118/86** Nhoek Ly WRI, A9-10, 12, EN 00976960-61; **D118/94** Keo Phay WRI, A11, EN 00967048.

- <sup>522</sup> **D6.1.127** Sun Nat WRI, EN 00250284 [“Ta Chham the District Com was probably also killed by the Southwest group, but I don’t clearly know whether or not he was actually killed. These events occurred during late 1977 and early 1978.”]; **D6.1.166** In Choeun WRI, EN 00274165 [Later on during 1978, Chheng came from Takeo to replace Ta Chham. Ta Chheng is dead (he died along the Thai border).”]; **D6.1.132** Hun Sa WRI, EN 00250273 [“Ta Chheng came to replace Ta Chham, who was withdrawn to supervise a mobile unit at Kamping Puoy. Ta Chheng came from the Southwest Zone. I saw the [Southwest] Zone group come to kill the Northwest group.”]; **D118/94** Keo Phay WRI, A11, EN 00967048 [“Phnum Sampov District Committee [Chief] was Ta Chheng, while Ta Yien was his Deputy, and Ta Kung was a Member. Ta Chheng and Ta Yien have died already while Ta Kung probably [still] lives in the United States.”]; **D118/76** Chuch Punlork WRI, A13, EN 00976625-26 [“Ta Chham was a district committee member [...] Ta Chheng replaced him. Ta Chheng has also died.”]; **D6.1.165** Im An WRI, EN 00274159; **D118/66** Im An WRI, A13, EN 00954058; **D219/667** Hun Moeun WRI, A22-23, EN 01204498; **D6.1.166** In Choeun WRI, EN 00274165.

- <sup>523</sup> **D118/85** Chea Choeun WRI, A27, 29, EN 00976946.

- <sup>524</sup> **D118/86** Nhoek Ly WRI, A21, EN 00976962-63; **D118/87** Tep Sien WRI, A20-26, EN 00976973-74.

- <sup>525</sup> **D118/85** Chea Choeun WRI, A30, 33-34, EN 00976947; **D118/86** Nhoek Ly WRI, A22, EN 00976963.

- <sup>526</sup> **D118/94** Keo Phay WRI, A38, EN 00967052.

- <sup>527</sup> **D6.1.127** Sun Nat WRI, EN 00250285.

- <sup>528</sup> The districts are Bak Prea alias District 41, Daun Try alias District 42, and Doun Teav alias District 43. *See, e.g.* **D1.3.27.2** Report from Sector 4, 28 May 1977, EN 00183603; **D219/825.1.2** OCIJ S-21 Prisoner List, Numbers 1558, 12854, EN 01222398, 856; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 40, EN 00143349; **D219/906.1.2** Hun Chhunly, T. 6 Dec 2012, 13.57.30-14.00.34; **D219/424** Riem Dos WRI, A12, EN 01135140. During the DK regime, Sangkae District in Sector 4 was known as

trial for crimes occurring in two of these districts: Bak Prea (also called District 41) and Daun Try (also called District 42).

175. As discussed in more detail in the *Purges* section of this Submission,<sup>529</sup> Northwest Zone cadres on the Sector 4 Committee and their successors were arrested and sent to S-21.<sup>530</sup> “Ta Tit [...] served as secretary of Sector 4” and was assisted by Southwest Zone cadre Ta Nen.<sup>531</sup> Some witnesses stated that Southwest Zone cadres Yeay Chan and Ta Loek held sector-level positions.<sup>532</sup>

Bak Prea District (District 41), see **D219/719** Roerng Mean WRI, A4, EN 01216023; **D219/392** Tek Sim WRI, A18, EN 01130620; **D219/891** Thun Sovat WRI, A18, EN 01421331; **D6.1.339** Toek Man alias Rai S-21 Confession, EN 00769643 [“Sangkae (alias Bak Prea) district”]. See *contra* **D219/424** Riem Dos WRI, A12, EN 01135140 [“Doun Teav District (called District 41)”].

<sup>529</sup> See **V.B.1**. Crimes – Northwest Zone – The Purge.

<sup>530</sup> Secretary Loek Soeut alias Vung: **D6.1.1202** S-21 Prisoner List from Northwest Zone, Number 1, EN 00185268 [Loek Soeun alias Vong, Secretary of Sector 4, 26-Jul-78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4395, EN 01222501 [Loek Soeut (Loek Soeun) alias Vung, Secretary of Sector 4 (New Secretary of Sector 4), 26 or 27-June-78 or 26-July-78]; **D219/262** Rai Soeun WRI, A5, EN 01095849; **D219/499** Orn Nhev WRI, A52, EN 01156204. Previous Secretary Minh Thim alias Hieng: **D6.1.1203** S-21 Interrogation Log, EN 00855379 [“Northwest Zone Section, 5. Minh Thoem alias Hieng, Sector 4 Secretary, 18 Dec 77”]; **D6.1.1187** S-21 Interrogation Log for 18 May 1978, Number 3, EN 00233858 [“Minh Therm alias Heang, Secretary of sector 4, northwest zone, 18.12.77”]; **D6.1.1186** S-21 Interrogation Log for 9 May 1978, Number 4, EN 00233751 [“From Northwest Zone; 4. Binh Therm alias Heang, Secretary, sector 4, Northwest zone, 18.12.7[7]”]; **D6.1.1202** S-21 Prisoner List from Northwest Zone, Number 2, EN 00185258 [Minh Theum alias Heang, Secretary of Sector 4]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5370, EN 01222539 [Thin Thim (Minh Thoem) (Minh Theum) alias Hieng (Heang), Secretary of Sector 4 (Old Secretary of Sector 4), 18-Dec-77 or 18-Oct-77]; **D219/414** Mao Heang WRI, A17, EN 01135065; **D219/445** Tek Sim WRI, A9, EN 01147935; **D219/44** Ngam Ngoeum WRI, A17, EN 01050661; **D123/1/1.4a** Nhoek Ly alias Ta Kim DC-Cam Statement, EN 01390348. Previous Deputy Secretary Khek Pin alias Sou: **D191.1.111** S-21 Execution Log for 18 October 1977, Number 127, EN 00873645 [“Khek Ben alias Sou, Northwest Zone, Committee in Sector 4, 21.6.77”]; **D6.1.1024** Khek Pin alias Sou S-21 Confession, July 1977, EN 00782487-514; **D6.1.1013** Khek Pin alias Sou S-21 Confession, EN 00224632; **D1.3.25.4** Monthly List of Prisoners from Northwest Zone for September 1977, 1 Oct 1977, Number 29, EN 00837610 [“Sector 4: [...] Khek Pen alias Sou[,] Sector’s secretary”]. Deputy Secretary Sun Kun: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 9890, EN 01222737 [Sun Kun alias Suy, Deputy Secretary of Sector 4, 22-Jul-77 or 26-Jun-77]; **D219/528** Lonh Lun WRI, A29, EN 01168066; **D123/1/1.4a** Nhoek Ly alias Ta Kim DC-Cam Statement, EN 01390348. Member Tauch Muoch: **D1.3.25.4** Monthly List of Prisoners from Northwest Zone, Sep 1977, Number 31, EN 00837610 [“Sector 4: [...] 31. Touch Mouch, Sector’s member.”]; **D173/3.1.11** Tauch Muoch S-21 Confession (partial), Aug 1977, KH 01472257; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 12738, EN 01222852 [Tauch Muoch (Touch Muoch), Member of Sector 4 (Committee Chief of Sector 4), 05 or 06-Aug-77]; **D123/1/1.4a** Nhoek Ly alias Ta Kim DC-Cam Statement, EN 01390348; **D219/445** Tek Sim WRI, A9, EN 01147935.

<sup>531</sup> Yim Tith: **D105/8** Han Thy WRI, A7, EN 00803455. See also **D118/63** Han Thy WRI, A34-35, EN 00945853 [“Ta Tit himself said he was from Sector 4 [...] I heard that Ta Tit was from Sector 4 when I attended the meeting with Ta Mok at Veal Bek Chan.”]; **D118/96** Loch Eng WRI, A29, EN 00974060 [“Ta Tith was the Sector Committee [Chief]” for Boeng Prey Commune.] (note: **D219/627** Loch Eng WRI, A4, EN 01187739 [“Boeng Prey was in Doun Teav District”]); **D219/884** Loch Eng WRI, A4-8, EN 01476049. Nen: **D219/528** Lonh Lun WRI, A47, EN 01168070 [Witness was on Kampong Kou Cooperative committee in Sector 4: “Nen was Sector Committee.”]. See also **D219/589** Choem Bunret WRI, A100, EN 01178787.

<sup>532</sup> **D219/238** Phann Sarang WRI, A34, EN 01092943 [“Ta Loek and Yeay Chann [...] took charge, not only of the cooperatives, but of the entire province.”] (note: **D5/73** Phann Sarang CPA, EN 01539702 [“Southwesterners [...] Ta Loek and Yeay Chan”]); **D219/42** Chech Sopha WRI, A80-81, EN 01050632

176. The sector committee often communicated with the lower ranks and general population at meetings and study sessions.<sup>533</sup> The committee requested “people to do good things [...] and not to be lazy”, discussed “enemies [...] undercover in our sector, in ou[r] villages and unit”, issued orders “to track any cadres or ordinary people who took irregular action”, and spoke about work.<sup>534</sup> As the instructions were implemented, progress reports were generated that were sent up the CPK chain of command to the sector committee.<sup>535</sup>

#### a. BAK PREA DISTRICT

177. Bak Prea District (also called District 41) was divided into at least three communes.<sup>536</sup>

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[“Q: Did you know the names of those cadres from the Southwest Zone? A80: Yes [...] Ta Loek and Yeay Chan. They [...] were in charge of the Sector.”]; **D219/939** Sek Muntha WRI, A47, 57, EN 01493020, 23 [“It was said that Ta Loek and Yeay Chan were from the Southwest. [...] Ta Loek and Yeay Chan were in charge of District 41, District 42”].

- <sup>533</sup> Sector-level meetings: **D219/872** Touch Mary WRI, A148, 165, EN 01375368-69 [“During a meeting, I heard that Ta Tith was above Yeay Chan. [...] When he came to attend the meeting, I did not know that he was Ta Tith. At the end of the regime, [...] I was told that the man who joined the meeting at Kbal Thnal [Village] was Ta Tith.”], A72-73, 79, 84-85, EN 01375362-63 [Witness attended a meeting in Krachab Village that was chaired by Yeay Chan and “attended by people from all institutions and ministries” and “also for those around Sector 4.”]; **D219/627** Loch Eng WRI, A4, 18, 20-21, EN 01187739, 41-42 [“in Doun Teav District [...] I attended [a] meeting with him [Yim Tith] once [...] in Boeng Prey in late 1978. It was a general meeting for the people in general.”]. *See also* **D219/836** Touch Mary WRI, A167, EN 01399421. Site visits: **D219/589** Choem Bunret WRI, A93, 95, EN 01178786 [Ta Nen visited Kach Roteh prison in “[a]pproximately November 1978.”]; **D219/261** Khoeun Sngoeun WRI, A7-8, EN 01095837. Study sessions: **D219/528** Lonh Lun WRI, A91, 93, EN 01168077-78 [“Sometimes the Sector Committee organised study sessions and informed cadres at the lower levels in a hierarchical order. For example, when the Sector level organised a study session, they would inform cadres at lower levels about which cadres were to attend the study session. When the Zone level organised a study session, they would inform the Sector level, and then the Sector level would inform the district level to send cadres to attend the study session. [...] They [Southwest Zone cadres] did the same”].

- <sup>534</sup> **D219/872** Touch Mary WRI, A155, EN 01375368 [During a meeting at Kbal Thnal Village towards the end of the DK regime, Ta Tith “raised an example to explain to people to do good things, not to commit moral misconducts, and not to be lazy. At that time, those who were lazy were called enemies.”], A66, 69, EN 01375362 [At Krachab Village, Yeay Chan “arranged [...] the meeting. She had another person speak [...] about enemies and work.”]; **D219/836** Touch Mary WRI, A160, 162, 168, EN 01399420-21 [Yim Tith “at Kbal Thnal [...] raised examples of enemies. He said that enemies were undercover in our sector, in ou[r] villages and units. [...] He spoke in detail about work matters, saying [...] that there was surveillance and that we should be careful about ourselves.”]; **D118/96** Loch Eng WRI, A35, EN 00974060 [In Doun Teav District, Yim Tith “ordered us to assign village and Commune militiamen to track any cadres or ordinary people who took irregular action”]; **D219/627** Loch Eng WRI, A29, EN 01187743 [Witness attended a meeting in Boeng Prey, Doun Teav District, during which Yim Tith talked about “matters of crop production.”].

- <sup>535</sup> **D118/96** Loch Eng WRI, A35, EN 00974060 [Regarding cadres and other people who took irregular action in Doun Teav District, Yim Tith “ordered us [...] to report to the District.”]; **D219/836** Touch Mary WRI, A164, EN 01399420-21 [If an enemy was seen, Yim Tith “had us report to the upper echelons.”]. *See also* **D219/414** Mao Heang WRI, A14, 16, EN 01135064-65 [Regarding agricultural production, “the militiamen brought reports from various worksites – including Reang Kasei, Os Tuk, Kbal Thnal, Kampong Kou [...] – for me to compile and summarize. [...] I knew clearly that the reports I made fell into the hands of Yeay Chan [...] next day for the meetings. I think the meetings were at sector level”].

- <sup>536</sup> The communes were Ta Pon, Anlong Vil, and Norea. *See, e.g.* **D219/394** Riem Dy WRI, A2, EN 01130587; **D219/445** Tek Sim WRI, A2, EN 01147934; **D6.1.625** Tek Sim SOAS Interview, EN 00352052; **D219/702.1.111** Vann Nath, T. 29 Jun 2009, 9.35.51.

The charged crime site of Wat Samdech Security Centre was located in Ta Pon Commune.<sup>537</sup> As detailed in the *Purges* section of this Submission,<sup>538</sup> Northwest Zone cadres on the district committee and their successors were arrested and sent to S-21.<sup>539</sup> Afterwards, the lower echelon still “reported to the upper level [...] in the district”.<sup>540</sup> CPK authorities often communicated with the lower ranks and general population at meetings and through orders.<sup>541</sup> The issued orders concerned arrests and meetings discussed, *inter alia*, “work matters”, with attendees warned not to “speak about Angkar”.<sup>542</sup>

- <sup>537</sup> **D219/564** Heng Phat WRI, A50, EN 01180945; **D219/718** Heng Leap WRI, A47, EN 01219973.
- <sup>538</sup> See **V.B.1**. Crimes – Northwest Zone – The Purge.
- <sup>539</sup> Secretary Yuok Hort: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11481, EN 01222804 [Yuok Hort, Secretary of Bakk Prea District, Sector 4, 26 or 30-Jun-78]; **D6.1.380** Thun Sovat WRI, EN 00375896; **D219/44** Ngam Ngoeum WRI, A17, EN 01050661; **D6.1.625** Tek Sim SOAS Interview, EN 00352052; **D219/755** WRIA, Account of Thun Sovath, EN 01240241 [“Mr Sovath told us that Ta HORT, a former District 41 Secretary, in Sector 4, was arrested by the South West Cadres [...] Yeay Sat, said that her husband Phin Hort, who was a member of the District 41 committee, was arrested by the South West cadres in June 1978.”]. See *contra* **D219/445** Tek Sim WRI, A12, EN 01147936 [“Ta Huot was deputy”]. Previous Secretary Toek Man alias Vai or Rai: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 10, EN 00143347 [“prisoners taken in on 7 October 1977: [...] Toek Man alias Vai, Secretary of District 41, Region 4”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 12854, EN 01222855 [Toek Man alias Vai (Rai), Secretary of District 41, Sector 4 (Secretary of Bakk Prea District in Sector 4), 07-Oct-77 or 08-Oct-77]; **D6.1.625** Tek Sim SOAS Interview, EN 00352052; **D219/719** Roerng Mean WRI, A4, EN 01216023 [“when the Southwest Zone cadres came to Sector 4, they took Ta Rai, [...] on the district committee, to Tuol Sleng Prison.”]. See *contra* **D219/893** Nguon Ngin WRI, A8, EN 01421340 [“Ta Deak was the Secretary of District 41”]. Previous Secretary Nit Than: **D191.1.111** Names of Prisoners Smashed on 9 December, 1977, Number 245, EN 00873628 [Nit Than alias Som, Secretary of Bak Prea commune in Sector 4, 17.9.77]. Deputy Secretary Hie Vann: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6334, EN 01222577 [Hie Vann, Secretary of District 41, Sector 4 (Deputy Secretary of District 41, Sector 4), 07-Oct-1977]; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 11, EN 00143347. Member Pel Lath alias Ron: **D173/2.1.26** Pel Latt alias Run S-21 Confession, 7 Oct 1977, EN 01521467 [Pel Lath alias Ron, Mobile Platoon Chairperson, District 42, Sector 4, 17 Oct 1977]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5218, EN 01222533 [Pil Latt alias Run, Member of District 41 in Sector 4, 19-Oct-77]. Previous Member Dav Soeng: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 15, EN 00143347 [“Dav Soeng alias Prum[,] Member of District 41”]. See *contra* **D219/893** Nguon Ngin WRI, A8, EN 01421340 [“Ta Prum [...] at commune level.”]. See also Van: **D219/719** Roerng Mean WRI, A4, EN 01216023 [“when the Southwest Zone cadres came to Sector 4, they took [...] Ta Van [...] on the district committee, to Tuol Sleng Prison.”]; **D219/44** Ngam Ngoeum WRI, A17, EN 01050661 [“Ta Van [...] District Committee.”].
- <sup>540</sup> **D219/718** Heng Leap WRI, A41-42, EN 01219973 [“The one in charge of the [Wat Samdech] pagoda was Ta Nguon [...] He reported to the upper level [...] in the district”].
- <sup>541</sup> **D219/720** Vann Voert WRI, A6, 15, EN 01216205-06 [In Samdech Village, “Keuk was the cooperative chairperson of the Southwest Zone group [...] who ordered his subordinates”]; **D219/893** Nguon Ngin WRI, A38, EN 01421343-44 [In Samraong Village, District 41: “Q: When the Southwest Zone people first arrived, did they call people to attend any meetings? A38: Yes”]; **D219/685** Sorn Roem WRI, A4, 13, EN 01214813-14.
- <sup>542</sup> **D219/720** Vann Voert WRI, A6, 15, EN 01216205-06 [In Samdech Village, “Keuk was the cooperative chairperson of the Southwest Zone group [...] who ordered the arrest.”]; **D219/685** Sorn Roem WRI, A17, EN 01214815 [During the meetings in Samdech Village: “They discussed work matters such as their plans for us to plant potatoes or to water the sugar cane”]; **D219/893** Nguon Ngin WRI, A38, 40, EN 01421344 [In Samraong Village, District 41: “During the meetings, they [Southwest Zone cadres] said that Angkar had assigned them to supervise the Northwest Zone people. [...] They told us not to create any movement or to speak about Angkar, warning us that we would be arrested and taken to be killed if they found out.”].

## b. DAUN TRY DISTRICT

178. Daun Try District (also called District 42) was divided into four communes.<sup>543</sup> Two of the charged crime sites – Reang Kesei and Kampong Prieng communes as they are known today – contain villages that were located in what were Communes 5, 30, 40, and 60 during the DK regime.<sup>544</sup> As detailed in the *Purges* section of this Submission,<sup>545</sup> Northwest Zone cadres on the district committee and their successors were arrested and

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Meetings were also conducted to facilitate arrests and killings, see **D219/685** Sorn Roeun A26, EN 01214816; **D219/580** WRIA, Account of Run Mao, EN 01166391.

<sup>543</sup> The communes were 5, 30, 40, and 60. Commune 30: **D219/391** Sok Bunran WRI, A3, EN 01132652; **D219/337** Riem Dy WRI, A16, EN 01117680; **D219/61** Chhaom Soda WRI, A10, EN 01053891; **D219/395** Chiev Heng WRI, A2, EN 01132662. Communes 40 and 60: **D219/408** Sek Chaot WRI, A22, EN 01142868; **D219/448** Yat Yoeun WRI, A3, EN 01149246; **D219/895** Khim Lumtaun WRI, A3, EN 01407404; **D219/723** Lim Saloeun WRI, A6, EN 01218609; **D219/300** Im Bun Chhoeun WRI, A7, EN 01111874; **D219/939** Sek Muntha WRI, A31, EN 01493017; **D219/312** Pang Thai WRI, A2, EN 01111949; **D219/404** Hoeung Sambo WRI, A2, EN 01147868; **D219/738.1.38** CDP Questionnaire No. 96 Transcript, EN 01221193. Commune 5: **D219/312** Pang Thai WRI, A2, EN 01111948-49; **D219/309** Saoy Yen WRI, A3, EN 01111931 (see also **D219/939** Sek Muntha WRI, A81, EN 01493028).

<sup>544</sup> Reang Kesei Commune: See, e.g. **D219/312** Pang Thai WRI, A4, EN 01111949 [In Commune 60 “I think there were [...] Reang Kraol and Reang Kesei villages, while Damnak Dangkao village and Boeng Veng village were on the north side of the road. So they were in Commune 5.”]; **D219/309** Saoy Yen WRI, A3, EN 01111931 [“Commune 5 encompassed villages which were located to the north of the road. The commune covered the area extending the present-day Reang Kesei Commune Office. Villages, which were located to the south of this road, were part of Commune 60. [...] After the Southwest Zone cadres arrived, these communes were merged.”] (see also **D219/939** Sek Muntha WRI, A81, EN 01493028); **D219/408** Sek Chaot WRI, A22, EN 01142868 [“After the arrival of the Southwest cadres, Commune 60 and Commune 40 were merged into one commune named Reang Kesei Commune.”]; **D219/414** Mao Heang WRI, A11, EN 01135062-63; **D219/723** Loem Saloeun WRI, A6, EN 01218609; **D219/312** Pang Thai WRI, A22, EN 01111952. Note that Kampong Kou Cooperative was in Commune 60, and included Voat Kandal and Reang Kraol villages. See **D219/404** Hoeung Sambo WRI, A2-3, EN 01147868; **D219/306** Sin Ban WRI, A7, EN 01111914; **D219/453** Yat Yoeun WRI, A12, EN 01151141; **D219/420** WRIA, Account of Kong Chou, EN 01117779. See contra **D219/499** Orn Nhev WRI, A1, 14, EN 01156197-99 [“Commune 4, [...] there were Reang Kesei Village, Reang Kraol Village”]; **D219/310** Voan Samut WRI, A12, EN 01111939 [“Q: Under Khmer Rouge regime what villages were part of the Reang Kesei Commune? A12: I never lived there. There was no such commune during the Khmer Rouge regime. This commune was formed later.”]. Kampong Prieng Commune: See, e.g. **D219/341** Nuk Sangav WRI, A3, EN 01116063 [“Aus Touk Village was in Commune 30”]; **D219/307** Pall Yung WRI, A24, 28, EN 01111924-25 [“Kach Roteh Village [...] in Commune 30”]; **D219/426** Keo Khuong WRI, A3, EN 01135163 [“Sala Trav Village was located in Commune 30”]; **D219/300** Im Bun Chhoeun WRI, A7, EN 01111874 [“Thmei Village, Commune 60 (Kampong Preang Commune)”]; **D219/424** Riem Dos WRI, A14, EN 01135140 [“Commune 60: [...] Sambok Ak Village”]; **D219/312** Pang Thai WRI, A2, EN 01111949 [“Kbal Thnal Village Commune 60”]. Witness Riem Dos stated that Os Tuk, Kach Roteh, and Sala Trav Villages belonged to Kach Roteh Cooperative in Commune 30, and that Thmei and Sambok Ak Villages were part of Kampong Kou Cooperative, which witness Lonh Lun stated is today in Kampong Prieng Commune. see **D219/424** Riem Dos WRI, A10, 14, EN 01135139-40; **D219/528** Lonh Lun WRI, A51, EN 01168071. A witness and civil party placed Os Tuk, Kach Roteh, and Sala Trav Villages in other cooperatives, see **D219/528** Lonh Lun WRI, A30, EN 01168066 [“the Southwest [...] told me to [...] take charge of Kampong Kou Cooperative at Kach Roteh”]; **D219/125** Srey Soeum WRI, A30, EN 01067733 [“in Kaun Klung Cooperative: [...] Os Tuk village [...] and Sala Trav village.”]. A witness and a civil party placed Thmei and Sambok Ak Villages in Hok Commune, see **D219/839** Chea Koeung WRI, A8, EN 01399433; **D5/98** Khiem Bo CPA, EN 01548023.

<sup>545</sup> See **V.B.1.** Crimes – Northwest Zone – The Purge.



sent to S-21.<sup>546</sup> Afterwards, witnesses and a Civil Party Applicant (hereafter, “Civil Party”) stated that Southwest Zone cadres Yeay Chan and Ta Loek exercised control in the district.<sup>547</sup>

179. CPK authorities often communicated with the lower ranks and general population through orders and at meetings.<sup>548</sup> Topics that were discussed included administrative decisions,<sup>549</sup> collective forced marriages,<sup>550</sup> solidarity and work production,<sup>551</sup> and

<sup>546</sup> Secretary Prakk Khuop: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11480, EN 01222804 [Prakk Khuop (Prakk Khuoch) alias Khuon, Secretary of Daun Try District, Sector 4, 26 or 30-Jun-78]. Previous Secretary Lem Ren: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6377, EN 01222579 [Lem Ren, People in Sector 4 Office, before work as Secretary of Daun Try District, 07-Oct-77]; **D219/528** Lonh Lun WRI, A29, EN 01168066; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 40, EN 00143349. Deputy Secretary Makk Vai: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11483, EN 01222804 [Makk Vai, Deputy Secretary of Daun Try District, Sector 4, 26 or 30-Jun-78]. Previous Deputy Secretary Saut Nel alias Phy: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 13, EN 00143347 [“Saut Nel alias Phy[,] Deputy Secretary of Daun Try District”]; **D219/424** Riem Dos WRI, A9, 23, EN 01135139, 43. *See also* **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8293, EN 01222663. Member Nai Vann: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 14, EN 00143347; **D119/109** Suon Lauv WRI, A19-20, EN 00984907. *See contra* **D219/46** Sorm Vanna WRI, A17-18, EN 01050671 [“Sector Committee [...] Ta Van”].

<sup>547</sup> **D219/723** Loem Saloeun WRI, A11-12, EN 01218609 [Yeay Chan “did not report to any other because she was the top cadre there. Nobody else was above her. [...] Chan controlled half of the district in which there were three or four communes.”] (*note* **D219/832** Loem Saloeun WRI, A53, EN 01391240 [“Southwesterners [...] Chan and [...] Loek”]); **D5/1125** Khiem Koeuy CPA, EN 01143256 [“the district chiefs were Ta Loek and Yeay Chan.”] (*note*: The civil party later told an OCIJ investigator that she “heard of both of them” and “heard that they were leaders at Kbal Thnal Village, Kampong Preang Commune”. But she was never asked to clarify whether she was saying Ta Loek and Yeay Chan were at the district-level or another level. *See, e.g.* **D219/167** Khiem Koeuy WRI, A20, EN 01072566.). *See also* **D219/414** Mao Heang WRI, A16, EN 01135064-65 [“I knew clearly that the reports I made fell into the hands of Yeay Chan [...] next day for the meetings. I think the meetings were at sector level”].

<sup>548</sup> **D219/939** Sek Muntha WRI, A79-80, EN 01493027-28 [“There were group chiefs, squad chiefs, and upper echelons. Ta Loek and Yeay Chan were above them. [...] Ta Loek and Yeay Chan gave orders to others to do everything.”], A61, EN 01493023 [“The group chief and cooperative chief called us to attend a meeting and we came to attend the meeting.”]; **D219/408** Sek Chaot WRI, A24, EN 01142868 [“a large meeting in Wat Reang Kerei Pagoda chaired by Ta Loek and Yeay Chan and attended by hundreds of people [...] in Commune 40 and Commune 60.”]; **D219/839** Chea Koeung WRI, A136, 138, EN 01399452 [Witness saw Yeay Chan and Ta Loek speak at meetings “[a]t the Thmei Village Cooperative.”]; **D219/312** Pang Thai WRI, A12, EN 01111950; **D219/829** Sek Moeun WRI, A56, EN 01390087; **D219/334** Sam Ngak WRI, A3, EN 01118146. *See also* **D219/448** Yat Yoeun WRI, A47, 50, 52, EN 01149255-56 [“The meetings were chaired by Ta Nhan, Kampong Kou Cooperative Committee Chairman [...] [at] Sambok Ak Village [...] once a month.”]; **D219/341** Nuk Sangav WRI, A6, 15, EN 01116063, 65 [“in Aus Touk when the Southwest Zone cadres arrived at the end of 1978 [...] they held many meetings [...] chaired by the cooperative committee members”].

<sup>549</sup> **D219/408** Sek Chaot WRI, A23, EN 01142868 [At Wat Reang Kerei, “Ta Loek and Yeay Chan [...] informed us that these two communes [40 and 60] were being combined together; secondly, the people were allowed to move to live and work across a road they previously had not been allowed to cross because these two communes were separate.”].

<sup>550</sup> **D219/723** Lim Saloeun WRI, A18-19, EN 01218610 [“We were told in a meeting. If only a marriage of a couple was organized at a time it would have wasted the cadres' time. [...] The ones who made the announcement were Yeay Chan and Ta Loek.”]; **D219/872** Touch Mary WRI, A74, 90, 99, EN 01375362, 64 [Yeay Chan arranged a “meeting [...] to match up couples. [...] She told the cadres to inform the people that they would have to get married.”]; **D219/828** Chhum Chen WRI, A62, EN 01390072 [Ta Loek and Yeay Chan “summoned all of us to help know and hear about” group marriages.].

<sup>551</sup> **D219/831** Venh Vanna WRI, A102-103, EN 01391219 [Ta Loek and Yeay Chan “came down to have [...] big meetings. They had us exert ourselves to increase production [...] and to know how to be in solidarity

enemies.<sup>552</sup> As the instructions were implemented, progress reports were generated that were sent up the CPK authority structure to the sector level.<sup>553</sup>

## 5. SECTOR 7

180. Sector 7 was divided into at least three districts including Kandieng and Bakan Kraom. The ICP requests that **Yim Tith** be sent to trial for crimes occurring in these two districts.
181. During the DK period, Sector 7 was situated in Pursat Province<sup>554</sup> between National Road 5 and Tonle Sap lake,<sup>555</sup> occupying the lower ground on the northern side of National

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with one another.”]; **D219/839** Chea Koeung WRI, A139, 146, EN 01399452-53 [Yeay Chan and Ta Loek “spoke about increasing production farming and about not letting the Organization be betrayed in any way. [...] The[y] did a lot of educating”]; **D219/836** Touch Mary WRI, A137, EN 01399417 [“Yeay Chan “told us to work, but that those who did not work well would only know being taken for tempering.”]; **D219/832** Loem Saloeun WRI, A54, EN 01391240 [Ta Loek and Yeay Chan “told me to push only the work”]. *See also* **D219/341** Nuk Sangav WRI, A6, 15, EN 01116063, 65; **D219/448** Yat Yoeun WRI, A48, EN 01149255; **D219/395** Chiev Heng WRI, A8, EN 01132663.

<sup>552</sup> **D219/314** Chech Sopha WRI, A13, EN 01111965-66 [“at the campus of Wat Reang Kerei [...] Ta Loek and Yeay Chan announced that my husband was an enemy.”]; **D219/836** Touch Mary WRI, A139, EN 01399417 [Yeay Chan “said that when we were working[,] enemies did not work giving their all”]; **D219/448** Yat Yoeun WRI, A48, EN 01149255 [At Sambok Ak Village, Kampong Kou Secretary chaired “meetings [...] on the issue of enemies boring from within.”]; **D219/395** Chiev Heng WRI, A8, EN 01132663 [“chairmen of Kach Roteh Cooperative, Commune 30 [...] told us to not be lured by our enemies. They said that we did not know who our enemies were.”]. Vietnamese and Khmer Krom: **D219/309** Saoy Yen WRI, A15, EN 01111933 [“meetings led by Ta Loek and Yeay Chan [...] in the collective dining hall of Reang Kraol Village [...] to express [...] their hatred of the ethnic Vietnamese. They stated that they would do everything they could to rid of the Vietnamese. They stated repeatedly that when a tree is cut its roots must also be uprooted. The Khmer Rouge perceived us, the Khmer Krom, as being the Vietnamese. [...] It was like sorting the rice. They had to keep only the good rice. They were referring to the purges of the people they wanted to rid of.”]; **D219/334** Sam Ngak WRI, A4, EN 01118146 [“During the meetings, they [Ta Loek and Yeay Chan] mentioned about their enemies which were the Vietnamese. At the meeting, they talked about the Vietnamese enemy.”].

<sup>553</sup> **D219/414** Mao Heang WRI, A14, 16, EN 01135064-65 [Regarding agricultural production, “the militiamen brought reports from various worksites – including Reang Kerei, Os Tuk, Kbal Thnal, Kampong Kou [...] – for me to compile and summarize. [...] I knew clearly that the reports I made fell into the hands of Yeay Chan [...] next day for the meetings. I think the meetings were at sector level”]; **D219/528** Lonh Lun WRI, A41-42, EN 01168069 [Witness a cooperative committee member: “My reports were based on my duties. [...] I reported to my superiors about rice farming, canal digging, and [...] whether or not people followed plans, for example.”]; **D219/723** Lim Saloeun WRI, A3, EN 01218608 [Witness was a mobile unit chief in Boeng Chhouk Village who reported to Southwest Zone cadre Rom Thy who reported to Yeay Chan.]. Militia and military: **D219/831** Venh Vanna WRI, A88-89, 100, EN 01391217, 19 [The military questioned the witness and others about what things were like in their new family. “It was the military [...] to whom Ta Loek and Yeay Chan were [...] giving orders.”]; **D219/528** Lonh Lun WRI, A42, EN 01168069 [“for the military bunch involved in making arrests, the[y] reported their work to their superiors.”]; **D219/300** Im Bun Chhoeun WRI, A10, EN 01111875 [“The militiamen who were armed observed us [newlyweds] at night. [...] If they heard that we did not get along well with each other, they would report it to their chief”]; **D219/414** Mao Heang WRI, A15, EN 01135064 [Regarding the number of the couples in each wedding: “To my knowledge, the militiamen were responsible for writing such reports, or there were other workers in charge of that matter.”]. *See also* **D219/829** Sek Moeun WRI, A76, EN 01390090.

<sup>554</sup> *See, e.g.* **D118/264** Khem Sok WRI, A33, EN 01033084 [“Sector 7 [was] located in Pursat Province.”].

<sup>555</sup> *See, e.g.* **D118/278** Nam Im WRI, A33, EN 01031784-85 [“Sector 7 covered the area down from National Road Number 5 to Tonle Sap Lake”]; **D219/277** Soem Chhean WRI, A24, EN 01098511 [“Sector 7 stretched from Steung Svay Daun Keo River to the South part of Trapeang Chorn and from the North part of National Road 5 to Tonle Sap River.”]; **D1.3.27.1** DK Government Map of Democratic Kampuchea,

Road 5, opposite Sector 2.<sup>556</sup> It was comprised of Bakan Kraom District (also known as District 21, Kdat District, or Preah Mlu District<sup>557</sup>), Kandieng (also known as District 22<sup>558</sup>), and part of Krakor District (also known as District 23, Krakor Kraom District, or Thlea M'am District<sup>559</sup>).<sup>560</sup> After the merger of Bakan Kraom with Sector 2's Bakan Leu to form the new Bakan District, Bakan Kraom was ceded to Sector 2.<sup>561</sup>

182. Southwest Zone cadres began arriving in Sector 7 in late 1976 or early 1977,<sup>562</sup> and by June 1977, the Northwest sector-level cadres had all been arrested.<sup>563</sup> Like Sector 2, Sector 7 experienced two periods of new leadership, first the takeover by the Southwest Zone cadres, then later, new leadership from the West Zone.<sup>564</sup> Around mid-1977, Kung

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1976, EN P00000002, KH P 00000003; **D6.1.937** Ben Kiernan, *Genocide and Democracy in Cambodia*, EN 00430229 [Map entitled Administrative Divisions of Democratic Kampuchea].

<sup>556</sup> **D219/222** Touch Seng alias Yeay Yan WRI, A195, 197, EN 01088590 ["Sector 7 was in the lower area. [...] I refer to the area stretching north from National Road 5, including Kandieng"]; **D118/202** Prak Sarin WRI, A15, EN 00986208 ["Sector 7 was located [...] on the other side of the road [from Sector 2]."]

<sup>557</sup> **D219/6** Ouk Heung WRI, A112, EN 01047755 ["I was sent to another place called Kdat District (Bakan Kraom)"]; **D219/193** Vat Phat WRI, A190, EN 01079901 ["District 21, or known as Kdat (or Preah Mlu) [...] I come from Bakan Krom (in the vicinity of Preah Mlu)"]; **D219/653** Ong Sorn WRI, A49, 100, EN 01207494, 500 ["But later, it was not called Preah Mlu District; it was called Kdat District. [...] Later, it was changed to Bakan District."]; **D118/176** Soem Voeurn WRI, A120, EN 00981970 ["Bakan District was named District 21"]; **D134/5** Huot Moeng WRI, A9, EN 00974301; **D219/241** Am Sokhon alias Khon WRI, A16, EN 01092963; **D219/729** Pan Samut WRI, A37-38, EN 01486534.

<sup>558</sup> **D118/176** Soem Voeurn WRI, A120, EN 00981970 ["Kandieng District was called District 22"]; **D219/193** Vat Phat WRI, A138, EN 01079894; **D134/5** Huot Moeng alias Sat Sokhom WRI, A9, EN 00974301.

<sup>559</sup> **D6.1.129** Men Phuon WRI, EN 00250765 ["District 23 (Thlea Mo-am District), Sector 7 (Krakor Kraom)"]; **D6.1.612** SOAS Interview of Villagers in Trapeang Kantuot Village, EN 00352112 ["District 23, Sector 7, Northwest Zone. In the DK period, this was called Thlea M'am District, or District 23"]; **D6.1.611** Yeum Bau SOAS Interview, EN 00352116 ["District 23 (Lower Krakor)"]; **D134/5** Huot Moeng alias Sat Sokhom WRI, A9, EN 00974301; **D118/176** Soem Voeurn WRI, A120, EN 00981970; **D219/193** Vat Phat WRI, A138, EN 01079894.

<sup>560</sup> See, e.g. **D118/278** Nam Im WRI, A33, EN 01031785 ["Sector 7 covered a part of Bakan district (known as Lower Bakan), Kandieng district and a part of Krakor district."]; **D219/702.1.4** Lim Sat, T. 2 May 2013, 09.55.38-09.58.38 [Former Sector 7 military speaking about April 1975: "There were three districts [in Sector 7]: Krakor was one of them; Kandieng district and Prah Mlu district"]; 11.39.02-11.40.55 ["Q: [...] Bakan and Kandieng district – under what sector were these two districts in? A: Well, these two districts were in Sector 7, Pursat Province."] confirming **D6.1.685** Lim Sat WRI, A1, EN 00412157 ["Sector 7 covered Kandieng, Krakor and Bakan Kraom districts."]; **D219/729** Pan Samut WRI, A35, EN 01486534 ["At that time, Sector 7 consisted of Kdat District, Kandieng District, and Thlea M'am District."]; **D219/193** Vat Phat WRI, A138, EN 01079894. See also **D6.1.975** (incorrectly marked **D6.1.971** on the document) DK Ministry of Education, *Political Geography of Democratic Kampuchea*, 1977, EN 00814511 ["we have also created new districts such as [...] Kandieng, Kdat, Thlea M'am [...] in the Northwest Zone."].

<sup>561</sup> See **IV.C.2**. CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

<sup>562</sup> See, e.g. **D134/3** Sat Chhang WRI, A42, EN 00974285 ["Q: Do you remember when the Southwest cadres came to replace those of the Northwest? A42: Maybe in 1976 or 1977."]; **D219/612** That Mon WRI, A58-65, EN 01207365-66 [Stating that the Southwest cadres arrived in Bakan Kraom two years before the Vietnamese arrived and replaced the base cadres there.].

<sup>563</sup> See **V.B.1.b.ii** Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 7.

<sup>564</sup> See, e.g. **D219/276** Nhoem Nguy WRI, A22-23, EN 01098501 [Anlong Kray Cooperative, Bakan Kraom: "There were three generations of chiefs [...] The first generation was a Northwest Zone name. [...] The

from the Southwest became Sector 7 Secretary,<sup>565</sup> with assistance from the new Kandieng District Secretary, Tri.<sup>566</sup> While there is no direct evidence of Kung's arrest, Tri was imprisoned at S-21 in April 1978.<sup>567</sup> The evidence demonstrates that the new Sector 2 Secretary, Sarun from the West Zone,<sup>568</sup> also acted as Secretary of Sector 7,<sup>569</sup> effectively merging the two Pursat Province sectors.<sup>570</sup>

183. In that role, Sarun merged Sector 7's Bakan Kraom with Sector 2's Bakan Leu,<sup>571</sup> appointed Sou Nan<sup>572</sup> (his former subordinate in the West Zone)<sup>573</sup> as Kandieng District

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second generation was a Southwest Zone woman [...] She controlled [...] from 1976 until 1977. The third generation was a West Zone woman [...] She was in control from 1977 until 1979. Many people came from the Southwest Zone and the West Zone. [...] The West Zone people came from Kampong Chhnang Province. [...] Bakan District committee changed according to the generation. When the new people came, they replace[d] the old ones.”].

<sup>565</sup> **D6.1.617** Sat Sakhom SOAS Interview, EN 00352087 [“After Sot, Secretary of Sector 7 was Tauey, then Kung. [...] Kung was also perhaps from Kampot”]; **D134/5** Huot Moeng alias Sat Sokhom WRI, A15, EN 00974302 [“Kung came to replace Toy [as Secretary of Sector 7]”]; **D134/3** Sat Chhang WRI, A31, EN 00974283 [“Sot was initially the chief of Sector 7. Later, Kung replaced him.”].

<sup>566</sup> **D134/5** Huot Moeng alias Sat Sokhom WRI, A8, EN 00974301 [“Q: Do you remember the new sector committee members’ names, and in what year did they arrive there? A8: They were Kung and Tri – who came to replace the former members in 1977.”]; **D134/4** Lim Sat WRI, A32, EN 00974296 [“Tri, also from the southwest, came to replace Sot”]; **D6.1.161** Suy Sengghorn WRI, EN 00242117 [“Later Ta Try was assigned to replace Ta Soth after his disappearance.”]. *See also* **D219/702.1.69** Sum Alat, T. 4 Jul 2013, 11.41.13-11.43.19 [“A: Apart from Ta Sot, who was the secretary of the sector, and after he left Pursat, his successor was Ta Tri (phonetic) and then followed by another person by the name of Ta Tauey.”].

<sup>567</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78].

<sup>568</sup> *See IV.C.2.* CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

<sup>569</sup> **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 [“Sarun was in charge of both Sector 2 and Sector 7.”]; **D6.1.988** Sou Nan alias Yeay Nan WRI, A19, 24, EN 00508565-66 [“Sarun personally told me that he was the Sector 2 committee and also in charge of Kandieng district [...] In 1978, Sarun was transferred to the Sector 2 committee in Pursat province”]. *See also* **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105152 [listing Central Committee Member “Sarun alias Saroun” from the Northwestern Region as, inter alia “regional Party Secretary (1978), former Party Secretary, Sector 7”].

<sup>570</sup> **D219/193** Vat Phat WRI, A2, EN 01079872-73 [“Pursat Province consisted of Sector 2 and Sector 7.”]; **D118/199** Uong Sav WRI, A27-28, EN 00985107-08 [“Sarun was the provincial administrator [...] he controlled this area until the Vietnamese arrival.”].

<sup>571</sup> **D219/187** Phan Khorn WRI, A41, EN 01104748 [“When Ta Sarun arrived, he merged the two Bakans into just one Bakan.”]. *See further IV.C.2.* CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

<sup>572</sup> **D6.1.988** Sou Nan alias Yeay Nan WRI, A20, 22-33, EN 0050865-68 [Sou Nan admitting she was appointed by Sarun to be the Kandieng District Com, but claiming she did not accept the position.]. *See also* **D219/869** Sek Sam At alias Yeay Rim WRI, A51, EN 01365562 [“Yeay Nann [...] came at the same time as Uncle Sarun.”].

<sup>573</sup> Sou Nan had been a deputy commune chief in Kampong Tralach District (District 12) in Sector 31, where Sarun had been Sector Secretary until his transfer to the Northwest Zone. *See, e.g.* **D134/5** Huot Moeng alias Sat Sokhom WRI, A19-20, EN 00974303 [“Nan came to replace the district committee person [...] Nan, from Kampong Tralach in Kampong Chhnang Province.”]; **D117/36.1.1** Koem Sokh WRI, EN 00231665 [Detailing Sarun as Sector 31 secretary, and Yeay Nan as a Svay Chuk Commune Deputy Secretary in District 12 (Kampong Tralach District) of Sector 31]; **D6.1.988** Sou Nan alias Yeay Nan WRI, A24, EN 00508566 [“I knew that Sarun became the Sector 31 committee of Kampong Chhnang province in 1976.”]; **D219/849** Sou Nan alias Yeay Nan WRI, A3, 21-22, EN 01356226, 28 [“Q: You were born [...] [in] Kampong Tralach District, Kampong Chhnang Province. Is this correct? A3: Yes.”]; **D6.1.683**

Secretary, and convened meetings in Pursat Town (located in Sector 7) attended by both Sector 2 and Sector 7 cadres.<sup>574</sup> As described above in the *Sector 2* sub-section, Sarun received and implemented orders from Ta Mok and in around June 1978, was appointed to the Northwest Zone Committee together with Ta Mok and **Yim Tith**.<sup>575</sup> As Sector 7 military cadre Vat Phat explained, “Ta Mok was the most active perpetrator and he gave orders.”<sup>576</sup>

184. As in all DK sectors, the Sector 7 sector and district secretaries passed down orders from their superiors, and reported on activities within their sphere of control.<sup>577</sup> District

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Duk Phau alias Ta Pheng WRI, A12, EN 00412140 [Svay Chuk commune, District 12: “Yeay Nan was also commune committee”].

<sup>574</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A55, 58, EN 01365563 [“Q: There is evidence that in a conference organized in the Old Theatre in Pursat Province, Nann gave instructions. Do you remember that? A55: I do not remember it clearly but I reckon that she gave a speech. [...] Q: Was Ta Mok present? A58: I do not remember. Maybe he was. Maybe he was not. I do not remember.”]; **D6.1.991** Uk Soeum WRI, A5, EN 00491350 [Rumlech Cooperative Chief describing meetings with Ta Mok, Sarun and Yeay Rim in Pursat at which Ta Mok made announcements about traitors in the Northwest Zone]; **D219/188** Phan Khorn WRI, A57-62, EN 01106434 [Military cadre in Bakan District recalling a Sector level meeting led by Sarun at the old cinema in Pursat provincial town, and attended by “people coming from every place in the Sector. They included the battlefield committees, cooperative committees, and district committees.”]; **D219/223** Nuon Rin WRI, A64, 66-67, EN 01088599 [“A64: [...] However, at night, when there were urgent meetings in Maung or in the province, Tha drove Yeay Rim on a motorcycle to attend the meetings. [...] Q: Did you refer to the meetings at the province as the sector meetings? A66: Yes, I did. The sector meetings were sometimes conducted at the provincial town of Pursat. Q: To your knowledge, did Yeay Rim attend the sector meetings frequently? A67: Yes, she did. She attended the meetings very frequently because she travelled a lot.”]. See also **D6.1.988** Sou Nan alias Yeay Nan WRI, A20, EN 00508565 [Admitting to knowing Bakan District Secretary, Yeay Rim, but claiming not to have met her until they both fled the Vietnamese in 1979.]. S-21 prisoner lists also record those entering S-21 in 1978 from Bakan Kraom, Krakor Kraom and Kandieng as being sent by Sector 2. See **D219/825.1.2** OCII S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78], Number 8937, EN 01222694 [Mann Moeng, Committee Member of Krakor Krom District in Sector 2, before work in Division 703, 01-Apr-78]; Number 13263, EN 01222871 [Uong Chin alias Phal, Assistant, Kdat District in Sector 2 before work in Division 703 (Assistant Krakor District in Sector 2), 01-Apr-78 or 23-Mar-78].

<sup>575</sup> See **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2. See further para. 144.

<sup>576</sup> **D219/193** Vat Phat WRI, A208, EN 01079903.

<sup>577</sup> **D219/702.1.68** Lim Sat, T. 3 May 2013, 11.40.24-11.49.05 [Sya Commune chief, Kandieng District until late 1976 describing the hierarchy and flow of information in Sector 7: “A: It was the Sector Committee who was my superior because Sector Committee would render orders to the District Committee who then rendered these orders all the way to cooperatives. Q: [...] then even if orders came from this Sector Committee, you personally got them from the District Committee; is that right? A: Yes, it is. This is how communication worked. Q: [...] What I want to know is how regularly did you meet the District Committee and receive your instructions? [...] A: Concerning meetings, sometimes I had to go and see them, sometimes they had to come and see me; sometimes we met once a week; sometimes we met once in two weeks. It depends. [...] each cooperative [in Sya Commune] had its own chief and under cooperatives, there would be the unit, head of unit. [...] Q: [...] is it fair to say that the five cooperatives under your responsibility took instructions from you directly? A: That’s correct.”]; **D219/702.1.4** Lim Sat, T. 2 May 2013, 11.39.02-11.40.55 [“Q: when you were appointed the mobile unit chief, in Chia (phonetic) sub-district, when you were supposed to report to your upper authority, how did you do it and who did you report to? A: I report to Kandieng district.”]; 13.44.43-13.46.53 [“We received orders from different levels, for example, from zone to sector, sector to district, and to sub-district.”]; **D219/241** Am Sokhorn WRI,

secretaries like Yeay Nan attended meetings in Pursat with Sector 2 and 7 leaders,<sup>578</sup> and in turn controlled district and cooperative security centres,<sup>579</sup> appointed prison chiefs,<sup>580</sup> and issued execution orders.<sup>581</sup>

a. KANDIENG DISTRICT

185. Kandieng District (also called District 22)<sup>582</sup> was divided into at least six communes. Two of the charged crime sites were located in two of these communes: Prison No. 8 in Sya Commune, and Veal Bak Chunching execution site in Srae Sdok Commune.<sup>583</sup> After the Northwest cadres had been purged in Kandieng in early to mid-1977, Southwest cadre Tri led the district committee for only a few months.<sup>584</sup> In early 1978, he was arrested

A34, 39, EN 01092964-65 [In Prey Phdao Cooperative, Bakan Kraom District: "I was the militia chairman. [...] I reported to the cooperative that referred the report to the district."]. See also **D219/277** Soem Chhean WRI, A35-36, EN 01098513 [Mobile unit worker in Bakan Kraom, Sector 7: "The Sector 7 committee came to attend a meeting with us [...] They only told us that they were Sector 7 committee. The meeting lasted for about half an hour. They came to open the battlefield. [...] I remember that they came to open the battlefield at the 17 April Canal. The sector and district committees attended the meeting."].

<sup>578</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A55, 58, EN 01365563 ["Q: There is evidence that in a conference organized in the Old Theatre in Pursat Province, Nann gave instructions. Do you remember that? A55: I do not remember it clearly but I reckon that she gave a speech. [...] Q: Was Ta Mok present? A58: I do not remember. Maybe he was. Maybe he was not. I do not remember."].

<sup>579</sup> **D219/241** Am Sokhorn WRI, A50-51, EN 01092966 [Prison chief at Trach Kraol security centre, Bakan Kraom until 1978: "Q: Who was the more senior ranking officer than you in taking charge of Trach Kraol Security Office? A50: Ta Pheng and Ta Pim were. Q: Were Ta Pheng and Ta Pim your immediate supervisors? A51: [...] they were not. Phal (on the District Committee) was my immediate supervisor. When Phal and I were discharged, Ta Pheng (on the District Committee) and Pim [...] came to replace us."]; **D134/3** Sat Chhang WRI, A39, 46, EN 00974284-86 ["I heard that there were new chiefs of the district committee and cooperative coming to replace the old ones. I thought the new chiefs would be gentle. In contrast, one or two days after they arrived, they arrested people, tied them in lines and sent them to the education/correction centre. [...] [Yeay Nan] also arrested the 17 April evacuees and the evacuees from the east and put them in lines. The people included old people, males, females and children. They were sent to the education/correction center in the cooperative."]; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, EN 00412111 ["the district Santebal offices were under the direct supervision of the secretary of the district."].

<sup>580</sup> **D219/241** Am Sokhorn WRI, A53, EN 01092966 ["Q: Who appointed you to be the chairman of Trach Kraol Security Office? A53: Phal did."].

<sup>581</sup> **D105/9** Heang Phoeun WRI, A33-34, EN 00919438 [Discussing the prison chiefs at Prison No. 8, Kandieng District: "The trio were not the killers, but they received kill orders from the upper echelon. Q: Who did you think gave orders to the trio? A34: Those from the province."]; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, EN 00412111 ["Santebal office had no right to smash. To put it simply, the chief of Santebal office [...] had no authority to issue any subjective order to arrest anyone."].

<sup>582</sup> **D6.1.988** Sou Nan WRI, A30, EN 00508567; **D118/176** Soem Voern WRI, A120, EN 00981970; **D219/193** Vat Phat WRI, A138, EN 01079894

<sup>583</sup> **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803806; **D134/6** Veal Bak Chunching Execution Site Site Identification Report, EN 00947352.

<sup>584</sup> **D134/3** Sat Chhang WRI, A28, 31, EN 00974283 ["Khi and Mao were replaced by Tri. [...] Then he became the district chief to replace all of the three people [...] for about six months. [...] Tri was the chief of District 22."]; **D134/5** Huot Moeng alias Sat Sokhom WRI, A7-8, EN 00974301 ["Tri [...] came to replace the former members"]; **D6.1.617** Sat Sakhom SOAS Interview, EN 00352087 ["Khi was replaced by Tri [...]. He was in place for five or six months."]; **D134/4** Lim Sat WRI, A32, EN 00974296 ["Tri, also from the southwest"]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78].

and replaced by West Zone cadre Yeay Nan.<sup>585</sup> As noted earlier, Ta Mok enjoyed ultimate control over the Southwest and West Zone forces under his command.<sup>586</sup>

186. In Kandieng District, Yeay Nan issued orders to cadres at the commune and cooperative level to kill East Zone people and “17 April people”, including females, children, and elderly.<sup>587</sup> She also spoke at and chaired meetings, in the district and elsewhere in the province, during which she ordered 100 to 300 attendees “to work hard to achieve the

<sup>585</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78]; **D134/3** Sat Chhang WRI, A28, EN 00974283 [“Nan came to arrest Tri and took him away. Then she became the chief of Kandieng District [...]. I knew that Nan came from Kampong Tralach District, Kampong Chhnang Province.”]; **D134/5** Huot Moeng alias Sat Sokhom WRI, A19-20, EN 00974303 [“Nan came to replace the district committee person [...]. Nan, from Kampong Tralach in Kampong Chhnang Province.”]; **D219/849** Sou Nan alias Yeay Nan WRI, A21-22, EN 01356228 [“I arrived in Pursat Province in 1978 [...]. The Vietnamese troops entered Cambodia just a few months later.”]; **D219/869** Sek Sam At alias Yeay Rim WRI, A51-53, EN 01365562-63 [Confirming that Yeay Nann was on the Kandieng District Committee.]; **D6.1.643** Ung Chhat WRI, EN 00373918 [“The District 22 committee secretary was Nan [...] who had come from Kampong Chhnang to govern the district in approximately late 1977”]; **D6.1.617** Sat Sakhom SOAS Interview, EN 00352087 [“Then came Nan, in early or mid-1978.”]; **D219/279** Kou Molly WRI, A95, EN 01098539.

<sup>586</sup> At least by late March-early April 1978, when Chou Chet alias Sy, West Zone Secretary was arrested, Ta Mok had fully taken control of the West Zone, in addition to his position as Southwest and Northwest Zone Secretary. *See, e.g.* **D1.3.29.2** Kaing Guek Eav alias Duch WRI, EN 00149916-17 [“Chou Chet alias Si of the West was smashed (don’t remember the year) along with Chou Chet’s links, and some cadre from the Southwest and put in their place. But the crucial thing is that Ta Mok was put in charge as Secretary of the West, on top of his position as Secretary of the Southwest. [...] Ta Mok went to be Secretary of the Northwest on top of everything else. Truckloads of Ta Mok forces and West forces belonging to Huot Heng alias Pal were transported to the Northwest.”]; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, fn. 24, EN 00412101 [“West Zone: Sy (after Sy had been arrested on April 1978, Mok rose to become the Secretary of both the Southwest and West Zones).”] (*cited in* Case 002-**D427** Closing Order, fn. 3026). *See also* **D219/193** Vat Phat WRI, A215, 217, EN 01079904 [“Q: Which Zones did Ta Mok control? A215: I know only three Zones: The Southwest, the West, and the Northwest. [...] A217: I attended a military meeting in Battambang during which they announced that Ta Mok controlled the three Zones. I do not remember in which year the meeting took place.”].

<sup>587</sup> **D134/3** Sat Chhang WRI, A34, 38-39, 46, EN 00974284-86 [“Q: When did the killing become intense? A34: When Nan took power the killing became intense. [...] A38: [Soeun and Nan] often arrested people in the cooperative. [...] A39: [...] I heard that there were new chiefs of the district committee and cooperative coming to replace the old ones. I thought the new chiefs would be gentle. In contrast, one or two days after they arrived, they arrested people, tied them in lines and sent them to the education/correction centre. [...] A46: [Nan] also arrested the 17 April evacuees and the evacuees from the east and put them in lines. The people included old people, males, females and children. They were sent to the education/correction center in the cooperative. I knew that the people who were sent there would never be seen alive again.”]; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085 [“Nan then came and killed Tri and the 17 April types. [...] There were lots of killings under Nan. [...] Nan was a lot stricter.”]; **D219/183** Sok Khan WRI, A50, 54, 56, EN 01079299-300 [“I knew only Nan (female) and Nat (female). [...] they cruelly killed people. [...] they ordered others to do it. [...] Nan and Nat ordered the killings in 1978”].

plans”.<sup>588</sup> Cooperative and unit chiefs convened regular self-criticism meetings,<sup>589</sup> during which they spoke about smashing internal “enemies”.<sup>590</sup>

187. Among the cooperatives under Nan’s authority were Stueng Village Cooperative led by Soeun,<sup>591</sup> Nan’s sister from Kampong Chhnang,<sup>592</sup> and Sya Cooperative headed by military leader Nat,<sup>593</sup> who was also Nan’s sister.<sup>594</sup> Both Soeun and Nat ordered arrests and killings, including of East Zone evacuees.<sup>595</sup>

<sup>588</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A55, EN 01365563 [“Q: There is evidence that in a conference organized in the Old Theatre in Pursat Province, Nann gave instructions. Do you remember that? A55: I do not remember it clearly but I reckon that she gave a speech.”]; **D134/5** Huot Moeng WRI, A25-27, EN 00974304 [“I joined meetings with Nan twice at worksites. The meetings at the worksites were participated in by a lot of people. [...] I attended the meetings at Voat Luong and Anlong Mean Worksites. The meetings were chaired by Nan. 200 to 300 people attended the meeting at Voat Luong, while the one at Anlong Mean was attended by 100 participants. She talked about living in the cooperative. She told us to work hard to achieve the plans, and not to talk about lack of food—we had to say there was enough food in spite of having no rice to eat.”]; **D134/1** Ung Chhat WRI, A29, 31, EN 00974267 [“Q: In that meeting, did [Nan] mention that she was on the committee of Kandieng District? A29: Yes [...] A31: I only attended one meeting with her; it was at Veal Srae Battlefield in Kandieng Commune.”].

<sup>589</sup> **D219/58** Yim Sovann WRI, A49-50, EN 01053853-54 [“Q: In the written record of your previous interview [...] you stated, ‘I attended self-criticism meetings once a month.’ Is this correct? A49: Yes [...] Q: Did you attend those self-criticism meetings? A50: [...] Not only I, but also all the people in the cooperative did.”]; **D6.1.761** Yim Sovann WRI, EN 00379314-15 [“we were taken to a co-operative called Kbal Chheupuk [...] Once a month, I attended these meetings that were chaired by the chief of the co-operative.”]; **D6.1.161** Suy Sengchhorn WRI, EN 00242120 [“in my unit [...] meeting convened once every 2 or 3 days [...] on criticism and self-criticism chaired by [...] chief of unit.”].

<sup>590</sup> **D219/58** Yim Sovann WRI, A49, 51-54, EN 01053853-54 [“Self-criticism meetings were meetings in which the participants criticized one another. If anyone did not work well, he or she would be killed. [...] They spoke about work plans and hidden enemies burrowing from the inside. [...] they said, ‘The wheel of history is turning. If you put your hands or legs in, they will be cut off. Do not oppose the wheel of history.’ [...] they spoke about smashing enemies and the CIA [...] Later they spoke about internal enemies, meaning they killed those connected to the Yuon, lazy people, or those who made the Khmer Rouge displeased.”].

<sup>591</sup> **D134/3** Sat Chhang WRI, A37, 43, EN 00974284-85 [“Soeun was the chief of cooperative in Stueng Village [...] in late 1977”]; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085 [“Nan had a younger sister named Seun, who was the cooperative chairwoman for Cooperative 6, Steung Village Cooperative”]; **D134/5** Huot Moeng alias Sat Sokhom WRI, EN 00974305-06 [“Investigator’s remark: [...] Then we showed the witness another picture of Nan, again without showing her identity. The witness said that the person in this second portrait look like Nan or Soeun. At that time, Soeun was a cooperative chief of Stueng Village.”].

<sup>592</sup> **D134/3** Sat Chhang WRI, A37, EN 00974284 [“Soeun was the younger sister of Nan.”]. *See further* **D118/179** Sou Hoeun WRI, A4, 22, EN 01040681, 83 [“Q: What is your older sister’s name? A4: [...] SOU Nan. [...] A22: In 1975, I lived [...] in Peam Commune, Kampong Tralach District, Kampong Chhnang Province.”]; **D6.1.988** Sou Nan alias Yeay Nan WRI, A4, EN 00508563 [“I have eight siblings [...] SOU Hoeun”]. Note, however, that both sisters, Sou Nan and Sou Hoeun, have denied this. *See* **D118/179** Sou Hoeun WRI, A49, 51-53, EN 01040686-87; **D134/2** Sou Nan alias Yeay Nan WRI, A36, EN 00974276.

<sup>593</sup> **D219/183** Sok Khan WRI, A52, 54-55, EN 01079299 [“Only after I had been working in the Sya Cooperative for about two years did I learn that Nan and Nat worked there. [...] They were military leaders. [...] They were in charge of the military in Sya Cooperative.”].

<sup>594</sup> **D134/2** Sou Nan alias Yeay Nan WRI, A35, EN 00974275 [“I had a younger sister named SOU Nat”]; **D219/183** Sok Khan WRI, A50, EN 01079299 [“Nan and Nat [...] were siblings.”].

<sup>595</sup> **D134/3** Sat Chhang WRI, A38-39, 48-49, EN 00974284-86 [“A38: [Soeun and Nan] often arrested people in the cooperative. [...] A39: [...] I heard that there were new chiefs of the district committee and cooperative coming to replace the old ones. I thought the new chiefs would be gentle. In contrast, one or



## b. BAKAN KRAOM DISTRICT

188. The charged crime site of Svay Chrum (also known as Thkaul) Security Centre was located in Boeng Bat Kandaol Commune, Bakan Kraom District.<sup>596</sup> After the Northwest district level cadres were purged in Bakan Kraom in early to mid-1977,<sup>597</sup> Phal from the Southwest Zone became district secretary.<sup>598</sup> Phal was arrested and replaced in early 1978 by Pheng from the West Zone.<sup>599</sup>

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two days after they arrived, they arrested people, tied them in lines and sent them to the education/correction centre. [...] A48: Q: [Soeun] also told you about the plan to eradicate the evacuees from the East Zone. Is that content correct? A48: Yes, it is. [...] A49: I knew the information because I was always close to Soeun. I heard Soeun ordered the chief of militia to gather the people from the east together and take them to be killed"; **D219/183** Sok Khan WRI, A50, 54, 56, EN 01079299-300 ["I knew only Nan (female) and Nat (female). [...] they cruelly killed people. [...] Whenever there was killings, Nan and Nat were present. If Nan and Nat did not do it themselves, they ordered others to do it. [...] Nan and Nat ordered the killings in 1978. [...] In 1978 and 1979, they had unit chiefs kill the enemies inside their units. If any unit chief dared not kill their soldiers, they would be killed themselves."].

<sup>596</sup> See, e.g. **D118/235** Khek Chan WRI, A28, EN 01057667.

<sup>597</sup> See **V.B.1.b.ii**. Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 7.

<sup>598</sup> **D219/276** Nhoem Nguy WRI, A24, EN 01098502 ["Phal (male) came from the Southwest Zone and replaced Ta Chhea."]; **D219/241** Am Sokhon alias Khon WRI, A18, EN 01092963 ["Q: Who came to replace Ta Chea, Ta Boeung, and Ta Sien? A18: The persons from Takeo did. One of them was Phal."]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13263, EN 01222871 [Uong Chin alias Phal, Assistant, Kdat District in Sector 2 before work in Division 703 (Assistant Krakor District in Sector 2), 01-Apr-78 or 23-Mar-78]. Centre Division 703 was based in the Southwest Zone. See, e.g. **D5/234/4** Thorng Channa WRI, EN 00802847 ["They were from Division 703 [...] from the Southwest"]; **D123/1/4.53a** Prum Chay DC-Cam Statement, EN 00884184 ["Q: Was it Division 703 from the Southwest Zone? A: Right."].

<sup>599</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13263, EN 01222871 [Uong Chin alias Phal, Assistant, Kdat District in Sector 2, 01-Apr-78 or 23-Mar-78], but see **D6.1.13** S-21 Name List of Prisoners Interrogated on 02-03 Apr 1978, EN 01210363 [showing Uong Chin's arrest date as 23 Feb 1978]; **D219/276** Nhoem Nguy WRI, A24, EN 01098502 ["Ta Pheng was a district committee member then [...] When Ta Pheng arrived, he arrested Ta Phal at Au Ta Paong and took him somewhere."]; **D219/241** Am Sokhon alias Khon WRI, A18-21, EN 01092963-64 ["after Phal was arrested, a Kampong Chhnang man came to undertake his position. [...] Phal came to work in Kdat District for about a year only. Then he was arrested in 1977. [...] Q: Who from Kampong Chhnang came to replace Phal? His name was Ta Pheng. [...] Ta Pheng was on the District Committee."]; **D219/588** Kuy Yin WRI, A109, EN 01178762 ["I saw Ta Pheng in Lower Bakan. He was Lower Bakan District Committee"]; **D219/223** Nuon Rin WRI, A40-42, EN 01088596-97 ["there was a Ta Pheng who came to govern Bakan Kraom District. Ta Pheng was from Kampong Chhnang. [...] Ta Pheng was at the district level. [...]. [Ta Pheng] was here with Yeay Rim until the Vietnamese arrived."], A54, EN 01088598 ["Ta Pheng arrived in Bakan District in early 1978"]; **D219/586** Khun Mon WRI, A87-88, 121, EN 01178709, 14; **D219/6** Ouk Heang WRI, A111, EN 01047754; **D118/122** Thek Bunroeun WRI, A12, EN 00975862.

## V. CRIMES

### A. SOUTHWEST ZONE

#### 1. SECTOR 13

##### a. WAT PRATHEAT SECURITY CENTRE

##### i. INTRODUCTION

189. Wat Pratheat Security Centre (“Wat Pratheat”) was located in Kirivong District of Sector 13 during the DK regime, and served as a district-level security centre.<sup>600</sup> Wat Pratheat held up to 200 prisoners at a time. Prisoners were subjected to interrogations, and many were executed thereafter. Witnesses reported mass executions of as many as 150 prisoners in one night.
190. As a member of the Kirivong District Committee, **Yim Tith** was involved in decisions on arrests and food rations at Wat Pratheat. **Yim Tith** ordered interrogations and executions at Wat Pratheat. He also personally conducted the interrogations of some prisoners held at the site.
191. The ICIJ charged **Yim Tith** with the following crimes in relation to Wat Pratheat Security Centre: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds against “17 April people” and on political and racial grounds against the Khmer Krom, other inhumane acts (confinement/working in inhumane conditions); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>601</sup>

<sup>600</sup> **D219/86** Dok Chann WRI, A6, EN 01056874 [“Q: Was Wat Pratheat Pagoda considered a district prison? A6: Yes, Wat Pratheat Pagoda was a prison of the district.”]; **D219/189** Soeum Chhoeun WRI, A9, EN 01079815 [Member of Kirivong District military, guard at Wat Pratheat in 1975-1976, then worked in Kirivong District: “Q: Was Wat Preah Theat Pagoda a district-level prison or another level? A9: Yes, it was a district-level prison.”]; **D219/108** You Phnom WRI, A5, EN 01076892; **D219/406** You Phnom WRI, A164, EN 01139570; **D219/121** Loem Ngen WRI, A9, EN 01057795; **D219/55** Hor Yan WRI, A43, EN 01053839-40; **D118/45** Hem Chhuon WRI, A27, EN 00923041; **D118/48** Heng Prel WRI, A34-35, EN 00938192. *See also* **D118/147.1.43** Report of the KRT Research Project Conducted in Pursat, Takeo and Kampong Chhnang Provinces April 17, 1975 to January 6, 1979 (“KRT Research Project Report”), EN 00527166; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066928; **D219/87** Dok Chann WRI, A13, EN 01056883.

<sup>601</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068, 70, 77.

## ii. OPERATION AND LOCATION

192. Wat Pratheat operated from approximately 1975<sup>602</sup> until the end of the DK regime.<sup>603</sup> It was located in Kbal Damrei Village, Kouk Preh Commune, Kirivong District, Takeo Province, Sector 13 of the Southwest Zone.<sup>604</sup>
193. Wat Pratheat was situated in a walled compound that contained a pagoda and several other buildings, including a monks' dining hall, staff barracks, a kitchen/dining hall, and other structures.<sup>605</sup> Prisoners were detained at the monks' dining hall,<sup>606</sup> or elsewhere

<sup>602</sup> **D219/86** Dok Chann WRI, A3, EN 01056873 ["[In 1973] the [Kirivong District] security office was located in Kouk Preh Village, Kouk Preh Commune, and in early 1975 we relocated that office from Kouk Preh to inside Wat Pratheat Pagoda"]; **D219/369** Ork Chan WRI, A52-56, EN 01128258 ["[The underground prison in Wat Slaeng Pagoda] was built in 1975. However, it was relocated in 1976 [...] [to] Wat Pratheat Pagoda. [...] [The relocation] was from 1975 to 1977."]; **D118/156** Ork Chan WRI, A17-18, 49, EN 00980467, 71; **D123/2/1.19a** Am Kun DC-Cam Statement, EN 01507791; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669.

<sup>603</sup> **D219/121** Loem Ngen WRI, A5, EN 01057794 ["I worked at Wat Preah Theat Security Office until the end of the Khmer Rouge regime."]; **D118/155** Hor Yan WRI, A95, EN 00978599 ["[Wat Pratheat Pagoda] was used [as a prison] until 1979, when it was re-established as a pagoda."]; **D118/156** Ork Chan WRI, A20-23, EN 00980468; **D219/369** Ork Chan WRI, A54-55, EN 01128258.

<sup>604</sup> **D3/22** Wat Pratheat Site Identification Report, EN 00644203 ["Wat Pratheat / Takeo / Sector 13, South West Zone."]; **D118/112** Ven Nat WRI, A33, EN 00970426; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681-82; **D3/22.2** Wat Pratheat Site Identification Report, Annex: Kouk Preh Commune Diagram, EN 00650936.

<sup>605</sup> **D3/22** Wat Pratheat Site Identification Report, EN 00644204-05 ["The [Wat Pratheat] Pagoda compound is [...] walled on all four sides."]; **D3/22.3** Wat Pratheat Site Identification Report, Annex: OCP Diagram of Wat Pratheat, EN 00223054; **D219/121** Loem Ngen WRI, A23, EN 01057798 ["Inside the compound of the [Wat Pratheat] security office, there was a prisoner detention hall about eight meters wide and twelve meters long. That hall was [the] former dining hall of the monks."]; **D219/248** Ven Nat WRI, A36, EN 01095766 ["During the regime, the monk's dining hall [at Wat Pratheat] was converted into a prison."], A57, EN 01095768; **D219/87** Dok Chann WRI, A15, EN 01056884; **D219/108** You Phnom WRI, A9, EN 01076893; **D219/326** Hor Yan WRI, A9, EN 01112035 ["There were three [detention] buildings [in the Wat Preah Theat compound], A12, EN 01112035 ["In that [old] long building, dorms were built for the Khmer Rouge cadres."]; **D118/155** Hor Yan WRI, A67, EN 00978595; **D105/5** Ork Chan WRI, A76, EN 00803448; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217641; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066934; **D118/156** Ork Chan WRI, A13-16, EN 00980467; **D219/316** Mao Ngov WRI, A42-44, EN 01111988-89.

<sup>606</sup> **D219/121** Loem Ngen WRI, A23, EN 01057798 ["Inside the compound of the [Wat Pratheat] security office, there was a prisoner detention hall about eight meters wide and twelve meters long. That hall was [the] former dining hall of the monks."]; **D219/248** Ven Nat WRI, A36, EN 01095766 ["During the regime, the monk's dining hall [at Wat Pratheat] was converted into a prison. Each cell was separated by a wall."]; **D219/87** Dok Chann WRI, A15, EN 01056884; **D219/108** You Phnom WRI, A9, EN 01076893; **D219/326** Hor Yan WRI, A9, EN 01112035; **D118/155** Hor Yan WRI, A67, EN 00978595; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066934; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217641.

within the compound.<sup>607</sup> The monks' dining hall contained three cells<sup>608</sup> and was surrounded by barbed wire.<sup>609</sup> Numerous sites within Wat Pratheat and in its vicinity were used for executions.<sup>610</sup> There were also a number of pits in and around Wat Pratheat in which detainees were buried.<sup>611</sup>

<sup>607</sup> **D219/121** Loem Ngen WRI, A23, EN 01057798 [“Inside the compound of the [Wat Pratheat] security office, there was a prisoner detention hall about eight meters wide and twelve meters long. That hall was [the] former dining hall of the monks.”]; **D219/248** Ven Nat WRI, A36, EN 01095766 [“During the regime, the monk’s dining hall [at Wat Pratheat] was converted into a prison.”], A55-58, EN 01095768; **D219/87** Dok Chann WRI, A15, EN 01056884; **D219/108** You Phnom WRI, A9, EN 01076893; **D219/326** Hor Yan WRI, A9-10, EN 01112035; **D118/155** Hor Yan WRI, A43-44, 67, EN 00978592, 95; **D105/5** Ork Chan WRI, A76, EN 00803448; **D118/156** Ork Chan WRI, A28-29, EN 00980469; **D219/316** Mao Ngov WRI, A128-133, EN 01111993-94; **D219/189** Soeum Chhoeun WRI, A40-41, EN 01079821; **D118/22** Tun Soun WRI, A12, 15, EN 00976606-07; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066934; **D1.3.10.21** Henri Locard Report, *Niredet Region*, EN 00217641.

<sup>608</sup> **D118/112** Ven Nat WRI, A5, EN 00970419 [“That gathering hall [the monks’ dining hall at Wat Pratheat Pagoda] was divided into three cells.”]; **D219/248** Ven Nat WRI, A35-36, EN 01095766; **D105/6** Hor Yan WRI, A55, EN 00841981; **D219/316** Mao Ngov WRI, A26, EN 01111988; **D219/369** Ork Chan WRI, A107, EN 01128261; **D105/5** Ork Chan WRI, A100-101, EN 00803451; **D118/156** Ork Chan WRI, A33, EN 00980469.

<sup>609</sup> **D219/248** Ven Nat WRI, A36, EN 01095766 [“During the regime, the monk’s dining hall was converted into a prison. [...] [It] was surrounded by barbed wire.”]; **D118/156** Ork Chan WRI, A9, EN 00980467 [“The building in which I was detained was the former dining hall for monks and it was surrounded by barbed wire.”]; **D219/346** Tun Soun WRI, A25, EN 01116111. *See contra* **D219/87** Dok Chann WRI, A15, EN 01056884.

<sup>610</sup> **D105/5** Ork Chan WRI, A81, EN 00803449 [“They [Wat Pratheat staff] took people away to be killed in the east and the south of the pagoda, at the rice paddies.”]; **D118/156** Ork Chan WRI, A45-46, EN 00980471 [“Q: Was the execution site inside or outside the [Wat Pratheat] pagoda compound? A45: Outside [...] A46: [...] the killing site was only 20 or 30 metres from the prison.”]; **D118/112** Ven Nat WRI, A2, EN 00970417-18 [“I continued walking to the back of Preah Theat Pagoda, where I saw many old clothes [...]. Those old clothes were east of the pagoda, and there were three execution sites there. One was to the east, [and] the other was to the south. A third was to the north of the pagoda.”]; **D219/248** Ven Nat WRI, A61, EN 01095768 [“12 prisoners were taken to be killed at a hill across a canal. It was located behind the [Wat Pratheat] prison. The hill was about 30 to 40 metres.”], A131, EN 01095774 [“It [the third killing site] was located to the east of the [Wat Pratheat] prison, on a hill across a canal.”], A133-136, EN 01095774 [“Other places, which were far from the prison, were also used as the execution sites. Those places were situated along the foot of a mountain [...] Phnom Andaung Doeum Khnor Mountain [...] The mountain is in Prey Cheung Village, and far west of the prison [...] approximately a kilometre.”]; **D118/303** Ly Chhuon WRI, A65, EN 01045500 [“[Tuol Kong Kao killing site was around] 100 metres from Wat Preah Theat Pagoda.”]; **D118/155** Hor Yan WRI, A42, EN 00978592 [“The killing site was only about fifty metres from Wat Preah Theat Pagoda.”], A72, EN 00978595; **D219/55** Hor Yan WRI, A34, EN 01053837-38, A45, EN 01053840 [“[I]n 1976, 67 White Scarves were [...] brought to and held at Wat Preah Theat Pagoda before they were taken to be killed at the foot of the mountain.”]; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681-82.

<sup>611</sup> **D219/55** Hor Yan WRI, A12, EN 01053832 [“It [the pit where prisoners were buried] was about 20 metres southeast and outside of the Wat Preah Theat Pagoda compound.”]; **D118/155** Hor Yan WRI, A37-38, EN 00978591; **D118/155.1** Hor Yan WRI, Annex: OCP Diagram of Wat Pratheat, EN 00968084; **D118/112** Ven Nat WRI, A27, EN 00970424 [“Q: Where did you bury the 12 dead bodies? A27: At the back of the canal east of the prison.”], A31, EN 00970425 [“After that regime collapsed, I came to look at the pits again [at Wat Pratheat]. I saw many large pits [containing] a lot of dead bodies. In the vicinity of the [Wat Pratheat] pagoda, there were about 30 pits.”]; **D219/121** Loem Ngen WRI, A32, EN 01057800 [“When I arrived [at Wat Pratheat], I saw graves nearby.”]; **D219/316** Mao Ngov WRI, A117, EN 01111993 [“Q: Do you know if there were any pits around the [Wat Pratheat] prison? A117: There were many of them.”]; **D219/189** Soeum Chhoeun WRI, A45, EN 01079822 [“[T]hose graves were 300 to 400 metres east of the [Wat Pratheat] pagoda.”]; **D219/529** WRIA, Account of Ly Chhuon, EN 01151016; **D105/5** Ork Chan WRI, A83-84, EN 00803449; **D3/22** Wat Pratheat Site Identification Report, EN 00644205-06; **D1.3.10.14**

## iii. AUTHORITY STRUCTURE AND COMMUNICATION

194. Wat Pratheat was under the control of the Kirivong District Committee.<sup>612</sup> **Yim Tith** was the district secretary or deputy district secretary of Kirivong District from at least 1975.<sup>613</sup> Several witnesses detailed **Yim Tith**'s continued involvement in Kirivong District after his move to the Northwest.<sup>614</sup> **Ta Pring** was the Wat Pratheat prison chief;<sup>615</sup> his deputies were **Dok Chann**<sup>616</sup> and **Ta Chhim**,<sup>617</sup> and there were about a dozen guards.<sup>618</sup> The Wat

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DC-Cam Mapping Report for Takeo Province, EN 00207682; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217669-71.

- <sup>612</sup> **D119/85** Moeng Vet WRI, A16-20, EN 00982715 ["Wat Pratheat was the Kirivong District Security Office [...] it was an education office of Kirivong District"]; **D118/305** Top Phan WRI, A52, EN 01045524 ["[Wat Pratheat Pagoda] was under the control of the district."]; **D219/111** Mao Chhorn WRI, A74, EN 01076911 ["Q: Did Wat Preah Theat belong to the district or anywhere else? A74: Yes, it belonged to the district."]; **D219/326** Hor Yan WRI, A22-23, EN 01112036 ["Q: Did you ever hear of Ta Naim or Ta Tith? [...] A22: Yes, I did. They were in charge of that prison. [...] A23: Ta Naim and Ta Tith were the members of the district committee."]. See also **D118/43** Sieng Hoam WRI, A17, EN 00920574.
- <sup>613</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, EN 01132635-36; **D65.1.3** DC-Cam's Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584.
- <sup>614</sup> **D118/305** Top Phan WRI, A99-101, EN 01045530; **D219/55** Hor Yan WRI, A42, EN 01053839-40; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819.
- <sup>615</sup> **D219/86** Dok Chann WRI, A4, EN 01056873 ["Pring was the [Wat Pratheat] Security Office Chairman"]; **D118/112** Ven Nat WRI, A9, EN 00970419-20 ["The Prison Chief was Pring."]; **D105/6** Hor Yan WRI, A110, EN 00841987; **D118/155** Hor Yan WRI, A24, EN 00978589; **D219/108** You Phnom WRI, A4, EN 01076891; **D219/111** Mao Chhorn WRI, A37, EN 01076907; **D219/121** Loem Ngen WRI, A6-7, EN 01057794-95; **D219/189** Soeum Chhoeun WRI, A8, EN 01079815; **D219/316** Mao Ngov WRI, A13, EN 01111987, A56-57, EN 01111989; **D219/488** Moeng Vet WRI, A126-128, EN 01170596; **D118/147.1.43** KRT Research Project Report, Account of Tun Soun, EN 00527166. See contra **D118/22** Tun Soun WRI, A11, EN 00976606; **D219/346** Tun Soun WRI, A9, EN 01116110; **D219/248** Ven Nat WRI, A16-17, EN 01095764; **D118/302** Pann Sarou WRI, A94, EN 01045482; **D118/43** Sieng Hoam WRI, A21-23, EN 00920575; **D118/111** Ly Chhuon WRI, A21-22, EN 00970410; **D219/358** Luon Mol WRI, A49-51, EN 01116347; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641.
- <sup>616</sup> **D118/112** Ven Nat WRI, A9, EN 00970419-20 ["Chhim and DUK Chan were the prison Deputy Chiefs."]; **D219/121** Loem Ngen WRI, A6-7, EN 01057794-95 ["When I arrived there [1978], [...] Ta Chan was the deputy or member [...] All of them worked there until the Vietnamese arrived"]. See also **D219/55** Hor Yan WRI, A22, EN 01053834 ["Later Chan was promoted to a rank equal to that of Pring, who was also chief of Wat Preah Theat Pagoda Prison."]; **D105/6** Hor Yan WRI, Q109, A110, EN 00841987; **D118/155** Hor Yan WRI, A55, EN 00978593-94. See contra **D219/86** Dok Chann WRI, A1, EN 01056873.
- <sup>617</sup> **D219/86** Dok Chann WRI, A4, EN 01056873 ["Chhim was the Deputy Chairman"]; **D219/189** Soeum Chhoeun WRI, A8, EN 01079815 ["Chairman Pring and the deputy chairman Chhim [...] supervised the five of us."]; **D118/112** Ven Nat WRI, A9, EN 00970419-20; **D105/6** Hor Yan WRI, A109-110, EN 00841987; **D219/316** Mao Ngov WRI, A13, 56-57, EN 01111987, 89; **D219/488** Moeng Vet WRI, A126-128, EN 01170596; **D118/147.1.43** KRT Research Project Report, Account of Tun Soun, EN 00527166. For evidence that Chhim was prison chief at Wat Pratheat, see **D118/43** Sieng Hoam WRI, A21, EN 00920575 ["Pring was the deputy chief of security office. He was Chhim's deputy."].
- <sup>618</sup> **D219/189** Soeum Chhoeun WRI, A2-3, EN 01079813-14 ["When I worked in the [Kirivong] district military unit, they had me guard Wat Preah Theat Security Office. [...] Besides me, there were Chhean Chan, Chhim, and Pring. Later, Chhean was replaced by Ngen."]; **D118/155** Hor Yan WRI, A74-75, 77, EN 00978596 ["A74: There were 12 prison guards, but I knew only [Chhim, Pring and Chann]. Q: Of the 12 prison guards, do you know if any of them is still alive? A75: One of them is Ngen [...] A77: Another person is Pen."]; **D219/55** Hor Yan WRI, A12, EN 01053832; **D219/160** Dok Chann WRI, A20, EN

Pratheat staff were appointed by<sup>619</sup> and reported directly to<sup>620</sup> the Kirivong District Committee. The Kirivong District Committee decided on arrests,<sup>621</sup> executions,<sup>622</sup>

01067767 ["I know SIM Chhoeun because he was a staff member at Wat Pratheat."]; **D219/110** Tun Soun WRI, A4-5, EN 01076896-98 ["[Wat Pratheat] staff were also present at the time. Their names are Born, Prim, Pring, Khem, Dorl, Sokh, and there were others whose names I cannot remember."]; **D219/346** Tun Soun WRI, A73, EN 01116115; **D219/248** Ven Nat WRI, A5-6, 16-17, 41, 179, 202, EN 01095763-64, 67, 77-78; **D118/112** Ven Nat WRI, A44, EN 00970427-28; **D219/121** Loem Ngen WRI, A6-7, EN 01057794-95; **D105/5** Ork Chan WRI, A91, EN 00803450; **D118/156** Ork Chan WRI, A79, EN 00980474; **D118/305** Top Phan WRI, A110, 112-114, EN 01045531-32; **D219/108** You Phnom WRI, A4, EN 01076891; **D219/109** You Phnom WRI, A1, 5, EN 01081737, 39; **D118/116** WRIA, Account of Hor Yan, EN 00953870; **D219/48** WRIA, EN 01032581.

<sup>619</sup> **D219/189** Soeum Chhoeun WRI, A3-4, EN 01079814 ["Yeay Bau ordered me to guard Wat Preah Theat Security Office [...] [Yeay Bau] worked at the [Kirivong] district level [then]."]; **D118/303** Ly Chhuon WRI, A53, EN 01045498 ["Wat Preah Theat was under the control of both the commune and district levels because the [Kirivong] district appointed the chairperson of Wat Preah Theat Pagoda Prison."].

<sup>620</sup> **D219/121** Loem Ngen WRI, A10, EN 01057795 ["He [Pring] reported to a woman named Yeay Khoeun, the [Kirivong] District Committee."]; **D118/112** Ven Nat WRI, A13, EN 00970420-21 ["The [Kirivong] District Member was Aun, who always came to visit the prison. Aun was Pring's Chief"], A51, EN 00970428 ["He [Pring] sent his reports to the [Kirivong] District Committee, to Yeay Bau and Ta Tom."]; **D219/369** Ork Chan WRI, A97, EN 01128260 ["The [Kirivong] district committee was [the superior of the prison chief]."]; **D219/86** Dok Chann WRI, A7, EN 01056874.

<sup>621</sup> **D118/305** Top Phan WRI, A59-A60, EN 01045525 ["To my knowledge, the District Committee made decisions on [arrests] [...] There had to be orders from [the Kirivong District Committee] before they [commune militia] would dare arrest people. [...] The commune militia received the orders and arrested the people."], A126, EN 01045533; **D219/326** Hor Yan WRI, A38, EN 01112037 ["Q: Who ordered the arrests and executions of those people [imprisoned at Wat Pratheat]? A38: Ta Naim and Ta Tith did. [...] They [...] ordered the arrests."]; **D105/5** Ork Chan WRI, A40-43, EN 00803444-45 ["Q: Did Ta Tit have a role in interrogating the Khmer Krom group? A40: For the Khmer Rouge's political part, they had contacts with the commune for arresting the Khmer Krom group. For the district's party, they contacted the commune and then sent the Khmer Krom to this detention centre [Wat Pratheat]. Q: Do you mean that Ta Tit was in the [Kirivong] district's committee at that time, don't you? A41: Yes. Q: And he contacted the commune echelon, didn't he? A42: Yes. Q: Was this the way of their contact for arresting the Khmer Krom? A43: Yes."]; **D118/23** Toem Phal WRI, A42, EN 00967021 ["I think that arrests could be made with a decision by the District Committee."]; **D219/471** Toem Phal WRI, A30, EN 01154808. *See contra* **D219/488** Moeng Vet WRI, A135, EN 01170597.

<sup>622</sup> **D118/156** Ork Chan WRI, A59-60, EN 00980472 ["The [Wat Pratheat] prison chief could execute the prisoners only when he received orders from above. [...] Someone from the [Kirivong] district delivered the kill orders to the prison chief."]. For evidence of the Sector 13 Committee's role in deciding executions, *see* **D105/5** Ork Chan WRI, A55, EN 00803446 ["[I]f there was a killing plan from the upper echelon, [the Kirivong District Committee] would just implement the planned killing."], A95-96, EN 00803450 ["[Yim Tith] came [to Wat Pratheat] with an order from the Sector [13] saying which prisoners would be killed. [...] When he came, he walked around to see prisoners, and if there was a killing plan from the Sector, the planned killing had to occur."]; **D118/156** Ork Chan WRI, A58-66, EN 00980472-73 ["[I know the order that Ta Tith brought for killing prisoners was from the Sector because] the law during the Khmer Rouge era was to follow the hierarchy; there had to be orders from sector level before district level killed. [...] [District level] could not [issue an order to] kill. [...] [Yim Tith knew who was to be killed because he] had his networks. As I knew it, he had the name lists from the Sector of who was to be killed and who was not to be killed."]; **D219/369** Ork Chan WRI, A101, EN 01128261 ["Q: Who issued the orders to kill the prisoners [at Wat Pratheat]? A101: The [Kirivong] district committee members, such as Ta Tom, did."]; **D3/8** Tun Soun WRI, A4, EN 00622285 ["I was also asked about Yeay Bau, the [Kirivong] district chief who decided to release or kill prisoners."]; **D219/326** Hor Yan WRI, A38, EN 01112037 ["Q: Who ordered the arrests and executions of those people [imprisoned at Wat Pratheat]? A38: Ta Naim and Ta Tith did."].

release,<sup>623</sup> and food rations.<sup>624</sup>

195. Through district-wide meetings and letters, the Kirivong District Committee ordered communes to report those deemed enemies to the district and discussed arrests.<sup>625</sup> The subjects of these reports and discussions included the Khmer Krom.<sup>626</sup> On the basis of these communications with communes, the Kirivong District Committee sent orders to the district military or commune committees for persons to be arrested and brought to

<sup>623</sup> **D219/369** Ork Chan WRI, A97, EN 01128260 [“The [Wat Pratheath] prison chairperson did not have the right to release prisoners.”]; **D3/8** Tun Soun WRI, A4, EN 00622285 [“I was also asked about Yeay Bau, the [Kirivong] district chief who decided to release or kill prisoners.”].

<sup>624</sup> **D219/86** Dok Chann WRI, A10, EN 01056875 [“[The Wat Pratheath staff] did not have authority over food rations.”].

<sup>625</sup> Meetings: **D219/471** Toem Phal WRI, A33, 35, EN 01154809 [“Planning meetings [with commune committees] were held at the [Kirivong] district office [...] [The commune committees of] Kampeaeng, Kouk Prech, Ream Andaeuk, Angk Prasat, Prey Rumdeng, Prey Ampok, Preah Bat Choan Chum, Saom and Ta Ou [attended the planning meetings].”], A37, EN 01154810 [“Sometimes they occurred once every fortnight or every week or every ten days.”], A43, 45-46, EN 01154811 [“They spoke about the issue of tracking the enemy. [...] We were ordered to report enemies to the [Kirivong] district echelon. [...] All meetings that addressed the enemy were attended by all members of the [Kirivong] district committee.”], A49, EN 01154812 [“They all [members of the Kirivong District Committee] spoke about all issues, including the enemy [at these meetings].”], A60, EN 01154813 [“Yes, the [Kirivong District Committee at] the meeting[s] mentioned killings: ‘As long as they are the enemy, they must be killed.’ Arrestees were never seen at all again.”]; **D219/406** You Phnom WRI, A175-186, EN 01139572-73 [“Q: Did Ta Tith talk about internal security issues [at meetings]? A175: Yes, he did. He talked about the ‘Yuong’ Khmer. [...] Q: As for looking for their [those deemed ‘Yuong enemies’] networks, did Ta Tith mention anything [about] that [during meetings]? A179: They [the Khmer Rouge] collected information from networks at the village and commune level and reported to the district. The district reported to the province. The province reported to the Centre. Q: Did the order to have those networks come directly from Ta Tith? A180: That was an upper-level plan. [...] Q: During the meetings, did he [Yim Tith] talk about embedded persons? A184: He said the Vietnamese had their agents embedded inside Khmer Rouge ranks. [...] Q: Did he [Yim Tith] say that the people had to help watch and track them [those deemed ‘Yuong enemies’] down? A186: [Yim Tith said to] [m]onitor to find [embedded Vietnamese] and report to the upper level.”], A195, EN 01139574 [“Q: Who attended the meetings? A195: The commune and district committees, village chiefs, ordinary people, the male and female youth.”]; **D118/305** Top Phan WRI, A59, EN 01045525; **D219/521** Tim (Toeb) Phy WRI, A39-41, 48, EN 01167994-95; **D219/189** Soeum Chhoeun WRI, A19, EN 01079817; **D219/358** Luon Mol WRI, A58, EN 01116348. *See also* **D219/488** Moeng Vet WRI, A40-47, EN 01170587-88. Written Instructions: **D219/471** Toem Phal WRI, A45, EN 01154811 [“We were ordered to report enemies to the [Kirivong] district echelon. Then, the district echelon would send a letter telling stating what to do with the enemies.”]; **D219/358** Luon Mol WRI, A31, EN 01116346 [“In general, the letters from the communes to the districts were about the arrests of people. When the letters sent from the districts to the communes they would be about asking for consideration and decision to take action whether someone had to be killed. For example, if a commune person made a report about who was an enemy and at that time, a district could response back after finding that he was really the enemy. The accused person then had to be killed.”]. *See also* **D118/302** Pann Sarou WRI, A87-91, EN 01045481-82.

<sup>626</sup> **D219/471** Toem Phal WRI, A134-136, EN 01154823-24 [“Q: [...] You were told to trace wrongdoers and report to the district echelon and they were arrested [...] To make this clear, who collected information on the Khmer Krom wrongdoers in Kouk Prech Commune? A134: Ta Pas and Ta Sarou [members of the Kouk Prech Commune Committee] [...] A135: [...] [T]hey both worked as militiamen to locate Khmer Krom who committed acts they considered enemy acts. [...] A136: [After they collected information, they] sent it to the [Kirivong] district echelon.”]; **D105/5** Ork Chan WRI, A40-43, EN 00803445 [“For the Khmer Rouge’s political part, they had contacts with the commune for arresting the Khmer Krom group. For the district’s party, they contacted the commune and then sent the Khmer Krom to this detention centre [Wat Pratheath]. Q: Do you mean that Ta Tit was in the [Kirivong] district’s committee at that time, did you? A41: Yes. Q: And he contacted the commune echelon, didn’t he? A42: Yes. Q: Was this the way of their contact for arresting the Khmer Krom? A43: Yes.”].

Wat Pratheat.<sup>627</sup> Members of the Kirivong District Committee visited Wat Pratheat to conduct inspections<sup>628</sup> and to relay orders on executions and release.<sup>629</sup> The Kirivong District Committee also summoned the prison chief, Ta Pring, for meetings.<sup>630</sup>

#### iv. CRIMES

##### Imprisonment

196. Detainees at Wat Pratheat were arrested from communes throughout Kirivong District.<sup>631</sup> The Kirivong District Committee's arrest orders were carried out by district and

<sup>627</sup> **D219/471** Toem Phal WRI, A9, EN 01154805, A15-16, EN 01154806 ["Q: After the [Kirivong] district echelon received a report on bad persons, what would the district echelon do? What orders did the commune echelon receive from the district echelon? A16: Sometimes the district echelon sent the commune echelon a letter to arrest people. Sometimes the district-level military came to arrest people directly."]; **D118/302** Pann Sarou WRI, A87, 89-90, EN 01045481-82. *See also* **D219/488** Moeng Vet WRI, A121, EN 01170596.

<sup>628</sup> **D118/22** Tun Soun WRI, A16-17, EN 00976607 ["Generally, only Ta Tit, or Ta Tom or Yeay Bau, came to inspect the prisoners after prisoners had been arrested and sent to Voat Preah Thiet Pagoda."]; **D219/346** Tun Soun WRI, A48-50, EN 01116113; **D118/112** Ven Nat WRI, A13, 43-44, EN 00970420-21, 27-28; **D219/248** Ven Nat WRI, A146, EN 01095775; **D219/86** Dok Chann WRI, A8-9, 12, EN 01056874-75; **D219/87** Dok Chann WRI, A16, EN 01056884; **D219/189** Soeum Chhoeun WRI, A22, EN 01079818; **D219/108** You Phnom WRI, A8, EN 01076892-93; **D219/369** Ork Chan WRI, A86-88, 90-92, EN 01128260, A107, EN 01128261 ["[Yim Tith] checked the prisoners in each room"]; **D219/406** You Phnom WRI, A166-167, EN 01139571; **D118/155** Hor Yan WRI, A49, EN 00978593; **D219/118** WRIA, Account of Dok Chann, EN 01046483. *See contra* **D219/189** Soeum Chhoeun WRI, A12, EN 01079816; **D219/121** Loem Ngen WRI, A20, EN 01057797.

<sup>629</sup> **D219/369** Ork Chan WRI, A101-102, EN 01128261 ["Q: Who issued the orders to kill the [Wat Pratheat] prisoners? A101: The [Kirivong] district committee members, such as Ta Tom, did. [...] A102: [...] Ta Tom ordered the prison chief to kill people"], A103-109, EN 01128261; **D118/156** Ork Chan WRI, A59-60, EN 00980472 ["The prison chief could execute the prisoners only when he received orders from above. [...] Someone from the district delivered the kill orders to the prison chief."]; **D105/6** Hor Yan WRI, A22-23, EN 00841978 ["I saw [Yim Tith] come here [to Wat Pratheat] about more than 10 times because it was in the phase of mass killings. [...] Ta Tit came here to lay out plans, and [the killings] began one week later."]; **D219/248** Ven Nat WRI, A146, EN 01095775; **D219/110** Tun Soun WRI, A4, EN 01076896-97. *See also* **D105/5** Ork Chan WRI, A55, EN 00803446; **D219/346** Tun Soun WRI, A63, EN 01116114.

<sup>630</sup> **D219/86** Dok Chann WRI, A9, EN 01056874 ["Most of the time [Yim Tith and Yeay Khoeun] called Pring to meet with them at their place."]; **D219/121** Loem Ngen WRI, A20, EN 01057797 ["Ta Pring went back and forth between the security office and the district office."]; **D219/87** Dok Chann WRI, A11, EN 01056882; **D219/189** Soeum Chhoeun WRI, A12, EN 01079816; **D219/488** Moeng Vet WRI, A127-129, EN 01170596-97.

<sup>631</sup> **D118/302** Pann Sarou WRI, A93, EN 01045482 ["Arrestees from any place in this district were sent to Wat Preah Theat Pagoda."]; **D118/48** Heng Prel WRI, A35, EN 00938192 ["The commune messengers told me [...] that any persons who were arrested would be sent to the center of Wat Preah Theat Pagoda Dei Dom."]; **D219/55** Hor Yan WRI, A43, EN 01053839-40 ["Prisoners were brought in [to Wat Pratheat] from various communes in Kiri Vong District."]; **D105/5** Ork Chan WRI, A25, EN 00803443; **D219/121** Loem Ngen WRI, A24, EN 01057798-99; **D219/189** Soeum Chhoeun WRI, A14, EN 01079816; **D118/147.1.43** KRT Research Project Report, EN 00527166. For evidence that arrestees from outside the district were also brought to Wat Pratheat, *see* **D219/346** Tun Soun WRI, A10-13, 16, EN 01116110.



commune militias,<sup>632</sup> Wat Pratheat staff,<sup>633</sup> commune secretaries, and village chiefs.<sup>634</sup> Wat Pratheat staff Pring, Chann, Born, and Prim also served as chiefs of district and commune militias.<sup>635</sup> Arrests were often made under false pretences: people called to attend “meetings” were instead taken to Wat Pratheat and detained and/or killed there.<sup>636</sup>

197. On one occasion in 1976, a group of about 70 Khmer Krom members of the “White Scarves” – an anti-communist group supported by the US described as a liberation movement of Kampuchea Krom – crossed from Vietnam seeking a meeting with Khieu Samphan.<sup>637</sup> Having been persuaded to disarm for a “feast” at Ream Andaeuk Commune, they were arrested and taken to Wat Pratheat.<sup>638</sup>
198. People detained at Wat Pratheat also included former Lon Nol soldiers and their

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<sup>632</sup> **D219/471** Toem Phal WRI, A17-18, EN 01154807 [“Q: When a letter to arrest people had been sent to the commune [by the Kirivong District Committee], who executed it, or arrested the people? A17: The commune secretary, and the commune militia. [...] A18: Soldiers who dodged the battlefield were arrested by the [Kirivong] district military. Wrongdoers in the commune were arrested by the commune militia.”], A138, EN 01154824 [“After they [the commune] received an order from the [Kirivong] district echelon, the people were arrested.”]; **D118/305** Top Phan WRI, A60, EN 01045525 [“The commune militia received the orders [from Kirivong District Committee members on arrests] and arrested the people.”], A112, EN 01045532; **D219/316** Mao Ngov WRI, A15, 19, EN 01111987; **D219/346** Tun Soun WRI, A8, EN 01116110; **D118/23** Toem Phal WRI, A37-41, EN 00967021; **D219/488** Moeng Vet WRI, A131, EN 01170597; **D219/358** Luon Mol WRI, A33, EN 01116346; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066932.

<sup>633</sup> **D118/156** Ork Chan WRI, A3-5, EN 00980466 [“[Dok Chann] worked in Voat Preah Theat Pagoda Prison, and his duty was to arrest people [...] Chan arrested people and brought them to Voat Preah Theat Pagoda Prison.”]; **D219/369** Ork Chan WRI, A98, EN 01128260.

<sup>634</sup> **D118/33** Am Kun WRI, A24, EN 00911434 [“The persons who came down to arrest people were the commune secretary or village chief.”].

<sup>635</sup> **D219/521** Tim (Toeb) Phy WRI, A87, EN 01168000 [“[T]he person in charge of the [Kirivong District] militia was Born.”]; **D118/22** Tun Soun WRI, A30, EN 00976609 [“The militia chiefs were none other than Ta Born, Ta Prim and Ta Pring.”]; **D118/305** Top Phan WRI, A118, EN 01045532 [“Born and Chan were militia chiefs.”].

<sup>636</sup> **D219/98** Mam Suo WRI, A40, EN 01077063 [“They just told my parents and brothers to go to a meeting at Wat Preah Theat Pagoda [...] After that, they never returned.”].

<sup>637</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678495-96.

<sup>638</sup> **D118/22** Tun Soun WRI, A28-29, 31, EN 00976608-09 [“There were 67 people killed; they probably belonged to the White Scarf group. [...] [The Khmer Krom] were promised to be provided with food before they were escorted to see KHIEU Samphan. However, before food was cooked for them in an enclosed brick house, the Khmer Rouge had collected their guns and put the guns somewhere else [...] I knew that the White Scarf people went to Voat Preah Thiet Pagoda.”]; **D105/5** Ork Chan WRI, A44, 46, EN 00803445 [“The commune chief was the organizer, arranging a feast for them before those Khmer Krom people were arrested and sent to Wat Pratheat. 4 to 10 people were arrested at a time. [...] The way they [the Khmer Krom] were arrested was that there was a concrete house where a feast would be organized; their weapons were left outside, and the arrest took place right away at night.”]; **D219/369** Ork Chan WRI, A121-126, 130, EN 01128262; **D105/6** Hor Yan WRI, A85-87, EN 00841985; **D219/55** Hor Yan WRI, A45, EN 01053840; **D118/302** Pann Sarou WRI, A111, EN 01045485; **D118/33** Am Kun WRI, A40, EN 00911436. See also **D118/147.1.43** KRT Research Project Report, EN 00527167.

families,<sup>639</sup> “17 April people”,<sup>640</sup> and relatives of those who were already under arrest or had escaped to Vietnam.<sup>641</sup> Others were arrested because they were accused of: stealing food;<sup>642</sup> being traitors;<sup>643</sup> being spies;<sup>644</sup> encouraging others to flee to Vietnam;<sup>645</sup> not completing assigned tasks as directed,<sup>646</sup> or other minor infractions, such as breaking dishes,<sup>647</sup> travelling without a permit,<sup>648</sup> or complaining about the lack of food.<sup>649</sup> Some were brought to Wat Pratheath without being informed of any reason for their arrest or detention.<sup>650</sup>

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- <sup>639</sup> **D118/112** Ven Nat WRI, A6, EN 00970419 [“Q: What kinds of prisoners were detained with you? A6: [...] They arrested people arbitrarily, especially people who had been involved in the former government [such as] officials.”]; **D219/98** Mam Suo WRI, A35, 39-40, 44, EN 01077062-64; **D123/2/1.22a** Tim Phy DC-Cam Statement, EN 01334133; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066927. *See also* **D118/147.1.43** KRT Research Project Report, EN 00527166-67.
- <sup>640</sup> **D105/6** Hor Yan WRI, A61, EN 00841982 [“Some [prisoners] were city workers.”]; **D118/155** Hor Yan WRI, A90, EN 00978598 [“My younger brother worked for a commercial aviation company, and the villagers knew that my younger brother used to work for a commercial aviation company. So they reported him, and he was arrested immediately.”]; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217671.
- <sup>641</sup> **D105/6** Hor Yan WRI, A61, EN 00841982 [“Some [prisoners] were there due to their connection to their brothers and sisters under arrest.”]; A64, EN 00841982 [“Q: Of what were you accused? [...] [B]ecause my younger brother-in-law worked in aviation and was arrested here, I was also arrested the following night.”]; **D118/155** Hor Yan WRI, A90, EN 00978598; **D118/112** Ven Nat WRI, A35, EN 00970426 [“[Female prisoners] were arrested because their husbands had escaped to Vietnam.”]; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641, 71.
- <sup>642</sup> **D118/112** Ven Nat WRI, A6, EN 00970419; **D219/248** Ven Nat WRI, A74, EN 01095769; **D219/316** Mao Ngov WRI, A11-12, EN 01111987; **D219/121** Loem Ngen WRI, A24, EN 01057798; **D105/6** Hor Yan WRI, A61, EN 00841982; **D118/155** Hor Yan WRI, A89, EN 00978598; **D219/189** Soeum Chhoeun WRI, A36, EN 01079820-21; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641, 69, 71-72; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066937, 57. *See also* **D118/147.1.43** KRT Research Project Report, EN 00527166.
- <sup>643</sup> **D219/121** Loem Ngen WRI, A16, 24, EN 01057796, 98. *See also* **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217669, 73.
- <sup>644</sup> **D219/346** Tun Soun WRI, A14, EN 01116110.
- <sup>645</sup> **D219/248** Ven Nat WRI, A8, EN 01095763 [“I was accused of initiating and encouraging people to flee to Vietnam.”]; **D118/112** Ven Nat WRI, A2, EN 00970416-18; **D105/5** Ork Chan WRI, A70-71, EN 00803448 [“I was [...] accused of attempting to lead women to flee for Vietnam. [...] I was arrested and taken to Wat Pratheath.”].
- <sup>646</sup> **D118/112** Ven Nat WRI, A35, EN 00970426 [“[Female prisoners] were arrested [...] because they worked too slowly.”].
- <sup>647</sup> **D118/112** Ven Nat WRI, A6, EN 00970419 [“Q: What kinds of prisoners were detained with you? A6: Those prisoners who had just committed small mistakes such as breaking a dish [...] and so on.”]; A35, EN 00970426 [“[Female prisoners] were arrested [...] because they [...] broke dishes.”]; **D219/248** Ven Nat WRI, A74, EN 01095769.
- <sup>648</sup> **D118/48** Heng Prel WRI, A8, EN 00938189 [“If there were people from other districts traveling through this district [Krivong District] without a travel permission letter, we had to arrest them and sent them to the district center.”]; **D219/121** Loem Ngen WRI, A16, EN 01057796.
- <sup>649</sup> **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217671. *See generally* **D118/147.1.43** KRT Research Project Report, EN 00527166.
- <sup>650</sup> **D118/155** Hor Yan WRI, A89, EN 00978598 [“[S]ome others [detainees at Wat Pratheath] had done nothing; still, they were sent to be jailed there [at Wat Pratheath].”].

199. Men, women,<sup>651</sup> and children<sup>652</sup> were imprisoned at Wat Pratheat. Women and children were generally detained separately from men,<sup>653</sup> except when the prison was overcrowded.<sup>654</sup> Prisoners were either detained in the monks' dining hall or, if they were being "reeducated", in other buildings within the Wat Pratheat compound.<sup>655</sup> Prisoners were shackled<sup>656</sup> and characterised as serious or minor "offenders".<sup>657</sup> Serious "offences" included being a "17 April person" or being affiliated with the Lon Nol regime.<sup>658</sup> Stealing food and encouraging people to flee to Vietnam were deemed minor

<sup>651</sup> **D118/112** Ven Nat WRI, A34, EN 00970426 ["Q: Were there any female prisoners detained [at Wat Pratheat]? A34: Yes there were, including women, children and old-aged women."]; **D219/248** Ven Nat WRI, A193-194, EN 01095778; **D118/22** Tun Soun WRI, A13, EN 00976606 ["I knew that there were both male and female prisoners [at Wat Pratheat]."]; **D219/346** Tun Soun WRI, A66, EN 01116114; **D219/87** Dok Chann WRI, A5, EN 01056881; **D105/6** Hor Yan WRI, A47, 60, EN 00841981-82; **D118/155** Hor Yan WRI, A111-112, EN 00978601; **D219/326** Hor Yan WRI, A5, EN 01112034-35; **D219/121** Loem Ngen WRI, A24, EN 01057798; **D219/189** Soeum Chhoeun WRI, A38, EN 01079821; **D118/156** Ork Chan WRI, A33, EN 00980469; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641. *See also* **D219/55** Hor Yan WRI, A33-34, EN 01053837.

<sup>652</sup> **D219/189** Soeum Chhoeun WRI, A38, EN 01079821 ["There were [...] children [at Wat Pratheat] too."]; **D219/121** Loem Ngen WRI, A24, EN 01057798 ["[C]hildren were among the prisoners."]; **D219/316** Mao Ngov WRI, A75-76, EN 01111990; **D118/112** Ven Nat WRI, A34-35, EN 00970426; **D219/248** Ven Nat WRI, A194, EN 01095778; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217671.

<sup>653</sup> **D118/156** Ork Chan WRI, A33, EN 00980469 ["The detention site had three cells – one for female prisoners and two for male prisoners."]; **D118/112** Ven Nat WRI, A34, EN 00970426 ["There was a room for detaining boys, girls and women and other cells for male prisoners."]; **D219/248** Ven Nat WRI, A193-194, EN 01095778 ["Q: Were they [female prisoners] put in the same place with the male prisoners? A194: No, they weren't. They were shack[l]ed in the different long iron bars. Female prisoners were shackled in the same long iron bar with children."]; **D105/6** Hor Yan WRI, A52, EN 00841981 ["Women and men were put in separate places, and they were all shackled."]; A56, EN 00841981.

<sup>654</sup> **D105/6** Hor Yan WRI, A58, EN 00841982 ["At some time, when there were too many prisoners, the males would also be blended with the females."].

<sup>655</sup> **D219/121** Loem Ngen WRI, A23, EN 01057798 ["The prisoners they let to work outside had to stay in the kitchen/dining hall."]; **D118/156** Ork Chan WRI, A28, EN 00980469 ["Q: When they had you refashion yourself for two weeks, where did they have you stay? A28: They had me spread a mat on the ground inside Voat Preah Theat Pagoda compound."]; A29, EN 00980469; **D219/316** Mao Ngov WRI, A128-133, EN 01111993-94 ["I was moved to another room [...] in another building [...] inside the [Wat Pratheat] prison premises [...] [not in the staff building, but in yet] another building."]; **D118/155** Hor Yan WRI, A43-44, EN 00978592 ["I was right there in Wat Preah Theat Pagoda Prison. [...] I was ordered to sleep under a tree"]; **D219/326** Hor Yan WRI, A10, EN 01112035; **D219/248** Ven Nat WRI, A55-58, 79-80, EN 01095768, 70; **D219/189** Soeum Chhoeun WRI, A40-41, EN 01079821. *See also* **D118/22** Tun Soun WRI, A12-15, EN 00976606-07.

<sup>656</sup> *See generally* **D118/156** Ork Chan WRI, A33, EN 00980469 ["When they brought prisoners into the prison, they put them in leg shackles"]; **D219/189** Soeum Chhoeun WRI, A41, EN 01079821 ["Those prisoners [in the monk's dining hall] were permanently shackled."]; **D219/346** Tun Soun WRI, A24, EN 01116111 ["There were hundreds of prisoners there [at Wat Pratheat] with their legs shackled. I saw the Khmer Rouge shackling prisoners' legs, inserting an iron bar through holes along a long iron bar. They released those prisoners at meal times; however, when they took those prisoners out, their hands were cuffed."].

<sup>657</sup> **D219/87** Dok Chann WRI, A12, EN 01056882 ["Yes. There were serious and minor offense prisoners."]; **D219/121** Loem Ngen WRI, A24, EN 01057799 ["There were petty crime prisoners and serious crime prisoners."].

<sup>658</sup> **D219/87** Dok Chann WRI, A12, EN 01056882-83 ["[T]he serious crime prisoners were those who had tendencies related to the previous regime. [...] I did not know much about the serious crime prisoners, because most of them were evacuees and 17 April people."].

“offences”.<sup>659</sup> Those accused of minor “offences” were first kept at the monks’ dining hall with other prisoners and then designated for “reeducation”,<sup>660</sup> with fewer restrictions placed upon them thereafter.<sup>661</sup> Some witnesses referred to this process as being “released”,<sup>662</sup> but prisoners being “reeducated” at Wat Pratheath continued to be unlawfully imprisoned at the site and forced to labour.<sup>663</sup>

200. Wat Pratheath often held up to 200 detainees.<sup>664</sup> The length of detention varied, with some prisoners held for mere days while others were held up to a year.<sup>665</sup> The number of

<sup>659</sup> **D219/87** Dok Chann WRI, A12, EN 01056882-83 [“For example, the minor crime prisoners were those who had stolen food supplies”]; **D219/316** Mao Ngov WRI, A82, EN 01111991 [“Minor offenses included stealing potatoes, etc.”]; **D105/5** Ork Chan WRI, A70, EN 00803448 [“I was then accused of attempting to lead women to flee for Vietnam.”], A87, EN 00803450 [“I was a prisoner with minor offences.”].

<sup>660</sup> **D219/248** Ven Nat WRI, A3-4, EN 01095762; **D118/112** Ven Nat WRI, A17, EN 00970421; **D219/87** Dok Chann WRI, A2-4, EN 01056880-81; **D219/316** Mao Ngov WRI, A128-129, 144, EN 01111993-94; **D118/156** Ork Chan WRI, A24, EN 00980468; **D118/155** Hor Yan WRI, A91, EN 00978598; **D219/121** Loem Ngen WRI, A26-27, EN 01057799; **D5/1638** Khath Rin CPA, EN 01190545.

<sup>661</sup> **D219/87** Dok Chann WRI, A4, EN 01056881; **D219/316** Mao Ngov WRI, A128-129, 135-136, EN 01111993-94; **D219/248** Ven Nat WRI, A4, 196-198, EN 01095762, 78; **D219/346** Tun Soun WRI, A24, 39, EN 01116111-12; **D219/189** Soeum Chhoeun WRI, A41, EN 01079821; **D118/156** Ork Chan WRI, A33, EN 00980469; **D219/109** You Phnom WRI, A9-10, EN 01081739-40. *See also* **D118/147.1.43** KRT Research Project Report, EN 00527166; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641, 69.

<sup>662</sup> *See, e.g.* **D219/248** Ven Nat WRI, A55, EN 01095768; **D118/112** Ven Nat WRI, A17-18, EN 00970421-22; **D219/86** Dok Chann WRI, A13, EN 01056875-76; **D219/87** Dok Chann WRI, A2-4, EN 01056880-81.

<sup>663</sup> **D219/248** Ven Nat WRI, A58, EN 01095768 [“We [prisoners being “re-educated”] could walk only inside the prison compound.”], A81, EN 01095770 [“Q: Were Ta Pet, Ta Ni and Ngonh [prisoners at Wat Pratheath who were being “re-educated”] shackled? A81: No, they weren’t. But they would be killed if they moved from the worksite.”], A214-218, EN 01095779 [“Q: Did you ever try to escape [from Wat Pratheath]? A214: No, I didn’t. I was afraid to. [...] A215: If I escaped, they would have killed me. [...] Q: Did anyone escape? A216: No, they didn’t. Q: When you were assigned to do something, could you refuse? A217: No, I couldn’t. Q: Why could you not refuse? A218: If I had refused, I would have [been] taken to be killed.”]; **D118/156** Ork Chan WRI, A33, 35-36, EN 00980469-70; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641, 69.

<sup>664</sup> **D219/346** Tun Soun WRI, A24, EN 01116111 [“When you were detained in that prison [Wat Pratheath] for four days, did you see shackled prisoners there? A24: There were hundreds of prisoners there with their legs shackled.”], A72, EN 01116114-15 [“It is hard to estimate. There were around 100 or 200 prisoners [at Wat Pratheath].”]; **D105/6** Hor Yan WRI, A31, EN 00841979 [“When the prison had filled up with prisoners, 50 to 100 or even 150 of them would be taken away to be killed at a time.”], A58, EN 00841982 [“[The prisoners] were put in two queues. Each of them consisted of 100 prisoners, thus making a total of about 200.”]; **D118/155** Hor Yan WRI, A70, 80, EN 00978595-97; **D219/55** Hor Yan WRI, A6, EN 01053830 [“That prison [Wat Pratheath] was full of prisoners. [...] [T]here were about 100 to 200 prisoners.”]; **D219/316** Mao Ngov WRI, A30-31, EN 01111988 [“When I arrived there, the prison was full of prisoners. [...] [T]here were many prisoners in the prison.”], A71, EN 01111990 [“The place was full of prisoners.”]; **D219/248** Ven Nat WRI, A84, EN 01095770 [“Between four and five days, the long iron bars were full especially in late 1977 when many prisoners were brought in.”]; **D118/112** Ven Nat WRI, A2, EN 00970416-18; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217669. *See also* **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217641, 69-70.

<sup>665</sup> **D219/55** Hor Yan WRI, A32, EN 01053837 [“He [Sao] was imprisoned at Wat Preah Theat Pagoda Prison for only two or three days.”], A45, EN 01053840 [“[Khmer Krom] were shackled at Wat Preah Theat Pagoda two or three days before they were taken to be killed”]; **D219/326** Hor Yan WRI, A5-6, EN 01112034-35; **D118/22** Tun Soun WRI, A12, EN 00976606; **D219/110** Tun Soun WRI, A2, EN 01076896; **D219/121** Loem Ngen WRI, A24, EN 01057799 [“Some prisoners were detained there for only one week, but some were detained a long time.”]; **D219/316** Mao Ngov WRI, A47, EN 01111989 [“I was detained

detainees at Wat Pratheath varied.<sup>666</sup> When the prison population fell, new detainees were swiftly brought in in groups of four to 20.<sup>667</sup> Ven Nat, a former detainee at Wat Pratheath, recalled that prisoners who were taken away were promptly replaced with new prisoners the very next day.<sup>668</sup> This practice was confirmed by former detainee Mao Ngov, who stated that the “replacement” of prisoners was a daily occurrence<sup>669</sup> and that “many”

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[at Wat Pratheath] for a year.”], A190-192, EN 01111997; **D105/5** Ork Chan WRI, A72, EN 00803448 [“Q: How long were you detained at the pagoda? A72: For about three months.”]; **D118/156** Ork Chan WRI, A24, EN 00980468; **D118/112** Ven Nat WRI, A15, 17, EN 00970421 [“A15: I was in that prison [Wat Pratheath] for one year, but I was shackled in a cell without sunlight for only 3 months. [...] A17: I was sent to [Wat Pratheath] prison in early 1977 and was released in late 1977. After being detained in the gathering hall for 3 months, they released me and ordered me to work on the compound of the same Preah Theat Pagoda.”]; **D219/248** Ven Nat WRI, A4, EN 01095762 [“In total I was detained at Wat Preah Theat Pagoda for 12 months.”]; **D105/6** Hor Yan WRI, A66, EN 00841982 [“I was in detention for eight months”]; **D118/155** Hor Yan WRI, A12, EN 00978588 [“I was in prison in 1973 for about eight months.”]. *See also* **D105/6** Hor Yan WRI, A85, 89, EN 00841985.

<sup>666</sup> **D219/248** Ven Nat WRI, A82, 84, EN 01095770 [“Q: When you were detained there for nine months, how many prisoners were there? And how many prisoners were taken to be killed? A82: I estimate that there were fewer than a thousand prisoners from the moment I was detained. [...] When the long iron bar could not be used to shackle more prisoners, because they were full of them, they would take some to be killed. I cannot estimate and say how many prisoners were detained and killed there. [...] A84: Between four and five days, the long iron bars were full especially in late 1977 when many prisoners were brought in.”], A92-95, 98, EN 01095771 [“Q: How many prisoners were there at that time? A92: There were a lot. The number of the prisoners was different from when I was detained in the cell. Q: When you were in the re-education place of the prison compound for nine months, there were more prisoners than when you were detained inside the prison cell. Is this correct? A93: Yes, it is. Q: When you were detained inside the prison cell for three months, was there any time when the cell was full of prisoners? A94: Yes, there was. [...] A95: There were about 30 to 40 prisoners. [...] A98: There were about 30 to 40 prisoners [shackled and attached to each iron bar].”]; **D219/316** Mao Ngov WRI, A84-85, 131, EN 01111991, 93-94; **D105/6** Hor Yan WRI, A69, EN 00841983; **D219/189** Soeum Chhoeun WRI, A15, EN 01079816 [“Q: How many detainees came at a time? And were there any changes to those detainees? A15: I do not know the number of detainees. I just brought them food and then returned. However, sometimes there were about 20 detainees and sometimes there were about 10 detainees.”], A34, EN 01079820 [“Sometimes, there were a few prisoners, and sometimes there were many prisoners in the [Wat Pratheath] Security Office.”]; **D105/5** Ork Chan WRI, A77, EN 00803448 [“Q: When they brought you there, how many prisoners were there? A77: About 30 to 40.”]; **D219/86** Dok Chann WRI, A3, 13, EN 01056873, 75-76; **D219/87** Dok Chann WRI, A5, EN 01056881; **D219/121** Loem Ngen WRI, A22, EN 01057798; **D118/111** Ly Chhuon WRI, A20, EN 00970410 [Worked in close proximity to Wat Pratheath between 1975 and 1979: “Q: How many prisoners did you see at Preah Theat pagoda? A20: I saw strings of prisoners being brought to be killed and each string was tied around five peoples. I saw around 30 people being brought to be killed on the right front side of the pagoda.”]; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066932.

<sup>667</sup> **D105/5** Ork Chan WRI, A74, EN 00803448 [“Q: How many prisoners were there alongside you there? A74: [...] [A]t a time 4 to 10 to 20 people would be brought in, and after they were all killed, others would be brought in and kept there.”]; **D105/6** Hor Yan WRI, A57, EN 00841982 [“There were about 10 to 20 new arrivals [to Wat Pratheath] each night.”]; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217670, 72. *See also* **D219/248** Ven Nat WRI, A84, EN 01095770.

<sup>668</sup> **D118/112** Ven Nat WRI, A5, EN 00970419 [“Sometimes [prisoners] [...] were taken out [of Wat Pratheath]. The next day, new prisoners [were brought] in.”], A14, EN 00970421 [“The prisoners were taken out [of Wat Pratheath] at night, and [more] taken in during the day time continuously.”].

<sup>669</sup> **D219/316** Mao Ngov WRI, A71-73, EN 01111990 [“Always, at 2000 [hours], the Khmer Rouge would bring in prisoners and, at the same time, they would also take out prisoners. [...] Some, but not all of them [existing prisoners], were taken out [when new prisoners arrived]. [...] [New prisoners] were brought in and taken out every single day.”].

prisoners were brought in.<sup>670</sup> Another former detainee, Hor Yan, similarly noted that new prisoners were brought to Wat Pratheat every night.<sup>671</sup>

### Other Inhumane Acts (Inhumane Treatment)

201. Prisoners at Wat Pratheat lived in a climate of fear, under constant threat of torture and execution.<sup>672</sup> Those detained in the monks' dining hall were continuously shackled by their legs, which some survivors described as painful and leaving them permanently scarred.<sup>673</sup> Former detainee Mao Ngov detailed overcrowding in the cells, with insufficient space for prisoners to sleep.<sup>674</sup> He stated that detainees were required to use the same coconut shell for eating, drinking, and relieving themselves.<sup>675</sup> Prisoners were not provided with medicine<sup>676</sup> or adequate food.<sup>677</sup> Doors and windows in the monks' dining hall were locked, limiting light and ventilation.<sup>678</sup> Prisoners became ill or

<sup>670</sup> **D219/316** Mao Ngov WRI, A24, EN 01111987 ["There were four people including me [being taken to Wat Pratheat]. [...] After my arrival at the prison, many more people were brought in."].

<sup>671</sup> **D105/6** Hor Yan WRI, A57, EN 00841982 ["There were about 10 to 20 new arrivals [to Wat Pratheat] each night."].

<sup>672</sup> **D219/316** Mao Ngov WRI, A62-64, EN 01111990 ["Prisoners were not allowed to talk to each other [on the orders of] [...] [t]he prison chiefs. [...] If we had talked, it would have been noisy, and we would have been surely taken out to be killed."], A68, EN 01111990; **D118/155** Hor Yan WRI, A87, EN 00978597 ["[When being "reeducated"] I was not allowed to say anything or I would certainly be beaten to death."]; **D118/112** Ven Nat WRI, A18, EN 00970421-22 ["Before I was released, around 30 prisoners had been killed. At that time, they said they [the prisoners] had been sent back to their Cooperatives. After killing them, the interrogator came back and called my name. I was very scared and almost could not speak up"].

<sup>673</sup> **D118/112** Ven Nat WRI, A3, EN 00970418 ["Because my ankles were bigger than the shackles, they pushed the shackle bar iron on scraping my ankles, resulting in bleeding and leaving scars until now."]; **D219/248** Ven Nat WRI, A34, 82-83, 196, EN 01095766, 70, 78; **D219/87** Dok Chann WRI, A3-4, EN 01056881; **D219/86** Dok Chann WRI, A13, EN 01056875; **D219/189** Soeum Chhoeun WRI, A41, EN 01079821; **D219/55** Hor Yan WRI, A6, EN 01053830; **D118/156** Ork Chan WRI, A9, 33, EN 00980467, 69; **D219/346** Tun Soun WRI, A24, EN 01116110; **D219/326** Hor Yan WRI, A48, EN 01112038; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669, 72. For evidence that prisoners' hands were also shackled, see **D219/346** Tun Soun WRI, A24, EN 01116111; **D219/109** You Phnom WRI, A9, EN 01081739; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217641; **D118/147.1.43** KRT Research Project Report, EN 00527166; **D219/316** Mao Ngov WRI, A25, EN 01111987 ["First I was shackled [upon arrival at Wat Pratheat]. As you can see! Here are the scars on my ankles due to abuse."].

<sup>674</sup> **D219/316** Mao Ngov WRI, A33, EN 01111988.

<sup>675</sup> **D219/316** Mao Ngov WRI, A59-61, EN 01111989.

<sup>676</sup> **D219/189** Soeum Chhoeun WRI, A16, EN 01079816 ["Q: What were the living conditions of the detainees in the [Wat Pratheat] Security Office? A16: The conditions were bad [...] There was no medicine for the patients."]; **D219/121** Loem Ngen WRI, A21, EN 01057798 ["Some prisoners got sick and died of [...] lack of medicine."].

<sup>677</sup> **D219/86** Dok Chann WRI, A11, 13, EN 01056875 ["The prisoners' food rations were one can of rice per two prisoners, twice per day. [...] The prisoners were very thin because they were not provided enough to eat."]; **D219/189** Soeum Chhoeun WRI, A16, EN 01079816 ["Q: What were the living conditions of the detainees in the [Wat Pratheat] Security Office? A16: The conditions were bad; they ate only porridge. [...] They did not eat enough food."]; **D105/6** Hor Yan WRI, A48-49, EN 00841981 ["Prisoners [...] were deprived of food."]; **D219/121** Loem Ngen WRI, A21, EN 01057798; **D219/316** Mao Ngov WRI, A59-61, 105, EN 01111989, 92; **D105/5** Ork Chan WRI, A78, EN 00803449; **D118/112** Ven Nat WRI, A52, EN 00970428-29; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217673.

<sup>678</sup> **D118/155** Hor Yan WRI, A68-69, EN 00978595 ["Q: You said that the place at which you were detained [the former monks' dining hall] had no windows, so how could you see what happened outside? A68: No,

emaciated due to the conditions in the monks' dining hall,<sup>679</sup> and some died of their ailments.<sup>680</sup>

202. Detainees undergoing “reeducation” were freed from the leg shackles, at least during the daytime,<sup>681</sup> and forced to work outside the prison compound.<sup>682</sup> Some of these detainees were forced to lead others to execution sites to be killed<sup>683</sup> or were ordered to bury

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<sup>679</sup> I could not see anything happening outside. Q: Was there any light? A69: No, there wasn't.”]; **D105/6** Hor Yan WRI, A67, EN 00841983 [“I was in [Wat Pratheath] prison without any ventilation systems. [...] The prisoners who had been in detention for just two months suffered myocardial infarction, unable even to stand up.”]; **D219/87** Dok Chann WRI, A15, EN 01056884 [“The building for detaining the prisoners [...] had been converted from a monks' dining hall. The wooden windows and two wooden doors were locked day and night. Those doors were only unlocked when they brought food to the prisoners.”].

<sup>679</sup> **D219/189** Soeum Chhoeun WRI, A16, EN 01079816; **D105/6** Hor Yan WRI, A66-67, EN 00841982-83 [“I was in detention for eight months; my hair all fell out. [...] The prisoners who had been in detention for just two months suffered myocardial infarction, unable even to stand up.”]; **D118/155** Hor Yan WRI, A53, EN 00978593 [“At that time [when the witness was sent for “reeducation”] I was too sick to go anywhere”]; **D219/326** Hor Yan WRI, A48, EN 01112038 [“[When detained at Wat Pratheath] I lost all my hair. I could not walk.”]; **D118/112** Ven Nat WRI, A25, EN 00970424 [“I was sick [so] many times due to the experience of detention in [Wat Pratheath] prison.”]; **D219/248** Ven Nat WRI, A38, EN 01095766; **D1.3.10.21** Henri Locard Report, *Nireded Region*, EN 00217673; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681.

<sup>680</sup> **D219/189** Soeum Chhoeun WRI, A16, EN 01079816 [“The conditions were bad [...] I could not tell the number of dead people because I did not know whether they died of starvation or disease. There was no medicine for the patients.”]; **D219/121** Loem Ngen WRI, A21, EN 01057798 [“Some prisoners got sick and died of starvation and lack of medicine.”]; A32, EN 01057800 [“When I arrived, I saw graves nearby. However, they told me that the dead had died of disease.”]; **D118/112** Ven Nat WRI, A52, EN 00970428-29; **D1.3.10.21** Henri Locard Report, *Nireded Region*, EN 00217672, 73.

<sup>681</sup> **D118/112** Ven Nat WRI, A17-18, EN 00970421-22 [“After being detained in the gathering hall for 3 months, they released me and ordered me to work on the compound of the same Preah Theat Pagoda [...] They said I could take my ankle [shackles] off.”]; **D219/248** Ven Nat WRI, A79, EN 01095770, A196-198, EN 01095778; **D219/316** Mao Ngov WRI, A128, EN 01111993 [“After nine months, I was moved to another room. In the new cell, I was not shackled. They opened its door during the daytime and closed it during the night.”]; A135-136, EN 01111994; **D219/346** Tun Soun WRI, A38, EN 01116112 [“All the prisoners [at Wat Pratheath] were shackled; however, when they were taken out of the detention building they were not shackled.”]; **D1.3.10.21** Henri Locard Report, *Nireded Region*, EN 00217671, 73.

<sup>682</sup> **D219/121** Loem Ngen WRI, A25, EN 01057799 [“Q: Could you explain to us what ‘re-education’ means? A25: They kept the prisoners in that security office [Wat Pratheath], and then they send them outside to help work the rice fields. After the state of the prisoners was seen to improve, they were sent back to their bases.”]; **D219/87** Dok Chann WRI, A4, EN 01056881 [“After being released, those prisoners were made to live with my team for a while before being sent back to their cooperatives. As for the released prisoners that came to work with me, we had them grow vegetables and cook rice for other prisoners who were locked in the [Wat Pratheath] Detention Office.”]; **D219/55** Hor Yan WRI, A27, EN 01053836; **D219/316** Mao Ngov WRI, A144-145, EN 01111994; **D219/109** You Phnom WRI, A11, EN 01081740; **D118/112** Ven Nat WRI, A17, EN 00970421; **D219/248** Ven Nat WRI, A40, 196-198, EN 01095766, 78; **D219/189** Soeum Chhoeun WRI, A40, EN 01079821. *See also* **D1.3.10.21** Henri Locard Report, *Nireded Region*, EN 00217641, 71.

<sup>683</sup> **D118/112** Ven Nat WRI, A30, EN 00970425 [“Sometimes, they even assigned me to take the prisoners [from Wat Pratheath] who were to be killed to the pits 5 or 6 times.”]; A61, EN 00970430 [“I was assigned to take four prisoners. When we arrived at the pit, they ordered the tied-up prisoners whose faces had not been covered to sit at the edge of the pit and drop their legs into it [...] When all the 30 prisoners were around the edge of the pit, Chhim handed me a cart axle [with which to kill those prisoners], but I said I did not dare do it. I saw the prisoners being killed by having their throats cut, and I saw blood all over. I dared not look at it, and I turned my back and took the hoe to dig earth to fill in the pit.”].

corpses.<sup>684</sup>

### Torture and Other Inhumane Acts (Rape)

203. Members of the Kirivong District Committee, including **Yim Tith**, ordered interrogations of prisoners at Wat Pratheat.<sup>685</sup> **Yim Tith** personally participated in interrogations. Tun Soun, who was temporarily imprisoned at Wat Pratheat, said that she personally witnessed **Yim Tith** interrogating prisoners on two occasions in 1976: “I saw Ta Tith interrogate a prisoner twice. The first time, he interrogated a prisoner with Yeay Bau, and the second time, he interrogated a prisoner by himself.”<sup>686</sup>
204. Interrogations occurred in open areas and under trees outside detention buildings at Wat

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<sup>684</sup> **D118/112** Ven Nat WRI, A26, EN 00970424 [“During that killing night [at Wat Pratheat], I was assigned to [stand] guard about 150 meters from the prison. The next morning, they ordered me to collect and bury the dead bodies. [...] [Chhim] assigned me and LI Phon [another prisoner] to carry the dead bodies to be buried.”], A30, EN 00970425 [“When the Vietnamese arrived, I was assigned to bury 30 dead bodies [of prisoners at Wat Pratheat].”], *confirmed in* **D219/248** Ven Nat WRI, A52-55, 63, EN 01095767-68; **D118/111** Ly Chhuon WRI, A25, EN 00970411 [“[Wat Pratheat staff] would either bury them [bodies of executed prisoners] or ask the prisoners to do it.”].

<sup>685</sup> **D219/346** Tun Soun WRI, A26, EN 01116111 [“After Ta Tith, Ta Tom and Yeay Bo arrived [at Wat Pratheat], they ordered Born, Pring, Sokh, Nol and Khem to take the prisoners from the detention building to be interrogated. I saw them interrogating these prisoners. [...] I saw Ta Tom coming to interrogate prisoners twice. On the first occasion, Ta Tom and Yeay Bo [...] ordered Born, Prim and Pring to take the prisoners out to be interrogated. On the second occasion, [...] [Khieu Tom] called the prisoners to be interrogated like what he did on the first occasion.”], A47-51, EN 01116113 [“Every time I saw Tith, Bo and Tom visiting the prison, I noticed that the prisoners were walked out to be interrogated, and some prisoners disappeared. [...] During the four days when I was there [at Wat Pratheat], I saw him [Yim Tith] twice. [...] On the first occasion, I saw Bo and Tith. On the second occasion, I saw only Tith.”]; **D118/156** Ork Chan WRI, A65, EN 00980473 [“Q: How did you know that he was Ta Tit? A65: Because he used to work in Kirivong District, and I also used to work in Kirivong District.”], A68-69, EN 00980473 [“After Ta Tit left [Wat Pratheat], they took the prisoners for interrogation.”].

<sup>686</sup> **D118/22** Tun Soun WRI, A16-17, EN 00976607 [“I [heard] militiamen and Ta Tit interrogating the prisoners. [...] [This was probably] at the end of 1975 or early 1976.”]; **D219/110** Tun Soun WRI, A3-4, 6-7, EN 01076896-98 [“I saw Ta Tith interrogate a prisoner twice. The first time, he interrogated a prisoner with Yeay Bau, and the second time, he interrogated a prisoner by himself. [...] I saw Ta Tith and Yeay Bau call a prisoner out of detention to beneath a nearby monastery, and then I saw them stand and talk with that prisoner. [...] [The second time, Yim Tith] told Born to bring him the prisoner. I could not hear in detail when he spoke with the prisoner. I could only hear some of it. He asked the prisoner, ‘Where are you from? How many people are there in your group? Why did you want to escape? Where did you escape to?’ [...] [The second interrogation] happened in late 1976.”]; **D219/346** Tun Soun WRI, A54-62, EN 01116113-14 [“On the first occasion, Ta Tith came with his messengers. Then a prisoner was taken out, and he interrogated the prisoner. [...] I heard Ta Tith asking these questions: ‘How many of you are there? Where do you come from?’ [...] [Yim Tith interrogated the prisoners] under a monk’s monastery [...] in late 1975 or early 1976. [...] Many prisoners were interrogated [when Yim Tith conducted interrogations] [...] Around six to eight prisoners were interrogated.”].



Pratheat.<sup>687</sup> Each interrogation lasted about half an hour.<sup>688</sup> Detainees were interrogated about offences that they had allegedly committed,<sup>689</sup> the identities of others who had supposedly committed “offences”,<sup>690</sup> and whether they wished to return to their cooperatives.<sup>691</sup> Detainees were told they would be released if they confessed to having committed the “offences” alleged.<sup>692</sup> Interrogation methods included beatings,<sup>693</sup>

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- <sup>687</sup> **D3/22.3** Wat Pratheat Site Identification Report, Annex: OCP Diagram of Wat Pratheat, EN 00223054; **D219/189** Soeum Chhoeun WRI, A35, EN 01079820 [“The interrogations were conducted outside in front of the detention building.”]; **D219/121** Loem Ngen WRI, A31, EN 01057800 [“The interrogations were always held under the mango tree near the place they stayed [the monks’ dining hall or the kitchen/dining hall].”]; **D118/112** Ven Nat WRI, A8, EN 00970419 [“Prisoners there were taken out one by one to be interrogated under a tamarind tree southwest of the [Wat Pratheat] pagoda.”]; **D219/248** Ven Nat WRI, A11, EN 01095763; **D105/5** Ork Chan WRI, A85, EN 00803449; **D219/316** Mao Ngov WRI, A97, EN 01111992; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669.
- <sup>688</sup> **D219/316** Mao Ngov WRI, A96, EN 01111992 [“Each interrogation session lasted about half an hour.”]; **D219/248** Ven Nat WRI, A31, EN 01095765 [“Q: You said that you were interrogated and beaten. How long were you exposed to the interrogation and beating each day? A31: It was about half an hour per day.”].
- <sup>689</sup> **D219/189** Soeum Chhoeun WRI, A35-36, EN 01079820-21 [“[Interrogators at Wat Pratheat] asked questions based on the charges against the detainees. [...] [Detainees] were accused of being the enemy.”]; **D118/112** Ven Nat WRI, A11, EN 00970419 [“They asked me if I had encouraged people to escape to Vietnam. [...] Then they asked me if I had been involved with the people who had stolen the guns to be buried at the foot of the mountain.”]; **D219/316** Mao Ngov WRI, A94, EN 01111991 [“Q: You said that you were interrogated. What did the Khmer Rouge ask you? A94: They said that if I confessed that I had taken 50 sacks of rice, they would release me.”]; **D219/369** Ork Chan WRI, A95, EN 01128260. *See also* **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669, 72.
- <sup>690</sup> **D219/248** Ven Nat WRI, A33, EN 01095765 [“Q: Other prisoners were taken to be killed. Why were you released? A33: Prisoners who were taken to be killed might have given the names of other people to the interrogators.”]; **D118/112** Ven Nat WRI, A6, EN 00970419 [“When they beat me to interrogate [me] for answers, they asked who I was involved with [...] They said, if I wanted to go back [to the witness’s cooperative], I had to tell them the names of the people with whom I was involved.”].
- <sup>691</sup> **D219/248** Ven Nat WRI, A34, EN 01095766 [“They asked the prisoners [under interrogation at Wat Pratheat] to see if they would like to return to the cooperative.”], A87, EN 01095770 [“As I said earlier, they [interrogators at Wat Pratheat] asked if anyone of us wanted to go back to the cooperative.”].
- <sup>692</sup> **D219/316** Mao Ngov WRI, A94, EN 01111991 [“Q: You said that you were interrogated. What did the Khmer Rouge ask you? A94: They said that if I confessed that I had taken 50 sacks of rice, they would release me.”]; **D118/112** Ven Nat WRI, A6, EN 00970419 [“When they beat me to interrogate [me] for answers, they asked who I was involved with. [...] They said, if I wanted to go back [to the witness’s cooperative], I had to tell them the names of the people with whom I was involved.”].
- <sup>693</sup> **D219/189** Soeum Chhoeun WRI, A35, EN 01079820 [“When the detainees did not answer [questions asked in interrogations at Wat Pratheat], they beat them and forced them to answer.”]; **D219/87** Dok Chann WRI, A12, EN 01056882-83 [“Mistreatment did occur. For example, serious crime prisoners were sometimes beaten. [...] I was about ten metres away from where Pring was interrogating the prisoners. I could not hear what Pring was saying to them, but sometimes I saw Pring slap or kick them.”]; **D105/5** Ork Chan WRI, A79, EN 00803449 [“When they took me out of [Wat Pratheat] prison, they interrogated me, and when my response was not what they wanted, they beat me”]; **D219/316** Mao Ngov WRI, A13, 102-104, EN 01111987, 92; **D118/112** Ven Nat WRI, A6-7, EN 00970419; **D219/248** Ven Nat WRI, A126, EN 01095773; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217672. *See also* **D219/121** Loem Ngen WRI, A31, EN 01057800.

suffocation with plastic bags,<sup>694</sup> forcing detainees to swallow large amounts of salt,<sup>695</sup> and threats with weapons.<sup>696</sup> The mistreatment of prisoners during interrogations sometimes resulted in permanent injury or death.<sup>697</sup>

205. The results of interrogations were written and sent to the Kirivong District Committee.<sup>698</sup> Detainees were often executed after interrogation.<sup>699</sup> For example, witnesses Ork Chan and Hor Yan detailed how the group of approximately 70 Khmer Krom members of the “White Scarves” were interrogated and subsequently executed at Wat Pratheat.<sup>700</sup>

<sup>694</sup> **D105/5** Ork Chan WRI, A86, EN 00803449 [“When we did not respond [to interrogation], they would use a plastic pouch to cover our face, and if we [still] did not respond, they would keep covering our face until we suffocated.”]; **D219/316** Mao Ngov WRI, A94, EN 01111991 [“They cover[ed] my head with a plastic bag and questioned me [at Wat Pratheat].”], A99-101, EN 01111992; **D118/112** Ven Nat WRI, A7, EN 00970419 [“[Wat Pratheat staff] used plastic bags to suffocate me two times, once for 2 minutes.”], A11, EN 00970420; **D219/248** Ven Nat WRI, A26, EN 01095765; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669, 72.

<sup>695</sup> **D118/112** Ven Nat WRI, A52, EN 00970428-29 [“The [Wat Pratheat] prisoners who were tortured were forced to swallow 1 kilogram of salt. I saw it with my own eyes. I also used to be forced to swallow it. Forcing [you] to swallow salt was a torture method in their interrogation. Two prisoners nearby were also forced to swallow 1 kilogram of salt each.”].

<sup>696</sup> **D219/316** Mao Ngov WRI, A98, EN 01111992 [“Pring and Chhin [...] pointed their guns at me while interrogating me.”].

<sup>697</sup> **D118/112** Ven Nat WRI, A52, EN 00970428-29 [“Forcing [you] to swallow salt was a torture method in their interrogation. Two prisoners nearby were also forced to swallow 1 kilogram of salt each, and that night, after asking me for water to drink, they suddenly died.”]; **D105/6** Hor Yan WRI, A69, EN 00841983 [“[O]ne of them [prisoners at Wat Pratheat at the same time as the witness] has died from excessive bleeding.”]; **D219/316** Mao Ngov WRI, A21, EN 01111987; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217672. See generally **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681. See also **D219/111** Mao Chhorn WRI, A30-36, EN 01076906-07.

<sup>698</sup> **D219/189** Soeum Chhoeun WRI, A35, EN 01079820 [“Pring and Chhim interrogated the prisoners [at Wat Pratheat]. They asked questions and recorded the answers and then reported to the [Kirivong] district.”]; **D219/369** Ork Chan WRI, A96, EN 01128260 [“[Pring] reported [the witness’s answers from interrogation] to the top. The prisoners’ answers would be checked and decided upon to see who should be released.”]; **D219/248** Ven Nat WRI, A12, 23-26, EN 01095763-65; **D118/112** Ven Nat WRI, A8, EN 00970419 [“In that prison [Wat Pratheat], there was a person named DUK Chan, who was in charge of recording the interrogations.”], A9, 11, EN 00970419-20; **D219/121** Loem Ngen WRI, A31, EN 01057800; **D219/316** Mao Ngov WRI, A99, EN 01111992; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669, 72.

<sup>699</sup> See, e.g. **D118/156** Ork Chan WRI, A68-69, EN 00980473 [“[T]hey took the prisoners for interrogation; later they took those prisoners to be killed. [...] I knew that prisoners were taken for execution after interrogation because I was also in the prison. So I would know that.”]; **D105/5** Ork Chan WRI, A28, 34, EN 00803443-44; **D219/369** Ork Chan WRI, A127, EN 01128262; **D118/112** Ven Nat WRI, A30, EN 00970425 [“The women whose husbands had escaped to Vietnam were interrogated, and, later, all those women, including pregnant ones, were killed by being thrust with spears. I saw that killing with my own eyes before the Vietnamese tanks arrived.”]; **D219/248** Ven Nat WRI, A128, EN 01095773 [“After [...] interrogation, they [prisoners at Wat Pratheat] were killed.”]; **D1.3.10.21** Henri Locard Report, *Niredey Region*, EN 00217669; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681-82.

<sup>700</sup> **D105/5** Ork Chan WRI, A29-31, EN 00803443-44 [“Q: What happened when they took the Khmer Krom group to be detained at Wat Pratheat? A29: They took them to interrogate, after then they took them away to be killed. Q: Do you remember the number of the Khmer Krom people? A30: Seventy.”]; **D219/369** Ork Chan WRI, A123-133, EN 01128262 [“Q: How many Khmer Krom soldiers were detained [at Wat Pratheat]? A123: There were seventy people. [...] A127: They [Khmer Krom] were detained for about a week. Then they were interrogated. Finally they were taken to be killed.”]; **D105/6** Hor Yan WRI, A85, EN 00841985, A108, EN 00841987 [“Q: Did you learn of the list of Khmer Krom people for execution?

206. While some detainees did not see sexual violence take place,<sup>701</sup> and Wat Pratheath staff denied that it occurred,<sup>702</sup> witness Hor Yan stated that, during his detention, female detainees told him that they were victims of sexual violence and rape perpetrated by Wat Pratheath staff.<sup>703</sup> He noted the rape victims subsequently “disappeared”.<sup>704</sup> Hor Yan also described detainees’ abdomens being cut open while they were still alive, to remove gallbladders.<sup>705</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

207. Detainees were executed at Wat Pratheath from at least 1976.<sup>706</sup> Killings occurred on a massive scale, with witnesses describing between eight and 150 detainees being executed

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A108: I learned that a Vietnamese interpreter was taken to this prison [Wat Pratheath] to interrogate the Khmer Krom. 10 days later Khmer Krom prisoners were taken away to be killed”].

<sup>701</sup> **D219/248** Ven Nat WRI, A189-190, 196-201, EN 01095777-78; **D118/112** Ven Nat WRI, A36-37, EN 00970426; **D105/5** Ork Chan WRI, A103, EN 00803451; **D219/346** Tun Soun WRI, A68, EN 01116114; **D118/303** Ly Chhuon WRI, A54, EN 01045499.

<sup>702</sup> **D219/189** Soeum Chhoeun WRI, A43, EN 01079820; **D219/87** Dok Chann WRI, A8, EN 01056881. *See also* **D118/112** Ven Nat WRI, A37, EN 00970426.

<sup>703</sup> **D105/6** Hor Yan WRI, A70-75, EN 00841983 [“Q: Were female prisoners [at Wat Pratheath] maltreated or raped? A70: Pretty ones were kept to be raped.”], A82-83, EN 00841984 [“A83: Once arrived here, pretty female prisoners were not put in prison because the guards kept them for their sexual desire. To avoid detention, they ended up accepting the rape without counteraction.”]; **D219/326** Hor Yan WRI, A5, 7-8, EN 01112034-35 [“A5: the cadres kept aside twelve pretty women to rape. [...] Q: When did it [the rapes of female prisoners at Wat Pratheath] happen? Did you know that when you were detained there, or did you find out about it later? A7: I found out about it after I was released from the prison [sent for “reeducation”]. I heard this story from other female prisoners who shared the story with their peers. Q: Where did that happen? A8: I heard them talking under a tamarind tree. I had meal with them and talked to them.”], A9-13, EN 01112035; **D118/155** Hor Yan WRI, A97, 99-100, 107-108, 111-112, EN 00978599-601; **D219/55** Hor Yan WRI, A27-28, EN 01053836.

<sup>704</sup> **D118/155** Hor Yan WRI, A102-104, EN 00978600 [“Only two or three of them [female prisoners raped at Wat Pratheath] did not get pregnant, but all of them were collected and taken to be killed”]; **D219/55** Hor Yan WRI, A34, EN 01053837-38 [“I did not know how they took those women to be killed because they took them away at night. I just saw those women taken away by the prison guards who had been their lovers, except for Pring, who stood guard at the prison. About two hours later, those prison guards returned, but the women did not return. I did not hear them say anything either. I did not see those women again, and I also did not know where those women’s corpses were.”]; **D219/326** Hor Yan WRI, A14, EN 01112035.

<sup>705</sup> **D219/55** Hor Yan WRI, A5, EN 01053830 [“[Yim Tith and Ta Nam] just said, ‘Since we have a lot of enemies, today we will cut open 30.’ Sometimes they took five, 10 or 15 people [prisoners at Wat Pratheath] to have their stomachs sliced open to get their gallbladders.”], A8, EN 01053830; **D118/155** Hor Yan WRI, A30-33, EN 00978590-91 [“Q: When they sliced open the prisoners’ abdomens [at Wat Pratheath] to get the gallbladders, were the prisoners already dead, or were they still alive? A30: The prisoners were still alive, not yet dead. [...] A33: [...] Some prisoners died while they were being cut open”]; **D105/6** Hor Yan WRI, A13, EN 00841977 [“When the prison [Wat Pratheath] filled up, Ta Tit came to give an order to kill the prisoners. Pits were then dug up to dump them after their gallbladders were cut off.”]; **D219/326** Hor Yan WRI, A32, EN 01112036.

<sup>706</sup> *See, e.g.* **D219/55** Hor Yan WRI, A45, EN 01053840 [“[I]n 1976, 67 White Scarves were [...] brought to and held at Wat Preah Theat Pagoda before they were taken to be killed”]; **D219/121** Loem Ngen WRI, A40, EN 01057803 [“After I arrived at Wat Preah Theat Security Office, I heard from various persons that 60 former Kampuchea Krom soldiers had come up to help us Cambodians and had disappeared forever.”].

at a time.<sup>707</sup> This happened as often as once or twice a week.<sup>708</sup> Those executed included Khmer Krom;<sup>709</sup> “17 April people”;<sup>710</sup> those with perceived connections to Vietnam;<sup>711</sup> women (including pregnant women) and children;<sup>712</sup> and detainees who attempted to escape Wat Pratheath.<sup>713</sup> Some detainees were executed soon after their arrival, without interrogation.<sup>714</sup> Others were selected for interrogation and executed thereafter.<sup>715</sup>

<sup>707</sup> **D105/6** Hor Yan WRI, A31-34, EN 00841979 [“Q: How many prisoners were killed at a time? A31: When the prison had filled up with prisoners, 50 to 100 or even 150 of them would be taken away to be killed at a time. Q: Within one night? A32: Yes. Q: How were the killings of 150 prisoners organized at a time? A33: Ten, 20, or 30 commune militiamen and guards here were collected for killing them. Q: So, do you mean that 150 prisoners were killed at a time? A34: Yes. The number of the prisoners to be killed went according to plan.”]; **D118/156** Ork Chan WRI, A30, EN 00980469 [“Q: Did you see that [the killings of 30 detainees from Wat Pratheath at a time] first hand? A30: Yes, I saw that with my own eyes.”]; **D118/111** Ly Chhuon WRI, A20, EN 00970410 [“I saw around 30 people being brought to be killed on the right front side of the pagoda.”], A24, EN 00970411; **D219/248** Ven Nat WRI, A82-84, EN 01095770, A85, 87, EN 01095770 [“They did not take all of the prisoners at once. Sometimes, they took eight, and nine and ten prisoners out on any given day. [...] They took about ten to 20 prisoners each time. Those prisoners must have been killed.”].

<sup>708</sup> **D118/303** Ly Chhuon WRI, A67-68, EN 01045500 [“I often saw it [killings of prisoners from Wat Pratheath]: one or two times a week; but I dared not go close to the killing site.”]; **D105/6** Hor Yan WRI, A30, EN 00841979 [“Q: How often did you see that [prisoners being taken away to be killed]? A30: It was countless.”], A31, EN 00841979.

<sup>709</sup> **D219/369** Ork Chan WRI, A123-133, EN 01128262; **D105/5** Ork Chan WRI, A28, 34, EN 00803443-44; **D105/6** Hor Yan WRI, A84-85, 108-109, EN 00841984-87; **D219/55** Hor Yan WRI, A45, EN 01053840; **D219/248** Ven Nat WRI, A151-152, EN 01095775; **D219/121** Loem Ngen WRI, A40, EN 01057803; **D219/247** Ou Dav WRI, A48, EN 01093020-21.

<sup>710</sup> **D118/155** Hor Yan WRI, A61-62, EN 0097859.

<sup>711</sup> **D118/112** Ven Nat WRI, A30, EN 00970425 [“The women whose husbands had escaped to Vietnam were interrogated, and, later, all those women, including pregnant ones, were killed by being thrust with spears. I saw that killing with my own eyes before the Vietnamese tanks arrived.”], A35, EN 00970426 [“Those female prisoners [at Wat Pratheath who had been arrested because their husbands escaped to Vietnam] were taken to be killed.”]; **D219/248** Ven Nat WRI, A188, EN 01095777 [“A female prisoner whose husband escaped to Vietnam, who was six months pregnant was taken to be killed.”].

<sup>712</sup> **D118/112** Ven Nat WRI, A30, EN 00970425 [“When I arrived [at Wat Pratheath], I heard the militiamen talking about killing women and children. [...] [A]ll those women, including pregnant ones, were killed by being thrust with spears. I saw that killing with my own eyes before the Vietnamese tanks arrived.”], A35, EN 00970426 [“They [female prisoners] were arrested [and detained at Wat Pratheath] because their husbands had escaped to Vietnam or because they worked too slowly or broke dishes. Those female prisoners were taken to be killed. [...] The children who escaped from work were also arrested, imprisoned there [at Wat Pratheath] and killed afterwards.”]; **D219/248** Ven Nat WRI, A188, EN 01095777 [“[A]nother old woman, Yeay Touch, was also taken [from Wat Pratheath] to be killed.”]; **D219/326** Hor Yan WRI, A14, EN 01112035 [“Q: You said the twelve pretty women were taken to be killed. Is that correct? A14: Yes, it is. When a woman became pregnant and about to deliver the baby, she would be taken to be killed because the Khmer Rouge were afraid that their conduct would be known to others.”], A26-27, EN 01112036 [“I knew that when the women became pregnant and about to go into labour they were taken away and killed so that others did not find out about it. [...] Perhaps they were afraid that the upper level would discover their misconducts. For this reason, they killed the twelve women.”]. *See contra* **D118/303** Ly Chhuon WRI, A69, EN 01045500 [“All the victims [of killings] I saw were men; there were no women or children.”].

<sup>713</sup> **D219/87** Dok Chann WRI, A13, EN 01056883; **D118/156** Ork Chan WRI, A33, 36, EN 00980469-70; **D105/6** Hor Yan WRI, A87, EN 00841985; **D118/22** Tun Soun WRI, A31, EN 00976609. *See contra* **D219/111** Mao Chhorn WRI, A38, EN 01076907.

<sup>714</sup> **D118/112** Ven Nat WRI, A14, EN 00970421 [“Some prisoners were killed without interrogation.”]; **D219/248** Ven Nat WRI, A28, EN 01095765.

<sup>715</sup> *See, e.g.* **D118/156** Ork Chan WRI, A68-69, EN 00980473 [“[T]hey took the prisoners for interrogation; later they took those prisoners to be killed.”]; **D105/5** Ork Chan WRI, A28, EN 00803443 [“[The Khmer

Detainees who expressed a desire to return to their cooperatives or accused others of committing “offences” in the course of their interrogations were killed.<sup>716</sup> Detainees were also executed because the prison was too full.<sup>717</sup>

208. Killings were conducted by Wat Pratheat staff<sup>718</sup> and members of the district and commune militias.<sup>719</sup> The Kirivong District Committee issued execution orders to the Wat Pratheat staff.<sup>720</sup> **Yim Tith** was seen by witness Ork Chan selecting prisoners for interrogation and execution in 1977.<sup>721</sup> Witness Hor Yan also detailed how **Yim Tith** gave orders for prisoners to be killed when Wat Pratheat was filled to capacity.<sup>722</sup> According to Hor Yan, **Yim Tith** visited Wat Pratheat to set out execution plans which were fulfilled shortly thereafter.<sup>723</sup> Former detainee Tun Soun recalled that prisoners “disappeared” when **Yim Tith** or other members of the Kirivong District Committee

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Rouge then] took them to interrogate, after then they took them away to be killed.”], A34, EN 00803444 [“[The Khmer Krom] were killed – taken away to be killed only after being interrogated.”]; **D219/369** Ork Chan WRI, A127, EN 01128262; **D105/6** Hor Yan WRI, A85, 108-109, EN 00841985, 87; **D118/112** Ven Nat WRI, A30, EN 00970425 [“The women whose husbands had escaped to Vietnam were interrogated, and, later, all those women, including pregnant ones, were killed by being thrust with spears”]; **D219/248** Ven Nat WRI, A128, EN 01095773 [“After [...] interrogation, they [prisoners at Wat Pratheat] were killed.”]; **D1.3.10.21** Henri Locard Report, *Nirededy Region*, EN 00217669; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207682.

<sup>716</sup> **D219/248** Ven Nat WRI, A23-24, 33-34, 60, 87, EN 01095764-66, 68, 70; **D118/112** Ven Nat WRI, A15, 18, EN 00970421-22.

<sup>717</sup> **D219/248** Ven Nat WRI, A82, EN 01095770 [“When the long iron bar [at the detention facility in Wat Pratheat] could not be used to shackle more prisoners, because they were full of them, they would take some to be killed.”], A83-84, EN 01095770, A100, EN 01095771 [“When there were too many [prisoners], they [the Khmer Rouge] would take them to be killed.”]; **D219/346** Tun Soun WRI, A80, EN 01116115 [“Q: Do you still stand by your statement that when the prison was full, prisoners disappeared? A80: Yes, I do.”].

<sup>718</sup> **D105/6** Hor Yan WRI, A78-81, EN 00841984 [“[The other Wat Pratheat staff] called him [Chan] in only when they were killing people. [...] I had met him [Chan]. He would come only at night when people were being killed [...] Yes, he was [a killer]. [...] I saw him [Chan] dig a pit and take part in the killings [at Wat Pratheat].”]; **D118/155** Hor Yan WRI, A60, EN 00978594; **D118/111** Ly Chhuon WRI, A21-22, EN 00970410 [“The prison chief, Chhim, [escorted prisoners to be killed on the right front side of Wat Pratheat] [...] There were two or three people [besides Chhim]. Another person [who escorted prisoners to be killed] was Born, the killer.”]; **D118/112** Ven Nat WRI, A26, 30, EN 00970424-25; **D219/248** Ven Nat WRI, A52, 59, EN 01095767-68; **D219/110** Tun Soun WRI, A5, EN 01076897 [“Born used a knife with a long handle to decapitate Phun [at Wat Pratheat]. [...] Security office staff were also present at the time.”]. See also **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066935. See contra **D219/189** Soeum Chhoeun WRI, A31, EN 01079819.

<sup>719</sup> **D219/87** Dok Chann WRI, A13, EN 01056883 [“Once a prisoner broke out of the prison [Wat Pratheat] and ran away. [...] [W]e called the District Military to intervene because the Security Office staff only had two CKC rifles.”]; **D118/112** Ven Nat WRI, A12-14, EN 00970420-21 [“When there were a lot of people to be killed [at Wat Pratheat], they sent soldiers from the [Kirivong] District to help. I did not know those soldiers. They were the District militiamen.”]; **D219/189** Soeum Chhoeun WRI, A31-33, EN 01079819-20; **D105/6** Hor Yan WRI, A33, EN 00841979; **D118/303** Ly Chhuon WRI, A62-63, EN 01045500.

<sup>720</sup> **D219/55** Hor Yan WRI, A8, EN 01053830; **D219/326** Hor Yan WRI, A38, EN 01112037; **D105/5** Ork Chan WRI, A55, 95-97, EN 00803446, 50-51; **D118/156** Ork Chan WRI, A58-66, EN 00980472-73.

<sup>721</sup> **D105/5** Ork Chan WRI, A73, 93-98, EN 00803448, 50-51; **D118/156** Ork Chan WRI, A61, 68-69, EN 00980472-73.

<sup>722</sup> **D105/6** Hor Yan WRI, A12-16, EN 00841977, A22-23, 27, EN 00841978.

<sup>723</sup> **D105/6** Hor Yan WRI, A12-16, EN 00841977, A22-23, 27, EN 00841978.

visited the prison.<sup>724</sup> Other witnesses similarly described prisoners who “disappeared” and did not return.<sup>725</sup>

209. Detainees were killed within the Wat Pratheath compound<sup>726</sup> and at execution sites nearby.<sup>727</sup> Knives, clubs, bamboo stems, cart axles, and other weapons were used to

<sup>724</sup> **D219/346** Tun Soun WRI, A47-51, 63, EN 01116113-14.

<sup>725</sup> **D219/55** Hor Yan WRI, A27, EN 01053836, A34, EN 01053837-38 [“I would like to clarify that I did not know how they took those women to be killed because they took them away at night. I just saw those women taken away by the prison guards who had been their lovers, except for Pring, who stood guard at the prison. About two hours later, those prison guards returned, but the women did not return. I did not hear them say anything either. I did not see those women again, and I also did not know where those women’s corpses were.”]; **D118/155** Hor Yan WRI, A102-104, EN 00978600; **D219/326** Hor Yan WRI, A14, EN 01112035; **D219/121** Loem Ngen WRI, A40, EN 01057803. *See also* **D1.3.11.33** Nget Ngay OCP Statement, EN 00219268.

<sup>726</sup> **D219/98** Mam Suo WRI, A39-40, EN 01077063 [“Q: You stated that your parents, two older brothers, and one younger brother were killed at Wat Preah Theat Pagoda in Kouk Prech Commune. Is this correct? A39: Yes, it is.”]; **D118/155** Hor Yan WRI, A8, EN 00978587 [“Then Khmer Rouge stabbed the prisoners to death in the prison, but they could not kill them all. When I went to see that prison I saw it was full of blood.”]; **D118/303** Ly Chhuon WRI, A52, EN 01045498 [“[H]undreds of people were killed at Wat Preah Theat Pagoda.”]; **D118/44** Nget Ngay WRI, A9, EN 00920579; **D219/87** Dok Chann WRI, A1, EN 01056880; **D118/23** Toem Phal WRI, A35, EN 00967020; **D219/110** Tun Soun WRI, A4-5, EN 01076896-98; **D219/248** Ven Nat WRI, A48, EN 01095767; **D118/112** Ven Nat WRI, A26, EN 00970424. *See also* **D219/326** Hor Yan WRI, A45, EN 01112038.

<sup>727</sup> **D219/248** Ven Nat WRI, A61-62, EN 01095768 [“The first 12 prisoners were taken to be killed at a hill across a canal. It was located behind the [Wat Pratheath] prison.”], A129-136, EN 01095773-74 [“[Prisoners at Wat Pratheath] were killed at three different places including – 1) Tuol Kauk Trabaek 2) Tuol Doeurm Krasing and 3) the third place was about 100 metres from the prison cells, but still situated inside the prison compound. [...] [Toul Kauk Trabaek] was about 200 metres north of the prison. [...] [The third place identified] was located to the east of the prison, on a hill across a canal. [...] Tuol Doeurm Krasing was about 250 metres from the prison, and it was situated to the south. [...] Other places, which were far from the prison, were also used as the execution sites. Those places were situated along the foot of a mountain [...] Phnom Andaung Doeurm Khnor Mountain [...] The mountain is in Prey Cheung Village, and far west of the prison. [...] [Wat Pratheath] was approximately a kilometre [away from that mountain].”]; **D105/5** Ork Chan WRI, A80-81, EN 00803449 [“They took people away to be killed in the east and the south of the pagoda, at the rice paddies. [...] It was like when I had been released, I saw people being taken away to be killed at the rice paddies in the south of the pagoda.”], A82, EN 00803449; **D118/156** Ork Chan WRI, A31, 44-46, EN 00980469-71; **D105/6** Hor Yan WRI, A28-29, 36, EN 00841979; **D118/155** Hor Yan WRI, A115, EN 00978601; **D219/55** Hor Yan WRI, A45, EN 01053840; **D118/303** Ly Chhuon WRI, A57-60, 65, EN 01045499-500; **D118/111** Ly Chhuon WRI, A20, 24-25, EN 00970410; **D219/316** Mao Ngov WRI, A30, EN 01111988; **D219/346** Tun Soun WRI, A81, EN 01116115; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681.

execute prisoners.<sup>728</sup> Some detainees died while having their gallbladders removed,<sup>729</sup> or had their throats slit thereafter.<sup>730</sup> Others were buried alive.<sup>731</sup>

210. Victims' bodies were dumped in burial pits located at or near execution sites.<sup>732</sup> Accounts

<sup>728</sup> **D118/112** Ven Nat WRI, A26, EN 00970424 ["The last 12 prisoners were killed at the prison [Wat Pratheath] by being slashed with hooked knives."], A30, EN 00970425 ["[Some female prisoners at Wat Pratheath] including pregnant ones, were killed by being thrust with spears."]; **D219/248** Ven Nat WRI, A52, EN 01095767-68 ["They [the guards at Wat Pratheath] finished him [a prisoner] off with a knife."]; **D219/110** Tun Soun WRI, A5, EN 01076897-98 ["Born used a knife with a long handle to decapitate Phun [a prisoner at Wat Pratheath]."]; **D219/346** Tun Soun WRI, A26-29, EN 0111611 ["Born, Phim and Pring entered into a bet that each of them could cut off the head of a person named Phun in just a stroke of the machete. Born took the bet and said he could do it. Subsequently he beheaded that person as he said."]; **D105/5** Ork Chan WRI, A35, EN 00803444 ["Those killings [at Wat Pratheath] did not involve the use of weapons, but the use of clubs or bamboo sticks."]; **D118/156** Ork Chan WRI, A30, EN 00980469 ["Q: In your interview [D1.3.11.2] [...] you stated, 'They took 30 persons at a time to be killed by beating them to death with iron strips.' Did you see that first hand? A30: Yes, I saw that with my own eyes."]; **D105/6** Hor Yan WRI, A28-29, EN 00841979 ["A28: Only cart axles and bamboo stems were used to beat them [Wat Pratheath prisoners] to death."]; **D118/111** Ly Chhuon WRI, A25, EN 00970411 ["I saw the people being escorted and mercilessly killed with a cart axle."]. See also **D118/303** Ly Chhuon WRI, A66-67, EN 01045500.

<sup>729</sup> **D219/55** Hor Yan WRI, A5, EN 01053830 ["[Yim Tith and Ta Nam] just said, 'Since we have a lot of enemies, today we will cut open 30.' Sometimes they took five, 10 or 15 people to have their stomachs sliced open to get their gallbladders."], A8, EN 01053830; **D219/326** Hor Yan WRI, A32, EN 01112036 ["They took prisoners out and cut through their stomachs to remove their gallbladders. That happened at a location about 50 metres away from the prison [Wat Pratheath]."]; **D118/155** Hor Yan WRI, A30-33, EN 00978590-91; **D105/6** Hor Yan WRI, A13, EN 00841977.

<sup>730</sup> **D118/155** Hor Yan WRI, A30-33, EN 00978590-91 ["Q: When they sliced open the prisoners' abdomens [at Wat Pratheath] to get the gallbladders, were the prisoners already dead, or were they still alive? [...] A33: Some prisoners died while they were being cut open, and as for those who were not dead, their throats were slit with a knife."].

<sup>731</sup> **D118/155** Hor Yan WRI, A40, EN 00978591 ["Those [Wat Pratheath] prisoners were not butchered, but they were pushed into the pits, and rocks were dropped on them."]; **D219/55** Hor Yan WRI, A25, EN 01053835 ["They buried those [40 Wat Pratheath] prisoners alive by placing rocks pressing down on them before they buried them."].

<sup>732</sup> **D118/155** Hor Yan WRI, A37-38, EN 00978591 ["A37: The [burial] pit was southeast of Wat Preah Theat pagoda, and the pit was large."]; **D118/155.1** Hor Yan WRI, Annex: OCP Diagram of Wat Pratheath, EN 00968084 [Description of Wat Pratheath compound diagram: "Burial site to the E of the Wat Compound."]; **D219/55** Hor Yan WRI, A12, EN 01053832; **D118/112** Ven Nat WRI, A16, EN 00970421 ["At the end of 1977, during the attacks by Vietnamese tanks, large pits were dug to bury those bodies [of Wat Pratheath prisoners].", A27, EN 00970424 ["Q: Where did you bury the 12 dead bodies? A27: At the back of the canal east of the prison."], A31, EN 00970425 ["In the vicinity of the [Wat Pratheath] pagoda, there were about 30 pits."]; **D105/5** Ork Chan WRI, A83-84, EN 00803449 ["At first, they were taken out of prison. Then [...] they were taken away to a man-made pit and killed [...] It was like a square pit had been dug up [...] [the prisoners] were hit with bamboo stems and dumped into it."]; **D219/121** Loem Ngen WRI, A32, EN 01057800 ["When I arrived [at Wat Pratheath], I saw graves nearby."]; **D219/316** Mao Ngov WRI, A117, EN 01111993 ["Q: Do you know if there were any pits around the [Wat Pratheath] prison? A117: There were many of them."]; **D219/189** Soeum Chhoeun WRI, A45, EN 01079822 ["those graves were 300 to 400 metres east of the [Wat Pratheath] pagoda."]; **D118/303** Ly Chhuon WRI, A57-60, EN 01045499 ["I saw them take prisoners from Wat Preah Theat Pagoda to Tuol Kong Kao, kill them, and drop them into pits there."]; **D219/529** WRIA, Account of Ly Chhuon, EN 01151016; **D105/5** Ork Chan WRI, A83-84, EN 00803449; **D3/22** Wat Pratheath Site Identification Report, EN 00644205-06; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207682; **D1.3.10.21** Henri Locard Report, *Niredéy Region*, EN 00217670-71. See also **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066935; **D105/6** Hor Yan WRI, A40-42, EN 00841980.

of the number and size of burial pits,<sup>733</sup> as well as the number of bodies buried therein,<sup>734</sup> vary. Witnesses estimated that between 900 and 1,700 skulls were excavated from burial sites in and around Wat Pratheat.<sup>735</sup> Excavation of these areas was not complete.<sup>736</sup> Taking into account deaths from inhumane conditions<sup>737</sup> and executions, it can be conservatively estimated that at least 900 prisoners were killed at Wat Pratheat.

### Persecution

211. Persecution was committed through the crimes described above against the Khmer Krom, members of the former Lon Nol regime, and “17 April people” at Wat Pratheat. These Khmer Krom, members of the former Lon Nol regime, and “17 April people” were specifically targeted because of their actual or perceived membership of a political

<sup>733</sup> **D118/112** Ven Nat WRI, A31, EN 00970425 [“I saw many large pits [containing] a lot of dead bodies. In the vicinity of the [Wat Pratheat] pagoda, there were about 30 pits. The average pit was 1.5 meters wide and 2 meters long. The big pit was 3 meters wide, 3 meters long and 1 meter deep.”]; **D118/155** Hor Yan WRI, A37-38, EN 00978591 [“[T]he [burial] pit [near Wat Pratheat] was large [...] It was about four to five metres in dimension and it’s depth was equal to the standing height of a man.”]; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207682. *See also* **D219/189** Soeum Chhoeun WRI, A45, EN 01079822.

<sup>734</sup> **D219/248** Ven Nat WRI, A185-186, EN 01095777 [“Q: What about those who were detained at the [Wat Pratheat] security office? In which grave were their dead bodies buried? A185: They were buried in every grave, including Wat Preah Theat Pagoda. [...] A186: I don’t [know how many bones were buried in Wat Pratheat Pagoda]. There were a lot.”]; **D118/111** Ly Chhuon WRI, A18-19, EN 00970410 [“A18: A pit might consist of three, four, or as many as 30 persons. Q: How did you know there were 30 people in a pit? A19: I herded cows there. I saw people being escorted to be executed.”]; **D118/303** Ly Chhuon WRI, A9, EN 01045493 [“Q: [...] [Y]ou seemed to state that, ‘Next to Wat Preah Theat Pagoda there were gravepits: around 5,000 to 6,000 victims were killed nearby.’ Did you give that answer? A9: Yes, I did. Many victims were killed. In each grave pit there were around 80 corpses, and all were Free Khmer.”]. *See also* **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066935; **D1.3.10.21** Henri Locard Report, *Niredy Region*, EN 00217670-71; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207682.

<sup>735</sup> **D118/22** Tun Soun WRI, A33, EN 00976609 [“After 1979, the Commune Chief ordered the perpetrators, such as Ta Born, Ta Prim, Ta Chan and so on, to dig up the graves. There were around 900 skulls found there [within a hundred metres of Wat Pratheat’s fence] at that time.”]; **D219/346** Tun Soun WRI, A72-77, EN 01116114-15 [“When pits were exhumed a lot of human skulls were found. I would like to add that Ta Mok, the commune chief in 1979, ordered Ta Born, Prim and Pring to dig the pits there and he found around 800 or 900 human skulls.”]; **D105/6** Hor Yan WRI, A39, EN 00841980 [“At that time I counted 1,700 skulls, but I could not count them all, leaving more than half of them uncounted as there were too many.”]; **D118/155** Hor Yan WRI, A113-114, EN 00978601 [“I counted them [the 1,700 skulls at Wat Pratheat] in 1981. [...] [1,700 was] only the skulls that we collected from the pit. We did not count other skulls that were in the jungle.”]. *See also* **D118/44** Nget Ngay WRI, A9, EN 00920579; **D118/303** Ly Chhuon WRI, A52, EN 01045498; **D219/316** Mao Ngov WRI, A117, EN 01111993; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207681-82; **D123/2/1.18** Uong Phan DC-Cam Statement, EN 01066928.

<sup>736</sup> **D118/22** Tun Soun WRI, A33, EN 00976609 [“the Commune Chief stopped the excavation of those graves.”]; **D219/346** Tun Soun WRI, A77, EN 01116115 [“They could not exhume all of the pits [near Wat Pratheat].”]; **D118/22** Tun Soun WRI, A33, EN 00976609; **D118/112** Ven Nat WRI, A4, 31, EN 00970418, 25; **D219/248** Ven Nat WRI, A186, EN 01095777; **D105/6** Hor Yan WRI, A39, EN 00841980; **D118/155** Hor Yan WRI, A113-115, EN 00978601; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, EN 00207682.

<sup>737</sup> *See V.A.1.a.iv. Crimes – Southwest Zone – Sector 13 – Wat Pratheat Security Centre – Crimes – Other Inhumane Acts (Inhumane Treatment).*



group.<sup>738</sup>

v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

212. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Wat Pratheat Security Centre:<sup>739</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>740</sup> and the crimes against humanity of murder; extermination;<sup>741</sup> imprisonment; torture; persecution on political grounds against “17 April people”, former Lon Nol officials and their families and subordinates, Khmer Krom, and Vietnamese; and other inhumane acts (rape, inhumane treatment, and enforced disappearance).

b. WAT ANGKUN EXECUTION SITE

i. INTRODUCTION

213. Wat Angkun execution site (“Wat Angkun”) was located in Kirivong District of Sector 13 during the DK regime. The district’s youth and children’s units, which included Khmer Krom “new people” and later, in early 1978, Khmer Krom deportees from Vietnam, lived at the Wat. Some members of these units were killed or disappeared on the basis of their Khmer Krom political status or for possessing other CPK enemy traits. The area within the vicinity of the Wat also served as an execution site for Khmer Krom “new people” and deportees or unit members residing at the Wat.
214. **Yim Tith** exercised authority over Wat Angkun as deputy secretary and subsequently secretary of the Kirivong District Committee and, later, as a leading member of the Sector 13 Committee (at least by early 1978) and of the JCE. **Yim Tith** is responsible for the crimes occurring at, in the vicinity of, and arising out of Wat Angkun throughout the DK

<sup>738</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy.

<sup>739</sup> The ICP notes that in relation to this site, he seeks indictment for several crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are: persecution on political grounds against former Lon Nol regime members, other inhumane acts (rape and enforced disappearance), and the crime of genocide against the Vietnamese. The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 80-81; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 12-13.

<sup>740</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>741</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Wat Pratheat alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Wat Pratheat, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

regime.

215. The ICIJ charged **Yim Tith** with the following crimes in relation to Wat Angkun execution site: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, persecution on political and racial grounds against the Khmer Krom; grave breaches of the Geneva Conventions of 1949 (wilful killing); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>742</sup>

ii. OPERATION AND LOCATION

216. Wat Angkun was used primarily as a place to accommodate CPK youth and children's units for Kirivong District until the fall of the DK regime.<sup>743</sup> The majority of the members of these units were Khmer Krom. While some Khmer Krom were present much earlier, a large group of Khmer Krom deportees from Vietnam arrived in the district after late 1977.<sup>744</sup> The units were separated by sex, with older teenagers assigned to the frontline and younger members tasked to dig canals or undertake agricultural work in nearby fields.<sup>745</sup>

217. From at least late 1976, Khmer Krom members of work units based at Wat Angkun were

<sup>742</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068, 70, 76, 77.

<sup>743</sup> **D118/253** Kong Samnang WRI, A69, EN 01031949 ["Wat Angkunh Pagoda was a housing place for youth units."]; **D118/233** Lach Sem WRI, A126, EN 01055592 ["Young boys and girls were placed at Wat Angkunh."]; A128, EN 01055593 ["Q: Do you know anyone or any family sent to Wat Angkunh was mistreated or killed there? A128: I do not know of any, but I know that Khmer Krom children and teenagers were placed at Wat Angkunh. They did not place all of them together in one place. For example the boys were kept in the temple and the girls were kept somewhere else. All of them were assigned to work."]; **D219/482** Lach Sem WRI, A24, 36, EN 01178464 ["Q: Were all those teenagers from Vietnam like you and your younger brother? A24: Yes, they were. [...] Q: Do you know how long those teenagers remained in Angkunh Pagoda? A36: They were there until the Khmer Rouge regime collapsed. Some teenagers went back to see their families, while some of them died there [in Angkunh Pagoda]."].

<sup>744</sup> **D219/379** Lach Sambath WRI, A30, EN 01132638 ["In 1977, Khmer Krom people were evacuated from Vietnam to live in Kiri Vong District."]; A37, 41, EN 01132639 ["Q: Were the Khmer Krom people and those suspected to be Khmer Krom people taken to be killed in the termite mounds? A37: Yes, they were. [...] Q: How did you know that those who disappeared were the Khmer Krom? A41: We worked in the same unit and stayed together, sleeping in a long hall together. At times, when we had a break from work, we asked each other about our birthplace. They told me that they were Khmer Krom and I also told them I was a Khmer Krom"]; **D118/233** Lach Sem WRI, A128, EN 01055593 ["I know that Khmer Krom children and teenagers were placed at Wat Angkunh. They did not place all of them together in one place."]; **D219/482** Lach Sem WRI, A21, EN 01178464 ["Q: In your previous interview, you said that there were children and teenagers in that place (Wat Angkun). How did you know about that? A21: I knew it because my younger brother was brought to that pagoda. The teenagers who were not married yet were put in that pagoda."].

<sup>745</sup> **D118/233** Lach Sem WRI, A113, EN 01055590 ["Q: Were the people in Kampeaeng and Kouk Prech villages segregated? A113: Yes, they were. The teenage boys were put in a pioneer children's group; the teenage girls were put in another group."]; A128, EN 01055593 ["For example the boys were kept in the temple and the girls were kept somewhere else. All of them were assigned to work."]; **D219/482** Lach Sem WRI, A30, EN 01178464 ["The older teenagers were sent to the frontline and other teenagers were ordered to carry earth and grow cassavas."]; **D219/379** Lach Sambath, A23, EN 01132636 ["Youths who were ordered to dig canals stayed there."].

executed. Similarly, Khmer Krom in Kampeaeng Commune were targeted and executed from this time, including at grave sites in the vicinity of Wat Angkun.<sup>746</sup>

218. Wat Angkun was located in the middle of rice fields in Kampeaeng Commune, Kirivong District, Sector 13 of the Southwest Zone.<sup>747</sup> Wat Angkun was in a line of sight and about one kilometre away from Wat Kampeaeng,<sup>748</sup> where large groups of Khmer Krom were killed before the arrival of the Khmer Krom deportees from Vietnam.<sup>749</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

219. Wat Angkun was under the authority of the Kirivong District Committee. **Yim Tith** was a member of this committee and implemented the JCE enemy and enslavement policy in the district through orders for extrajudicial arrests and by promoting policies that exercised the powers of ownership over civilians in villages and other locations, including at Wat Angkun.
220. From at least 1975, **Yim Tith** was the Kirivong District Secretary or Deputy Secretary<sup>750</sup> and continued to hold these positions through April to May 1978<sup>751</sup> whilst he simultaneously implemented CPK polices in the Northwest Zone.<sup>752</sup> The district

<sup>746</sup> See **V.A.1.b.iv**. Crimes – Southwest Zone – Sector 13 – Wat Angkun Execution Site – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance).

<sup>747</sup> **D3/22.1** Takeo Road Network Map; **D219/379** Lach Sambath WRI, A5, EN 01132634 [“I was evacuated from Phnom Penh to Kampeng Commune, District 109.”].

<sup>748</sup> **D219/379** Lach Sambath WRI, A26, EN 01132637 [“Q: How far is it from Wat Angkunh Pagoda to Wat Kampeng Pagoda? A26: It is about a kilometer apart. Wat Kampeng Pagoda’s roof can be seen from Wat Angkunh Pagoda and vice versa.”].

<sup>749</sup> See **V.A.1.b.iv**. Crimes – Southwest Zone – Sector 13 – Wat Angkun Execution Site – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance).

<sup>750</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584.

<sup>751</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D118/44** Nget Ngay WRI, A4-5, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, 22, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584. See also **D1.3.11.48** Sieng Haom SOAS Interview, EN 00217750; **D1.3.11.56** Tun Soun OCP Statement, EN 00219282; **D118/305** Top Phan WRI, A99-101, EN 01045530; **D219/55** Hor (Hao) Yan WRI, A42, EN 01053839-40; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819; **D118/305** Top Phan WRI, A99-101, EN 01045530; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819.

<sup>752</sup> See **III.D.2**. Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Contributions to the Common Criminal Plan in the Northwest Zone.

committee communicated regularly with commune officials through district-wide meetings<sup>753</sup> and written communications.<sup>754</sup> The committee ordered commune officials to report on people who were deemed enemies and to discuss arrests. In these reports and discussions, the Khmer Krom were identified as the enemy.<sup>755</sup> The district committee sent lists of people to be arrested to the communes and the military district committees.<sup>756</sup>

221. The commune militiamen who carried out the killings in Kampeaeng Commune, including at and in the vicinity of Wat Angkun, reported directly to the district committee, which reported directly to the Sector 13 Committee.<sup>757</sup>
222. Pann Sarou, a Khmer Rouge soldier stationed in Kirivong District, saw **Yim Tith** attend meetings in Kampeaeng Commune and meetings in villages and communes in the district. These meetings were called by the district committee and were attended by military units, mobile units, and medical units.<sup>758</sup> The CPK also held meetings at Wat Angkun that were attended by people from various locations in the area, including unit chiefs.<sup>759</sup>

<sup>753</sup> **D219/471** Toem Phal WRI, A33-37, 43, 45-46, 49, 60, EN 01154809-13; **D219/358** Luon Mol WRI, A58, 96, EN 01116348, 51; **D118/21** Tim Phy WRI, A22, EN 00967011; **D219/369** Ork Chan WRI, A32, EN 01128257; **D219/66** Kung Chhom WRI, A57, EN 01053986; **D219/406** You Phnom WRI, A175-186, 195, EN 01139572-74; **D118/305** Top Phan WRI, A59, EN 01045525; **D219/521** Tim (Toeb) Phy WRI, A38-42, 48, EN 01167994-95; **D219/189** Soeum Chhoeun WRI, A19, EN 01079817. *See also* **D219/488** Moeng Vet WRI, A40-47, EN 01170587-88.

<sup>754</sup> **D219/471** Toem Phal WRI, A45, EN 01154811; **D219/358** Luon Mol WRI, A31, EN 01116346.

<sup>755</sup> **D219/471** Toem Phal WRI, A134-136, EN 01154823-24; **D105/5** Ork Chan WRI, A40-43, EN 00803445.

<sup>756</sup> **D219/471** Toem Phal WRI, A9, 15-16, EN 01154805-06; **D118/302** Pann Sarou WRI, A87, EN 01045481. *See also* **D219/488** Moeng Vet WRI, A121, EN 01170596; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217607.

<sup>757</sup> **D219/379** Lach Sambath WRI, A71-74, EN 01132642 [“Q: Do you know who killed the 17 April Khmer Krom? A71: The militiamen did. I never saw soldiers killing people. I do not know what the soldiers did. Q: Were they the commune or district militiamen? A72: They were the commune militiamen. Q: Who was in charge of the commune militiamen? A73: Ta Nheb, the commune chief, and Pal, youth unit chief, were in charge of the commune militiamen. Q: To whom did Ta Nheb report? A74: Ta Nheb reported to the district committee and the district committee reported to the sector committee. There was no telephone to use for reporting. They used messengers who rode horses to send their reports.”].

<sup>758</sup> **D118/302** Pann Sarou WRI, A36-37, EN 01045474 [“A36: I saw Ta Tith frequently in meetings in villages and communes. Q: In what commune did you attend meetings with Ta Tith? A37: Kampaeng Commune.”]; **D219/521** Tim (Toeb) Phy WRI, A38-39, EN 01167994 [“Q: Did you meet Ta Tith when you worked at the district? A38: Yes, I met him at meetings. Q: What kind of meetings? Did many people attend the meetings, or were they just personal meetings? A39: The meetings were called by the District Committee. Mobile units, medical units, and military units attended.”]; **D219/488** Moeng Vet WRI, A37, EN 01170587 [“In 1976, I saw Ta Tith sitting on the right side of the Sector Secretary during a meeting. That meant he was about to be promoted. [...] When Ta Saom was removed, Ta Tith replaced Ta Saom.”].

<sup>759</sup> **D118/233** Lach Sem WRI, A126, EN 01055592 [“I attended a meeting at Wat Angkun during the Khmer Rouge regime. At that time, they collected people from various places to attend meetings there.”]; **D219/482** Lach Sem WRI, A7, EN 01178463 [“Q: How many times did you attend meetings at Angkun Pagoda? A7: I went there twice.”].

## iv. CRIMES

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

223. In early 1976, the Khmer Krom were evacuated from Phnom Penh to Kampeaeng Commune. Lach Sambath, a Khmer Krom, reported that over a period of five days, up to three or four Khmer Krom members of his youth unit who were residing at Wat Angkun disappeared from the pagoda under the guise that they were being sent to “study”. He described how when one person was removed, district militiamen interrogated him as to the previous positions of others close to them – who then in turn were arrested and never seen again.<sup>760</sup>
224. Lach Sem further described how the militiamen threatened the unit workers residing at the Wat with being beaten to death if they refused to work.<sup>761</sup> Toem Phal, a member of the Kampeaeng Commune Committee, explained that when a person disappeared in Kampeaeng Commune, that “meant that they were taken away to be killed.”<sup>762</sup>
225. Later in 1976, the Kirivong District Committee instructed the CPK authorities at the commune level to target the Khmer Krom. As part of that policy, in Kampeaeng Commune where Wat Angkun was located, they ordered the commune chief to conduct

<sup>760</sup> **D219/379** Lach Sambath WRI, A40, EN 01132638 [“Q: How did you know that those dead bodies were the Khmer Krom people? A40: Because sometimes in one week, three or four people working with me in Wat Angkun Pagoda disappeared. When they took a person away, they asked for their detailed background, such as the previous positions of those close to that person. After that, the next person was identified and arrested and disappeared.”]. *But see* **D219/379** Lach Sambath WRI, A42, EN 01132639 [“Q: Do you think that they were arrested because they were Khmer Krom or for other reasons? A42: No, I do not think it was because we were Khmer Krom. They were arrested because they were Lon Nol soldiers, officers, university students or intellectuals.”].

<sup>761</sup> **D219/482** Lach Sem WRI, A32, 35, EN 01178464 [“Q: Could all those teenagers refuse when they [the Khmer Rouge] ordered them to do this work or that work? A32: No, they could not. [If they did], they could be beaten to death. [...] Q: When all those teenagers were ordered to work somewhere, were there any guards escorting them? A35: There were no guards but the militiamen who took them to the work place.”].

<sup>762</sup> **D219/471** Toem Phal WRI, A60, EN 01154813 [“Q: During any district-level meeting did they ever speak about the issue of taking people to be killed? A60: Yes, the meeting mentioned killings: ‘As long as they are the enemy, they must be killed.’ Arrestees were never seen at all again.”], A130-131, EN 01154823 [“Q: As for those who disappeared, did you see them return? A130: I never saw them return. Q: Do you know why they disappeared? A131: I do not know, but their disappearances meant they had been taken to be killed.”]; **D118/203** Doek Pet WRI, A80, EN 00985596 [“Q: Did you know what happened to those who disappeared? A80: When someone disappeared, they disappeared forever. For example my husband was never seen to return.”]; **D118/233** Lach Sem WRI, A127, EN 01055592 [“Q: Did you know whether people were killed at Wat Angkun? A127: Some people were killed there, but I did not know about that because when they killed people there, they did not let other people know; they kept the killings secret. Whenever they took people away to be killed, they always said that they took those people to study. They never said that they took those people out to be killed because they were afraid that we might rebel.”].

a house-to-house survey to identify Khmer Krom.<sup>763</sup>

226. The commune authorities then requested those Khmer Krom who wanted to return to Vietnam to register with the commune. The village chief told Lach Sambath's mother that they planned to kill those who registered. Some time later, the local CPK authorities invited the registered Khmer Krom to a dining hall in Ta Pov Village in Kampeaeng Commune and trucks took them away to Sla Kou Bridge in Tram Kak District, where they were executed.<sup>764</sup> The drivers of those trucks were district militiamen.<sup>765</sup>
227. This policy of targeting and killing Khmer Krom continued with the arrival of thousands of Khmer Krom deportees from Vietnam beginning in late 1977. Nheb Noem heard that these Khmer Krom were taken away and killed.<sup>766</sup> In Ang Khchau Village only a few kilometres from Wat Angkun, Sann Touch saw 10 fellow Khmer Krom deportees, aged 20 to 70, being beaten to death by local CPK militia on the orders of the commune chief because they were accused of being Vietnamese enemies<sup>767</sup> or CIA spies, or were married

<sup>763</sup> **D219/379** Lach Sambath WRI, A44, 46, EN 01132639 ["Q: You said that in 1976 the Khmer Rouge set Khmer Krom as their target. Who set that target? A44: This policy came from Angkar's upper level. I did not know who the policy came from. I only know that the policy was handed down to commune and the youth group. In 1977, I, who was a member of the 17 April people, was sent to District 105 Tram Kak District. Khmer Krom who were from Vietnam were sent to District 109 (Kiri Vong District). [...] Q: How did you know about the policy from the upper level toward the Khmer Krom? A46: The commune chief said that it was the plan from Angkar's upper level. He said anyone who had job in the old regime had to tell Angkar so Angkar could give them back their job. At that time, the commune chief told the village chief about what had been ordered by upper level of Angkar. They conducted a population census from home to home to find out who the Khmer Krom were. They said it was the plan of Angkar."].

<sup>764</sup> **D118/165** Lach Sambath WRI, A9, EN 00980254-55 ["In 1976, the Khmer Rouge announced that those who had lived in Kampuchea Krom would be allowed to return to Kampuchea Krom and Angkar would let everyone do the same to work they had done previously. My mother wanted to go to register, but the village chief felt sorry for her and told her they planned to take those people to be killed. Later on they organized a party to wait for lorries to arrive to pick those people up and those people were all taken to be killed at Sla Kou. The dining hall was in Ta Pov Village (Kampaeng Commune). I did not know this firsthand since I was in the youth unit, but my mother told me about it. Youths in my unit were also invited, and they disappeared."]; **D219/379** Lach Sambath WRI, A51, EN 01132640 ["Q: Where is Sla Kou Bridge? A51: [...] Sla Kou Bridge is along National Road 3 in Tram Kak District, Takeo Province"].

<sup>765</sup> **D219/379** Lach Sambath WRI, A30-31, EN 01132638 ["Q: You said that though some were not Khmer Krom people their names were listed as Khmer Krom people and they were taken to be killed. Who took them to be killed? A30: I saw people from the district level wearing black clothes driving A5 army trucks coming to take people to be killed in 1976. Before they took those people to be killed they killed a cow to make food for the Khmer Krom people to eat. [...] Q: Who were the people from the district? Were they the militiamen under Yeay Bo? A31: Yes, they were."].

<sup>766</sup> **D219/524** Nheb Noem WRI, A50-51, EN 01168035-36 ["A50: Khmer Rouge mobilized thousands of Khmer Krom families to Kampeaeng Village around 1977 or 1978 before the Khmer Rouge went upcountry. [...] Q: Did you know what happened to the Khmer Krom? A51: Thousands of them came with their carts. I heard that they took the Khmer Krom to be killed."].

<sup>767</sup> **D118/131** Sann Touch WRI, A32, 34-37, 40-43, EN 00970044-46 ["Q: Because you were from Kampuchea Krom when you were in Ang Khchau and Kampeaeng Villages, was there persecution or maltreatment against you? A32: Yes, there was. [...] Q: Why did you know that Ang Khau was the killing site? A34: Because other Khmer Krom people were sent to be killed there. Q: How did you know this? A35: The people who had come (to Cambodia) with me were taken to be killed, and I saw this first hand. At Ang Khchau, there was a pond which was surrounded by trees, and people were killed around that pond."].

to Vietnamese wives.<sup>768</sup>

228. Sann Touch also described witnessing the killing of many more Khmer Krom at the base of Ang Khchau Mountain in Kampeaeng Commune in 1978. While herding cows in the area, he saw the Khmer Rouge beat the Khmer Krom and then bury some alive. He further described seeing many corpses of Khmer Krom at the foot of the mountain.<sup>769</sup>
229. Mey Sokhan, a Khmer Krom who arrived in Kampeaeng Commune in May 1978 with other deportees, said that those living at Wat Angkun at that time were all Khmer Krom, including youths and children.<sup>770</sup> Kong Samnang detailed how one month before the end of the regime, his youth unit at Wat Angkun was having a lunch break and when they

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Q: Did you see how the people were killed? A36: They were beaten to death with bamboo stumps; and at Ang Kchau, people were beaten to death with Sangkae tree sticks. Q: Why were those people killed? A37: They were accused of being the Vietnamese enemy or detectives. [...] Q: Did you see the killing only one or what? A40: I saw it so many times. Q: Who killed those people? Were they soldiers? A41: I did not know them; I only knew they were the Khmer Rouge. They were militiamen, not soldiers. [...] Q: Was the killing of those people ordered by the commune chief? A42: I think if the commune chief did not issue the order, his subordinates would not dare to conduct the killings. Q: Do you mean the Kampeaeng Commune chief? A43: Yes.”].

<sup>768</sup> **D118/131** Sann Touch WRI, A37-39, EN 00970045 [A37: They were accused of being Yuon enemies, being CIA spies. Q: How old were those killed people? A38: Some were even older than me; some were 70 years old; some were 20 years old; and some were 30 years old. My friends were also killed. Bin, about 30 years old and whose wife was Vietnamese, and UK In, whose wife was also Vietnamese, were all killed because they had gotten married to Vietnamese wives. Vea [female]; Mous, about 68-69 years old who had been living next to my house in Kampeaeng; and Ken together with his wife were all slaughtered. All these people were Khmer Krom. Ken and Mous were killed at the same time next to their house. Ken had carried those people on a horse cart to be killed and later on he was murdered also. Q: You have described about the killing of 10 people, is this correct? A39: Yes, it is.”].

<sup>769</sup> **D118/131** Sann Touch WRI, A46-53, EN 00970046-47 [“Q: Did you see all of this while you were being detained? A46: Yes I did. Q: Did you happen to know that was a killing site before you were caught and detained or what? A47: I knew it even before I was caught and detained because while I was herding cattle I saw people being transported on horse carts to be killed there. Q: Was there any pagoda in the vicinity of that killing site? A48: There was none, but that killing site was at the foot of a mountain with a pond. That mountain was called Ang Kchau Mountain. Q: Besides the 10 bodies you have described, did you see any other corpses? A49: I saw many other corpses nearby the foot of the mountain. Some people were not dead yet, but they were buried alive. Q: How many corpses did you see? A50: That killing site looked like a B rocket pit. I saw bodies and clothes in that pit. There were bamboo and teak trees around that pit; and this bamboo was used to beat people to death. Q: How did you know that people were buried alive? A51: Because I saw it while I was herding cattle. I saw the Khmer Rouge beat them from behind and buried their bodies. Q: Was the killing of those people conducted at nighttime or in the daytime? A52: People were killed at nighttime more than in daytime. Q: Were the people killed all Khmer Krom or what? A53: They were all Khmer Krom people. We were accused of only two things—getting married to Vietnamese wives and being Vietnamese detectives.”].

<sup>770</sup> **D118/129** Mey Sokhan WRI, A62-66, EN 00970021 [“Q: Did you see the Khmer Krom stay in that pagoda? A61: I did not live there, but I was tending cows near there. Q: How many Khmer Krom people were placed at the pagoda? A62: I do not know. I was just tending cows near there. There were no base people living in Prasat and Angkonh villages. That’s why the only residents were Khmer Krom. Q: When they placed those people at Wat Angkonh, did all of them live there? A63: Yes, they did. Q: Were there children and women there? A64: There were youths and children. Q: For how long were the Khmer Krom kept at the pagoda before they were taken away for execution? A65: I do not know when they were taken and killed. I only smelled the stench when I was tending cows. Q: Did you hear this or were you told that the Khmer Krom were taken and killed outside the pagoda? A66: No, nobody dared not tell us, but they really were Khmer Krom.”].

were ordered to sing a revolutionary song, a 12-year-old boy “slipped” and sang a Vietnamese song. The unit chief told the unit to clap their hands for him and then ordered a militiaman to execute him immediately in front of everyone.<sup>771</sup>

230. Doek Pet said her husband was taken to Wat Angkun from Wat Kampeaeng and was imprisoned, then killed. Before he left, Doek Pet’s husband told her: “Tomorrow they will send me to Wat Angkun Pagoda, and they will kill me once I arrive there.” Doek Pet was later told that her husband had died and his body was found south of Wat Angkun.<sup>772</sup>
231. Both “17 April” Khmer Krom and Khmer Krom deportees stayed in Wat Kampeaeng, but the latter only temporarily. Before the Khmer Krom deportees arrived in early 1978, all of the “17 April” Khmer Krom in Wat Kampeaeng Commune were killed.<sup>773</sup>
232. By late 1978, the local CPK authorities in the communes in Kirivong District had planned to kill the remaining Khmer Krom. Pen Heang described being called to a meeting in Slaeng Village in Kouk Prech Commune in which they discussed inviting all of the

<sup>771</sup> **D219/450** Kong Samnang WRI, A2, EN 01148851 [“He was my unit chairman, and he ordered a militiaman to take Rou [a young boy who sang a Vietnamese song] to be killed.”], A7, EN 01148852 [“Yes, we could see the militiaman kill Rou because we were only about 50 metres away from the place where they killed him. [...] We saw a militiaman near a canal beat Rou with the back of a hoe. We saw the militiaman beat Rou with the back of the hoe on the back of the head.”]; **D118/253** Kong Samnang WRI, A[77], EN 01031950 [“Q: Do you have anything to add or any request? A: I failed to write down one fact in my statement given in my previous interview. In fact, one month before the Vietnamese invasion I stayed in Wat Angkunh Pagoda. At that time, the village chief said that I was grown up and big enough to join a unit. Later, I was sent to Wat Angkunh Pagoda. Q: What did you witness in Wat Angkunh Pagoda during your stay? A77: We would break for 30 minutes from our canal building at 12 hours midday for rice gruel lunch. During this lunch break, the Khmer Rouge ordered us to sing Revolutionary songs. Everyone sang a Revolutionary song and later the Khmer Rouge called another member called Rou and he slipped off singing a Vietnamese song. The Khmer Rouge told us to clap our hands for him after he finished that song. Immediately after that they grabbed Rou’s hands and took him out and executed him nearby a rattan grove in front of everyone.”].

<sup>772</sup> **D118/203** Doek Pet WRI, A131-133, EN 00985603 [“A131: First they sent me to Wat Kampaeng Pagoda; later they sent me to Wat Angkunh pagoda. Q: The pagoda where they allowed you to visit your husband was Wat Kampaeng Pagoda. Is this correct? A132: Yes, that is right. Q: How did you know that your husband was sent to Wat Angkunh Pagoda? A133: My husband told me, ‘Tomorrow they will send me to Wat Angkunh Pagoda, and they will kill me once I arrive there.’”], A163, EN 00985607 [“He just told me that my husband died and a palm branch covered his body south of Wat Angkunh Pagoda.”].

<sup>773</sup> **D219/379** Lach Sambath WRI, A68-70, 75, EN 01132642 [“Q: Were there Khmer Krom detained or killed in Wat Kampeng Pagoda? A68: Yes, there were. There were Khmer Krom who were living and working there during the POL Pot regime. The Khmer Krom were placed throughout District 109. Q: You said there were Khmer Krom living in Wat Kampeng Pagoda. Were they ‘17 April’ Khmer Krom people or Khmer Krom evacuated from Vietnam? A69: When I lived in District 109, there were 17 April Khmer Krom living in Wat Kampeng Pagoda. Later, the Khmer Krom who were evacuated from Vietnam lived there as well. I would like to clarify that Wat Kampeng Pagoda was not a permanent residence for them. It was just a temporary place because the canal worksite was near there. Q: Do you know what happened to the ‘17 April’ Khmer Krom and the Khmer Krom evacuated from Vietnam? A70: I knew that the Khmer Krom who were the ‘17 April’ were killed and their bodies were put in stupas in Wat Kampeng Pagoda. I did not know what happened to the Khmer Krom who were evacuated from Vietnam because they arrived after I left. I did not meet them. [...] A75: [...] I saw dead bodies in Wat Kampeng Pagoda. Before we went to Tram Kak, we were ordered to gather in Wat Kampeng Pagoda.”]



Khmer Krom for a meal, after which they would be killed. He stated that similar meetings occurred in other communes.<sup>774</sup> Lach Sem recalled, however, that the Vietnamese army arrived before the plan could be implemented.<sup>775</sup>

233. The bodies of many of the executed Khmer Krom were buried in close proximity to Wat Angkun. Lach Sambath detailed seeing partially buried corpses in graves within 50 to 100 metres of the pagoda on his way to work in the mornings.<sup>776</sup> Mey Sokhan recalled that in late 1978, she saw one mass grave of decomposed bodies of Khmer Krom that emanated a stench outside of Wat Angkun. Sokhan stated that he knew the bodies were those of the Khmer Krom, as they had all been placed at the pagoda.<sup>777</sup>
234. These killings of Khmer Krom at Wat Angkun and, more broadly, within Kampeaeng

<sup>774</sup> **D118/164** Pen Heang WRI, A41, 00980249 [“Well, in late 1978, the Khmer Rouge called us to attend a meeting in Slaeng Village, Kouk Prech Commune, to discuss the plan to eat Khmer noodles and dessert. Such meetings were held in each commune. I heard that Khmer Rouge planned to kill and get rid of all the Khmer Krom people after they had eaten Cambodian noodles.”].

<sup>775</sup> **D118/233** Lach Sem WRI, A99-101, EN 01055589 [“A99: When the Vietnamese were about to arrive, the Khmer Rouge cooked noodles and rice cakes for Khmer Krom to eat. Actually the Khmer Rouge wanted to kill the Khmer Krom at that time, but they could not because the Vietnamese arrived just in time. Q: How did you know that the Khmer Rouge were going to take the Khmer Krom away to be killed? A100: It was passed from one person to another. There was a meeting near a pond and food was prepared for the people near that pond. After the meeting, they whispered to each other that they would be killed. The pond was very big. Q: You said that people were to be killed after a big feast. Where did that happen? A101: First of all they told the residents to meet near the pond in Kampeaeng Kouk Prech and told them they were going to eat noodles and other kinds of food near the pond. The Vietnamese arrived before we ate.”].

<sup>776</sup> **D219/379** Lach Sambath WRI, A34, EN 01132638 [“In that regime, people were being taken to be killed near the termite mounds.”], A36-37, 39-40, EN 01132638 [“Q: Were there termite mounds near Wat Angkunh? A36: Yes, they were. They were about 50 metres, 100 metres, and 200 metres away from the pagoda. Q: Were the Khmer Krom people and those suspected to be Khmer Krom people taken to be killed in the termite mounds? A37: Yes, they were. [...] Q: How did you know there were killings at Wat Angkunh Pagoda? A39: I knew about this killing because I worked in a youth unit and I stayed in Wat Angkunh Pagoda. [...] in the morning before I went to work, I saw dead bodies that were not properly buried, but I did not speak or ask about this. I went to work pretending not to know anything at all. [...] A40: [...] sometimes, in one week, three or four people working with me in Wat Angkunh Pagoda disappeared.”], A76-79, EN 01132642-43 [“Q: Earlier you said you saw dead bodies in Wat Angkunh Pagoda. Do you remember? A76: Yes, I do. I saw dead bodies near the hills when I was working and staying at Wat Angkunh Pagoda, but at that time, it was not before I went to live in Tram Kak District. At that time, I worked at a worksite and stayed in Wat Angkunh Pagoda for only five days. Q: When did you work and stay in Wat Angkunh Pagoda? A77: It was late in 1976.”].

<sup>777</sup> **D118/129** Mey Sokhan WRI, A55-60, EN 00970020-21 [“Q: You stated that ‘In 1978 or 1979 you saw dead bodies in mass graves in Wat Angkonh Pagoda, located in Angkonh Village, Kampaeng Commune, Kiri Vong District’. How come you saw the bodies? A55: I saw them when I was tending cattle. I saw the bodies when they were already decomposed. Q: Were the mass grave(s) located inside or outside the pagoda? A56: Outside the pagoda. Q: When did you see them? A57: I saw them in late 1978 during the Pchum Ben Day. Q: How many bodies did you see? A58: I saw only one mass grave. I do not know how many bodies were contained in the grave. The stench kept me away. Q: What was the site of the grave? A59: There were two mounds on both sides of the grave. The grave was about two metres wide and about four metres long. [...] Q: You stated that, ‘All the bodies belonged to Kampuchea Krom Khmers and I knew that they were Kampuchea Krom Khmers because they were placed to live away from the Cambodian villages. Those Kampuchea Krom Khmers had been living in Prasat Village in Kampaeng Commune.’ You continued, ‘I saw the bodies and because of the stench, I could not stay on’. Can you explain this? A60: I knew this because all the Khmer Krom were gathered together and placed at Wat Angkonh Pagoda.”].

Commune, were part of a pattern of extrajudicial killings intended to eliminate CPK enemies, including former Lon Nol soldiers,<sup>778</sup> “17 April people”,<sup>779</sup> ethnic Chinese,<sup>780</sup> and people alleged to have committed “wrongdoings”<sup>781</sup> in the local area. These killings

<sup>778</sup> **D118/203** Pann Sarou WRI, A72-73, EN 01045479 [“Q: We want to know about government officials and former Lon Nol soldiers. Immediately after the Khmer Rouge soldiers liberated the country, what happened to them? A72: Government officials and former Lon Nol soldiers were taken away, but I did not know where they were taken. [...] A73: Sometimes they took the government officials and the former Lon Nol soldiers to Office 204 (in Tram Kak District), but I did not know the details.”]; **D118/269** Thann Thim WRI, A44, EN 01035010 [“In Svay Voa village, the Khmer Rouge propagandized that those who were officers during Lon Nol regime would be allowed to resume their positions in the army, and then they would be dispatched to fight the Yuon. But in fact they were all taken to be killed.”], A49, EN 01035011 [“Q: Where did they take all those people to be killed? A49: Probably, they all were taken to be killed in the vicinity of Roliek jungle south of Wat Kampeaeng pagoda, because a malodorous stench came from there.”], A56, EN 01035012-13 [“The Khmer Rouge called villagers from Svay Voa Village, Chi Mreak Village, and other villages to gather and eat porridge at Wat Kampeaeng pagoda. Because there were so many people, and some people ate twice, the chairman there named Ta Paoh, who was the chief of Kampeaeng Commune, and Ta Sarou (Pann Sarou), who was the deputy chief of Kampeaeng Commune, ordered militiamen to arrest the ones who ate the porridge twice. [...] The next morning I saw five corpses in the temple and about 15 bodies at the west of the temple.”], A57, EN 01035013 [“at the end of 1977, the Khmer Rouge collected us to live in Tram Kak. They collected villagers from different villages to rally at Wat Kampeaeng Pagoda where I saw more than 20 people dead as I stated previously. The murders were conducted at night and the next morning they came to transport us to live in Tram Kak. I was present at that event too.”]; **D219/379** Lach Sambath WRI, A33, EN 01132638 [“Q: Were your uncle and elder brother taken to be killed because they were Khmer Krom people or LON Nol soldiers? A33: My uncle was taken to be killed because he was a LON Nol soldier and my elder brother was taken to be killed because he was a university student. They were taken to be killed in 1977.”].

<sup>779</sup> **D219/379** Lach Sambath WRI, A55, EN 01132640 [“[The Khmer Rouge] told us to gather in Wat Kampeng Pagoda and wait for the trucks to take us to District 105. We waited for two nights in Wat Kampeng Pagoda. While I was waiting in Wat Kampeng Pagoda, many of the 17 April people were killed and their bodies were put in stupas.”], A60-61, EN 01132641 [“The way the Khmer Krom were killed was not different from the way the 17 April people were killed. The Khmer Krom were taken to be killed in small forests. [...] The Khmer Rouge killed people at hills and rice fields near the place where we stayed. [...] The 17 April people were killed near to where they lived.”]; **D118/165** Lach Sambath WRI, A18-21, EN 00980256-57 [“A18: My uncle, Chao Mon, a former Lon Nol soldier, and my older brother, Lach Sambaur, a student, were killed at Wat Kampeaeng Pagoda. Q: When were people taken to be killed at Wat Kampeaeng Pagoda? A19: In late 1977, before the Khmer Krom people were placed at Wat Kampeaeng Pagoda. Q: You were a 17 April person; did you ever go to Wat Kampeaeng Pagoda with them? A20: Yes, I did. Q: You spoke about the killings there. Did you see that first hand? A21: I was not an eyewitness, but someone on the lorry with me whispered to me that people had been beaten to death all around the stupas. Youths in the same unit with me were called out and told that Angkar had ordered them to grow vegetables, but in fact they were taken to be beaten to death. I saw with my own eyes Ing, a former LON Nol soldier. Ta Pal was the killer, and he ate human liver.”]; **D219/524** Nheb Noem WRI, A58-59, 61, EN 01168037 [“Q: How many 17 April people were sent to Tram Kak? A58: Hundreds of families from more than ten villages. The Khmer Rouge took away the entire 17 April group. Q: What were their nationalities? A59: Some were Chinese, some were Cambodian, and some were Muslim. There were only three ethnic groups. They were rounded up in 1976. [...] Q: Did you ever hear if those sent to work there were later arrested and taken to be detained at Kraing Ta Chan? A61: I heard that some of them were sent to Office 204 Corrections Center.”].

<sup>780</sup> **D118/165** Lach Sambath WRI, A8, EN 00980254 [“Chinese families were set to live in Ang Khchau Village of Kampaeng Commune; then Ta Nheb, the commune chief [...] arrested the husbands of the Chinese and took them to be beaten to death in 1975; then he raped all their wives.”].

<sup>781</sup> **D219/471** Toem Phal WRI, A18, EN 01154807 [“Wrongdoers in the commune were arrested by the commune militia.”], A133, EN 01154823 [“Q: Earlier you described the working procedures of Kampeaeng Commune. You were told to trace wrongdoers and report to the district echelon and they were arrested. Was this the same or different in Kouk Prech Commune? A133: Yes, it was the same.”]; **D118/269** Thann Thim WRI, A56, EN 01035012-13 [“The Khmer Rouge called villagers from Svay Voa Village, Chi Mreak Village, and other villages to gather and eat porridge at Wat Kampeaeng pagoda. Because there

were carried out by the commune militia.<sup>782</sup>

### Persecution

235. Persecution was committed through the crimes described above against the Khmer Krom. This group was specifically targeted because of their actual or perceived membership of a political group.<sup>783</sup>

#### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

236. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Wat Angkun execution site:<sup>784</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>785</sup> and the crimes against humanity of murder, extermination,<sup>786</sup> persecution on political grounds against the Khmer Krom, and other inhumane acts (enforced disappearance).

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were so many people, and some people ate twice, the chairman there named Ta Paoh, who was the chief of Kampeaeng Commune, and Ta Sarou (Pann Sarou), who was the deputy chief of Kampeaeng Commune, ordered militiamen to arrest the ones who ate the porridge twice. [...] The next morning I saw five corpses in the temple and about 15 bodies at the west of the temple.”]

<sup>782</sup> **D219/471** Toem Phal WRI, A18, EN 01154807 [“Wrongdoers in the commune were arrested by the commune militia.”], A60, EN 01154813 [“Q: During any district-level meeting did they ever speak about the issue of taking people to be killed? A60: Yes, the meeting mentioned killings: ‘As long as they are the enemy, they must be killed.’ Arrestees were never seen at all again.”]; **D118/131** Sann Touch WRI, A40-43, EN 00970045-46 [“Q: Who killed those people? Were they soldiers? A40: I did not know them; I only knew they were the Khmer Rouge. They were militiamen, not soldiers. [...] Q: Was the killing of those people ordered by the commune chief? A42: I think if the commune chief did not issue the order, his subordinates would not dare to conduct the killings. Q: Do you mean the Kampeaeng Commune chief? A43: Yes.”]; **D219/379** Lach Sambath WRI, A78-79, EN 01132642-43 [“Q: When you saw dead bodies near the hills near Wat Angkunh Pagoda did you know who killed those people? A78: I think Pal and the commune militiamen did because Pal, the youth unit chief, reported to the commune militiamen. Therefore, the commune militiamen came to kill those people. Q: Do you know if the district committee knew about the killing? A79: Yes I do.”].

<sup>783</sup> See **V.C.3.a**. Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>784</sup> The ICP notes that in relation to this site, he seeks indictment for several crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are persecution on political grounds against former Lon Nol regime members and “17 April people”, and other inhumane acts (enforced disappearance and inhumane treatment). The CIJs were seised of these crimes by **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, para. 15.

<sup>785</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>786</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Wat Angkun execution site alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Wat Angkun, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

c. SLAENG VILLAGE FOREST EXECUTION SITE

i. INTRODUCTION

237. Slaeng Village forest execution site was located in Kirivong District of Sector 13 during the DK regime. Local CPK authorities executed Khmer Krom and others they viewed as “enemies” at Slaeng Village and in the adjoining forest. Slaeng Village was also used as a meeting venue for local village and commune authorities. As was the case throughout Kirivong District, members of the JCE targeted Khmer Krom in Slaeng and the surrounding villages in Kouk Prech Commune, killing many.
238. Slaeng Village and the adjoining forest fell within the geographic areas under the direct authority of **Yim Tith** in his roles as deputy secretary and then secretary of the Kirivong District Committee as well as a member of the Sector 13 Committee. **Yim Tith** was a leading member of the JCE and contributed to the crimes in the Slaeng Village area.
239. The ICIJ charged **Yim Tith** with the following crimes in relation to Slaeng Village forest execution site: genocide of the Khmer Krom; the crimes against humanity of murder, deportation, persecution on political and racial grounds against the Khmer Krom, other inhumane acts (forcible transfer); grave breaches of the Geneva Conventions of 1949 (wilful killing and unlawful deportation or transfer of civilians); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>787</sup>

ii. OPERATION AND LOCATION

240. In 1978, CPK forces carried out mass executions of Khmer Krom in Slaeng Village, its adjoining forest, and all of Kirivong District.<sup>788</sup> Slaeng was located in Kouk Prech Commune, Kirivong District, Sector 13 of the Southwest Zone.<sup>789</sup> It housed a pagoda, which was located on the western side of the road that ran through the village.<sup>790</sup> Wat Slaeng was used as a temporary prison before it was relocated to Wat Pratheath in 1974.<sup>791</sup>

<sup>787</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068, 71, 77.

<sup>788</sup> See **V.A.1.c.iv.** Crimes – Southwest Zone – Sector 13 – Slaeng Village Forest Execution Site – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance); **V.C.5.c.vi.** Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Southwest Zone – Treatment of the Vietnamese and Khmer Krom in Kirivong District 1975-1979 – Slaeng Village.

<sup>789</sup> **D118/169.1.19b** Kien Phoen Summary of Complaint, EN 00511538 [“After about 15 days, the complainant together with 100 other people were transferred to Slaeng Village, Kampeaeng Sub/district (Slaeng was in Kouk Prech Sub-district previously), Kiri Vong District, Takeo Province.”]; **D219/358** Luon Mul WRI, A9, EN 01116344 [“Q: Which sector and zone was Kirivong District located in? A9: It was called Sector 13 for Takeo Province and it was located in the Southwest Zone.”].

<sup>790</sup> **D219/369** Ork Chan WRI, A73-74, EN 01128259.

<sup>791</sup> **D219/369** Ork Chan WRI, A51, EN 01128258-59 [“In Slaeng Village, there was an underground prison in Wat Slaeng Pagoda, but I have never been there.”], A68-70, EN 01128259 [“A68: At first, a prison was

To the east, Slaeng was bordered by forest and foothills of the nearby mountain, where killing pits were located.<sup>792</sup> Slaeng was close to one of the Kirivong District offices in Chambak Village, where **Yim Tith** worked with the district committee.<sup>793</sup>

iii. AUTHORITY STRUCTURE AND COMMUNICATION

241. Slaeng Village and surrounding Kouk Prech Commune were under the authority of the Kirivong District Committee. **Yim Tith** was a member of this committee and implemented the JCE enemy and enslavement policy in the district through orders for extrajudicial arrests and by promoting policies that exercised the powers of ownership over civilians in villages, including Slaeng and its surrounding area.
242. From at least 1975, **Yim Tith** was the Kirivong District Secretary or Deputy Secretary<sup>794</sup> and continued to hold these positions through April to May 1978<sup>795</sup> whilst he simultaneously implemented CPK polices in the Northwest Zone.<sup>796</sup> The district

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built in Wat Slaeng Pagoda. I knew it because Ta Tom talked about in. In 1974, the prison was relocated to Wat Pratheat Pagoda. Q: Where did you hear Ta Tom talking about it? A69: I heard from him at Wat Poraung Pagoda, where I stayed. Q: Is that the place where Ta Tom talked about the prison in Wat Slaeng Pagoda? A70: Yes, it is.”]; **D118/156** Hor Yan WRI, A18, EN 00980467 [“Q: How did you know that the Khmer Rouge used Voat Preah Theat Pagoda as a detention office in 1974? A18: The Khmer Rouge relocated the prison from Voat Slaeng Pagoda in Kouk Prech Commune to Voat Preah Theat Pagoda because Voat Preah Theat Pagoda was bigger and quieter than Voat Slaeng Pagoda.”].

<sup>792</sup> **D118/253** Kong Samnang WRI, A26, EN 01031945 [“That site was covered with big and tall trees. It was a jungle. It was a huge place where no one could enter because it was full of thorny plants on the eastern and northern side of Slaeng pagoda. It was nearby a foothill of a mountain.”]; **D118/233** Lach Sem WRI, A109-110, EN 01055590 [“Q: Where did you see the skulls? A109: I saw them west of Voat Slaeng. [...] Q: Was there a forest near the killing site? A110: Yes, there was a forest at that time.”].

<sup>793</sup> **D219/358** Luon Mul WRI, A25-27, EN 01116345 [“A25: I was a district messenger and worked for Khiev Tom, Ta Tith and Ly Bo. I was responsible for distributing letters to various communes. Q: Where was the district office at that time? A26: It was located in Chambak Village, Kauk Prech Commune, Kirivong District or District 109. Q: Were the three people on the district committee namely Khiev Tom, Ta Tith and Ly Bo at the same place? A27: Yes, they were. Three of them worked at the same place.”].

<sup>794</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584.

<sup>795</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, 99-101, EN 01045521, 30; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, 22, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584. *See also* **D1.3.11.48** Sieng Haom SOAS Interview, EN 00217750; **D1.3.11.56** Tun Soun OCP Statement, EN 00219282; **D219/55** Hor (Hao) Yan WRI, A42, EN 01053839-40; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819.

<sup>796</sup> *See III.D.2.* Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Contributions to the Common Criminal Plan in the Northwest Zone.

committee communicated regularly with commune officials through district-wide meetings<sup>797</sup> and written communications.<sup>798</sup> The committee ordered commune officials to report on people who were deemed enemies and to discuss arrests. In these reports and discussions, the Khmer Krom were identified as the enemy.<sup>799</sup> The district committee sent lists of people to be arrested to the communes and the military district committees.<sup>800</sup>

#### iv. CRIMES

##### Deportation and Other Inhumane Acts (Forced Transfer)

243. In early 1978, CPK military units crossed the border into Vietnam and forcibly transferred Khmer Krom residents from Vietnam's An Giang Province to various locations in Sector 13, including Kirivong District. On arrival, the Khmer Krom deportees were forced to work or join DK military units to fight the Vietnamese. Many of these Khmer Krom were executed.
244. On arrival in Kouk Prech Commune, Khmer Krom deportees were forced to reside in largely deserted villages.<sup>801</sup> The Khmer Rouge moved out the previous village residents, who were both base and new people.<sup>802</sup> Sann Touch described how approximately 300

<sup>797</sup> **D219/471** Toem Phal WRI, A33-37, 43, 45-46, 49, 60, EN 01154809-13; **D219/358** Luon Mol WRI, A58, 96, EN 01116348, 51; **D118/21** Tim Phy WRI, A22, EN 00967011; **D219/369** Ork Chan WRI, A32, EN 01128257; **D219/66** Kung Chhom WRI, A57, EN 01053986; **D219/406** You Phnom WRI, A175-86, 195, EN 01139572-74; **D118/305** Top Phan WRI, A59, EN 01045525; **D219/521** Tim (Toeb) Phy WRI, A38-42, 48, EN 01167994-95; **D219/189** Soeum Chhoeun WRI, A19, EN 01079817. *See also* **D219/488** Moeng Vet WRI, A40-47, EN 01170587-88.

<sup>798</sup> **D219/471** Toem Phal WRI, A45, EN 01154811; **D219/358** Luon Mol WRI, A31, EN 01116346.

<sup>799</sup> **D219/471** Toem Phal WRI, A134-36, EN 01154823-24; **D105/5** Ork Chan WRI, A40-43, EN 00803445.

<sup>800</sup> **D219/471** Toem Phal WRI, A9, 15-16, EN 01154805-06; **D118/302** Pann Sarou WRI, A87, EN 01045481. *See also* **D219/488** Moeng Vet WRI, A121, EN 01170596; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217607.

<sup>801</sup> **D118/164** Pen Heang WRI, A19, EN 00980245 ["Q: Did you live with the 'base people' in Chrak Chi Koam? A19: No. All of us were 'new people'. Kampeaeng Commune and Kouk Prech Commune were entirely Khmer Krom."]; **D118/163** Prom Saroeun WRI, A10, EN 00979992 ["Q: How many villagers were evacuated there? A10: There were around 200 families. On average, there were around four or five persons in each family, so there were between 600 and 800 people."]; **D219/449** Yem Yorn WRI, A40, EN 01151133-34 ["When we arrived at Slaeng Village, no one was living there."]; **D118/291** Khin Suo WRI, A104-105, EN 01031847-48 ["Q: To your knowledge, where was Preal village where there were people living in, located? A104: To my knowledge people in Preal village were sent upwards to other villages. Along the way from Preal village to Sleng village, I saw one or two soldiers after every one or two kilometres. Q: You said that people in Preal village were evacuated upwards to other villages. Did you notice if there were houses in that village? A105: When I passed Preal village, I did not see any house but when I almost reached Sleng village, I saw some houses, but there were no people living in."]; **D118/203** Doek Pet WRI, A54, EN 0985593 ["Q: Were there any other people from different places working in the same place with you? A54: Only my villagers who worked with me. The base people were sent to work elsewhere before our arrival."].

<sup>802</sup> **D219/379** Lach Sambath WRI, A44, EN 01132639 ["This policy came from Angkar's upper level. [...] I only knew that the policy was handed down to commune and the youth group. In 1977, I, who was a member of the 17 April people, was sent to District 105 (Tram Kak District). Khmer Krom who were from Vietnam were sent to District 109 (Kiri Vong District)."]; **D118/269** Thann Thim WRI, A57, EN 01035013

Khmer Krom deportees were allocated to five neighbouring villages in Kouk Prech Commune, including Slaeng Village,<sup>803</sup> whose residents were solely Khmer Krom.<sup>804</sup> The deportees, including children and the elderly, were then forced to work in agricultural-building activities or at the battlefield.<sup>805</sup>

245. Sector 13 and the Kirivong District Committee participated in the deportation of the Khmer Krom to Kirivong District. Lach Sambath, who worked in the district for the entire DK period, stated that Sector 13 and the Kirivong District Committee knew about these deportations and helped organise them. The district committee contributed trucks to transport these deportees. That activity involved the participation of **Yim Tith** and

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[“at the end of 1977, the Khmer Rouge collected us to live in Tram Kak. They collected villagers from different villages to rally at Wat Kampeaeng Pagoda where I saw more than 20 people dead as I stated previously.”].

<sup>803</sup> **D5/121** Sann Touch CPA, EN 00426780 [“All Kraom were relocated to Kouk Prech commune and were divided to live in Ang Kchov, Kampeng, Kouk Prech, Slaeng, Ang Konh and Svay Vorl villages [Note Slaeng and Kouk Prech villages are called by the same name today. The rest are not identifiable by the same name.]. I think there were around 300 Kraom in each village and all the villages were located near each other.”]; **D118/291** Khin Suo WRI, A129, EN 01031850 [“All the people who were herded from Kampuchea Krom to Cambodia during that time were escorted by five soldiers and taken to Wat Sleng Pagoda by those five soldiers.”], A105, EN 01031848 [“Q: You said that people in Preal village were evacuated upwards to other villages. Did you notice if there were houses in that village? A105: When I passed Preal village, I did not see any house but when I almost reached Sleng village, I saw some houses, but there were no people living in.”]; **D219/449** Yem Yorn WRI, A37, 40, EN 01151133-34 [“Q: When you were sent to Slaeng Village, how did you get there and who told you to go there? A37: We went there by foot. At that time, Angkar told us that we had to go to Slaeng Village and do farm work there. [...] A40: When we arrived at Slaeng Village, no one was living there.”]; **D118/203** Doek Pet WRI, A40, EN 00985592 [“Q: After Wat Priel Pagoda, where did they have you walk to? A40: They had us walk to Slaeng Village.”]; **D219/379** Lach Sambath WRI, A13, EN 01132635 [“I would like to emphasize that in 1977, we, the 17 April people, were sent to live in District 105 (Tram Kak District), and the Khmer Krom who were evacuated from Vietnam were moved to live in District 109 (Kirivong District).”]; **D219/471** Toem Phal WRI, A123-124, EN 01154822 [“A123: There were hundreds of Khmer Krom. [...] Q: You said that the Khmer Krom people lived in many villages. Which villages? A124: All the Khmer Krom people lived in Trapeang Pring, Slaeng, Kouk Prech and Chambak Villages.”]; **D118/164** Pen Heang WRI, A19, EN 00980245 [“Q: Did you live with the ‘base people’ in Chrak Chi Koam? A19: No. All of us were ‘new people’. Kampeaeng Commune and Kouk Prech Commune were entirely Khmer Krom.”].

<sup>804</sup> **D118/253** Kong Samnang WRI, A49, EN 01031947 [“Q: When you arrived in Cambodia, what was the population of Ou Ansar village? A49: All residents of Ou Ansar and Slaeng villages were Khmer Krom people. I don’t see any other group besides them.”].

<sup>805</sup> **D118/233** Lach Sem WRI, A3, EN 01055574 [“When the Khmer Rouge drove my family into Cambodia, my husband was assigned to work at the battlefield. Men were segregated from women.”]; **D118/291** Khin Suo WRI, A126, EN 01031850 [“When I arrived in Sleng village, they had us work in paddy fields non-stop, and they did not let us go anywhere until the Vietnamese came to liberate.”]; **D118/203** Doek Pet WRI, A60, EN 00985594 [“No, we could not visit other houses. When it was time to work, we went to work; the lunch break was short, so we did not have chance to visit another house.”]; **D5/121** Sann Touch CPA, EN 00426780 [“During that time, they were forced to farm like me and they were forced to use ox carts to carry rice, grow rice and were assigned to build bricks. Women were also assigned to grow rice, children were made to dig hills for natural fertilisers and others were assigned to build dams and dykes and to dig up the roots of trees. The dam was called Kouk Prech canal. Old people were forced to grow vegetables.”].

Yeay Bo.<sup>806</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

246. In 1978, the disappearance and killing of Khmer Krom deportees in Kouk Prech Commune occurred at “staggered intervals”.<sup>807</sup> Toem Phal, a member of the Kouk Prech Commune Committee, explained that it was the committee’s responsibility to govern the Khmer Krom deportees who had been transferred to the commune in 1978.<sup>808</sup> He detailed how reports were sent to the district committee concerning Khmer Krom “wrongdoers”.<sup>809</sup> The district committee then issued orders authorising the commune to arrest the Khmer Krom.<sup>810</sup> Within the three months that Toem Phal was on the Kouk Prech Committee in 1978, he acknowledged that the numbers of Khmer Krom living in the commune decreased.<sup>811</sup>

<sup>806</sup> **D219/379** Lach Sambath WRI, A80-81, EN 01132643 [“Q: Did the district committee know about the evacuation of the Khmer Krom? A80: I am sure that the district committee knew about this and partook in the evacuation of the Khmer Krom from Vietnam because the commune had trucks [Note that there is a translation error and the original text reads “**did not have trucks**”; the ICP has requested a correction]. The evacuation did indeed involve the Sector Committee. The reason why I said the district committee was involved in the evacuation was that the district committee prepared some food for the Khmer Krom to eat. [...] A81: At that time, there were only Yeay Bo and Ta Tith”].

<sup>807</sup> **D219/471** Toem Phal WRI, A129-132, EN 01154823 [“Q: Between your taking over Kouk Prech and your leaving there, did you observe any change in the number of the Khmer Krom? A129: Some people disappeared, but I do not know where they were taken. Q: As for those who disappeared, did you see them return? A130: I never saw them return. Q: Do you know why they disappeared? A131: I do not know, but their disappearances meant they had been taken to be killed. Q: How did they disappear? Were their disappearances staggered or occur en masse? A132: They did not disappear all at once; but their disappearances were staggered.”]. Note Toem Phal was a member of the Kampeaeng Commune Committee.

<sup>808</sup> **D219/471** Toem Phal WRI, A108, EN 01154820 [“Q: Now we want to talk about your transfer from Kampeaeng Commune to Kouk Prech Commune. Do you know why you were transferred to Kouk Prech? A108: I do not know why. All members of the Kampeaeng Commune Committee were transferred to Kouk Prech Commune. I just know that we were ordered to go there to govern the Khmer Krom.”].

<sup>809</sup> **D219/471** Toem Phal WRI, A133-136, EN 01154823-24 [“Q: Earlier you described the working procedures of Kampeaeng Commune. You were told to trace wrongdoers and report to the district echelon and they were arrested. Was this the same or different in Kouk Prech Commune? A133: Yes, it was the same. Q: To make this clear, who collected information on the Khmer Krom wrongdoers in Kouk Prech Commune? A134: Ta Pas and Ta Sarou. Q: What information did they both move around to collect about the Khmer Krom people? A135: I do not know much about that, but they both worked as militiamen to locate Khmer Krom who committed acts they considered enemy acts. Q: After they collected the information, to whom did they send it? A136: They sent it to the district echelon.”]

<sup>810</sup> **D219/471** Toem Phal WRI, A138-139, EN 01154824 [“Q: When the district echelon received a report on the Khmer Krom considered enemies, what happened to them? A138: After they received an order from the district echelon, the people were arrested. Q: Do you know where they were sent after arrest? A139: I do not know if they were sent to Wat Preah Theat or killed.”].

<sup>811</sup> **D219/471** Toem Phal WRI, A141-144, EN 01154825 [“Q: When you left Kouk Prech, was the number of the Khmer Krom less, the same, or more than before? A141: The number of the Khmer Krom was less than before. Q: During your three-month stint in Kouk Prech Commune, were there any new Khmer Krom arrivals? A142: No. They came on only one occasion. Q: Did they come before or after you went to Kouk Prech Commune? A143: The Khmer Krom came before my arrival in Kouk Prech Commune. Q: Do you know if there were mass graves in Kouk Prech Commune? A144: No, I do not.”].



247. Khmer Krom deportees detailed these disappearances. Khin Suo described how the village chief called a meeting of Khmer Krom residents and asked whether they wanted to return to Kampuchea Krom. Those who said yes were placed on a horse cart that evening and never seen again.<sup>812</sup> Yem Yorn, a Khmer Krom mother, detailed how her older brother and two younger children were taken away to work a month after her arrival in Slaeng and were never seen again. She was told by others that they were taken to Slaeng Village to be killed.<sup>813</sup>
248. Kong Samnang detailed how in 1978, Slaeng Village was used by the Khmer Rouge as a meeting place and execution site. He stated that the Khmer Rouge sent people who committed an offence to be killed, dropping them into pits behind Wat Slaeng.<sup>814</sup> In 1978, Sann Touch saw Khmer Rouge bringing Khmer Krom in many horse carts from the villages of Slaeng, Ang Kchov, Kampeng, Kouk Prech, Ang Konh, and Svay Vorl to be killed at the forest near Slaeng Village.<sup>815</sup>
249. In the same year, Kong Samnang discovered many piles of human bones emanating a horrible smell behind Wat Slaeng at the foothills of the mountain on the east and northern

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<sup>812</sup> **D118/291** Khin Suo WRI, A154, EN 01031854 [“Once there was a meeting chaired by the Village Chief and during that time they called all the Khmer Krom people to attend the meeting. During that time, the Village chief asked us, ‘Who wants to return to Kampuchea Krom? I will let you go, and those who want to stay here, please stay.’ They prepared two lists; they told us to write our name on the lists of those who wanted to return and those who wanted to stay. I noticed that those of the list who wanted to return to Kampuchea Krom were transported in horse carts in the evening and they disappeared since then. I did not know what happened to them.”].

<sup>813</sup> **D219/449** Yem Yorn WRI, A17, 20, EN 01151130 [“Q: How long had you been at Slaeng Village when they arrested your older brother? A17: About a month after our arrival in Slaeng Village, they called my brother and two of my children; a son and a daughter. They told them that they were being sent to work elsewhere. They disappeared after that. I do not know the name or position of the person who called my brother and children away. [...] Q: In your Civil Party Application (No. D5/1035/1), you said your older brother and your children were taken to be killed at Slaeng Village. Is that correct? A20: I heard people say that my older brother and my children were taken to be killed at Slaeng Village, but I am not certain about that.”].

<sup>814</sup> **D118/253** Kong Samnang WRI, A22-23, EN 01031944 [“Slaeng village was used by the Khmer Rouge for meeting place and execution site. The Khmer Rouge would send people who committed an offense to be killed and dropped into pits that were already there. Q: How do you know that Slaeng pagoda was a killing site? A23: The Khmer Rouge would assign me to cut and collect Tuntrean Khaet plants behind Slaeng pagoda. I came across many piles of human bones over there. Based on this encounter, I assume it was a killing site.”].

<sup>815</sup> **D5/121** Sann Touch CPA, EN 00426780 [“After I was freed I was assigned to build bridges in many places from Kampeaeng village (in Kampeaeng commune, Prey Kabbas district) to Por Rosuy village. [...] When I was building bridges, I saw KR bringing Kraom in many horse carts from the 5 villages mentioned above to be killed at the forest in Slaeng village.”], EN 00426779 [“All Kraom were relocated to Kouk Prech commune and were divided to live in Ang Kchov, Kampeng, Kouk Prech, Slaeng, Ang Konh and Svay Vorl villages [Note Slaeng and Kouk Prech villages are called by the same name today. The rest are not identifiable by the same name.].”]; **D118/131** Sann Touch WRI, A78, EN 00970050 [“Q: In your Application for Civil Party Case 002 [...] you said, ‘The Khmer Krom people were also killed there in Slaeng Village.’ Was this correct? A78: Yes, I said so, but I did not know about it during the Khmer Rouge Regime until after the collapse of the Khmer Rouge Regime that we talked and discussed it.”].

side of Wat Slaeng.<sup>816</sup> Lach Sem also saw human skulls near a forest in a pond west of Wat Slaeng. Some of the skulls still had flesh on them.<sup>817</sup>

250. Khmer Krom from Slaeng were also taken to other locations for execution. Hor Yan detailed how people from Wat Slaeng and other places in Kirivong District were sent to Wat Soben Security Centre and then after a short imprisonment were taken to a forest at the foot of Ta Mao mountain, the Thmar Chunchang mountain, and Feng Shui basin to be killed.<sup>818</sup>
251. Kong Samnang recounted a meeting that he attended in 1978 in Slaeng Pagoda where the local CPK authorities announced that Khmer Krom who fled to Vietnam were people with Vietnamese heads and Khmer bodies. At the meeting, one of the authorities stated “Kill them all! Don’t spare any of them!”<sup>819</sup> Kong Samnang described Khmer Rouge cadres killing three elderly Khmer Krom men at Slaeng Pagoda, allegedly because the

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<sup>816</sup> **D118/253** Kong Samnang, A23, 25-26, EN 01031944-45 [“A23: The Khmer Rouge would assign me to cut and collect Tuntrean Khaet plants behind Slaeng pagoda. I came across many piles of human bones over there. [...] A25: [...] I saw only human bones with a horrible smell. All ten people in my group saw those human bones that produced a stink and we dared not move closer to them. [...] Q: At your visit, how big were the pits at the killing site? A26: That site was covered with big and tall trees. It was a jungle. It was a huge place where no one could enter because it was full of thorny plants on the eastern and northern side of Slaeng pagoda. It was nearby a foothill of a mountain.”].

<sup>817</sup> **D219/482** Lach Sem WRI, A70-72, EN 01178466-67 [“Q: You said in the document D118/233 ERN 01055590 that you saw skulls near Slaeng Pagoda. Do you remember that? A70: I saw skulls but I did not see them killing people. At that time, I lost my cows so I went to find them, and then I saw the skulls in the pit. Q: Do you know whose skulls they were? A71: No, I don’t. Q: Do you know how long those skulls were at that place? A: No, I don’t. But some skulls had flesh on them. Some skulls were still fresh and some of them were dry.”]; **D118/233** Lach Sem WRI, A108-110, EN 01055590 [“A108: I saw that at Voat Slaeng. I saw skulls when I tended cattle. I saw skulls in ponds not only at Voat Slaeng, but also where I lived. Q: Where did you see the skulls? A109: I saw them west of Voat Slaeng. I am not sure whether or not the pond has been filled. Q: Was there a forest near the killing site? A110: Yes, there was a forest at that time.”].

<sup>818</sup> **D105/6** Hor Yan WRI, A90-98, EN 00841985-86 [“Q: This morning you also showed us the location of Wat Soben. Can you tell us what happened at the pagoda? A91: People filled up the pagoda. Q: Did you go there during the Khmer Rouge regime? A92: Yes, I did. The temple filled up with prisoners and was locked with guards deployed outside. Q: You said that the pagoda was used to house prisoners in the short term, didn’t you? Q: What type of prisoners were they? A94: They were 100-house chiefs and 50-house chiefs. Q: From which communes were the prisoners taken? A93: They were placed there (at Wat Soben) for just one week. Then they would be taken away to be killed. [...] Q: From which communes were the prisoners taken? A95: From Ang Prasat, Ream Andeuk and Kouk Prech communes. Q: How many prisoners were placed there? A96: I knew that there were 1,000 prisoners, but additional prisoners were brought in. However, I did not go there. Q: Were the 1,000 prisoners taken away to be killed? A97: They were tied up, walked, and killed near the foot of the mountain. Q: You are also speaking about Wat Slaeng, aren’t you? A98: Yes, Wat Slaeng was in Kouk Prech commune. Q: Where were the 1,000 prisoners killed? A101: They were killed at the foot of the Ta Mao mountain, the Thmar Chunchang mountain and at Feng Shui basin”].

<sup>819</sup> **D118/253** Kong Samnang WRI, A84, EN 01031951 [“During one of the meetings at Slaeng pagoda in 1978 the Khmer Rouge announced that the Khmer Krom people who fled to Vietnam were people with ‘Vietnamese heads with Khmer bodies.’ They were accused of being people with ‘Vietnamese heads on Khmer bodies, kill them all! Don’t spare any of them!’ The Khmer Rouge made this announcement to warn people not to flee into Vietnam.”].

men had killed and eaten a cow.<sup>820</sup>

252. Pen Heang recalled a meeting held at the end of the DK regime in Slaeng Village in which the local Khmer Rouge authorities met to discuss a plan to kill the remaining Khmer Krom in the area. It was decided to invite all of the Khmer Krom for a meal, after which they would be killed. This plan, however, was not completed, as the Vietnamese arrived before the Khmer Krom had eaten.<sup>821</sup>

### Persecution

253. Persecution was committed through the crimes described above against the Khmer Krom. This group was specifically targeted because of their actual or perceived membership of a political group.<sup>822</sup>

### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

254. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Slaeng Village Forest execution site:<sup>823</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>824</sup> and the crimes against humanity of murder, extermination,<sup>825</sup> deportation, persecution on political

<sup>820</sup> **D118/253** Kong Samnang, A45-46, EN 01031946-47 [“Q: You said earlier that the Khmer Rouge persecuted the Khmer Krom people in Cambodia. Can you describe this in more details? A45: At Slaeng pagoda, three old men were assigned to shepherd cattle. Since they were so hungry, they sneaked one cow out and killed it and hid the beef in the forest. I had also eaten some beef from that kill because my uncle, San, had work relationship with those three old men and they gave him some beef for meals. [...] The Khmer Rouge got the fact after their investigation and they arrested those three old men and killed them at Slaeng pagoda but they didn’t kill uncle San. Q: Were the three old men Khmer Krom? A46: Yes, they were.”].

<sup>821</sup> **D118/164** Pen Heang WRI, A41, 00980249 [“Well, in late 1978, the Khmer Rouge called us to attend a meeting in Slaeng Village, Kouk Prech Commune, to discuss the plan to eat Khmer noodles and dessert. Such meetings were held in each commune. I heard that Khmer Rouge planned to kill and get rid of all the Khmer Krom people after they had eaten Cambodian noodles.”]; **D118/233** Lach Sem WRI, A99-101, EN 01055589 [“A99: When the Vietnamese were about to arrive, the Khmer Rouge cooked noodles and rice cakes for Khmer Krom to eat. Actually the Khmer Rouge wanted to kill the Khmer Krom at that time, but they could not because the Vietnamese arrived just in time. Q: How did you know that the Khmer Rouge were going to take the Khmer Krom away to be killed? A100: It was passed from one person to another. There was a meeting near a pond and food was prepared for the people near that pond. After the meeting, they whispered to each other that they would be killed. The pond was very big. Q: You said that people were to be killed after a big feast. Where did that happen? A101: First of all they told the residents to meet near the pond in Kampeaeng Kouk Prech and told them they were going to eat noodles and other kinds of food near the pond. The Vietnamese arrived before we ate.”].

<sup>822</sup> See **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>823</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are other inhumane acts (enforced disappearance). The CIJs were seised of these crimes by **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, para. 12.

<sup>824</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>825</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Slaeng Village alone. In the alternative, the ICP takes the position that, when considering the

grounds against the Khmer Krom, and other inhumane acts (forced transfer and enforced disappearance).

d. PREAL VILLAGE EXECUTION SITE

i. INTRODUCTION

255. Preal Village (“Preal”) was located in Kirivong District along the border with Vietnam. It was under Sector 13 during the DK regime and had a CPK military base in the village. Beginning in early 1978, the Khmer Rouge forcibly deported Khmer Krom they had captured during military attacks into Vietnamese territory. The military units and local militia detained the Khmer Krom temporarily at Preal. Many were executed, some young Khmer Krom were conscripted into a local military unit, and the remainder were transferred to other communes and worksites in the district.
256. As the deputy secretary and subsequently secretary of the Kirivong District Committee, and as part of the Sector 13 Committee and a leading JCE member, **Yim Tith** played a key role in the execution of the JCE crimes in Preal.
257. The ICIJ charged **Yim Tith** with the following crimes in relation to Preal Village execution site: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, deportation, persecution on political and racial grounds against the Khmer Krom, other inhumane acts (forcible transfer); grave breaches of the Geneva Conventions of 1949 (wilful killing and unlawful deportation or transfer of civilians); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>826</sup>

ii. OPERATION AND LOCATION

258. The CPK military forcibly transferred and executed Khmer Krom in Preal beginning in early 1978.<sup>827</sup> Preal was located in Saom Commune, Kirivong District, Sector 13 of the

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element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Slaeng Village, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>826</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068, 70, 76, 77.

<sup>827</sup> Forced transfer: See, e.g. **D118/233** Lach Sem WRI, A7, 9-10, 13, EN 01055575-76 [“A7: I was evacuated from my hometown around 7 or 8 p.m [...] Q: In the Civil Party application, you wrote that you left Vietnam in April 1978. Is that true? A9: Yes, it is. [...] A10: The Khmer Rouge fought the Vietnamese, and they herded the Khmer Krom away and placed them at Preal Village [...] Q: That means you did not voluntarily come to Cambodia, correct? A13: Yes.”]; **D118/203** Doek Pet WRI, A4, EN 00985586-87 [“Q: We have shown the information complaint for the witness to examine by having the interpreter read the complaint aloud in Khmer to her. Information relevant to the alleged crimes reads: ‘[...] Beginning in 1978, the Khmer Rouge launched an attack to Ampeay Svay Village. They drove my family to Cambodia [...]. We stayed one night at Wat Priel Pagoda in Saom Commune [...].’ Is this information correct? A4:

Southwest Zone. The village is approximately eight kilometres from the border with Vietnam.<sup>828</sup> Preal was used as a military base by Division 250, which was frequently engaged in fighting with Vietnamese forces.<sup>829</sup> The pagoda in Preal was used to temporarily detain the Khmer Krom who had been deported from Vietnam before some were taken for execution in the nearby forest. This forest was approximately one kilometre north of the pagoda.<sup>830</sup> The pagoda was empty at that time, as the local monks had been forced to disrobe earlier in the regime.<sup>831</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

259. Preal was under the authority of the Kirivong District Committee. **Yim Tith** was a member of this committee and implemented the JCE enemy and enslavement policy in the district through orders for extrajudicial arrests and by promoting policies that exercised the powers of ownership over civilians in villages, including Preal. From at least 1975, **Yim Tith** was the Kirivong District Secretary or Deputy Secretary<sup>832</sup> and continued to hold these positions through April to May 1978<sup>833</sup> whilst he simultaneously

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Yes, it is all correct.”]; **D118/291** Khin Suo WRI, A13, EN 01031836; **D118/253** Kong Samnang WRI, A59, EN 01031948. Executions: See **V.A.1.d.iv**. Crimes – Southwest Zone – Sector 13 – Preal Village Execution Site – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance). See also **V.C.5.b**. Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Southwest Zone – The Deportation of Khmer Krom from Kampuchea Krom to Kirivong 1977-1978.

<sup>828</sup> **D105/21** WRIA, Account of Nguon Kimmeng, EN 00803438; **D3/22.1** Takeo Road Network Map; **D347/2.1.55** Khmer Rouge Zone Map; **D118/233** Lach Sem WRI, A38-39, EN 01055580 [“Q: When you were evacuated from Vietnam to Preal Village, what was your means of transportation? A38: They went on foot. [...] Q: Did that take a long time? A39: One night. I walked until morning.”].

<sup>829</sup> **D118/291** Khin Suo WRI, A65, 68, EN 01031843; **D219/449** Yem Yorn WRI, A6, EN 01151128 **D219/488** Moeng Vet WRI, A140, 149, EN 01170598-99; **D219/738.1.4** CDP Questionnaire No. 16 Transcript, A11, EN 01220829; **D118/203** Doek Pet WRI, A36, EN 00985591.

<sup>830</sup> **D118/291** Khin Suo WRI, A60, 77-78, EN 01031842, 44.

<sup>831</sup> **D219/449** Yem Yorn WRI, A6, EN 01151128 [“There were no monks in the pagoda. There were only Khmer Rouge soldiers there.”]; **D219/49** Tob Nget WRI, A99, EN 01053693 [“There were no monks.”], A121, EN 01053696 [“I only saw one case – the case of my nephew Nhan who was disrobed and made to join the army.”]; **D118/233** Lach Sem WRI, A48, EN 01055581 [“They made the monks leave the monkhood in Preal Village, and the monks were assigned to be soldiers. Young monks were turned into soldiers, and the monk chairmen were sent to Kampeaeng and Kouk Prech.”].

<sup>832</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, EN 01045521; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584.

<sup>833</sup> **D219/358** Luon Mol WRI, A10, 13, EN 01116344; **D118/23** Toem Phal WRI, A11-14, EN 00967018; **D219/160** Dok Chann WRI, A7, EN 01067764; **D118/21** Tim Phy WRI, A11-12, EN 00967010; **D118/44** Nget Ngay WRI, A4-5, 9, EN 00920579; **D118/45** Hem Chhuon WRI, A7, EN 00923039; **D118/305** Top Phan WRI, A29, 99-101, EN 01045521, 30; **D219/121** Loem Ngen WRI, A13, EN 01057796; **D219/346** Tun Soun WRI, A26, 40-41, EN 01116111-12; **D118/22** Tun Soun WRI, A4-7, EN 00976605; **D219/379** Lach Sambath WRI, A13-15, 22, EN 01132635-36; **D65.1.3** DC-Cam’s Promoting Accountability Project: Leng Ann & Yim Tith, EN 00704584. See also **D1.3.11.48** Sieng Haom SOAS Interview, EN 00217750;

implemented CPK polices in the Northwest Zone.<sup>834</sup> The district committee communicated regularly with commune officials through district-wide meetings<sup>835</sup> and written communications.<sup>836</sup> The committee ordered commune officials to report on people who were deemed enemies and to discuss arrests. In these reports and discussions, the Khmer Krom were identified as the enemy.<sup>837</sup> The district committee sent lists of people to be arrested to the communes and the military district committees.<sup>838</sup>

#### iv. CRIMES

##### Deportation and Other Inhumane Acts (Forced Transfer)

260. In late 1977 to early 1978, CPK military units attacked across the border into Vietnam and forcibly deported hundreds of Khmer Krom (ethnic Khmer who were Vietnamese nationals living in Vietnam) residing in An Giang Province to various locations in Sector 13, including Kirivong District. Many of these deportees were from Ampeay Svay, Wat Thmei, and Neasa Kiri villages in Vietnam. On arrival at their final destinations in Kirivong District, the deportees were forced to work or to join military units. Many were further persecuted through execution and other inhumane acts because of their perceived allegiance to Vietnam.<sup>839</sup>
261. The Khmer Rouge forces did not give the Khmer Krom the choice to leave Vietnam. They were “herded”, “driven”, and “rounded up”<sup>840</sup> under threat of execution if they

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**D1.3.11.56** Tun Soun OCP Statement, EN 00219282; **D219/55** Hor (Hao) Yan WRI, A42, EN 01053839-40; **D219/189** Soeum Chhoeun WRI, A27, EN 01079819.

<sup>834</sup> See **III.D.2.** Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Contributions to the Common Criminal Plan in the Northwest Zone.

<sup>835</sup> **D219/471** Toem Phal WRI, A33-37, 43, 45-46, 49, 60, EN 01154809-13; **D219/358** Luon Mol WRI, A58, 96, EN 01116348, 51; **D118/21** Tim Phy WRI, A22, EN 00967011; **D219/369** Ork Chan WRI, A32, EN 01128257; **D219/66** Kung Chhom WRI, A57, EN 01053986; **D219/406** You Phnom WRI, A175-186, 195, EN 01139572-74; **D118/305** Top Phan WRI, A59, EN 01045525; **D219/521** Tim (Toeb) Phy WRI, A38-42, 48, EN 01167994-95; **D219/189** Soeum Chhoeun WRI, A19, EN 01079817. See also **D219/488** Moeng Vet WRI, A40-47, EN 01170587-88.

<sup>836</sup> **D219/471** Toem Phal WRI, A45, EN 01154811; **D219/358** Luon Mol WRI, A31, EN 01116346.

<sup>837</sup> **D219/471** Toem Phal WRI, A134-136, EN 01154823-24; **D105/5** Ork Chan WRI, A40-43, EN 00803445.

<sup>838</sup> **D219/471** Toem Phal WRI, A9, 15-16, EN 01154805-06; **D118/302** Pann Sarou WRI, A87, EN 01045481. See also **D219/488** Moeng Vet WRI, A121, EN 01170596; **D1.3.11.18** Hor Yan SOAS Interview, EN 00217607.

<sup>839</sup> See **V.C.5.c.v.** Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Southwest Zone – Treatment of the Vietnamese and Khmer Krom in Kirivong 1975-1979 – Preal Village.

<sup>840</sup> **D118/233** Lach Sem WRI, A10, EN 01055575 [“The Khmer Rouge fought the Vietnamese, and they herded the Khmer Krom away and placed them at Preal Village.”], A26, EN 01055578 [“Q: How many people were placed in Preal Village with you? A26: Many. Only 20 to 30 residents in my home village got away: the rest were driven into Cambodian territory.”]; **D118/163** Prom Saroeun WRI, A4, EN 00979991 [“As far as I remember, the Khmer Rouge attacked into Vietnam and rounded up the Khmer Krom and took them back in May 1978.”].

refused to leave.<sup>841</sup> Lach Sem recalled that “[s]ome people were kicked and some were stabbed with the muzzles of guns.”<sup>842</sup> Many of these Khmer Krom were taken to Preal either temporarily or permanently,<sup>843</sup> where they were met on arrival by Khmer Rouge soldiers.<sup>844</sup> The CPK military units then forced some deportees to move on to Slaeng, Trapeang Khchau, and other locations in Sector 13.<sup>845</sup>

<sup>841</sup> **D5/1005** Yung Yann CPA, EN 01191877 [“In 1978, Khmer Rouge troops waged war against Vietnam and invaded my village. They threatened my family members and people in the village saying they would shoot us to death if we did not leave our village.”]; **D5/1011** Pat Soeun CPA, EN 01191914 [“In 1978, the Khmer Rouge waged war against the Vietnamese and encroached on my village; then they yelled at to threaten the people, ‘I will shoot you dead all those who do not leave the village!’”].

<sup>842</sup> **D118/233** Lach Sem WRI, A38, EN 01055580 [“Q: When you were evacuated from Vietnam to Preal Village, what was your means of transportation? A38: They went on foot. Some people were kicked and some were stabbed with the muzzles of guns.”], A37, EN 01055579 [“It was called ‘Wat Preal,’ and the villagers in that area had already left. [...] I was pregnant and had a small child with me”]. *See also* **D118/291** Khin Suo WRI, A61, EN 01031842 [“Q: Did you travel on foot from Phnum Den to Preal Pagoda? A61: Yes, I did.”].

<sup>843</sup> *See, e.g.* **D118/253** Kong Samnang WRI, A59, EN 01031948; **D118/233** Lach Sem WRI, A10, 13, EN 01055575-76; **D219/449** Yem Yorn WRI, A1, EN 01151127; **D118/203** Doek Pet WRI, A4, EN 00985586-87. *See V.C.5.c.v.* Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Southwest Zone – Treatment of the Vietnamese and Khmer Krom in Kirivong 1975-1979 – Preal Village.

<sup>844</sup> **D118/164** Pen Heang WRI, A16, EN 00980244 [“Q: Where did the Khmer Rouge wait to receive the Khmer Krom people? A16: Khmer Rouge soldiers waited to receive the Khmer people in the vicinity of Wat Preal Pagoda.”]; **D118/291** Khin Suo WRI, A65, EN 01031843 [“When we arrived at the pagoda, the two young soldiers went to meet soldiers stationed there. Later on, other two soldiers came out of the pagoda compound and greeted us.”].

<sup>845</sup> **D118/253** Kong Samnang WRI, A59, EN 01031948 [“As the Vietnamese invasion was nearing in 1978, the Khmer Rouge evacuated Khmer Krom people through Priel village.”]; **D118/233** Lach Sem WRI, A2-3, EN 01055574 [“I lived in Le Tri Commune, Svay Tong District, An Giang Province, Vietnam. [...] When the Khmer Rouge drove my family into Cambodia, my husband was assigned to work at the battlefield.”], A7, 9-10, 13, 25-27, 34, EN 01055575-76, 78-79 [“A7: I was evacuated from my hometown around 7 or 8 p.m. [...] Q: In the Civil Party application, you wrote that you left Vietnam in April 1978. Is that true? A9: Yes, it is. [...] A10: The Khmer Rouge fought the Vietnamese, and they herded the Khmer Krom away and placed them at Preal Village. [...] A25: [...] when the Khmer Rouge evacuated the Khmer Krom to Cambodia, they placed me in Preal Village for three days. Q: How many people were placed in Preal Village with you? A26: Many. Only 20 to 30 residents in my home village got away: the rest were driven into Cambodian territory. Q: How many people were there in your home village? A27: There were hundreds [...]. A34: [...] Later, they sent me to Kouch Prech.”]; **D219/449** Yem Yorn WRI, A1, EN 01151127 [“We were driven from my home village in Vietnam, meaning from Kouk Ampil, Le Tri Commune, Svay Tang District, An Giang Province, Vietnam, up to Cambodia. When Khmer Rouge soldiers came to our village, they told us to leave our homes and go to Kampuchea. [...] When we initially arrived in Kampuchea, they had us stay at Wat Preal Pagoda. After staying at that pagoda for about two days, they transported us by truck to Kampeaeng Kouk Prech Commune. [...] When they evacuated me [to] Kampuchea, I was six months pregnant.”]; **D118/203** Doek Pet WRI, A4, EN 00985586-87 [“Q: [...] Information relevant to the alleged crimes [in the information complaint] reads: ‘From 1975 to 1978, I lived in Kampuchea Krom. Beginning in 1978, the Khmer Rouge launched an attack to Ampeay Svay Village. They drove my family to Cambodia by crossing Vinh Te Canal and Sre Khmuonh. We stayed one night at Wat Priel Pagoda in Saom Commune, Kirivong District, Takeo Province. The next morning they sent us on to Slaeng Village, Kouk Prech Commune, Kirivong District, Takeo Province. [...]’ Is this information correct? A4: Yes, it is all correct.”]; **D118/291** Khin Suo WRI, A12-13, EN 01031836 [“The name of my village was Veal Brokes; currently it is called Yangyav village. [...] From 1975 to 1978, my family and other villagers lived happily in our home village, but in 1978, Pol Potists entered my village and persuaded my families and other Khmer Krom families to move to live in the upper part of Cambodia. They told us not to bring any belongings or clothes with us because they said that there was everything in Cambodia.”], A63, EN 01031842 [“They were all Khmer Krom people who travelled to that place and the

### Other Inhumane Acts (Inhumane Treatment)

262. The stronger of the surviving Khmer Krom males who remained in Preal were forced to support the CPK military based in the area.<sup>846</sup> There, they worked in groups of five to 100 doing tasks such as farming, growing vegetables, and making “punji” stakes.<sup>847</sup> The conditions were harsh and food rations were inadequate, leading to severe malnutrition and death for the Khmer Krom conscripts and other inhabitants, including the elderly and children.<sup>848</sup>

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two young soldiers who escorted us.”], A101, EN 01031847 [“Q: When you said about departing from Wat Preal Pagoda, it means that you and other people left Preal village, correct? A101: That is correct. Then they had us stay at Sleng Pagoda in Sleng village, perhaps located in Kampeaeng commune.”]; **D5/1007** Khin Suo CPA, EN 01191885 [“Between 1975 and 1977, I lived in Veal Prokeo Village, Yoang Yav Commune, Svay Torng District, Ang Yang Province, Kampuchea Krom. In 1978, Khmer Rouge soldiers entered my village. They sent my family and the other people to Cambodian territory. [...] The next morning, we resumed our journey to Preal Village. [...] Then Khmer Rouge sent us to Slaeng Village.”]; **D5/1035** Yem Yorn CPA, EN 01192128; **D5/1005** Yung Yann CPA, EN 01191877 [“Between 1975 and 1977, I lived at Wat Thmei Pagoda, Sin Tau Commune, Tien Bieng District, Moat Chruk Province, Vietnam. In 1978, Khmer Rouge troops waged war against Vietnam and invaded my village. They threatened my family members and people in the village saying they would shoot us to death if we did not leave our village. At that time, my family members and all the people left. [...] We walked by night and arrived at Wat Preal Pagoda [...]. After threatening me, they took my family members and the other people to Trapeang Khchau Village, Ream Andaeuk Commune”]; **D5/1010** Kay Sdeung CPA, EN 01191907 [“In 1975, I lived in Ansang Village, Yang Yav Commune, Svay Tong District, Ang Yang Province, Kampuchea Krom. In 1978, the Khmer Rouge soldiers advanced attacks into my village and forced my family and all villagers to come to Cambodia. [...] The next morning, we continued our journey to Preal Village and spent another night there. [...] After that, they sent me to Chi Mreak and had me live there.”]; **D5/1011** Pat Soeun CPA, EN 01191914 [“In 1975, I lived in Voat Thmei Village, Sin Tou Commune, Svay Tong District, Ang Yang Province, Kampuchea Krom. [...] They mobilised us up to Wat Preal Pagoda and has us stay there overnight. [...] After that they took me and all my siblings toward Ou Ansa Village, Kampeaeng Commune, Kouk Prech”]; **D5/1036** Ser Sary Supplementary CPA, EN 01192139 [“In 1975, I lived in Cheung Kou Village, Ang Ki Commune, Svay Tor District, Ang Yang Province [...] they attacked and captured my home village in Kampuchea Krom. They [...] evacuated people [...] and walked them along the road [...] we [...] took a rest at Phnum Din Mountain at midnight. At 3.00 a.m. my family members and the other evacuees [...] had to stay at Wat Preal Pagoda overnight. [...] we arrived at Tram Kak District”], EN 01192138 [“the victim and other people were sent to POK Trabaek Village, Pok Trabaek Commune”]; **D5/1009** Ou Nhey CPA, EN 01210423 [“In 1971, I lived in Myang Village, Yana Yav Commune, Moat Chrouk Province, Kampuchea Krom. In 1978, the POL Pot Angkar evacuated us to Cambodia. We [...] spent the night in Preal Village. The following morning, they ordered us move even further. [...] Later they relocated my remaining family members to live in Svay Sar Village, Prey Daeng Commune, Kiri Vong District, Takeo Province.”].

<sup>846</sup> **D118/233** Lach Sem WRI, A10, 52-53, EN 01055575, 82 [“A10: [...] After that the Khmer Rouge selected the strong people, the men for instance, to work at the battlefield. [...] A52: [...] I left Preal Village in the morning and walked until night when I was able to get on a lorry. Q: Did your husband and child go with you? A53: My husband was assigned to be a soldier, and my daughter had been killed by been thrown on bamboo.”]; **D219/49** Tob Nget WRI, A91, 101, EN 01053692-93.

<sup>847</sup> **D219/49** Tob Nget WRI, A95, 103-104, 109, 112, EN 01053692-94.

<sup>848</sup> **D219/49** Tob Nget WRI, A102, 114, 118, EN 01053693, 95 [“Q: Can you describe your time at Wat Preal Pagoda? A102: It was hard to live there. Ten people were given ten [Khmer: two] cans of rice between them. Sometimes when we complained about the insufficient food, they replied that it was due to transportation difficulties. So sometimes we had nothing to eat but watery porridge. [...] Q: In your complaint, you said that [...] the ten members in your team were starved. When and where did this happen? A114: This event took place at Wat Preal Pagoda. [...] A118: [...] Because we did not have enough to eat, we kept foraging for food to eat, and if they caught us they accused of being an enemy and we would



Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

263. CPK authorities in Preal targeted Khmer Krom and others accused of being affiliated with the Vietnamese, and many were executed.<sup>849</sup> The soldiers in Preal Village closely questioned civilians to determine their nationality. Those who spoke Khmer unclearly, or with an accent that identified them as coming from Vietnam, were killed.<sup>850</sup> Khin Suo explained that the Khmer Rouge “did not consider the Khmer Krom as the Khmer [...] [but] as the Vietnamese”.<sup>851</sup> Accordingly, they were killed if they “spoke like Vietnamese”.<sup>852</sup> Chhem Nhoem stated that CPK militiamen executed her parents and three older brothers at Preal pagoda within five days of each other, on the basis that they perceived them to be Vietnamese.<sup>853</sup> CPK militiamen executed other Khmer Krom in

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disappear.”]; **D5/1036** Ser Sary Supplementary CPA, EN 01192139 [“a number of old people and children fell sick and suffered from starvation. Therefore, they started to die one after another.”]; **D118/233** Lach Sem WRI, A41-42, EN 01055580 [“Q: Did you receive enough food in Preal Village? A41: No. I ate what I brought with me. [...] A42: [...] I had enough food at my hometown, but I did not have enough in Preal Village.”].

- <sup>849</sup> **D219/746** Oeun Ses WRI, A36, EN 01479491 [“Q: What kinds of people were the main targets to be arrested? A36: People who were connected to LON Nol soldiers and the Khmer Krom were the main targets to be smashed or killed. Those who were connected to the Vietnamese were spied on too.”]. **D118/291** Khin Suo WRI, A71, 95-96, EN 01031844, 46-47 [“A71: I witnessed the arrest, and I witnessed when they were accused of being Vietnamese spies. I met Vang while he was fleeing, and I personally heard that my two brothers and cousin were killed. [...] A95: We were afraid that they would take us to be killed if we told them we wanted to return to our home village. Q: Why did you think so? A96: I witnessed them arrest my brothers and Vang and walking them away, so they would do it to me and other people if we said that we wanted to return to our home village.”]; **D5/1005** Yung Yann, CPA, EN 01191877 [“We walked by night and arrived at Wat Preal Pagoda, where they took my husband and another man to be killed. After seeing that, I cried out loud. Then they threatened to kill me because I cried out loud.”]; **D5/1009** Ou Nhey CPA, EN 01210423 [“They arrested my husband and parents and took them to be killed at a place which was further on from Wat Preal Pagoda. [...] I was terrified. I could not believe that Khmer would kill Khmer in such a way.”]; **D5/1011** Pat Soeun CPA, EN 01191914 [“The next morning, they suddenly took my parents to be killed most miserably. Seeing that event, I cried loudly.”]; **D5/1549** Sok Sin CPA, EN 01881052 [“Then, my husband was arrested and walked to the bamboo trees in Preal Village where he was shot immediately.”].

- <sup>850</sup> **D118/233** Lach Sem WRI, A23-25, EN 01055577 [“A23: My family and I spoke Khmer very clearly. [...] A24: Those who spoke unclearly or with an accent were killed in the forest in Preal Village, and some were killed in a bamboo thicket. Q: How did you know that they took those people to be killed in Preal Village? A25: Because when the Khmer Rouge evacuated the Khmer Krom to Cambodia, they placed me in Preal Village for three days.”], A29-30, EN 01055578 [“A29: While I was at Preal Village, the Khmer Rouge questioned the people in order to determine their nationality. The Khmer Rouge killed those who spoke unclearly. Q: How did you know that the Khmer Rouge killed those who spoke unclearly? A30: It was chaotic back then. The Khmer Rouge told the Khmer Krom to speak, and those who spoke unclearly were immediately dragged away and beaten.”].

- <sup>851</sup> **D118/291** Khin Suo WRI, A44, EN 01031840 [“Based on the miserable ways they treated us, they did not consider the Khmer Krom as the Khmer. They considered us as the Vietnamese.”].

- <sup>852</sup> **D118/233** Lach Sem WRI, A22, EN 01055577 [“Those who spoke like Vietnamese were killed. Four or five people were killed.”], A33, EN 01055579 [“Q: [...] Did you know the names of the Khmer Rouge who killed those who spoke unclearly? A33: I did not know their names. They were militiamen and Khmer Rouge soldiers.”].

- <sup>853</sup> **D5/1037/1** Chhem Nhoem CPA, EN 00991313.

Preal, alleging that they were Vietnamese soldiers or spies.<sup>854</sup>

264. Many Khmer Krom conscripts and civilians at Wat Preal disappeared and were presumed to have been killed.<sup>855</sup> Tob Nget, a Khmer Krom conscript, stated: “They had us stay only within the pagoda compound. If we did not listen to their orders, we would disappear.”<sup>856</sup> Oeun Ses heard about the arrests and killings in Preal Village during the DK period and recalled that the arrests took place at night.<sup>857</sup>
265. The Khmer Krom were typically killed in the forest next to the village.<sup>858</sup> Khin Suo stated that two CPK soldiers killed his two elder brothers and a cousin there after accusing them of being Vietnamese spies.<sup>859</sup> Lach Sem recalled that “[w]hen the Khmer Rouge killed

<sup>854</sup> D5/1009 Ou Nhey CPA, EN 01210423 [“They accused my husband and parents of being Yuon spies.”]; D5/1010 Kay Sdeung CPA, EN 01191907 [“The next morning, we continued our journey to Preal Village and spent another night there. The next morning, when my father saw militiamen, he got away and was about to drive oxen to be yoked. They immediately asked him, ‘Comrade, why do you look so frightened? Are you the Yuon soldier?’ Then they took him to be killed in Preal Village.”].

<sup>855</sup> **D219/49** Tob Nget WRI, A109, 112-118, EN 01053694-95 [“A109: [...] My team initially consisted of five people when we went to join the army at Wat Preal Pagoda. That first night, one member disappeared. [...] A112: [...] If we did something wrong, they would take us away. Q: When you lived in Wat Preal Pagoda, did you notice that many people were taken away? A113: Yes, many. At that time, three Khmer Krom were called away from work and eventually disappeared. I did not know what mistakes they had committed. Q: In your complaint, you said that they took your nephews to be killed without any mistakes having been committed [...]. When and where did this happen? A114: This event took place at Wat Preal Pagoda. Q: Why did they take your two nephews to be killed? A115: I did not know why. Q: Did anyone see your nephews being taken away? A116: No, the Khmer Rouge took them away at night. Q: As a general rule, when you were living in Kiri Vong District, did you see if the treatment of Khmer Krom differed from that of Khmer? A117: They treated us differently. The other residents lived separately from us. If we did something wrong, the Khmer Rouge would smash us. Q: When you stayed in Kiri Vong District, did you ever notice the disappearance of whole groups? A118: No. But occasionally one individual disappeared. Because we did not have enough to eat, we kept foraging for food to eat, and if they caught us they accused us of being an enemy and we would disappear.”]; **D118/233** Lach Sem WRI, A45, EN 01055581 [“Many people disappeared. I lost my uncles and aunts.”].

<sup>856</sup> **D219/49** Tob Nget WRI, A93, EN 01053692.

<sup>857</sup> **D219/746** Oeun Ses WRI, A35, EN 01479491 [“While I was in Preal Village, I heard about [the arrests and killings], but I never witnessed it. The arrests were made at night time, and I did not go anywhere at night. I just stayed at home. When the morning came, people talked about the arrests of people.”].

<sup>858</sup> **D118/253** Kong Samnang WRI, A59, EN 01031948 [“[The Khmer Rouge] executed [the Khmer Krom] in a jungle at Priel village.”]; **D5/1009** Ou Nhey CPA, EN 01210423 [“They arrested my husband and parents and took them to be killed at a place which was further on from Wat Preal Pagoda.”].

<sup>859</sup> **D118/291** Khin Suo WRI, A60, 67, 69, 71, 83, 85, EN 01031842-45 [“A60: That pagoda was called Preal Pagoda; they had us stay in the compound of that pagoda. [...] A67: [...] the two young soldiers who escorted us from Khmer Krom told us that we had to stay overnight in the pagoda [...] A69: At round 1 p.m., the soldiers came to control us. They suspected that my two elder brothers, one of my cousins and another person called Vang were Vietnamese spies. They were tied up and stuck a wire in their wrist. They walked four of them towards the forest behind the pagoda. Around one hour later, Vang returned with full of blood on his arms; he was trying to flee back to Kampuchea Krom. Vang ran past the pagoda and met me. He told me that my brothers and my cousin were already shot dead. [...] Q: You said that they were accused of being Vietnamese spies. Did you witness this? A71: I witnessed the arrest, and I witnessed when they were accused of being Vietnamese spies. I met Vang while he was fleeing, and I personally heard that my two brothers and cousin were killed. [...] A83: Two soldiers walked my brothers and Vang to be killed in forest, and I saw there were five soldiers who stayed with the people while they took my brothers away to be killed. [...] Q: Did Vang tell you who killed your brothers? A85: He told me that the two soldiers who walked my brothers away were the ones who killed them.”]; **D5/1007** Khin Suo CPA,

[the people who spoke unclearly], they took those people to a nearby forest and killed them there.”<sup>860</sup> Another group of Khmer Krom, including Lach Sem’s three-year-old daughter, were killed in a bamboo thicket near Preal.<sup>861</sup> Sann Touch stated that Khmer Krom bodies were disposed of and thrown into a mountain cavern near Preal Village.<sup>862</sup> In 1980 and later, Khmer Krom survivors described the killings of relatives and Khmer Krom families who were sent to Wat Preal.<sup>863</sup>

266. Approximately 1,000 bodies of Khmer Krom people were discovered in a mass grave in a mountain cavern about 1.5 kilometres from Preal. Later at this location, Sann Touch observed bone fragments and clothing.<sup>864</sup> In 2012, Nguon Kimmeng, the Preal Village

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EN 01191885 [“They accused my two elder brothers and another younger brother of being spies for Vietnam. They arrested them and another person, Vang, and took all of them to be killed in Preal Village.”].  
<sup>860</sup> **D118/233** Lach Sem WRI, A32, EN 01055579.

<sup>861</sup> **D118/233** Lach Sem WRI, A17, 24, 53, EN 01055576, 78, 82 [“My three-year-old daughter was thrown into a bamboo thicket alive. [...] My daughter ran after my husband, so the Khmer Rouge soldiers were angry and threw her on top of a bamboo. She died instantly. [...] Those who spoke unclearly or with an accent were killed in the forest in Preal Village, and some were killed in a bamboo thicket. [...] my daughter had been killed by being thrown on bamboo.”].

<sup>862</sup> **D118/131** Sann Touch WRI, A60-62, EN 00970048 [“Q: [...] In your report, you said that there were two mass graves, one was in Preal Village [...]. Can you confirm you said that? A60: Yes, I said that. Q: How did you know that the Khmer Krom bodies were buried there? A61: They were not buried there, but they were beaten and pushed into the mountain cavern. [...] A62: I did not see it firsthand, but the base people reported it.”].

<sup>863</sup> **D118/253** Kong Samnang WRI, A59-60, EN 01031948 [“A59: [...] At that time, the Khmer Rouge chased and arrested the Khmer Krom fleeing to Vietnam and finally, they executed them in a jungle at Priel village. Q: How did you know this? A60: Later in 1980 I moved in Priel village. I heard this from the survivors who fled the execution but did not return to Vietnam. They told me that their relatives were arrested and killed by the Khmer Rouge during that time.”]; **D118/163** Prom Saroeurn WRI, A26-27, 30, EN 00979994-95 [“Q: Did you ever see or hear of any arrests of Khmer Krom? A26: I only heard that Khmer Krom people from [...] Vietnam, were taken to Wat Preal Pagoda Saom Commune, Kirivong District. [...] A27: I heard it from survivors who came to work in my team. Their names were Daok and Kun. [...] A30: They told me that the Khmer Rouge had thrown young babies into the air and stabbed them with bayonets, and they stripped the women naked, raped, and shot them to death at Prey Nhenh, near Preal Village. Of those approximately ten Khmer Krom families who had been sent to Wat Preal Pagoda, some were killed and some survived.”].

<sup>864</sup> **D118/147.1.43** KRT Research Project Report, Account of Sann Touch, EN 00527165 [“I found 2 mass graves, one in Preil village and another in Saom village, in Saom commune Kiri Vong district, where Kraom were killed.”]; **D118/131** Sann Touch WRI, A60-62, 64-65, 67-72, 75, EN 00970048-50 [“Q: [...] In your report, you said that there were two mass graves, one was in Preal Village [...]. Can you confirm you said that? A60: Yes, I said that. Q: How did you know that the Khmer Krom bodies were buried there? A61: They were not buried there, but they were beaten and pushed into the mountain cavern. [...] A62: I did not see it firsthand, but the base people reported it. After the Khmer Rouge Regime was toppled, I used to lead an organisation to see that place. [...] Q: How far from here to that grave? A64: It is about 1.5 kilometres, but we cannot reach there by car. Q: What is the graves location called? A65: It is Preal Village. [...] Q: After the Khmer Rouge Regime, have you ever seen corpses at those two graves? A67: I saw bones and pieces of shirts at those two graves. Q: Are you sure that those were the Khmer Krom? A68: Yes, I am. Q: Were you told this by the base people? A69: Yes, I was. Q: Can you estimate how many corpses there were at those graves? A70: There was only one grave in Preal Village, which comprised of around one thousand bodies. [...] A71: [...] In Preal Village, it was a cavern. Q: Is the grave in Preal Village still a cavern with remains? A72: Yes it is, but there remains fragments of bones. [...] Q: Where was Voat Preal Pagoda located? A75: Voat Preal Pagoda was situated in this village.”].

chief, stated that two or three mass graves were located near the adjoining forest to Preal where bodies, believed to be of Khmer people and Vietnamese soldiers, were collected by the Vietnamese authorities.<sup>865</sup>

### Persecution

267. Persecution was committed through the crimes described above against the Khmer Krom. This group was specifically targeted because of their actual or perceived membership of a political group.<sup>866</sup>

#### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

268. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Preal Village execution site:<sup>867</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>868</sup> and the crimes against humanity of murder, extermination,<sup>869</sup> deportation, persecution on political grounds against the Khmer Krom, and other inhumane acts (forced transfer, inhumane treatment, and enforced disappearance).

#### e. KRAING TA CHAN SECURITY CENTRE

##### i. INTRODUCTION

269. The District 105 Reeducation Office, better known as the Kraing Ta Chan Security Centre (“Kraing Ta Chan”), was located in the CPK stronghold of Tram Kak District, which in 1977 was designated a “model district” that others were encouraged to

<sup>865</sup> **D105/21** WRIA, Account of Nguon Kimmeng, EN 00803438 [“On 12 March 2012 I went to Priel Village [...]. There I met with Ms NGUON Kimmeng, 59 years old, Village Chief. According to Ms NGUON human remains were found into two or three mass graves near the forest. The Vietnamese authorities collected most of the human remains as they were believed to be remains of Vietnamese soldiers killed during the conflict with the Khmer Rouge. Apparently also human remains of Khmer people were also found. Now it is impossible to locate and to access the area because everything was converted into rice fields.”].

<sup>866</sup> See **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>867</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are other inhumane acts (inhumane treatment and enforced disappearance). The CIJs were seised of these crimes by **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, para. 12.

<sup>868</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>869</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Preal alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Preal, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

emulate.<sup>870</sup> At Kraing Ta Chan, Southwest Zone cadres extrajudicially imprisoned suspected enemies of the regime, including “17 April people” and Khmer Krom. Many prisoners were tortured and all but a few either died from the squalid conditions or were executed. Southwest Zone cadres committed these crimes at Kraing Ta Chan in furtherance of the joint criminal enterprise of which **Yim Tith** was a leading member.

270. The ICIJ charged **Yim Tith** with the following crimes in relation to Kraing Ta Chan Security Centre: genocide of the Khmer Krom;<sup>871</sup> the crimes against humanity of murder, extermination, imprisonment, torture, persecution on political and racial grounds against the Khmer Krom and on political grounds against “17 April people”, other inhumane acts (forcible transfer and confinement in inhumane conditions); and premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>872</sup>

ii. OPERATION AND LOCATION

271. Established in 1972 or 1973,<sup>873</sup> Kraing Ta Chan served as Tram Kak’s main prison both before and after 17 April 1975. The security centre was located in Kus Commune in Tram Kak District, Sector 13 of the Southwest Zone.<sup>874</sup>

iii. AUTHORITY STRUCTURE AND COMMUNICATION

272. Kraing Ta Chan was a district prison overseen by the Tram Kak District Committee, which reported to the Sector 13 Committee that at one point was headed by **Yim Tith**.<sup>875</sup>

<sup>870</sup> For specifics, see para. 138, fn. 372.

<sup>871</sup> See **V.C.5.d.i**. Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Southwest Zone – Treatment of the Vietnamese and Khmer Krom in Tram Kak District 1975-1978 – Kraing Ta Chan Security Centre, for a full discussion of the crime at Kraing Ta Chan, as the ICP is of the view that the evidence of Yim Tith’s conduct for these charges is better demonstrated when considered in conjunction with the legal and historical context addressed in that section.

<sup>872</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068, 70, 76.

<sup>873</sup> **D6.1.652** Pech Chim WRI, EN 00380132 [“That Center was created since 1972 by the Sector party and the District party”]; **D6.1.778** Kev Chandara WRI, EN 00223452; **D219/522** Hun Kimseng WRI, A22, EN 01168011; **D315.1.8** Phan Chhen, T. 25 Feb 2015, 09.57.00-09.58.36.

<sup>874</sup> See, e.g. **D1.3.27.6** Neang Vorn, *Brief History of Kraing Ta Chan Genocide Centre*, EN 00301363; **D315.1.9** Van Soeun, T. 3 Mar 2015, 14.08.19-14.10.18 [“Kraing Ta Chan office was in Kus commune.”]; **D366/4.1.1** Cheang Sreimom, T. 29 Jan 2015, 09.44.46-09.47.23 [“My father was killed in Kraing Ta Chan. It was in [...] Kus commune.”]; **D6.1.652** Pech Chim WRI, EN 00380133 [“That Security Center [was] located in Kraing Ta Chan village, Kous commune, District 105 (Tram Kak district), Takeo province.”]; **D219/40** Phan Chhen WRI, A30-31, EN 01053634.

<sup>875</sup> **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.27.48-15.29.36 [“the handicapped Ta Phy, became the district committee 105. And he would come to the Kraing Ta Chan office about three to four times a week”]; **D6.1.652** Pech Chim WRI, EN 00380132-33 [“the work of the [Kraing Ta Chan] Security Center was sent to the District and then on to the Sector.”]; **D219/40** Phan Chhen WRI, A40, EN 01053635; **D118/242** Khoem Boeun, A187, EN 01047708. See paras 287 and 293. For details regarding who was on the Tram Kak District Committee and when, see para. 139. For details regarding Yim Tith’s role in the Southwest Zone and on the Sector 13 Committee in particular, see **III.C.1**. Yim Tith’s Positions, Acts, and Conduct

Chairman Phan Chhen and his deputy, Ta An, oversaw the prison until Phan Chhen was transferred in mid-1975.<sup>876</sup> Ta An then headed the prison until the regime fell.<sup>877</sup> Duch Thom, or Big Duch, served as Ta An's deputy until he was replaced by Penh.<sup>878</sup>

273. Sector 13 and Tram Kak District officials regularly communicated with the prison chairman at Kraing Ta Chan. These officials sent interrogation instructions to An, An sent interrogation reports and "confessions" back, they then gave orders to An to release, transfer, or kill the prisoners, and An implemented their orders.<sup>879</sup>

#### iv. CRIMES

##### Other Inhumane Acts (Forced Transfer)

274. In 1976, people from Kampuchea Krom, including Cambodian nationals who had fled to Vietnam after 17 April 1975, agreed to return to DK in an exchange programme, but

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– Yim Tith's Participation in the Common Criminal Plan in the Southwest Zone – Yim Tith's Positions in the Southwest Zone.

<sup>876</sup> See, e.g. **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.29.43-14.31.28 ["The first chief was Ta Chhen, and then Ta An came in -- I forget the year -- but he came after the liberation of Phnom Penh by DK."]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.58.24-10.59.35; **D315.1.2** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52; **D6.1.652** Pech Chim WRI, EN 00380134 ["Chhen was the chief of the Center, and An was Chhen['s] deputy"], EN 00380136-37 [Chhen was transferred to another position as prison chief in about mid-1975]; **D6.1.779** Kev Mao WRI, EN 00163473 [former KTC prisoner, arrested in 1974: "Phan Chhen was the chief. The deputy was An."]; **D6.1.690** Pech Chim WRI, A32, EN 00422342; **D134/8** Saut Saing WRI, A42, EN 00970119; **D6.1.669** Kev Chandara WRI, A2, 13, EN 00411483, 85. *But see* that when Phan Chhen testified in Case 002/2, he maintained that he never served as the prison chief, and that he left the area in 1974: **D315.1.7** Phan Chhen, T. 24 Feb 2015, 13.59.59-14.01.48 ["In 1974, I moved to live in Kampong Speu province"], 14.12.09-14.18.29, 14.36.06-14.37.40 and **D315.1.8** Phan Chhen, T. 25 Feb 2015, 14.15.13-14.18.10. *See also* **D6.1.692** Phan Chhen WRI, A40-41, EN 00426286-87.

<sup>877</sup> See, e.g. **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.29.43-14.31.28; **D315.1.2** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["As for the leaders, [...] When I initially arrived [at Kraing Ta Chan], there was Ta Chhen, that was prior to 1975; and after 1975, it was Ta An"]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.24.11-11.25.49 ["An was the chief and Om Penh was his deputy"]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.15.48-11.18.04; **D315.1.6** Srei Than, T. 23 Feb 2015, 09.29.19-09.30.14; **D315.1.14** Neang Ouch alias Ta San, T. 10 Mar 2015, 15.26.50; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.33.59-09.36.57; **D118/166** Toem Hy WRI, EN 00980269; **D118/242** Khoem Boeun WRI, A189, 201, EN 01057708, 10; **D219/135** Yin Teng WRI, A118, EN 01067047; **D118/276** Uk Him WRI, A24, EN 01031762. *But see* **D315.1.7** Phan Chhen, T. 24 Feb 2015, 14.12.09-14.14.13, 15.21.22-15.23.07; **D315.1.8** Phan Chhen, T. 25 Feb 2015, 11.04.02-11.06.05, 13.45.41-13.47.02, 15.21.10-15.25.52; **D118/103.1** Phan Chhen WRI, A3, EN 00490536, A56, 60, EN 00490542-43; **D6.1.692** Phan Chhen WRI, A22, 25, 37, 41, 44, 47, EN 00426284, 86-88; **D6.1.695** Phan Chhen WRI, A4, 30, 32-33, 47, EN 00426299, 302-304; **D219/40** Phan Chhen WRI, A40, EN 01053636; **D219/41** Phan Chhen WRI, A75, 92-93, EN 01053652, 54.

<sup>878</sup> **D315.1.2** Say (Sory) Sen, T. 6 Feb 2015, 14.23.18-14.24.52 ["after 1975, [the leadership of the prison] was Ta An and Ta Penh (phonetic) and Duch 'Thom' or big Duch."]; **D315.1.3** Say (Sory) Sen, T. 25 Mar 2015, 14.36.10-14.37.55 ["Big Duch was the deputy chief."]; **D315.1.17** Nut Nov, T. 16 Mar 2015, 10.37.42-10.40.10 ["Iep Duch, I know him very well. He was the chief of Tram Kak Youth Committee before, and later he was sent to Krang Ta Chan. He worked there"]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.24.11-11.25.49 ["big Duch actually had left Krang Ta Chan in 1977 to be transferred to the North Zone."]; **D6.1.119** Say (Sory) Sen WRI, EN 00225511; **D118/133** Say (Sory) Sen WRI, A38, EN 00969623-24; **D6.1.709** Srei Than WRI, A4, EN 00434689.

<sup>879</sup> See paras 287 and 293.

rather than allowing them to return to their original villages, the Khmer Rouge forcibly relocated them to districts, including Tram Kak.<sup>880</sup> In early 1977, thousands of “17 April people” from neighbouring Kirivong District were also forcibly transferred to Tram Kak because of fears that they would flee to Vietnam.<sup>881</sup> Surviving prison records indicate that many of the transferees were ultimately imprisoned at Kraing Ta Chan.<sup>882</sup>

### Imprisonment

275. Kraing Ta Chan was the centre of Tram Kak District’s prison system during the DK regime and imprisoned “serious” offenders. None of the former prisoners who gave evidence mentioned that they, or anyone detained with them, were ever formally charged with a crime either before or after arriving at Kraing Ta Chan. They were accorded no due process, and some were arbitrarily held for years.<sup>883</sup> Instead of having access to legal

<sup>880</sup> **D315.1.4** Ry Pov, T. 12 Feb 2015, 09.23.46-09.25.00 [“Vietnamese officials informed us that we, the Cambodian people, would be returned to Cambodia as part of the exchange programme. So we, who fled from Cambodia, discussed and agreed to return together to our homeland.”], 09.31.04-09.33.50 [“we were transported to Tnaot Chum, after the confiscation of our property”], 09.43.04-09.45.19 [those who returned “were exposed to very miserable treatment. They treated us like worthless slaves. The Base People could curse us, could hit us, we could not move anywhere.”]; **D5/49/3** Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33 [“I left Kampuchea Krom when there was the exchange program.”], 13.19.21-13.22.13 [“I thought I would be happy to be back in my home village but [...] I was not allowed to live in my home village and I was taken and brought to Tnaot Chum.”]; **D118/130** Ry Pov WRI, A81, EN 00970036.

<sup>881</sup> **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678590 [“Meanwhile the Phnom Penh evacuees in Kirivong were again deported, in the reverse direction. Sarun recalls that ‘in early 1977 all Kirivong new people were sent to be tempered in Tram Kak district, thousands of them. They were afraid we would go to Vietnam.’”].

<sup>882</sup> See, e.g. **Khmer Krom**: **D347/2.1.9** KTC Prisoner List, Number 33, EN 00762845-46 [Thach Vanna – purged as of 22 May 1977]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747241 [Thach Saren], EN 00747279 [Thach Uk], EN 00747286 [Kem Khen], EN 00747289 [Chan Dara]; **D6.1.202** KTC Interrogator’s Notebook, EN 00834816 [Khieu Phy]; **D6.1.214** KTC Interrogator’s Notebook, EN 01064171 [Tach Snguon]; **D6.1.1220** KTC Interrogator’s Notebook, EN 00290225 [Thach Oeng Nang], EN 00290236 [Neang An], EN 00290237-38 [Kim Thy Saren], EN 00290238 [Thach Thi Son], EN 00290238-39 [Tuon Hin]; **D6.1.275** KTC Interrogator’s Notebook, EN 00866431 [Ly Lem], EN 00866438 [Sok Kao alias Kav], EN 00866447-48 [Kim Inh], EN 00866457-59 [Nang Horn alias Nhoung]; **D118/162** Keo Ken WRI, A33, EN 00979986. “17 April people” transferred from Kirivong District (District 109); **D6.1.217** KTC Interrogator’s Notebook, EN 00366676 [Nieng Mao, Praoy Pann, Hoem Hen], EN 00366677 [Phy Chhon, Kiev Kuong, Tei Sok Heng, So Nos], EN 00366678 [Sieng Thy, Sieng Rean, Oun Lay, Khieu Hao], EN 00366684 [Yem Savorn, Suon Hiem], EN 00366685 [Rath Mos], EN 00366686 [Chan Chak], EN 00366687 [Nhiep], 00366690-91 [Mann Seng], EN 00366694-95 [Sok Chu, Mao Chan Thon, Sok Soy], EN 00366695-96 [Ros Lay, Saom Sosin, Yuos Kim]; **D6.1.202** KTC Interrogator’s Notebook, EN 00834792-95 [Try Heng, Ing Phem, Meas Eng, Ses Sery, Chhoeng Phim, Tak Sim, Nget Ngan, Khun Khorn, Khieu Son], EN 00834801 [Vath Than], EN 00834806 [Sa Sary, Chan Tha], EN 00834807 [Sin Song], EN 00834808 [San Sung], EN 00834809 [Lay Kiek], EN 00834812 [Chheng Ngaol], EN 00834821 [Mauv Ban Hieng], EN 00834823 [Pen Nun], EN 00834824 [Kab alias Ham], EN 00834825-26 [Kuy Ni, Ven Ham alias Poeu Mony], EN 00834829-30 [Suon Phy, Chak Siep, Chum Phal]; **D6.1.297** Kraing Ta Chan Interrogator’s Notebook, EN 00779251 [Sau Taem], EN 00779252 [Vat Than].

<sup>883</sup> **D347/2.1.9** List of Prisoners Detained for Months or Years, EN 00762837 [Iet Chin, Hun Seng [Hun Kimseng], Meas Sarat, Vorng Sanu [Vong Sarun], Uch Han]; **D347/2.1.9** Names of Prisoners from M-105 Detained for Years Pending Party’s Decision, EN 00762844 [Yuk Sen [Say (Sory) Sen], illegible, Hun Nha, Meas Rat, Sam Chun]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.14.09-10.16.15 [“I was detained along with my mother from 1976 until August 1978. I was transferred [...] temporarily before I was taken

counsel or appropriate adjudication, prisoners were tortured to elicit “confessions” which allegedly formed the basis for their unlawful detention.<sup>884</sup>

276. Twelve surviving DK documents provide varying degrees of detail about the prisoners held at Kraing Ta Chan,<sup>885</sup> such as their occupations before the regime, their alleged offences, and dates of incarceration and/or death. The ICP has compiled the information into a centralised list to help demonstrate what types of people were imprisoned at Kraing Ta Chan.<sup>886</sup> Eight graphs (Figures 1.1-1.8) which help provide better insight into the prison population at Kraing Ta Chan are included in **Annex C**.
277. An analysis of the list (**Annex C.1**) shows that an overwhelming majority (75.9%) of people arrested and imprisoned at Kraing Ta Chan were “17 April people” otherwise known as “new people”.<sup>887</sup> Also detained but in much smaller percentages were “base people”<sup>888</sup> and CPK cadres,<sup>889</sup> as well as Chinese, Vietnamese, Cham, and Khmer

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back again. So, I was detained [at Kraing Ta Chan] for almost three years”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.40.28-13.42.38 [confirmed that he was held at Kraing Ta Chan for five years]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07, 10.20.26-10.24.55, 11.42.57-11.47.53 [detained at Kraing Ta Chan with her young child from May 1977 until the arrival of the Vietnamese in 1979]; **D6.1.788** Neang Dam WRI, EN 00223517 [imprisoned at Kraing Ta Chan from 1977 until the regime fell]; **D219/522** Hun Kimseng WRI, A32, EN 01168012.

<sup>884</sup> See **V.A.1.e.iv**. Crimes – Southwest Zone – Sector 13 – Kraing Ta Chan Security Centre – Crimes – Torture.

<sup>885</sup> See **D6.1.1214**; **D6.1.1220**; **D6.1.217**; **D347/2.1.3**; **D6.1.202**; **D6.1.218**; **D6.1.297**; **D347/2.1.9**; **D347/2.1.5**; **D6.1.275**; **D6.1.214**; **D6.1.1224**.

<sup>886</sup> The data is limited because some portions of the records are illegible and some information is clearly missing. There are also discrepancies in the transliterated spelling of names in the English and French translations of the documents. Where there was a conflict, the ICP looked to the original Khmer version as the authority. *Note* that only 11 of the 12 charts have been incorporated into the OCP’s analysis as the basis for the graphs. The 12th chart (**D347/2.1.3**) was copied from the original document in two segments — one half contains the name, age and birthplace, which had to be matched with the half containing the occupation and arrest/execution dates. This involved lining up the proper village, commune, and districts with the corresponding provinces on the other half in the order that they appeared on the list. However, it appears some matching sections are missing because the locations do not match. The OCP has therefore kept this list separate and includes it as **Annex C.3**, providing only the portions of the list which could be reliably matched.

<sup>887</sup> See **Annex C.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex C.1**. In the Kraing Ta Chan Security Centre Prisoner List analysis, prisoners were identified as “new people” based on available biographical information stating their birthplace, previous occupation, and last known residence. Prisoners for whom no biographical information was available are reflected in the “Not recorded” category of Figure 1.1. See also **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.02.34 [“most of the prisoners [at Kraing Ta Chan] were the New People called 17 April People”]; **D6.1.782** Iep Duch WRI, EN 00223476; **D6.1.780** Seang Soeun WRI, EN 00223463; **D118/276** Uk Him WRI, A50, EN 01031769.

<sup>888</sup> See **Annex C.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex C.1**. In the Kraing Ta Chan Security Centre Prisoner List analysis, prisoners were identified as “base people” using available biographical information stating their birthplace, previous occupation, and last known residence. See also **D6.1.780** Seang Soeun WRI, EN 00223463 [“Many [prisoners] came in [...] From the bases too.”]; **D6.1.782** Iep Duch WRI, EN 00223476; **D118/276** Uk Him WRI, A50, EN 01031769.

<sup>889</sup> See **Annex C.2** Figure 1.1, *New People vs Base People at KTC* and the supporting data in **Annex C.1**.



Krom.<sup>890</sup> More than 80 percent of the prisoners were male.<sup>891</sup> Female prisoners included young girls, pregnant women, and wives of persons who had been deemed enemies.<sup>892</sup> Testimony and surviving documents also show there were prisoners ranging in age from infants and toddlers<sup>893</sup> to the very old (87).<sup>894</sup>

278. Almost 50 percent of the prison population had worked as soldiers, government officials, or police during the Lon Nol regime.<sup>895</sup> Students, teachers, monks, and professionals

<sup>890</sup> Chinese: **D6.1.217** Kraing Ta Chan (“KTC”) Interrogator’s Notebook, EN 00366676 [Lim Tech Huo], EN 00366677 [Heng Huor], EN 00366692 [Ly Koun]; **D6.1.202** KTC Interrogator’s Notebook, EN 00834809 [Lay Kiek], EN 00834818 [Chung Kim Chhe], EN 00834819 [Lim You], [Chung Chhorn]; **D6.1.214** KTC Interrogator’s Notebook, EN 01064182 [Kim Savan], [Sok Nam], EN 01064183 [Ieng Bunthan], EN 01064190 [Lip Liep], EN 01064195-96 [Sokha alias Seu]; **D6.1.1224** KTC Prisoner List, EN 00276559 [Mao Tung]; **D6.1.1220** KTC Interrogator’s Notebook, EN 00290226-27 [Sok Teang]; **D6.1.275** KTC Interrogator’s Notebook, EN 00866460 [Sam Soeung]; **D6.1.783** Hun Kimseng WRI, EN 00223488 [“[The prisoners] all came from District 105. There were Chinese, Yuon, Cham, two Yuon, and the 17 April people.”]; **D118/130** Ry Pov WRI, A59, EN 00970033. Vietnamese: **D6.1.217** KTC Interrogator’s Notebook, EN 00366681 [Yin Ting alias Long]; **D6.1.214** KTC Interrogator’s Notebook, EN 01064165 [Thach Soeung]; **D6.1.1220** KTC Interrogator’s Notebook, EN 00290216 [De Yeun]; **D6.1.783** Hun Kimseng WRI, EN 00223488. Cham: **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.46.43-09.49.36 [“Most of the prisoners I could see, they were Cham people. I know this because they did not eat pork”]; **D6.1.783** Hun Kimseng WRI, EN 00223488; **D118/130** Ry Pov WRI, A59, EN 00970033. Khmer Krom: see the evidence cited above in fn. 882.

<sup>891</sup> See **Annex C.2** Figure 1.3, *Male and Female Prisoners at KTC* and the supporting data in **Annex C.1** as well as supplementary information contained in **Annex C.3**. See also **D315.1.6** Srei Than, T. 23 Feb 2015, 11.25.48-11.27.45 [“As for prisoner, most of them were male”]; **D347/2.1.34** Henri Locard, T. 29 Jul 2016, 09.46.40-09.48.41 [“at least 90 per cent of prisoners in all prisons in Cambodia were men”].

<sup>892</sup> See, e.g. **D219/899.1.3** Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07, 10.20.26-10.24.55, 11.42.57-11.47.53 [the witness was detained at Kraing Ta Chan with her young child from May 1977 until the arrival of the Vietnamese in 1979]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.42.38-13.45.31 [“Yes [I confirm], there were children and female prisoners.”]; **D315.1.6** Srei Than, T. 23 Feb 2015, 11.25.48-11.27.45 [“there were only a few female [prisoners] and a few children”]; **D6.1.780** Seang Soeun WRI, EN 00223463 [“Q: Were there women and children? A: There were. Every kind of prisoner. They killed pregnant women, girls, husbands, wives, children whole families.”]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747244-45 [Ieng Seab], EN 00747254-55 [Phoeuk Sok, Pich Savin], EN 00747284 [Seng Sitha], EN 00747295 [Kok Leng]; **D347/2.1.9** KTC Prisoner List, EN 00762837 [Hun Seng, Meas Sarat, Vorng Sanu, Uch Han].

<sup>893</sup> See **Annex C.2** Figure 1.4, *Ages of Prisoners at KTC* and the supporting data in **Annex C.1** as well as supplementary information contained in **Annex C.3**. See also **D219/899.1.3** Vong Sarun, T. 18 May 2015, 09.42.55-09.46.07 [the witness was detained at Kraing Ta Chan with her young child from May 1977 until the arrival of the Vietnamese in 1979]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.42.10-09.47.03 [“From my observation, children and babies, they were coming [to Kraing Ta Chan] with their parents. [...] During that time, the babies or children [...] lived with their parents.”]; **D6.1.997** Saing Sim WRI, EN 00433572 [“There were adults and children, but the small children were not shackled.”]; **D6.1.783** Hun Kimseng WRI, EN 00223490 [“Q: [Your] two infants died [at Kraing Ta Chan] too? A: They died from lack of breast milk.”]; **D219/522** Hun Kimseng WRI, A24-25, EN 01168011; **D118/167** Van Soeun WRI, A211, EN 00980302; **D219/2** Set Yem WRI, A40, EN 01044901; **D118/276** Uk Him WRI, A51, EN 01031769.

<sup>894</sup> See **Annex C.2** Figure 1.4, *Ages of Prisoners at KTC* and the supporting data in **Annex C.1** as well as supplementary information contained in **Annex C.3**. See also **D6.1.275** KTC Interrogator’s Notebook, EN 00866442 [Nop Long, 87 years old]; **D6.1.1224** KTC Prisoner List, EN 00276559 [Va Saophan, 82 years old]; **D6.1.1220** KTC Interrogator’s Notebook, EN 00290226 [Chao Tit, 79 years old]; **D6.1.202** KTC Interrogator’s Notebook, EN 00834806 [Mak Hien, 75 years old]; **D6.1.217** KTC Interrogator’s Notebook, EN 00366686 [Chhoel Kiet, 70 years old].

<sup>895</sup> See **Annex C.2** Figure 1.5, *Former Occupations of KTC Prisoners* and the supporting data in **Annex C.1** as well as supplementary information contained in **Annex C.3**. See also **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.36.30-14.38.17 [“The number of prisoners [at Kraing Ta Chan] increased after [...] they

comprised another 10 percent, while approximately eight percent were former CPK cadres or combatants.<sup>896</sup> Family members of people linked to the Lon Nol regime were also arrested.<sup>897</sup>

279. Aside from affiliations to “suspicious” individuals or groups, people in Tram Kak District were arbitrarily arrested and sent to Kraing Ta Chan simply for scavenging for food,<sup>898</sup> for being perceived as educated or from the upper class,<sup>899</sup> for complaining or criticising

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liberated Phnom Penh. Those former Lon Nol soldiers [...] were taken there.”]; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 11.08.47-11.10.37 [confirming that former civil servants and Lon Nol servicemen were being tracked down after 17 April 1975]; **D315.3.3** Sao Han, T. 18 Feb 2015, 09.11.15-09.14.37 [his older brother, a former Lon Nol soldier, was killed at Kraing Ta Chan]; **D6.1.686** Sao Han WRI, A22, EN 00413899; **D6.1.878** Meng-Try Ea, *The Chain of Terror*, EN 00182222-23 [“The majority of those arrested in mid-1975 and 1976 were Lon Nol soldiers and policemen. [...] in early 1976, there were many more Lon Nol soldiers and policemen than those in other categories.”].

<sup>896</sup> See **Annex C.2** Figure 1.5, *Former Occupations of KTC Prisoners* and the supporting data in **Annex C.1** as well as supplementary information contained in **Annex C.3**. See also **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 11.08.47-11.10.37 [“Q: [T]his concept of enemy however, that is to say former teachers [...] were these enemies still the same after 17<sup>th</sup> April 1975, were they still being tracked down? A: Yes, indeed.”]; **D6.1.686** Sao Han WRI, A22, EN 00413899.

<sup>897</sup> See **Annex C.2** Figure 1.7, *Imprisoned Relatives of Former Khmer Republic Officials* and the supporting data in **Annex C.1** as well as supplementary information contained in **Annex C.3**. Figure 1.7 depicts individuals detained at Kraing Ta Chan who were not former Khmer Republic officials themselves but indicated they were related to a former soldier or official. See also, e.g. **D6.1.217** KTC Interrogator’s Notebook, EN 00366680 [Nob Kea, 21: her father was a Lieutenant Colonel stationed at the General Staff in Phnom Penh]; **D347/2.1.5** KTC Prisoner List, EN 00973150 [Em Sambath, 24: father was a captain (already smashed)]; **D6.1.1220** KTC Interrogator’s Notebook, EN 00290211 [Nget Nel, 13: father was a colonel], EN 00290253 [Chea Pheakdei, 19: father was the Governor of Kampong Chhnang Province]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.40.28-13.42.38 [“I believed my detention was due to my father being District Chief during the Sihanouk regime. I myself did not commit any wrong-doing”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.18.02-09.20.07 [“one prisoner said he was accused of being connected with a former regime because his sibling or relative have a rank of a major or a captain.”], 10.09.00-10.11.07 [“Based on my observation, if the prisoners [...] were alleged to have a connection with the former Lon Nol regime, then they would be tortured.”]; **D366/4.1.1** Cheang Sreimom, T. 29 Jan 2015, 11.14.22-11.16.37 [“If they [had] any relatives who held senior positions in the previous regime, they would be arrested and killed as well. They used a phrase at that time. If they dig out the grass, they had to dig out the root as well.”]; **D315.2.1** Meas Sokha, T. 8 Jan 2015, 11.55.57-11.57.43 [“Five days after [my father’s] arrest, they came to arrest my mother and my siblings and other villagers”]; **D6.1.998** Saut Saing WRI, EN 00223551; **D219/119.1.4** Ou Dav WRI, A187, EN 01074609.

<sup>898</sup> See, e.g. **D6.1.217** KTC Interrogator’s Notebook, EN 00366684-85 [Sok Sorn: stole husked rice], EN 00366685 [Van Sarun: stole potatoes, chicken and chicken eggs], EN 00366687 [Nheb Ma: stole palm tree juice]; **D347/2.1.5** KTC Prisoner List, EN 00973150-51 [Suon Phy, Chak Ieb and Chum Thal: stole chickens]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747246-47 [Mak Mon alias Mit: stole cucumber and garlic], EN 00747265-66 [Chay Nha: stole husked rice and climbed palm trees to get juice for his children]; **D6.1.275** KTC Interrogator’s Notebook, EN 00866436 [Chiem Heav, a former Lon Nol soldier: “This traitor has confessed his traitorous acts as follows: 1-He stole potato. 2-He stole potato and sugar.”]. See also **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.47.12-13.49.14 [during interrogations at KTC: “If they didn’t confess then, for example, they stole something from the cooperative, namely a coconut or a mango or a potato and because those people starved then they stole, if they didn’t confess then they would be beaten until they confess.”].

<sup>899</sup> See, e.g. **D6.1.202** KTC Interrogator’s Notebook, EN 00834804-05 [Sin Sarath “was a senior student from the petty bourgeoisie”], EN 00834817 [Sok Huoy was a “capitalist” owner of eight car shops]; **D6.1.217** KTC Interrogator’s Notebook, EN 00366695 [Ke Sav: “working at a civil aviation company at Pochentong in Phnom Penh as a capitalist”]; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 13.58.50-14.00.46 [“The upper class peasants and petty bourgeoisie [...] were considered to be of no good and had to be crushed by the

the Regime,<sup>900</sup> or for making any “mistake”.<sup>901</sup> People considered to be lazy or pretending to be sick, accused of stealing, or attempting (even planning) to flee the commune were also imprisoned at the site.<sup>902</sup>

### Other Inhumane Acts (Inhumane Treatment)

280. The conditions at Kraing Ta Chan were cruel and cramped.<sup>903</sup> Up to four wooden

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wheel of history. [...] The wheel crushed every person, provided that he/she was categorized in the wealthy class.”].

<sup>900</sup> See **Annex C.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex C.1**; e.g. **D6.1.217** KTC Interrogator’s Notebook, EN 00366695 [Long Tel: gathered with others for a debate where they said: “Nowadays we live in hardship like slaves; we can not stop working even a bit; the unit chief is very strict.”]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747287 [Yang Kay complained about collectivism, rations, and that high-ranking officers could eat anything]; **D6.1.214** KTC Interrogator’s Notebook, EN 01064172 [Hao Neang: when he heard gunfire at the border, said he would be happy if his people won the war and at least he would be appointed as village chief]. See also **D315.1.20** Ek (Ul) Hoeun, T. 7 May 2015, 13.55.25-13.56.50 [“we couldn’t complain about what we were given, if we complained we would be led away to the forests immediately in broad daylight and considered as an opponent of the cooperative.”]; **D315.2.1** Meas Sokha, T. 8 Jan 2015, 11.39.08-11.40.22 [“in 1976, [my father] complained about insufficient food rations and they accused him of betraying the cooperative.”]; **D219/522** Hun Kimseng WRI, A27, EN 01168011.

<sup>901</sup> See **Annex C.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex C.1**, e.g. **D6.1.217** KTC Interrogator’s Notebook, EN 00366684-85 [Sok Sorn: he let the cattle eat rice plants]; **D347/2.1.5** KTC Prisoner List, EN 00973147 [Neang Dam: was “free-spirited and overjoyed, failing to respect organizational discipline”]; **D6.1.202** KTC Interrogator’s Notebook, EN 00834812 [Chheng Ngaol: often had rows with his wife and wanted to run away from his family to Vietnam], EN 00834828-29 [Em Sambath: stole food and walked one of the cattle to fall down the bridge and it broke a leg]; **D6.1.214** KTC Interrogator’s Notebook, EN 01064191 [Ung Ly: every night in bed he thinks to himself about America and the luxurious life he experienced there. “He has never expressed the feelings to anyone. He has never done any anti-Angkar activities”]. See also **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.02.34-14.04.44 [“later in 1977 [...] anyone who commit any mistake were sent to Krang Ta Chan”].

<sup>902</sup> See **Annex C.2** Figure 1.2, *Alleged Offences of KTC Prisoners* and the supporting data in **Annex C.1**, e.g. Lazy and/or pretending to be sick: **D6.1.1220** KTC Interrogator’s Notebook, EN 00290212 [Nget Rin], EN 00290213 [Prak Un alias Ros], EN 00290233 [Ie Lim Touch]; **D6.1.202** KTC Interrogator’s Notebook, EN 00834826-27 [Pok Bunly]; **D6.1.217** KTC Interrogator’s Notebook, EN 00366685 [Van Sarun]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747244 [Pok Phai]; **D315.1.6** Srei Than, T. 23 Feb 2015, 10.02.45-10.04.23 [“The prisoners who were sent [to Kraing Ta Chan] were accused of stealing food, and pretending to be ill, and lazy.”]. Accused of stealing: **D6.1.217** KTC Interrogator’s Notebook, EN 00366684 [Moeng San]; **D347/2.1.5** KTC Prisoner List, EN 00973148 [Kuy Ny], EN 00973149 [Kong Vet]; **D6.1.1220** KTC Interrogator’s Notebook, EN 00290256 [Chea Sophal]; **D219/899.1.1** Khoem Boeun, T. 4 May 2015, 15.54.02-15.58.19 [former Cheang Tong Commune Secretary: “We received the instruction from the upper echelon. [...] the serious offence would be for those who acted against the regime or they stole dishes and buried them. [...] they would be considered the enemy.”]. Attempting or planning to flee: **D6.1.214** KTC Interrogator’s Notebook, EN 01064190-91 [Val Than]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747238 [Ly Phai]; **D6.1.275** KTC Interrogator’s Notebook, EN 00866455 [Toeng Len, Han Sou]. See also **D6.1.294** Reports from Communes to District Office, 11 Oct 1977, EN 00322174 [“This youth has been fleeing back and forth [...] Angkar to please be informed.”].

<sup>903</sup> See, e.g. **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.20.24-15.21.42 [“when the new buildings were not yet built, the prisoners were crowded into the buildings. Sometimes for the size of 1 metre length, four prisoners would be crammed together, because the metal bar that was used to shackle the prisoners -- the length of that bar could accommodate up to seven prisoners in a row.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 [“all of us could not sleep and babies were crying because too many people were brought into the building. It was chaotic as the building became overcrowded.”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 13.56.17-13.58.20 [“Babies or young children were allowed to stay with their mothers. They were not placed elsewhere. They would stay and lie on the mothers because there was no space.”]; **D6.1.785** Sok Soth WRI, EN 00223507.

buildings measuring approximately three to five metres by seven to 20 metres<sup>904</sup> held at least 20 to 200 prisoners at any given time.<sup>905</sup> Most prisoners were shackled day and night, except for a few light offenders and small children because there were no shackles small enough to fit them.<sup>906</sup> The tight restraints caused many prisoners to develop painful wounds.<sup>907</sup> If a shackle came loose, the prisoner was harshly beaten.<sup>908</sup> Prisoners slept next to each other on their backs on wooden floors and were not allowed to move, make noise, or communicate with each other.<sup>909</sup>

<sup>904</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.02.41-10.04.15 [describing the building where he was detained: “The building was 12 metres in length and 5 metres in width.”]; 13.56.17-13.58.20 [“There were three buildings where they housed the prisoners”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 [“There were three buildings for keeping prisoners.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.22.45-14.24.02 [“Before 1975 there were only two buildings, and later they built another two buildings. Together there were four buildings”]; 13.42.38 [“In the prison compound the building[s] [...] varied in size. Sometimes the buildings are 5 metres wide and 12, 9 or 15 metres long”]; **D315.1.7** Srei Than, T. 24 Feb 2015, 11.07.07-11.10.12 [“Each building [was] about 5 metres wide and about 7 metres long.”]; **D6.1.997** Saing Sim WRI, EN 00433572; **D6.1.784** Meas Sokha WRI, EN 00223496; **D219/522** Hun Kimseng WRI, A36, EN 01168013; **D6.1.149.37** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

<sup>905</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.24.25 [“the number of prisoners were not fixed; there were about 50, 100, 70 or 20 prisoners per building”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.21.42-15.23.48 [“When the prison was full [...] for the two rows in the building, it could accommodate 100 to 200 prisoners.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.56.97-10.59.19 [regarding the building where she was held: “The building could actually hold about 40 prisoners, but in such a case, we had to squeeze ourselves when we slept. As for the other two buildings, whose sizes were more or less the same, they could probably hold the same number of prisoners, to my observation.”]; **D315.2.6** Riel Son, T. 17 Mar 2015, 14.37.16-14.39H [when the witness went to the prison to spray insecticide: “I looked into one building in which I saw four rows of prisoners, and from my estimation, there were about more than 100 prisoners”]; **D6.1.997** Saing Sim WRI, EN 00433572; **D6.1.999** Lim Hach WRI, EN 00166453; **D219/2** Set Yem WRI, A33, EN 01044900.

<sup>906</sup> **D6.1.931** Photograph of iron shackles recovered at the site of the Kraing Ta Chan Security Office; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.24.35-15.26.26 [affirming that the two photos of the shackles cited above are identical to those used at Kraing Ta Chan to shackle the feet of prisoners], 13.42.38-13.45.31 [“Younger children could not be shackled or cuffed so they were allowed to lay next to their parents because they did not have cuffs small enough to put around their ankle or wrist.”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.11.27 [“prisoners who were initially brought in, regardless of minor or serious offense, would be shackled, and then they would also be cuffed by a metal ring attached to a long bar.”]; **D315.1.7** Srei Than, T. 24 Feb 2015, 11.10.12; **D315.2.3** Meas Sokha, T. 22 Jan 2015, 11.23.01-11.25.02; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 09.46.07-09.48.38; **D6.1.999** Lim Hach WRI, EN 00166453; **D6.1.997** Saing Sim WRI, EN 00433571-72; **D6.1.784** Meas Sokha WRI, EN 00223496; **D6.1.1000** Van Soeun WRI, EN 00223211; **D6.1.783** Hun Kimseng WRI, EN 00223488; **D6.1.785** Sokh Soth WRI, EN 00223505; **D6.1.695** Phan Chhen WRI, A26, EN 00426302; **D219/135** Yin Teng WRI, A346, EN 01067076.

<sup>907</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.26.26-15.28.11 [“infections [from the shackles] had occurred and relapsed occurred and relapsed. Thanks to my mother’s shawl, I actually killed small frogs and ground it with salt and then I appl[ied] on that wound area so that it could be treated temporarily.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 09.48.38-09.51.29 [“I had no strength to walk, and I was also suffering from numbness in my ankles because I was shackled. While I was walking [to the interrogation room], I did not even feel my legs.”].

<sup>908</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“If anybody moved, they used the pincer to check the shackle. And if the shackle was found to be loose, the prisoner would be beaten to death that night in front of all the prisoners in the building.”].

<sup>909</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.10.44 [“At night, if the guard asked, ‘Who moved?’, and there was no answer, all the prisoners inside would be beaten with a bamboo stem. The punishment applied to

281. Sanitary practices at Kraing Ta Chan were non-existent. Detainees were not permitted to bathe.<sup>910</sup> At night, they were forced to relieve themselves at the spot where they slept.<sup>911</sup> They were provided no change of clothes, which forced Meas Sokha to steal the clothes of dead prisoners.<sup>912</sup> The smell was terrible — not only from unwashed bodies and clothing and waste, but also from the burial pits of decomposing bodies that surrounded the compound.<sup>913</sup> The buildings were infested with lice, bedbugs, cockroaches, and rats.<sup>914</sup>
282. Prisoners were routinely humiliated and degraded. While shackled in mixed company, they had to relieve themselves in a coconut shell or pot that was passed down the row

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all prisoners, regardless of who had moved.”], 14.23.50 [“there were disciplines applied to prisoners day and night. [...] they were not allowed to move when they slept. They would be beaten if they moved”], 14.25.36 [“there were disciplines applied to prisoners day and night. They were not allowed to talk to each other [...] . They would be beaten if they [...] talked to each other.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.30.02-11.31.44 [“any prisoner who made any sound to the shackles, he or she would be beaten to death that night. The guards were rotating each other two at a time to guard the prisoners every hour.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.53.10-10.56.97 [“because I was talking to this individual, I was put back in the prison again. I was imprisoned and shackled for a week before I was released to work outside. [...] I was warned not to talk to anyone or to hear anyone’s story, and that I had no such rights to do so in that place.”]; **D6.1.999** Lim Hach WRI, EN 00166453 [“They had us sleep face up. If we wanted to turn to one side, we had to do it quietly and not make noise. If they heard a sound they would enter and beat all of us.”].

<sup>910</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.28.11-15.29.41 [prisoners had access to one bucket of water after meals and those who finished first had to quickly drink water and wash their face before guards scolded them]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 [“Prisoners in the detention facility were not allowed to clean themselves”]; **D6.1.119** Say (Sory) Sen WRI, EN 00225510 [“There was no water to wash-up with after the prisoners relieved themselves, and the prisoners did not get any water to bathe.”]; **D6.1.999** Lim Hach WRI, EN 00166454.

<sup>911</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.29.41-15.31.24.

<sup>912</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.42.59-11.45.20.

<sup>913</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.29.41-15.31.24, 15.41.43-15.43.36 [*confirming* his WRI, D6.1.119, at EN 00225507-08: “[soldiers] did not enter the prison because it smelled of urine and excrement”], 16.02.13-16.03.45 [“a day or two after [executions], when the corpses became swollen, cracking the covered soil. There was a smell -- strong smell or stink, it was very bad and the chief called me [...] to use the soil to cover the decomposing bodies.”]; **D315.1.11** Van Soeun, T. 5 Mar 2015, 09.58.32-10.01.13 [“I smelt something. [...] It was a smell from the human corpse. [...] It was a stink smell, and it was awful smell everywhere inside the area, the site of the compound. [...] The smell came from the pits where corpses were buried.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 [when she first entered the detention building, she could “smell death”]; **D6.1.782** Iep Duch WRI, EN 00223476 [“When I entered [Kraing Ta Chan], when the door was opened, I smelled the odour and I saw all the people. I had them close [the door]. I did not want to look any more.”].

<sup>914</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.32 [“[Prisoners in Kraing Ta Chan] were in miserable conditions. There were bed bugs and insects surrounding them.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.47.18-10.50.27 [“even the cockroaches and rats could not escape”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.10.44-10.12.33 [“The detention building was filled with bedbugs. If you slapped the floor, you would kill a hand full of them.”]; **D6.1.999** Lim Hach WRI, EN 00166455; **D6.1.784** Meas Sokha WRI, EN 00223497; **D6.1.1000** Van Soeun WRI, EN 00223212. Riel Son was once sent by the district secretary to spray insecticide because prisoners were dying of malaria, but he sprayed only around the compound, not in the detention halls. See **D315.2.6** Riel Son, T. 17 Mar 2015, 14.31.45-14.36.12, 15.49.39-15.52.44; **D315.2.7** Riel Son, T. 18 Mar 2015, 10.55.40-11.01.32.

from person to person, and they had nothing to clean themselves with afterward.<sup>915</sup> Those who spilled faeces or urine during the process were beaten by guards with a bamboo club.<sup>916</sup> The coconut shell was emptied into a container kept inside the cell.<sup>917</sup> Prisoners were given minimal drinking water<sup>918</sup> and were expected to drink from the same coconut shell used for urine and faeces after simply rinsing it with water.<sup>919</sup>

283. Food rations were woefully insufficient, consisting of a ladle of watery gruel,<sup>920</sup> and prisoners became emaciated.<sup>921</sup> Vong Sarun witnessed a fellow prisoner desperate for

<sup>915</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.10.44-10.12.33 [“Prisoners who were detained in that building had a container to store the faeces or urine. They had a coconut shell for the prisoners to relieve themselves. The prisoners had to turn to the side, lift themselves a little bit and relieve themselves while they were still shackled. Then we would pass the shell from one prisoner to another in order to pour it into the container.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.02 [“Both legs were in shackles, so they would tilt themselves, and they used the coconut shell for relieve themselves and they passed from one prisoner to another and then they dropped into a bucket.”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 [“Prisoners in the detention facility were not allowed to clean themselves properly”]; **D6.1.1000** Van Soeun WRI, EN 00223212; **D6.1.999** Lim Hach WRI, EN 00166454; **D6.1.998** Saut Saing WRI, EN 00223551; **D6.1.997** Saing Sim WRI, EN 00433572.

<sup>916</sup> **D6.1.784** Meas Sokha WRI, EN 00223497.

<sup>917</sup> See the evidence cited in fn. 915.

<sup>918</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.07.16-10.10.44 [“For drinking water, I had to drink water nearby where they stored fertilizer. The water was red from the fertilizer’s pit. They allowed us to drink the water only twice a day, at most three gulps of it, so that our throats were not too dry.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.28.11-15.29.41 [“After meals time I was ordered to carry a [...] handmade bucket of water and I carried that one bucket with a coconut shell and placed it along the row of where the prisoners were having their meal and whoever wanted the water, they would use the coconut shell to fetch the water from that bucket. So, whoever finished first would use the bucket that they used to have their meals to take the water to drink and to wash their face [...] they had to do it quickly, otherwise the guards would scold them.”]; **D6.1.999** Lim Hach WRI, EN 00166454 [“they gave out water to drink in that coconut shell scoop too”], EN 00166455 [saw a prisoner killed for stopping during the digging of a pit to find water to drink].

<sup>919</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.02.

<sup>920</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.07.16-10.10.44 [“for each meal we were given a ladle of gruel with at most 10 grains of rice or three small pieces of potatoes and a little bit of water plant. [...] We were given two meals per day but it was not enough. It was very little. And of course we were very hungry. In total for the two meals there were probably only about 20 to 30 grains of rice and about six small pieces of potato.”]; **D315.2.3** Meas Sokha, T. 22 Jan 2015, 11.50.50-11.55.03 [the witness received a bigger ladle of gruel than other prisoners so he had the energy to tend cattle]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.47.03-09.49.38 [“prisoners did not have enough food to eat. They could have gruel, mixed with cassava or potatoes, sometime prisoner could have only watery gruel.”]; **D315.1.6** Srei Than, T. 23 Feb 2015, 13.36.56-13.39.20 [“from what I could observe, the most food that a prisoner could eat or was given was a coconut shell full of rice, that was the most. [...] The coconut shell was used for gruel, or for cooked rice mixed with soup in it.”]; **D219/2** Set Yem WRI, A22, 31, EN 01044898, 900; **D6.1.999** Lim Hach WRI, EN 00166454; **D6.1.1000** Van Soeun (Vann Soan) WRI, EN 00223212; **D6.1.785** Sokh Sot WRI, EN 00223507.

<sup>921</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.21.34-11.24.11 [“Prisoners [...] would be starved for one week until they became emaciated; and then they were sent to the pit to be killed.”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 1034H-10.36.57 [“[the guards] didn’t tell me anything. The only thing was that not to send the food to those prisoners [who had just been interrogated].”]; **D5/803/3** Bun Sarouen, T. 3 Apr 2015, 10.32.17-10.34.32 [“when we arrived [at Kraing Ta Chan], I saw my father carrying water to the vegetable plots and that made me sad. I was crying. He was so thin that I could hardly even recognise him.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 [“people who were kept there a bit long before their execution were very thin, and they [...] could hardly walk.”]; **D6.1.783** Hun Kimseng WRI, EN 00223490.

food eat a live mouse and give some to his one-year-old son. The man and his son died a month later after their bodies became swollen.<sup>922</sup> Young children died from malnutrition, and “babies became skinny” because their starving mothers were unable to produce milk.<sup>923</sup> Even though prisoners were starving, they were forbidden from complaining.<sup>924</sup>

284. There was no medical unit at Kraing Ta Chan and prisoners who were sick or wounded were left without treatment.<sup>925</sup> Prisoners died daily from malnutrition, torture, and disease.<sup>926</sup> Those who died in the detention buildings were sometimes left there for hours amongst the other prisoners before their corpses were removed.<sup>927</sup>
285. A small group of prisoners were assigned jobs to keep the security centre in operation. These select prisoners were unshackled each day to work outside of the detention rooms.<sup>928</sup> Their tasks included cooking and distributing gruel to other prisoners, digging

<sup>922</sup> **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.03.09-11.05.26.

<sup>923</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.05.24-10.10.44, 10.16.15-10.18.34 [“As for my younger siblings, they died three months after they were detained due to lack of milk and food.”]; **D6.1.783** Hun Kimseng WRI, EN 00223490 [“Q: [Your] two infants died too? A: They died from lack of breast milk.”].  
<sup>924</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.54.17-11.56.11 [“Prisoners could only have gruel [...] no matter the dish was plain or salty, they could not complain.”]; **D6.1.783** Hun Kimseng WRI, EN 00223488 [“They forbid talking about not getting enough to eat. They did everything to frighten us.”].

<sup>925</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.12.33-10.14.09 [“There was no treatment for any prisoner who became sick. Prisoners would get sick and they would be left there without treatment until that person died. There was no modern or traditional doctor to treat prisoners. In there, if any of them got sick, they would be dead.”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.44.22-09.47.03 [“Prisoners in the detention facility [...] were not provided with proper medicines”]; **D315.2.7** Riel Son, T. 18 Mar 2015, 11.01.32-11.03.15 [“Q: You never received from the Krang Ta Chan Security Centre any requests for medicines or other products? A: No, I didn’t receive any request from that centre.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.03.09-11.05.26 [the prisoner and his son whose bodies became swollen after eating the live mouse received no medical treatment and died]; **D118/181** Riel Son WRI, A139-143, 160, EN 00982652, 54; **D6.1.999** Lim Hach WRI, EN 00166455; **D6.1.1000** Van Soeun (Vann Soan) WRI, EN 00223212.

<sup>926</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.12.33-10.14.09 [“I saw it happen almost every day, those who starved to death, those who were sick and died, and those who died before their release. And there were many of them. [...] Sometimes they were interrogated and tortured and, since they were deprived of food, they died. So every night at least one or two of them died, before they were even taken to be killed.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.27.35-11.30.32 [“There were at least three or four prisoners [who] died because of bed bug bites, and they also died of starvation.”]; **D6.1.999** Lim Hach WRI, EN 00166455; **D6.1.1000** Van Soeun WRI, EN 00223212. *See also* fns 922-923.

<sup>927</sup> *See, e.g.* **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.33.40-15.35.44 [“I was the one who was ordered to unshackle the dead body and remove [it]. So, I was ordered to remove the body at 4.00 or 4.30 in the evening. [...] So anyone who died at night, they would keep the dead body in shackles the day -- the next morning and wait until the evening at 3 pm or 4 pm, then they removed the dead body.”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 15.54.48-16.01.30 [a prisoner who had been beaten during interrogation the day before was taken back to the detention hall and the next morning; when the witness was ordered to open the door of the building, he saw that the prisoner was dead, shackled, and lying amongst other prisoners]; **D6.1.878** Meng-Try Ea, *The Chain of Terror*, EN 00182232 [“If a prisoner died during the night, the Khmer Rouge cadres did not take the body away immediately: they left the corpse until dawn or the next afternoon when the light offenders returned from work and could carry it away for burial.”].

<sup>928</sup> **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.25.38-09.28.52 [“there were only four or five of us who were allowed to work within the prison compound and there was no other person who was allowed to do so. [...] A group of siblings or relatives of Yeay Nha, including Khom, Khay, Hab, also Ta Chen, me and Norn and Hun, and that’s all.”]; **D315.1.6** Srei Than, T. 23 Feb 2015, 16.00.28-16.02.40 [“Some prisoners

burial pits for executions, dragging and burying corpses, carrying water, and emptying waste containers of urine and faeces.<sup>929</sup>

### Torture

286. Interrogations at Kraing Ta Chan were conducted in an open structure on the south side of the prison compound<sup>930</sup> approximately 50 metres from the detained prisoners.<sup>931</sup> This

were allowed to work outside the detention buildings. [...] Some of them carried earth, or engaged in transplanting rice if it is the transplanting time.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.53.10-10.56.97 [“If prisoners had been brought to Kraing Ta Chan during the transplanting season, they would have not been killed immediately. Those prisoners would be asked to go and transplant seedlings with all of us including, Ta Dam, Pou Saem, Aunty Rat (phonetic), Aunty Phon (phonetic), and Voeun (phonetic). We were the type of prisoners who were allowed to work outside the prison.”]; **D118/167** Van Soeun WRI, A169, EN 00980298.

<sup>929</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 11.19.27-11.21.08 [“I was released to work inside to tender buffalo and dig the pits for the corpse and to carry the prisoner who died in shackle and then I was ordered to drag -- to bury in the grave.”], 11.23.13 [“During the daytime I was let out to tend cattle and I returned at 4 p.m. and other 12 or 13 people were assigned to doing farming, other, growing vegetables.”], 11.25.30-11.27.35 [“if there’s a dead body in the building, I had to remove and bury them before I come to the building to shackle myself”]; **D315.1.2** Say (Sory) Sen, T. 6 Feb 2015, 14.15.02-14.20.02, 14.21.35-14.23.18 [“My regular work was to tend to water buffalos, and cows, and to plough the rice fields. [...] after the ploughing work concluded, then we would be assigned to carry urine and faeces from the prison buildings.”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.18.34-10.20.50 [“during the day time, [my mother and elder sister] were asked to make gruel for prisoners. And my elder sister was asked to carry swamp mud. [...] I was asked to tender two cows and four water buffaloes”], 15.54.48-15.56.14 [“Say Sen and Ta Chhen were ordered to dig a pit to bury that prisoner’s body”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.18.04-11.20.23 [“I was led out to work in the field with other inmates [...] We were asked to carry soil and termite mound soil as well”], 14.01.34-14.03.30 [“[Say (Sory) Sen] was used to drag away any dead prisoner and to carry faeces and the waste of the prisoners away every morning.”], 14.03.30-14.05.24 [“When we were ordered to carry the human waste fertiliser for the rice field, we were working together with [Say (Sory) Sen].”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 15.24.06-15.27.37 [“Yeay Nha cooked rice for the prisoners.”]; **D315.1.10** Van Soeun, T. 4 Mar 2015, 10.59.28-11.01.28; **D315.1.11** Van Soeun, T. 5 Mar 2015, 09.24.10-09.25.30; **D315.1.6** Srei Than, T. 23 Feb 2015, 16.00.28-16.02.40; **D315.1.7** Srei Than, T. 24 Feb 2015, 09.55.38; **D5/803/3** Bun Sarouen, T. 3 Apr 2015, 10.32.17-10.34.42; **D6.1.997** Saing Sim WRI, EN 00433572-74; **D6.1.999** Lim Hach WRI, EN 00166454; **D6.1.788** Neang Dam WRI, EN 00223517; **D118/167** Van Soeun WRI, A169, EN 00980298; **D219/522** Hun Kimseng WRI, A52, 68, EN 01168015, 17.

<sup>930</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.41.02-11.45.20 [“They made an office with a one-sided wall at the back. To the south and to the north, it was very open, everyone could see through it, and to the east, the room would also be seen. [...] There was only a roof, no walls were built. There was only a short wall about 50 centimetres from the ground. There were no walls surrounding the room.”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.52.48-10.56.36 [“the interrogation room had a thatched roof, and for the walls, it was made from coconut leaves. There was a wall at the back and the front was open, but they built a lower wall. [...] We could see through because the front wall of the interrogation room had a lower wall.”]; **D315.1.7** Phan Chhen, T. 24 Feb 2015, 14.43.51-14.45.59 [“Yes, that is correct.”] *confirming* **D6.1.692** Phan Chhen WRI, A35-36, EN 00426286 [“The interrogation site was inside the office compound; it was a small building at the south corner of the office. [...] The interrogation building was open and was square, about 1.5 meters on each side, thatch-roofed, and there were no walls.”]; **D315.1.11** Van Soeun, T. 5 Mar 2015, 09.16.07-09.17.36 [“the interrogation room was [...] 30 metres to the south of the road.”].

<sup>931</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.23.47-10.27.54 [“The place where prisoners were interrogated was not far from where prisoners were detained. It was about 50 metres away, [...] [and it] was about five metres away from the kitchen.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.13.05-15.14.24 [“The distance [was] [...] about more than 10 metres from the guard’s dining hall to the interrogation area.”]; **D315.1.6** Srei Than, T. 23 Feb 2015, 09.11.38-09.12.47 [“A: The distance from [the prisoner] building to [the interrogation site] is about 40 metres.”], 09.12.47-09.14.54 [“The distance between the prison chief’s



close proximity meant guards and prisoners often heard the cries of pain from victims undergoing torture.<sup>932</sup> Former prisoner Meas Sokha recalled: “The building was filled with screams.”<sup>933</sup>

287. Interrogations at Kraing Ta Chan were ordered by sector- and district-level authorities.<sup>934</sup>

Torture was used to extract “confessions” for offences that ranged from involvement with enemy networks to stealing a potato.<sup>935</sup> Every “confession” was recorded and

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room to the interrogation site was about 70 metres or a little bit above 70.”]; **D6.1.123** Srei Than WRI, EN 00231675 [“I saw them take prisoners for beatings and interrogations every single day at the interrogation room approximately 50 meters from the building where I worked.”]; **D6.1.149.37** Plan of Kraing Ta Chan Security Centre compiled from information provided by witness Say (Sory) Sen.

<sup>932</sup> **D315.1.6** Srei Than, T. 23 Feb 2015, 13.44.06-13.46.48 [“I myself did not witness the tortured prisoners. What I heard was the screaming of the tortured prisoners. But I did not witness them with my own eyes. [...] I could also hear the screaming from my guard post if the screaming was high or loud, but usually only when I was closer that I could hear the screaming.”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 14.49.02-14.52.21 [“The screaming or the cries from the prisoners I heard when they were interrogated and they suffered from torture or beating during interrogation, I would hear screaming.”]; **D6.1.784** Meas Sokha WRI, EN 00223498 [“When they took the prisoners out I knew it, and when they beat them and interrogated them I heard the screams.”]; **D6.1.783** Hun Kimseng WRI, EN 00223490 [“They beat them; they screamed and bawled like cattle. I heard them beating during interrogations from a distance of about 50 meters.”]; **D219/135** Yin Teng WRI, A281-282, EN 01067068.

<sup>933</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.23.47-10.25.38.

<sup>934</sup> **D6.1.695** Phan Chhen WRI, A32-34, EN 00426303.

<sup>935</sup> See, e.g. **D6.1.202** KTC Interrogator’s Notebook, Mar 1978, EN 00834804-05 [reports that “intense interrogations” were conducted on Sin Sarath, a former captain in the military police, “to search for his network”]; **D6.1.218** KTC Interrogator’s Notebook, EN 00747279 [reports that Khmer Krom prisoner Thach Uk “belongs to the network of the contemptible Yip” and “was beaten during the [interrogation], but did not confess”]; **D6.1.275** KTC Interrogator’s Notebook, EN 00866436 [regarding Chiem Heav, a former Lon Nol soldier: “This traitor has confessed his traitorous acts as follows: 1-He stole potato. 2-He stole potato and sugar.”], EN 00866447 [reports that two men “in the string of Pann Lieng Cheav and Kiet Neng” implicated two others during their confession]; **D6.1.217** KTC Interrogator’s Notebook, EN 00366687 [“through intense interrogations to locate their connections”], EN 00366688 [“When we conducted an interrogation and investigation, [Puth Pen] confessed that he received instructions from his leader Trieng”]; **D6.1.214** KTC Interrogator’s Notebook, EN 01064186 [“After having been questioned back and forth he finally confessed” and identified three other traitors]; **D6.1.1200** Reports from An at Kraing Ta Chan Security Centre to Party, Jul-Aug 1977, EN 00276595 [“after an inquiry was conducted” on Sin Yang, he implicated two former Lon Nol officers who were “the head of mobilisers and propagandists”]; **D6.1.239** Report from Meng at Angk Roka prison to Angkar, 23-24 Mar 1977 [regarding the arrest, interrogation and confession of a 10-year-old boy named Ra, whose alleged offence was being part of a group that tried to flee. On 28 March, District Secretary Kit directed An at KTC to “interrogate this spy in detail”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.31.02-11.33.27 [“I could clearly hear what was being said in the interrogation house. [...] They were interrogating a New Person from Phnom Penh. They were asking him whether the person had held the rank of a captain in the army, and the New Person responded that he had not held any position in the army. Then I heard the sound of whipping. [...] they asked the question again whether he had held the rank of a captain and he said ‘no’ and the same process kept repeating. The man was actually beaten almost to death before he finally confessed that he had been a captain in order to have the beating stopped.”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 [“I heard the interrogator ask the prisoner what they did during the Lol Non regime, whether they were a captain or colonel or major, or whether they were an American CIA or ‘Yuen’ CIA. [...] It was rather rare when they used a plastic bag to suffocate a prisoner. They used this method only when the prisoners did not answer the questions, and I only saw it on one occasion.”], 15.31.48-15.33.47 [“During the interrogation, sometimes they accused prisoners of breaking a plough part or they stole a chicken or other things, or that they opposed the cooperative. There were many, many questions [...] But mainly the questions focused on the American CIA or the ‘Yuen’ CIA.”], 15.38.30-15.40.34 [“The purpose of using the bag was to force the prisoner to respond or to confess on his position or the activities he [was] involved

summarised in a notebook.<sup>936</sup> These summaries were then typed up as reports, signed by Chief An, and delivered to the district office.<sup>937</sup> District and sector officials then returned the documents to An with instructions for implementation, leaving no doubt that they were aware of and authorised the use of torture at Kraing Ta Chan.<sup>938</sup>

288. Torture occurred on a regular basis in the presence of senior prison officials.<sup>939</sup> Prisoners were severely beaten, often to a state of unconsciousness or death.<sup>940</sup> The interrogators

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in or on other former civil servants.”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.07.14-10.11.07; **D6.1.119** Say (Sory) Sen WRI, EN 00225504; **D6.1.782** Iep Duch WRI, EN 00223479; **D6.1.999** Lim Hach WRI, EN 00166452-53; **D118/276** Uk Him WRI, A52-53, EN 01031769.

<sup>936</sup> See, e.g. **D6.1.217** KTC Interrogator’s Notebook; **D6.1.202** KTC Interrogator’s Notebook, Mar-Dec 1978; **D6.1.218** KTC Interrogator’s Notebook; **D6.1.275** KTC Interrogator’s Notebook; **D6.1.238** Reports on Confessions from Kraing Ta Chan Security Office to the Party, Mar 1977-Jul 1978; **D6.1.214** KTC Interrogator’s Notebook; **D6.1.297** KTC Interrogator’s Notebook and Reports to the Party; **D6.1.1220** KTC Interrogator’s Notebook; **D347/2.1.34** Henri Locard, T. 29 Jul 2016, 15.33.34-15.34.43 [“This is what we found in the archives of the Krang Ta Chan prison there were documents, and then summaries of interrogations in school notebooks.”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 15.30.05-15.31.48 [An interrogated while the deputy, Penh, wrote down the prisoner’s answers]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.29.12-11.33.27 [regarding her interrogation: “it was An who was taking note at that time. [...] He was sitting at the far end of the table so I could not see the handwriting. [...] I witnessed the incident when a man was beaten until he had to confess that he had been a captain as they wished to hear. So I am of the opinion that my responses to their questions could be written by them anything they wanted.”]; **D6.1.785** Sok Soth WRI, EN 00223506 [regarding his interrogation: “Duch, the deputy chairman [did the interrogating]. [...] Penh was the recorder. Cheng was the beater and torturer.”]; **D6.1.783** Hun Kimseng WRI, EN 00223489 [regarding her interrogation: “Sann just sat and watched. Duch Tauch [Little Duch] gave beatings as ordered. Duch Thom, the record keeper, recorded.”]; **D6.1.695** Phan Chhen WRI, A32, EN 00426303; **D6.1.782** Iep Duch WRI, EN 00223479.

<sup>937</sup> See, e.g. **D6.1.229** Report from An to the Party regarding the Confessed Statement of Prisoners, 4 Aug 1976, EN 00322114-15; **D6.1.230** Report from An to the Party regarding Confessions of Prisoners, 14 Nov 1976; **D6.1.1200** Reports from An to the Party regarding the Confessed Statement of Prisoners, Jul-Aug 1977; **D347/2.1.7** Report from An to the Party regarding Confessions of Prisoners, 25 Aug 1977; **D6.1.305** Report from An to the Tram Kak District Committee, 26 Dec 1977, EN 00366714; **D6.1.238** Reports from An to the Party regarding Confessions of Prisoners, Mar 1977-Jul 1978; **D6.1.205** Reports from An to the Party regarding Confessions of Prisoners, 5 Jul 1978; **D6.1.695** Phan Chhen WRI, A13, 20-22, EN 00426300-01; **D315.1.6** Srei Than, T. 23 Feb 2015, 09.32.57-09.35.02, 09.45.41-09.47.58, 09.51.18-09.53.03, 09.53.03-09.54.15, 09.56.50-09.59.20; **D118/167** Van Soeun WRI, A40, 48-49, 55-56, EN 00980283-85; **D6.1.652** Pech Chim WRI, EN 00380132-33.

<sup>938</sup> See fn. 937; **D6.1.1221** DK Order from [Tram Kak District Secretary] Kit to An, 13 Jun [1977], EN 00276591 [“To respected Comrade An: Regarding the ten traitors [...] sent in yesterday, propose Comrade interrogate harshly and thoroughly, interrogate to find all of their network”]; **D6.1.279** DK Order from Kit to An, 6 Sep 1977, EN 00355474 [“Beloved Comrade An, Request that a thorough interrogation be conducted, because this person is an organized string of the CIA.”]; **D6.1.1200** DK Order from Kit to An, 31 Jul 1977, EN 00276596 [“Concerning the issue of all the prisoners who were arrested from Cheang Torng commune [...], they are to be interrogated in order to find out their whole networks, then smash them.”]; **D6.1.207** DK Order from San to An, EN 00322210 [instructions to interrogate Hul and Sean to find out their networks]; **D6.1.292** Report from Kit at District 105 to the Party, 6 Oct 1977, EN 00322172 [Kit requested a decision on a female combatant detained for walking around without authorisation. Sector 13 Secretary Prak responded: “This female comrade must be an enemy. It is requested to interrogate her immediately in order to find out her network. [...] conduct an intense interrogation immediately.”].

<sup>939</sup> See the evidence cited in para. 287.

<sup>940</sup> **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.09.00-10.11.07 [“They used bamboo clubs, about 70 or 60 cm long to beat the prisoners. And there were three or four bamboo clubs in that room.”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 13.39.07-13.42.42 [“Prisoners were beaten by club and plastic sheet were used to cover their face to suffocate them in order to extract their confession.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.35.55-11.40.02 [“On one occasion, a soldier was brought in, and put to sleep next to me.

used pliers to pull fingernails out of the prisoners' nailbeds or to pinch body parts until they confessed.<sup>941</sup> They also hung detainees upside down by their feet, or up by their necks, and beat them.<sup>942</sup> Other prisoners were suffocated with plastic bags tied around their faces or were held under water.<sup>943</sup> Many died during or following interrogation.<sup>944</sup>

289. Female detainees were also targeted for abuse that amounted to torture when they were raped by prison guards and officials.<sup>945</sup> On at least one occasion, guards inserted

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[...] During his interrogation he was severely beaten up. His entire body was wounded and throughout the night, he cried from the wounds", 10.53.10-10.56.97 [after her friend Rom had been interrogated: "Rom and I were kept in the same cell that night. [...] The moment I touched her, I could no longer feel the flesh on her body, but rashes from the torture as big as the size of my thumb all over her body."]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 ["they had to answer truthfully; otherwise they would be beaten to death."], 15.40.34-15.44.02 ["First, they interrogated the prisoner, then they kicked and they beat the prisoner. [...] They actually wore [an] American made boot, to kick a prisoner during the interrogation."]; **D6.1.784** Meas Sokha WRI, EN 00223500 ["They asked, 'What did you do? Were you American CIA or Yuon CIA? What rank were you during the Lon Nol era?' When they did not respond, at times they beat them unconscious."]; **D6.1.785** Sok Soth WRI, EN 00223508 ["Q: Did you see prisoners with wounds after interrogation? A: Yes! Bleeding wounds. I saw that every day [...] Q: Did it happen to all the people they interrogated? A: They all went unconscious. Q: What did they hit them with? A: With clubs, they had the clubs lined up along the walls. When one broke, they took another. Q: They beat the women too? A: They beat them all."]; **D6.1.788** Neang Dam WRI, EN 00223518; **D6.1.997** Saing Sim WRI, EN 00433573; **D6.1.123** Srei Than WRI, EN 00231675; **D6.1.1000** Van Soeun WRI, EN 00223210; **D118/166** Toem Hy WRI, EN 00980271; **D6.1.1234** Mann Seng CRC Statement, EN 00342741.

<sup>941</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.27.54-10.30.15; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.11.07-10.12.52; **D118/276** Uk Him WRI, A52-53, EN 01031769.

<sup>942</sup> **D315.1.10** Van Soeun, T. 4 Mar 2015, 11.23.55-11.27.23 ["My aunt was detained [at Kraing Ta Chan] for three years and they used a rope to hang the neck. [...] To this day, her neck still has the scar."]; **D6.1.785** Sok Soth WRI, EN 00223506 ["Then they called me for interrogation. I saw ropes. If we did not answer straight, they would hang us by our feet."]; **D118/166** Toem Hy WRI, EN 00980271; **D6.1.999** Lim Hach WRI, EN 00166452-53.

<sup>943</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.30.15-10.31.36 ["A prisoner was suffocated with a plastic bag for five minutes, and then the prisoner confessed, and then they continued to beat that prisoner."], 11.45.20-11.47.34 ["Prisoners were beaten if they did not confess, and after beating [...] the plastic bag would be put on their heads"]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 15.14.33-15.16.21 ["what I saw was that [...] [prisoners'] arms were tied to their backs and they would use a plastic sheet to cover his face."]; **D315.1.10** Van Soeun, T. 4 Mar 2015, 11.13.40-11.15.14 ["In addition, and most importantly, they would suffocate those prisoners with plastic bags during the interrogation process."]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 09.38.49-09.42.10 ["the prisoners were tortured and interrogated, for instance, they were beaten up to give answers, and plastic bags were used to cover their faces."]; **D6.1.997** Saing Sim WRI, EN 00433573; **D118/276** Uk Him WRI, A52, EN 01031769.

<sup>944</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 15.34.52-15.37.07 ["I did not know how many minutes he was suffocated with a bag. The next thing I saw was that the guard drag[ged] him back into the building where he was detained. The next day, he was dragged outside to be buried."]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14-13.58.37 ["A: Prisoners who were tortured and detained there could not [survive] longer than one month. They would be shackled all the time there without any food. Q: Does that mean that in any case, they died within a month, even if they hadn't been executed before then? A: Yes, because before they were interrogated and brought back into the building, they were in very bad shape already during those series of being tortured."]; **D6.1.1000** Van Soeun WRI, EN 00223212; **D6.1.997** Saing Sim WRI, EN 00433573; **D118/166** Toem Hy WRI, EN 00980271; **D219/522** Hun Kimseng WRI, A52, EN 01168015.

<sup>945</sup> **D118/276** Uk Him WRI, A83-84, EN 01031774-75; **D219/135** Yin Teng WRI, A347-372, EN 01067076-79. *But see* **D315.1.10** Van Soeun, T. 4 Mar 2015, 15.13.28-15.17.56 ["as for rape, I don't think there were rapes that happened there."].

ammunition into the women's sexual organs.<sup>946</sup>

290. All of the prisoners at Kraing Ta Chan were subjected to severe mental suffering as they were constantly afraid that they or someone they cared about would be the next to be tortured or killed. Uk Him recalled trembling when she saw an executioner holding the organs of a freshly killed victim.<sup>947</sup> Vong Sarun, imprisoned with her one-year-old daughter, testified that she gave her ration of gruel to her baby for three days because “when she cried, they came in and beat her before my very eyes. As a mother, my heart was breaking into pieces. As a result, I was starving myself.”<sup>948</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

291. DK authorities in Tram Kak District often arrested and took people away surreptitiously, denying their loved ones any information on their whereabouts or fate.<sup>949</sup> Witness Ek Hoeun told investigators that when **Yim Tith** was in charge of the sector, he and Im Chaem ordered the district security chairman to arrest people.<sup>950</sup> Numerous arrests took place under cover of night or using false pretences, meaning those left behind knew only that their loved ones had disappeared.<sup>951</sup> People vanished from the district on a daily basis

<sup>946</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.58.37-14.00.40 [the witness was sent by a guard to bury the corpses of two women that the guard had just raped and killed; the guard had inserted M-79 bullet tips into the vaginas of the women]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.38.04-10.40.46 [identifies the guards who raped and killed the two women as Duch Touch or Small Duch, and Saing; they were not punished]; **D315.1.2** Say (Sory) Sen, T. 6 Feb. 2015, 14.24.52-14.30.49. *But see* **D315.1.6** Srei Than, T. 23 Feb 2015, 15.50.52-15.57.40 [denying Say Sen's rape evidence as a “fabrication” because rape was prohibited and anyone who committed sexual rape would not be spared].

<sup>947</sup> **D118/276** Uk Him WRI, A51, EN 01031769.

<sup>948</sup> **D219/899.1.3** Vong Sarun, T. 18 May 2015, 09.48.38-09.51.29. *See also* 10.59.19-11.01.19 [the guards forced her daughter to play with fish that had hard and sharp fins which could be very painful. They “said that they wanted my baby to die so that there would be no more offspring of the contemptible Saet. They said that in front of me. I could not do anything to help my baby, but to pray to Buddha to protect my baby from being hit by the fins of those fish.”].

<sup>949</sup> *See, e.g.* **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 16.00.11 [“The arrests were not carried out openly. They only arrested people in the evening and at night. And in the morning, we realised that they were no longer there.”]; **D6.1.650** Pech Chim WRI, EN 00379173-74 [“Some people came to ask me, who was then the District secretary, for help with the disappearance of their relatives and children. I told them that I was not able to help with that. People came to make complaints to me about the disappearance of their relatives and children because their relatives had conflict about politics and were accused of being the traitors.”]; **D5/49/3** Tak Sann, T. 1 Apr 2015, 13.27.27-13.29.15 [“when I returned, I could not see my husband, he disappeared. [...] I did not dare ask where he was at that time. I was afraid.”]; **D315.1.4** Ry Pov, T. 12 Feb 2015, 10.01.34-10.03.21 [“On the issue of the arrests or mistreatment, of course it happened on a daily basis. However let me stress that at the time, they didn't use the word ‘being arrested’, they told us those people were sent for re-education. But I saw people were tied up in lines. And we knew what would happen to them and we were very scared but we didn't dare ask them any question. During the time, we did not have any rights to free speech.”]; **D6.1.218** KTC Interrogator's Notebook, Aug 1976, EN 00747298 [One of Long Naum's allegedly confessed crimes was that he incited “people to demand the return of spouses and children who have disappeared”].

<sup>950</sup> **D219/34** Ek (UI) Hoeun WRI, A33, EN 01053575.

<sup>951</sup> *See, e.g.* **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 14.33.44-14.34.57 [“They would arrest people at night time so we would not know who had been arrested [...] They would do it quietly”]; **D366/4.1.1** Cheang

- and never returned.<sup>952</sup> Some 40 years later, their loved ones still wonder about their fate.
292. As previously stated, very few prisoners at Kraing Ta Chan survived. Some died as a direct result of conditions inflicted upon them by their DK captors.<sup>953</sup> Others died as a direct result of injuries meted out during brutal interrogations and torture.<sup>954</sup> Thousands more died at the hands of prison officials in premeditated, extrajudicial executions.
293. Executions at Kraing Ta Chan were explicitly ordered by the upper echelons. Following interrogation and torture sessions, prison officials sent reports detailing the prisoners' confessions to the district, which the committee reviewed and forwarded to the sector.<sup>955</sup> Sector 13 officials then reviewed the confessions and decided who was to be "swept clean" or "smashed" and marked the confessions accordingly.<sup>956</sup> Former Tram Kak

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Sreimom, T. 29 Jan 2015, 9.40.32-09.43.37 ["I had several relatives and many of them disappeared. In particular my father was arrested [...] At seven o'clock the village chief and the chief of the unit called my father to get out of the house. And then my father disappeared. My mum, my mother at that time called my father and she did not know where he went. I was told that my father was talking secretly to someone down below the house and then he disappeared. So, we believe that he was taken away."]; **D315.3.4** Oem Saroeurn, T. 26 Mar 2015, 10.04.25-10.06.27 [at the Champa Leu(k) pagoda in Tram Kak District: "former teachers, soldiers, police, custom officers [...] were taken away under the pretext that they would be sent back to their previous offices and they disappeared since."]; **D5/49/3** Tak Sann, T. 1 Apr 2015, 14.16.15-14.18.18 ["[My husband] was asked to go and collect the rice seeds. He went together with other people on the ox cart, and I did not see those people back. He disappeared ever since."]; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 16.00.11-16.01.24 ["If in our group somebody disappeared, we knew that that person had been arrested."]; **D315.3.3** Sao Han, T. 18 Feb 2015, 14.02.58-14.04.16 ["we presumed those people who disappeared, died."].

<sup>952</sup> See, e.g. **D315.2.6** Riel Son, T. 17 Mar 2015, 09.24.50-09.28.50 ["After the cooperatives were established, people kept disappearing."]; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 16.00.11-16.03.30 ["Q: Were the disappearances a source of fear for the people in Tram Kak? A: Yes, for everyone. The district heads, the commune chiefs, the village chiefs, even they were afraid. [...] Everyone shivered because there were so many arrests."]; **D315.2.3** Oum Suphany, T. 22 Jan 2015, 14.13.51-14.16.19 ["It was not just [my sister-in-law that disappeared]. There were some other women as well, including women whose husbands were soldiers, teachers. They took them away just like that. And for women who lost their husbands, they were grouped and named as widow group. When I heard of a widow group, I knew that they didn't have husbands, so I assumed that those who were taken away would never come back."]; **D315.2.4** Em Phoeung, T. 16 Feb 2015, 10.44.50-10.46.27 [while working in Tram Kak District: "I noticed some disappearance but I asked people and people told me that they don't know what happened to them because they were sent for re-education by the Angkar. That's all I know."]; **D315.1.17** Nut Nov, T. 16 Mar 2015, 13.38.35-13.39.47; **D315.2.5** Phneu Yav, T. 17 Feb 2015, 14.10.01; **D118/130** Ry Pov WRI, A42, EN 00970031 ["people disappeared every day"]; **D6.1.782** Iep Duch WRI, EN 00223476 ["anyone whose biography said they had been a soldier would disappear."]; EN 00223480 ["I worked in the villages and every village reported disappearances."]; **D6.1.686** Sao Han WRI, A22, EN 00413899.

<sup>953</sup> See **V.A.1.e.iv**. Crimes – Southwest Zone – Sector 13 – Kraing Ta Chan Security Centre – Crimes – Other Inhumane Acts (Inhumane Treatment).

<sup>954</sup> See **V.A.1.e.iv**. Crimes – Southwest Zone – Sector 13 – Kraing Ta Chan Security Centre – Crimes – Torture, particularly fn. 944.

<sup>955</sup> See para. 287.

<sup>956</sup> See, e.g. **D6.1.1200** Reports from An at Kraing Ta Chan Security Centre to Party, Jul-Aug 1977, EN 00276593 [Handwritten annotations where Prak of Tor. 13 (Sector 13) instructs An: "Please smash them all. On 7/8/77. Tor. 13; Prak"], EN 00276594 ["It is okay to smash. 7/8/77; Tor. 13; Prak"]; **D219/702.1.99** Pech Chim, T. 22 Apr 2015, 14.13.47-14.19.10 ["[Sector chief Saom] merely put a cross sign beside [names on confession reports] and he did not make any additional comments and he forwarded it to Khom, and Khom reviewed it, after which [s]he would refer it to An [...] This issue of the prisoner, it was under

District Secretary Neang Ouch *alias* Ta San testified that any order to execute had to be approved by the zone.<sup>957</sup> Once approved, the orders to kill were sent back to District 105, a messenger carried the orders to the Kraing Ta Chan prison chairman, and the orders were quickly implemented.<sup>958</sup>

294. The prisoners selected for execution were told they were being returned to their cooperatives.<sup>959</sup> Instead, they were walked (or carried) to the killing site, ordered to kneel, and typically hit in the back of the head with a hoe or other object before having their throats slit.<sup>960</sup> Former prisoner Vong Sarun testified that she saw knives being sharpened,

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the exclusive control of the sector. It was the matter within the sector's responsibility."]; **D219/702.1.103** Pech Chim, T. 24 Apr 2015, 11.21.05-11.23.00 ["Q: My question was whether you know the names of people who were to be purged, who were to be physically crossed by a red ink pen? A: Everything was there on the paper. And whatever decisions were made by the upper echelon, people at the office would implement it."]; **D6.1.653** Pech Chim WRI, EN 00381025; **D6.1.997** Saing Sim WRI, EN 00433573. *Note* that sometimes the order to smash was conveyed by the district secretary: **D6.1.1200** DK Order from Kit to An, 31 Jul 1977, EN 00276596 [instruction from district secretary Kit to KTC chief An to interrogate the prisoners from Chieng Torng commune to find out their networks, then smash them]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 10.04.51-10.07.14 [describing that when letters were brought from the district and given to one of the leaders of the Kraing Ta Chan prison committee, although he could not read, he knew that red ink meant the prisoners had to be smashed].

<sup>957</sup> **D315.1.14** Neang Ouch *alias* Ta San, T. 10 Mar 2015, 09.10.50-09.13.01 ["yes, 'to sweep somebody clean', it means to execute that person. [...] I reiterate that all the decisions were made by Ta Ran, who was chairman of Sector 13, and Tram Kak district was one of the districts under the supervision of this sector. Q: Was it the policy during the DK period that any order to execute had to be approved at the sector level? A: The sector actually made a further request to the zone. [...] Once there was a decision from the zone and the sector, then in my capacity as an assistant at the district level, I wrote down that decision."].

<sup>958</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.07.09-14.08.54 ["Before the execution [Ta An] would call two of his messengers, and I was tending cow[s] next to the prison, and when I saw the messenger rode a horse to the district office and they returned with an envelope. Sometime the next morning, there would be a program."]; **D315.1.10** Van Soeun, T. 4 Mar 2015, 09.45.12-09.46.27 [confirming that each time a message was delivered from District 105 to Krang Ta Chan, executions followed]; **D118/167** Van Soeun WRI, A54-55, EN 00980285; **D219/702.1.99** Pech Chim, T. 22 Apr 2015, 14.13.47-14.17.48 ["[Sector chief Saom] merely put a cross sign beside [names on confession reports] and he did not make any additional comments and he forwarded it to [district secretary] Khom, and Khom reviewed it, after which [s]he would refer it to An"]; **D6.1.653** Pech Chim WRI, EN 00381025 ["The confessions and reports [...] had to go through the District first. The District then sent them on to the Sector [...] One day or two days later, the Sector sent the decision [writing on] the confessions back to the District."]; **D6.1.650** Pech Chim WRI, EN 00379170; **D118/166** Toem Hy WRI, EN 00980269; **D6.1.695** Phan Chhen WRI, A18, 20-23, EN 00426301.

<sup>959</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.52.33-13.54.10 ["Before prisoners were taken to be killed, they could open the buildings though and say that they would be allowed to return to their respective cooperative, they therefore must follow the Angkar's plan but only some of them would be taken first."]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 13.48.08-13.49.24 ["whenever the loudspeaker was activated, it was announced that prisoners were being allowed to go home since they had already been fully refashioned."], 10.50.27-10.53.10 ["I first thought that they actually meant it when they said people were being released to go home. [...] After those people had left, sister Phon (phonetic) who constantly pinched me when I was about [to] speak told me that 'Run, you perhaps [...] were not aware of the pretext that people were sent back home; actually, they were sent to be killed.'"]; **D6.1.119** Say (Sory) Sen WRI, EN 00225504-05, 09.

<sup>960</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.55.14 ["they would use a hoe to hit the back of their neck, they then kicked them down, and after that [...] they use[d] a machete about 40 to 50 centimetre long to slash their throat, then they would be dropped into the pit, and then they would undress those people, and pile them in a pile."]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.17.21-11.20.06 ["And most of them had

people taken away to be executed, and executioners returning, soaked in blood.<sup>961</sup>

295. Children were often killed alongside their parents.<sup>962</sup> Typically, babies and younger children were held by their feet and swung against tree trunks, smashing their skulls upon impact, then thrown into burial pits.<sup>963</sup> At trial, surviving prisoner Say Sen recalled the sound of children's bodies cracking against palm trees.<sup>964</sup>
296. Loud music was played or firewood was chopped in order to mask people's screams as they were executed.<sup>965</sup> Prisoners were forced to dig burial pits and drag the dead bodies into the pits after execution.<sup>966</sup> Others were forced to dig their own graves before they

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their throats slit rather than were beaten with a bamboo stump or a spade, because it would take a very long time to kill them with the bamboo stems. They used only the method of throat cutting. Two would hold the prisoner tight and another would slit the throat of the prisoner.”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 14.02.55-14.07.36 [“The execution site was to the south of the interrogation location. [...] prisoners were killed with the head of hoes or with a bamboo club. [...] Sometimes, I had a glimpse at it from a distance.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 10.50.27-10.53.10 [“I could see that at that time, those people who were kept there a bit long before their execution were very thin, and they could not even -- they could hardly walk. For this reason, they had to be transported by a cart when they were taken out for execution”], 14.33.38-14.36.24 [“those who could not walk were put on carts”]; **D6.1.783** Hun Kimseng WRI, EN 00223489-90; **D6.1.997** Saing Sim WRI, EN 00433573; **D118/167** Van Soeun WRI, A177, EN 00980299; **D219/135** Yin Teng WRI, A255, 381, EN 01067065, 79.

<sup>961</sup> **D219/899.1.3** Vong Sarun, T. 18 May 2015, 11.10.00-11.13.44, 13.43.41-13.45.50, 15.03.28-15.06.20.

<sup>962</sup> **D315.2.3** Meas Sokha, T. 21 Jan 2015, 10.33.40-10.36.49 [“So, after the execution of the mother, the babies would also be killed.”]; **D364/2.1.5** Saut Saing, T. 24 Mar 2015, 14.07.36-14.10.08.

<sup>963</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.21.34-11.24.11; **D315.1.6** Srei Than, T. 23 Feb 2015, 11.16.04-11.17.33; **D6.1.783** Hun Kimseng WRI, EN 00223489; **D6.1.119** Say (Sory) Sen WRI, EN 00225510-11; **D6.1.785** Sok Soth WRI, EN 00223507; **D219/135** Yin Teng WRI, A155, EN 01067052, **D118/276** Uk Him WRI, A51, EN 01031769; **D134/8** Saut Saing WRI, A90, EN 00970125.

<sup>964</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.35.47-13.37.33.

<sup>965</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.20.50-10.23.47 [“Also, before prisoners were killed they would play music through a loudspeaker in order to hide the sound of the killing. They would also knock on various instruments so that people could not actually hear the sound of the killing.”]; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.54.10-13.55.14 [“they would play music on a loudspeaker and sometime they would crack firewood nearby in order to muffle the sound of the killing that they are about to do. They would play the Khmer Rouge songs over the loudspeaker, and then after they did the killing, they would return for more.”]; **D219/899.1.3** Vong Sarun, T. 18 May 2015, 13.48.08-13.49.24 [“After a while, I learned by myself that when people were being taken away, and killed, the loudspeaker was activated. In general, they were turning the volume to its maximum so that people in the buildings would not be able to hear any screaming.”]; **D6.1.997** Saing Sim WRI, EN 00433573; **D6.1.781** Thaong Seav WRI, EN 00223469; **D6.1.787** Nhem Khan WRI, EN 00163542; **D219/135** Yin Teng WRI, A36, EN 01067035-36, A168, EN 01067054; **D219/522** Hun Kimseng WRI, A59-60, EN 01168016.

<sup>966</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.57.04-13.58.37 [“I fully engage[d] in the digging and burial of the dead bodies in 1977. [...] the killing there was very active at the time.”], 11.19.27-11.21.08 [the witness dug pits for the corpses and carried prisoners who had died in shackles for burial]; **D315.1.3** Say (Sory) Sen, T. 25 Mar 2015, 15.21.30-15.24.21 [“Kha (phonetic), Ta Chhen and I were ordered to dig pits [...] I guess we dug between 10 and 20 pits and in each pit they buried between 10 and 30 bodies of the prisoners who were executed.”]; **D315.2.3** Meas Sokha, T. 22 Jan 2015, 11.03.28-11.05.37 [“the bodies were in the pit, and I was ordered to bury the bodies.”]; **D6.1.788** Neang Dam WRI, EN 00223518; **D6.1.997** Saing Sim WRI, EN 00433573-74; **D219/135** Yin Teng WRI, A159, EN 01067052.

were killed.<sup>967</sup> Dead bodies of all ages were piled on top of each other.<sup>968</sup> In some cases, executioners removed organs such as the liver and gallbladder to be consumed.<sup>969</sup> Kraing Ta Chan officials reported the number of deaths at the prison to the district office.<sup>970</sup>

297. The exact number of prisoners who died at Kraing Ta Chan during the DK period will never be known due to a variety of factors. First, the prison was established in 1972 or 1973<sup>971</sup> and some physical remains recovered from the site are very likely attributable to killings that took place before the temporal jurisdiction of this Court. Second, many of the remains, particularly skulls, were looted or taken by families hoping to have some symbolic remembrance of lost loved ones.<sup>972</sup> Other remains were taken away by animals, or significantly decayed from decades of exposure to the elements and lack of proper preservation.<sup>973</sup> Finally, while there are surviving prisoner lists and reports regarding activity at Kraing Ta Chan, there is no way to determine how many other records were never recovered. Nonetheless, as discussed below, ample evidence leaves no doubt that thousands of prisoners died at Kraing Ta Chan during the DK regime.
298. Only a handful of people imprisoned at Kraing Ta Chan during the DK regime survived.<sup>974</sup> They and former prison guards gave extensive eyewitness evidence about

<sup>967</sup> **D6.1.781** Thaong Seav WRI, EN 00223470 [“They had those people who were about to be killed dig the pit(s) themselves, and they hit them with hoes and bamboo clubs.”].

<sup>968</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.37.33-13.38.46 [“for older people when they hit them with a hoe, they would use a machete to slit their throats, but in this case they hit the child with a hoe and they dragged her body into the pit.”], 13.55.14-13.57.04 [“then they would be dropped into the pit, and then they would undress those people, and pile them in a pile.”].

<sup>969</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 13.35.47-13.37.33 [“I saw the children were smashed against the palm trees and then the gallbladder were taken out from the both the children and hanged there.”]; **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.56.11-11.59.04 [“I could see many gallbladders were dried in the sun [...] and one day I could see some of the superiors, they had wine and they ate gallbladders. [...] whenever there were killings, the guards would drink wine together with gallbladder.”], 12.02.45-12.04.31 [“I could see that gallbladders were dried in the sun near the fence while I was tending cows. And I could know that these gallbladders were from human beings, because there were many gallbladders, and those couldn’t be cows or buffalos gallbladders.”]; **D118/276** Uk Him WRI, A51, EN 01031769.

<sup>970</sup> **D6.1.1222** Report to the Party for the Month of July 1977, EN 00276557-58 [This report demonstrates that similar information was sent to the Party leaders on a monthly basis from Kraing Ta Chan, including the number of prisoners that entered the prison during the month, the total number of prisoners, the number that died from illness, the number of prisoners killed, and the number of prisoners remaining. For the month reported, those numbers were 18, 81, 2, 39 and 40, respectively]. *See also* **D6.1.1220** Report to the Party from An at Reeducation Office 105, EN 00290205 [handwritten note stating “Up until today we have smashed 15,000 enemies. May the party be advised.” Signed by An].

<sup>971</sup> *See the evidence cited in fn. 873.*

<sup>972</sup> **D219/702.1.10** Kev Chandara, T. 2 Feb 2015, 14.13.50-14.15.44, 15.12.03-15.17.45; **D6.1.472** DC-Cam Mapping Report, EN 00343165.

<sup>973</sup> **D219/702.1.10** Kev Chandara, T. 2 Feb 2015, 14.07.13-14.12.35; **D6.1.472** DC-Cam Mapping Report, EN 00343165.

<sup>974</sup> This Court obtained evidence from survivors Meas Sokha, Say (Sory) Sen, Vong Sarun, Kev Chandara, Hun Kimseng alias Yeay Nha, Lim Hach, Neang Dam, Uk Him and Kev Mao. *See also* **D219/899.1.3** Vong Sarun, T. 18 May 2015, 14.19.43-14.21.07 [stating that Yea Nha [Hun Kimseng] and her relatives



other prisoners' deaths from inhumane conditions and routine executions at the security centre.<sup>975</sup> Several witnesses corroborated that executions occurred on a regular basis,<sup>976</sup> and Meas Sokha, who was detained for nearly three years at Kraing Ta Chan, routinely saw executions involving 20 or more prisoners.<sup>977</sup>

299. Meas Sokha and Say Sen both testified about an occasion when more than 100 people from Sre Ronoung and Nhaeng Nhang communes arrived at the prison and were killed without interrogation because the prison was already filled to capacity.<sup>978</sup> Yin Teng, who lived near the security centre, recalled an incident where two groups of Khmer Krom, totalling 127 adults and children, arrived at the prison "to study" and were held for two days, then killed.<sup>979</sup>
300. Two prisoners regularly assigned to dig burial pits, Say Sen and Neang Dam, both gave evidence regarding the number of corpses the pits could hold, ranging from two to 60.<sup>980</sup> Say Sen testified that in 1977, they ran out of room for burial pits in the usual area, so more had to be dug outside the inner compound.<sup>981</sup> Also in 1977, prisoners were ordered

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were allowed to return home while she, Ta Dam [Neang Dam], Sen [Say Sen], and Auntie Han stayed], 15.14.21-15.16.22 [Han and others escaped before Vong Sarun was released]; **D315.1.2** Say (Sory) Sen, T. 6 Feb 2015, 09.39.39-09.41.26 ["almost all of them passed away. Only children of Yeay Nha, Yeay Nha and I survived the period."]; **D134/8** Saut Saing WRI, A119, EN 00970128; **D6.1.1000** Van Soeun WRI, EN 00223212 ["the majority of the males died of illness or were killed. Very few males survived"].

<sup>975</sup> See **V.A.1.e.iv**. Crimes – Southwest Zone – Sector 13 – Kraing Ta Chan Security Centre – Crimes – Other Inhumane Acts (Inhumane Treatment); **V.A.1.e.iv**. Crimes – Southwest Zone – Sector 13 – Kraing Ta Chan Security Centre – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance).

<sup>976</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.13.35-11.14.54 ["Q: [...] Can you tell us how many times you saw prisoners being taken to pits outside the prison compound? A: [...] I saw it happen almost every day and the execution took place once every week."]; See also **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.00.40-14.02.34 ["the number of those who were killed varied from day to day, and the killing did not happen every day."]; **D6.1.785** Sok Soth WRI, EN 00223507 ["Yes [they killed] many, almost every day. Whenever some came in, the next morning they killed."]; **D219/135** Yin Teng WRI, A385, EN 01067080.

<sup>977</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 11.17.21-11.20.06 ["Q: On the occasions where you were able to see prisoners being killed can you tell us how many prisoners were killed on each of those occasions? A: It [...] varied. Sometimes there were 50, 70, 80 or 100 of them. And the minimum number was 20 prisoners per day."]; **D315.2.3** Meas Sokha, T. 22 Jan 2015, 10.51.26 ["From 3 p.m. prisoners were transported out [...] from within the first level fence to the execution place. Two or three or four prisoners were taken out once at a time until they collected all 100 -- all 100 prisoners to that pit."]; **D6.1.997** Saing Sim WRI, EN 00433573; **D219/522** Hun Kimseng WRI, A37, EN 01168013.

<sup>978</sup> **D315.2.2** Meas Sokha, T. 21 Jan 2015, 10.20.50-10.23.47, 12.00.10-12.02.45; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.44.48-09.49.36. See also **D6.1.783** Hun Kimseng WRI, EN 00223488 ["When [the prison] was full they took them to be killed."]; **D6.1.709** Srei Than WRI, A69, EN 00434695.

<sup>979</sup> **D219/135** Yin Teng WRI, A129, 141-143, 147-156, EN 01067048, 50-52.

<sup>980</sup> **D315.1.2** Say (Sory) Sen, T. 6 Feb 15, 15.13.01-15.14.24 ["I could not could all the pits [in the Kraing Ta Chan compound] because there were many pits. There were smaller pits and larger pits. One pit, for example, contained only two or three bodies."]; **D6.1.788** Neang Dam WRI, EN 00223518; **D6.1.119** Say (Sory) Sen WRI, EN 00225508.

<sup>981</sup> **D315.1.3** Say (Sory) Sen, T. 25 Mar 2015, 15.21.30-15.24.21 ["Q: Can you simply tell me whether you yourself had to dig pits outside of the first perimeter in order that bodies could be buried in them? A: Yes.

to dig into a small pond to make more room for bodies.<sup>982</sup>

301. As for physical remains, at least eight burial pits have been exhumed at Kraing Ta Chan.<sup>983</sup> Kev Chandara testified that skulls found at the site numbered over 10,000.<sup>984</sup> Former District Youth Chairman Iep Duch told OCIJ investigators he agreed that the number reached tens of thousands because every village reported disappearances.<sup>985</sup>
302. Written records also show that prisoners were killed on a massive scale at Kraing Ta Chan. Two monthly reports from 1977 give a snapshot of monthly statistics: a combined total of 131 prisoners were killed and eight died of other causes.<sup>986</sup> Former guard Srei Than testified that 99 percent of the prisoners held at the prison were executed.<sup>987</sup> Perhaps the best indicator of all is the undated, signed report from Prison Chairman An advising the Party that over 15,000 enemies had been “smashed” at the prison.<sup>988</sup> Whatever the exact number, it is clear that thousands were killed at Kraing Ta Chan Security Centre during the DK regime without any legal process.

### Persecution

#### *Political Persecution of the “17 April People”*

303. “New people” or “17 April people” in Tram Kak District were subject to frequent arrests

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I and Ta Chhen were ordered to dig the pits. [...] I guess we dug between 10 and 20 pits and in each pit they buried between 10 and 30 bodies of the prisoners who were executed.”].

<sup>982</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.19.12-15.20.42 [“in 1977 the water reservoir to the south was where they buried the bodies and that pond was initially small, dug by prisoners. Q: Did you yourself dig this pit alongside other prisoners? A: Yes, I did. However, I was only involved in the last part of the digging. That was in 1977, when they needed the place to bury more bodies.”].

<sup>983</sup> **D6.1.778** Kev Chandara WRI, EN 00223457 [“Q: How many pits were dug up? A: Eight pits.”].

<sup>984</sup> **D219/972.2.2** Kev Chandara, T. 4 Feb 2015, 10.07.19-10.09.02 [former chief of one of the neighbouring communes who was personally involved in the exhumation in the 1980s: “Q: [...] can you say whether the 10,013 skulls that you stated [...] was the figure that you stand by? A: Yes, that’s correct the numbers of the skulls that we gathered.”]; **D6.1.778** Kev Chandara WRI, EN 00223457 [there were “Eight pits, 10,045 persons (from the actual count of skulls), but there were many other pits which had not yet been dug up.”]. See also **D315.1.3** Say (Sory) Sen, T. 25 Mar 2015, 15.19.10-15.21.30 [“Through my observation of the area, it could be in excess of more than 10,000 because, initially when people exhumed the bodies and trying to look for gold in 1979, the skeletal remains that they found totaling for more than 10,000 already. And the area on the west of the prison, which was the area in-between the first perimeter and the second perimeter was also the execution site where the remains have not been exhumed yet.”].

<sup>985</sup> **D6.1.782** Iep Duch WRI, EN 00223480.

<sup>986</sup> **D6.1.1222** Report to the Party for the Month of July 1977, EN 00276557 [39 of 81 prisoners were “swept away” and “[t]wo died from illness. 40 remain”]; **D6.1.1226** Report on Prisoners by late November 1977, EN 00276555 [75 new prisoners entered, 92 prisoners were “purged,” 6 “died of illness” and 1 (a Lieutenant Colonel) was “removed to Sector” by Angkar, leaving a total of 85 prisoners].

<sup>987</sup> **D6.1.709** Srei Than WRI, A53, EN 00434694. See also **D6.1.783** Hun Kimseng WRI, EN 00223491; **D219/135** Yin Teng WRI, A207, EN 01067059; **D6.1.1002** Chea Seoung WRI, EN 00231819.

<sup>988</sup> **D6.1.1220** Report to the Party from An at Reeducation Office 105, undated, EN 00290205.

and were imprisoned more often than “base people”.<sup>989</sup> In fact, surviving records from the DK period demonstrate that three out of four prisoners detained at Kraing Ta Chan were “17 April people” and included those forcibly transferred from Kirivong District.<sup>990</sup> Once detained, the “17 April people” were treated more harshly because of their status.<sup>991</sup>

*Political Persecution of the Khmer Krom*

304. The Khmer Krom who were transferred to Tram Kak District were perceived by the DK authorities to be part of the Vietnamese national group. They were accused of having a “Khmer body and a Vietnamese head” and were referred to as “Yuon.”<sup>992</sup> Soon after the Khmer Krom arrived, DK officials announced in meetings across the district that the national policy to kill the “Yuon” was to be locally implemented.<sup>993</sup> In preparation, commune chiefs created lists of Khmer Krom and Vietnamese families in their areas and

<sup>989</sup> **D6.1.294** Reports from Communes to District Office, EN 00322175 [report dated 4 Jan 1977 from Khun of Srae Ronoung to the Party stating: “I would like to make it clear to the Party that concerning the new people, there are still many others who are opposing Angkar (organization) and the Party, thus I will arrest them and send them up successively.”]; **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 14.13.42-14.15.48 [in Leay Bour Commune: “we were 17 April People, whenever our infractions were found, we were taken to a study session. New People would be taken away and killed, as for Base People, I never saw Base People disappear. I was there three years eight months and three days, and I did not see Base People disappear.”], 14.15.48-14.17.48 [“if we [New People] committed any mistakes or if we were not active, if we were not energetic enough, we would disappear.”], 14.36.37 [“New People were the primary target for the arrest.”]. See the evidence cited above in fns 882, 887.

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<sup>991</sup> **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 15.51.53-15.54.03 [“new people” were executed sooner than “base people”]; **D6.1.119** Say (Sory) Sen WRI, EN 00225510 [“Serious offense prisoners were the 17 April people who at that time were called the new people. The light offense prisoners were base area people.”].

<sup>992</sup> **D315.1.4** Ry Pov, T. 12 Feb 2015, 11.32.56 [“the unit chief, group chief, and commune chief, in particular, would accuse us of being ‘Yuon’ or the puppet of the ‘Yuon’ or the ‘Yuon’ CIA and so on.”], 13.38.52-13.41.13 [“Initially we were called deposites or preparatory people, but later on, we were then called the ‘Yuon’ puppets. [...] We were also called the ‘Yuon’ CIA agents or Vietnamese spies.”], 13.34.19-13.36.16, 13.36.16-13.41.13 [“A: Personally, I don’t consider myself as Kampuchea Krom, but during the Khmer Rouge when they returned me to Cambodia, I was considered as one of the Kampuchea Krom people. They called me ‘Yuon’. [...] we were considered to belong to that group. Q: So when you say ‘we’, you are referring to all the people considered as Kampuchea Krom. They were all considered as having ‘a Khmer body and a Vietnamese head’. Is that what we should understand? A: That is absolutely true.”]. See also **D315.2.6** Riel Son, T. 17 Mar 2015, 13.51.15-13.52.50 [“Q: Could you explain a little further as to who the people were who you observed were targets? A: The targeted people were the Kampuchea Krom people [...] they were identified as ‘Yuon’ spies -- agents or they were identified as KGB agents.”]; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.55.43-09.56.52 [“if people did not speak very well, they were referred to as ‘Yuon’, and I did not know the term used -- people were referred to as Khmer Krom.”].

<sup>993</sup> **D118/181** Riel Son WRI, A43, EN 00982640 [“I did hear that people from Kampuchea Krom had been accused of being KGB agents and Yuon spies. At those meetings, it was brought up that all the Khmer Krom had to be killed.”] and **D315.2.6** Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12 [“On the issue of the purges, I only knew about this instruction only at that particular meeting that I attended.”]; **D315.1.20** Ek (Ul) Hoeun, T. 7 May 2015, 15.08.41-15.10.21 [“in March of that year of ‘76, there was a plan to purge all the ‘Yuon’ throughout the country and in District 105.”], 15.24.11-15.26.03 [“I only know that the district received the plan or the instructions [to kill all Vietnamese] from the province. [...] And I did not know whether the province received it from the centre. [...] Because we were at the lower level, so we knew only up to the province.”]; **D118/209** Ek (Ul) Hoeun WRI, A33, 37-38, 62, EN 00983571-72, 75; **D219/135** Yin Teng WRI, A131-140, EN 01067048-50.

sent them to the district.<sup>994</sup> The people on the lists, including children, were subsequently arrested, and some were sent to Kraing Ta Chan.<sup>995</sup> Former prisoner Say Sen recalled that those designated as “Yuon” who arrived at the security centre were “put there for a short while” and then taken to “the killing place”.<sup>996</sup> Another witness recalled an occasion where 127 Khmer Krom adults and children arrived at Kraing Ta Chan “to study”, were held for two days, and were then killed.<sup>997</sup> According to Say Sen: “All of the Kampuchea Krom prisoners were killed.”<sup>998</sup>

#### V. CRIMES FOR WHICH INDICTMENT IS SOUGHT

305. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Kraing Ta Chan Security Centre:<sup>999</sup> genocide of the

<sup>994</sup> **D315.2.6** Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12, 13.35.50-13.38.52 [“Q: Mr. Witness, the document that’s just been presented to you is a report signed by a cadre, Mon, dated the 4th of May, 1977, which is titled ‘List of Kampuchea Krom people from Trapeang Thum Cheung commune’ -- your commune -- and it identifies 73 Khmer Krom families living in that commune, including their former occupation and the ranks of those who were former military. First, can you tell us who was Mon, the person who signed this report? A: Mon was the commune chief of Trapeang Thum Khang Cheung. Q: And was Mon one of the commune representatives who was present at the meeting you’ve described, where instructions were provided on groups to be purged? A: Yes, he was there.”]; **D347/2.1.4** Confirmation Report from Phan to District Angkar on 8 May 1977, EN 00742890 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; **D6.1.1216** List of Kampuchea Krom in Ang Ta Saom Commune, 30 Apr 1977, EN 00290262-63; **D6.1.1210** Ang Ta Saom Commune Exchanged Prisoners List, EN 00290199-201; **D65.1.52** List of Kampuchea Krom in Popel Commune, EN 00742626-28; **D6.1.470** List of Kampuchea Krom People in Kus Commune, 29 Apr 1977, EN 00366665-75; **D347/2.1.3** Name List of People who Have Just Come from Srok Yuon [Vietnam], EN 00323977-78 [identifying Khmer Krom families in Srae Ronoung commune]; **D6.1.262** Report on Vietnamese in Tram Kak District, 5 Jun 1977, EN 00322147; **D118/209** Ek (UI) Hoeun WRI, A47, EN 00983573.

<sup>995</sup> **D315.1.4** Ry Pov, T. 12 Feb 2015, 11.32.02-11.36.00 [“When I was moved from Stung village to Pong Tuek village, at my arrival, I saw [...] 30 [Khmer Krom] people were arrested and tied up, and they were marched to the opposite direction when I was travelling. But I had no idea [...] as to whether they were killed or tortured.”] *read in conjunction with* **D118/130** Ry Pov WRI, A56, EN 00970032-33, A60-68, EN 00970033-34 [the 30 Khmer Krom people were escorted to Kraing Ta Chan]; **D315.2.6** Riel Son, T. 17 Mar 2015, 13.55.28-13.57.14 [“Those Vietnamese disappeared at night time or during the time that they were working in the field or in the canal work sites. These people were called out and then they were taken away.”]; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 15.28.17-15.29.23 [“We knew that they were Vietnamese because they spoke Vietnamese. And they would be the subject of arrest when they spoke Vietnamese. And if they spoke Khmer, then they would not be arrested. [...] the commune chiefs were tasked to carry out the plan”]; **D118/209** Ek (UI) Hoeun WRI, A45-46, 53, EN 00983573-74; **D219/135** Yin Teng WRI, A129-131, 141-154, 156, EN 01067048, 50-52; **D118/162** Keo Kan WRI, A32-33, EN 00979986. *See also* fn. 882 listing Khmer Krom prisoners at Kraing Ta Chan.

<sup>996</sup> **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.56.52 [“Q: And those who didn’t speak, correctly, and who were designated as ‘Yuon’, were they subjected to an interrogation or not? Or were they executed before even being interrogated? A: In 1977, I already informed the Court, repeatedly, there was fighting at the border and when these people came and arrived at the security office, some were put there for a short while and some were taken to the killing place subsequently.”]; **D118/133** Say (Sory) Sen WRI, A82-91, EN 00969629-30.

<sup>997</sup> **D219/135** Yin Teng WRI, A129-131, 141-156, EN 01067048, 50-52.

<sup>998</sup> **D118/133** Say (Sory) Sen WRI, A87, EN 00969630.

<sup>999</sup> The ICP notes that in relation to this site, he seeks indictment for a crime for which the CIJs have been seised but have not yet charged Yim Tith. This crime is other inhumane acts (enforced disappearance). The

Vietnamese national group in Cambodia (particularly Khmer Krom),<sup>1000</sup> the crimes against humanity of murder; extermination;<sup>1001</sup> imprisonment; torture; persecution on political grounds against “17 April people”, Khmer Krom, and Vietnamese; and other inhumane acts (forced transfer, inhumane treatment, and enforced disappearance).

f. WAT ANG SREI MUNY SECURITY CENTRE AND PREY SOKHON  
EXECUTION SITE

i. INTRODUCTION

306. Wat Ang Srei Muny Security Centre (“Wat Ang Srei”)<sup>1002</sup> and Prey Sokhon execution site (“Prey Sokhon”)<sup>1003</sup> were located in Koh Andet District of Sector 13 during the DK regime. Wat Ang Srei was used to detain hundreds of prisoners who were then taken to Prey Sokhon to be executed. Most of those detained at Wat Ang Srei and executed at Prey Sokhon were Khmer Krom.
307. As the deputy and subsequently secretary of the Sector 13 Committee and a leading JCE member, **Yim Tith** was responsible for and had authority over events at Wat Ang Srei and Prey Sokhon throughout the DK regime.
308. The ICIJ charged **Yim Tith** with the following crimes in relation to Wat Ang Srei Muny Security Centre and Prey Sokhon execution site: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, imprisonment, persecution on political and racial grounds against the Khmer Krom; and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>1004</sup>

ii. OPERATION AND LOCATION

309. Wat Ang Srei and Prey Sokhon operated from April 1975 until the end of the DK

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CIJs were seised of this crime by **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, para. 14.

<sup>1000</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>1001</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Kraing Ta Chan alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Kraing Ta Chan, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>1002</sup> Wat Ang Srei Muny Security Centre was known by several different names during the DK regime, including: Wat Angk Serei Meali Pagoda, Sam Phli Pagoda, Themis Pagoda and Watt Samphli Pagoda. See **D219/591** Sam Kun WRI, A11, 76, EN 01178841, 49; **D119/82** Neang Ouch alias Ta San WRI, A30, EN 00981142; **D219/592** Vorng Nob WRI, A8, EN 01185738; **D119/4** Sam Kun WRI, A19, EN 00876980.

<sup>1003</sup> Prey Sokhon was also known as Prey Lopeak during the DK regime. See **D1.3.10.14** DC-Cam Takeo Province Analytical Report, EN 00207677.

<sup>1004</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068, 71, 77.

regime.<sup>1005</sup> Wat Ang Srei was located in Samphli Village, Prey Khla Commune, on a path leading north to Prey Sokhon in Sy Sla Village, Thlea Prachum Commune, approximately 2.5 kilometres away.<sup>1006</sup> Wat Ang Srei comprised the temple, which housed soldiers,<sup>1007</sup> and at least two buildings used to imprison people: an existing school building and a detention office built by the Khmer Rouge.<sup>1008</sup>

310. Prey Sokhon was a forested area roughly 10 hectares in size.<sup>1009</sup> Several large pits were dug at the site and used as mass graves.<sup>1010</sup> Entry to Prey Sokhon was restricted, but people could walk alongside the forest on the road connecting Sy Sla and Samphli villages.<sup>1011</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

311. Wat Ang Srei and Prey Sokhon were under the authority of the Koh Andet District Committee.<sup>1012</sup> Wat Ang Srei was used as a district military base<sup>1013</sup> and members of the Koh Andet District militia (subordinates of **Yim Tith**) were involved in arresting and detaining people at Wat Ang Srei and killing people at Prey Sokhon.<sup>1014</sup> As Sector 13

<sup>1005</sup> **D119/2** Vorng Nob WRI, A34, EN 00945874 [“They kept on killing and putting people there [Prey Sokhon execution site] from 17 April 1975 to November 1978 when the Vietnamese entered this village.”]; **D219/591** Sam Kun WRI, A47, EN 01178846 [“Q: Do you know during what period of time those soldiers were stationed there? A47: From 1975 until liberation.”]; **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887251.

<sup>1006</sup> **D119/9** Wat Ang Srei Muny Detention Centre Site Identification Report, EN 00887253; **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887251.

<sup>1007</sup> **D119/16** Kao Chheng WRI, A20, EN 00919151 [“The entire military unit was located in Ang Serei Mealy.”]; **D219/591** Sam Kun WRI, A40, EN 01178845 [“Q: Do you know why they took the Khmer Krom to be placed in Wat Angk Serei Meali Pagoda? A40: The place was a district military base, so they were placed there.”]; **D119/4** Sam Kun WRI, A19, EN 00876980.

<sup>1008</sup> **D119/2** Vorng Nob WRI, A11, EN 00945871.

<sup>1009</sup> **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887251.

<sup>1010</sup> **D119/16** Kao Chheng WRI, A12, EN 00919150 [“I would like to further say that at Prey Sokhon they dug several large pits for burying people”].

<sup>1011</sup> **D119/4** Sam Kun WRI, A28-29, EN 00876981 [“The Khmer Rouge restricted access to the area, disallowing anyone to go there [...] We could walk by the route next to the forest, linking Si Sla village to Sampli village, but could not enter that forest.”].

<sup>1012</sup> See **IV.B.1.c.** CPK Authority Structure and Communication – Southwest Zone – Sector 13 – Koh Andet District.

<sup>1013</sup> **D119/16** Kao Chheng WRI, A20, EN 00919151 [“Q: Was the military district office located in Ang Serei Mealy? A20: The entire military unit was located in Ang Serei Mealy.”]; **D219/591** Sam Kun WRI, A40, EN 01178845 [“Q: Do you know why they took the Khmer Krom to be placed in Wat Angk Serei Meali Pagoda? A40: The place was a district military base, so they were placed there.”]; **D119/4** Sam Kun WRI, A19, EN 00876980 [“Initially the pagoda was named Wat Sampli, then they renamed it Wat Angserei Mealy. This pagoda was the military base of Koh Andet district.”]; **D119/2** Vorng Nob WRI, A2, EN 00945870 [“Because the Khmer Rouge did not want any people to live near the compound of the pagoda and the pagoda was then used as the district office by the Khmer Rouge.”]; **D219/592** Vorng Nob WRI, A71, EN 01185748.

<sup>1014</sup> **D119/2** Vorng Nob WRI, A25, EN 00945873 [“When those people were taken out of the school building, they were [...] escorted by two militiapersons armed with guns [...]. At the same time militia persons emerged from the jungle nearby, tied them and took them”]; **D219/592** Vorng Nob WRI, A74, EN

Deputy Secretary and then Secretary,<sup>1015</sup> **Yim Tith** had responsibility for and authority over Wat Ang Srei and Prey Sokhon, including the power to order the Koh Andet District Security Chairperson, Ta Soeun, to make arrests.<sup>1016</sup> Such orders were implemented by lower-level cadres and reported to the upper echelons.<sup>1017</sup>

312. Various meetings were held by district and sector-level cadres in Koh Andet discussing, *inter alia*: “smashing” those who committed moral offences,<sup>1018</sup> fighting the invading “Yuong”,<sup>1019</sup> maintaining strict vigilance against workers who could be “spies”,<sup>1020</sup> and instructions to seek out “internal enemies”.<sup>1021</sup>

#### iv. CRIMES

##### Imprisonment and Other Inhumane Acts (Inhumane Treatment)

313. People were arrested and brought to Wat Ang Srei Muny daily.<sup>1022</sup> Hang Song, who lived close to Sy Sla Village at the time, saw between four and 10 people arrested, tied up, and put in lines to the prison every day for 12 months.<sup>1023</sup>
314. Those detained were Khmer Krom, “17 April people”, former Lon Nol officials, Khmer Leu, people from Samphli Village and other villages in Koh Andet who were considered

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01185748; **D219/568** Mom Phalla WRI, A81, EN 01182731; **D119/16** Kao Chheng WRI, A22, EN 00919151. *See also* **D219/358** Luon Mol WRI, A33-36, EN 01116346; **D1.3.11.19** Kao Cheng OCP Statement, EN 00219263; **D119/18** WRIA, Account of Hoy Pon, EN 00893288.

<sup>1015</sup> *See III.C.1.* Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Southwest Zone – Yim Tith’s Positions in the Southwest Zone.

<sup>1016</sup> **D193/8.2** Ek (UI) Hoeun WRI, A33, EN 01053575 [“According to my understanding, Ta Tith and Yeay Chaem ordered District Security Chairman Ta Soeun, to arrest people”]; **D219/40** Phann Chhen WRI, A35, EN 01053635.

<sup>1017</sup> **D219/592** Vorng Nob WRI, A41, EN 01185743 [“Q: Do you know to whom Maong reported? A41: They said he reported to the upper level, but I do not know to whom he reported.”], A44, EN 01185743 [“Q: Did Maong ever say that the Khmer Krom people were enemies or targets to be destroyed by Angkar? A44: He said that the upper levels had assigned him, a police chairman, to destroy the people.”].

<sup>1018</sup> **D6.1.688** Bun Thoeun WRI, EN 00384409.

<sup>1019</sup> **D119/108** Sok Rum WRI, A47-48, EN 00986255.

<sup>1020</sup> **D118/274** Bun Thoeun WRI, A30, EN 01031975, A34, EN 01031976; **D6.1.688** Bun Thoeun WRI, EN 00384407-08.

<sup>1021</sup> **D118/242** Khoem Boeun WRI, A87, 91, EN 01057690, 91.

<sup>1022</sup> **D119/5** Hang Song WRI, A28, EN 00876145 [“Q: Did you ever witness any arrests or killings during that time? A28: I saw them arrest, tie up and handcuff people and put them in line every day. There was no day in which no arrests took place.”]; **D219/591** Sam Kun WRI, A22-23, EN 01178842-43 [“A22: I do not know. I did not know about their work. I just saw them taking those Khmer Krom to that place. Q: When did you see those people? A23: Day and night. They did not put all the Khmer Krom there at one time.”].

<sup>1023</sup> **D119/5** Hang Song WRI, A27, EN 00876144 [“Q: How long did you stay Tuol Kuok Srok? A27: About 1 year”], A29, EN 00876145 [“Q: Approximately how many people were arrested each day? A29: There were about 4 to 10 persons. Their arms were tied behind their back.”].

“wrongdoers”,<sup>1024</sup> and others deemed “enemies” of the DK regime.<sup>1025</sup> Prisoners included men, women, and children.<sup>1026</sup>

315. The majority of prisoners at Wat Ang Srei were Khmer Krom families who were transferred by the CPK from Phnom Penh and Takeo.<sup>1027</sup> Vorng Nob, who lived close to Wat Ang Srei, described approximately 200 Khmer Krom families transferred from Phnom Penh and 200 from Takeo being detained at Wat Ang Srei.<sup>1028</sup> Both groups of Khmer Krom were brought to Wat Ang Srei within a month of the fall of Phnom Penh.<sup>1029</sup>
316. Prisoners detained in the detention office built in 1976 at Wat Ang Srei were shackled day and night.<sup>1030</sup> Those detained at the school building were not shackled but were

<sup>1024</sup> **D119/2** Vorng Nob WRI, A24, EN 00945872 [“If people committed wrongdoings [...] [it] would be reported to the village, commune, and cooperative chairpersons. The wrongdoers would then be taken away and disappear or be put in the Detention Office.”], A33, EN 00945874 [“Q: You said that apart from the school building that detained the people from Takeo and Phnom Penh, there was a detention office used by the Khmer Rouge to detain prisoners, in the vicinity of the temples. What sort of prisoners were they? That Detention Office was set up one year after the Takeo and Phnom Penh people were taken away and disappeared. Prisoners detained at the Detention Office were arrested from various villages in Koh Andacht district”]; **D119/4** Sam Kun WRI, A26, EN 00876981 [“Q: You have said that you saw them arrest ‘17 April’ people and walk them out. Do you know where they took the arrestees? What were their ethnicities? A26: They were Khmer people evacuated from Phnom Penh, including former Lon Nol soldiers”]; **D219/591** Sam Kun WRI, A32, EN 01178844 [“Q: Were there many or few Khmer Krom? A32: As I heard it there were many. Not only Khmer Krom, but also Khmer Leu were arrested and kept there.”].

<sup>1025</sup> **D219/591** Sam Kun WRI, A77, EN 01178850 [“Yes, I heard that. Those accused of being enemies were arrested and taken away.”]; **D219/592** Vorng Nob WRI, A71, EN 01185748 [“The pagoda was a prison and a district hall people were arrested and sent there. Those who were accused of being enemies were sent there.”], A76, EN 01185748 [“I told him [CPK cadre Maong] that no one would survive if you accused all the people of being enemies. He told me that that was Angkar.”].

<sup>1026</sup> **D119/2** Vorng Nob WRI, A14, EN 00945871 [“Q: What former positions did those people have? A14: Those people did not have any specific positions. They put those people in one single place. Those people were a mixture of the elderly, middle-aged, men, women, children and infants. They were not allowed to move freely on the compound of the pagoda.”].

<sup>1027</sup> **D219/591** Sam Kun WRI, A13, EN 01178841 [“After people were evacuated from Phnom Penh in 1975, the Khmer Krom were brought in and placed in Wat Angk Serei Meali Pagoda, where the soldiers were based.”]; **D219/592** Vorng Nob WRI, A7, EN 01185738 [“Q: Were there Khmer Krom living here? A7: No, there were not. There were only Khmer Krom who were evacuated from Phnom Penh and Takeo; they were placed in the pagoda. Later, they were taken to be killed in Prey Sokhon.”]; **D119/4** Sam Kun WRI, A36, EN 00876982.

<sup>1028</sup> **D219/592** Vorng Nob WRI, A33, EN 01185742 [“Q: That means there were 200 Khmer Krom from Takeo and 200 Khmer Krom from Phnom Penh. Is that correct? A33: Yes, it is.”].

<sup>1029</sup> **D119/2** Vorng Nob WRI, A8, EN 00945871 [“Q: After 17 April 1975, how long afterwards did evacuees from various cities arrive in this village? A8: One month after the fall of Phnom Penh, people from Phnom Penh arrived here. But people from Takeo city had got here earlier than those from Phnom Penh.”]; **D219/592** Vorng Nob WRI, A29, EN 01185741.

<sup>1030</sup> **D119/5** Hang Song WRI, A28, EN 00876145 [“In that detention centre they made shackles which they used to shackle prisoners’ ankles. The prisoners were shackled in rows, and the shackles had holes where a metal rod was inserted through them.”]; **D119/2** Vorng Nob WRI, A33, EN 00945874 [“That Detention Office was set up one year after the Takeo and Phnom Penh people were taken away and disappeared. Prisoners detained at the Detention Office were arrested from various villages in Koh Andacht District. They all had their legs put in shackles both day and night and those who had to be taken away to be killed would be taken to be killed in Prey Sokhon.”].



unable to move freely around the prison.<sup>1031</sup> Witness Hang Song was told that male prisoners were interrogated before being sent to Prey Sokhon to be executed.<sup>1032</sup> Local villagers believed “no one was set free. All those detained were taken to be killed”.<sup>1033</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

317. Killings occurred on a massive scale at Prey Sokhon.<sup>1034</sup> Witnesses described daily executions,<sup>1035</sup> with up to 10 families being killed at a time.<sup>1036</sup> Such killings spanned the duration of the DK regime.<sup>1037</sup>
318. Those killed at Prey Sokhon were prisoners from Wat Ang Srei, therefore victims included men, women, and children<sup>1038</sup> of various backgrounds, including “17 April

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- <sup>1031</sup> **D119/2** Vorng Nob WRI, A14, EN 00945871 [“Q: What former positions did those people have? A14: Those people did not have any specific positions. They put those people in one single place. Those people were a mixture of the elderly, middle-aged, men, women, children and infants. They were not allowed to move freely on the compound of the pagoda.”], A27, EN 00945873 [“Q: Did they put the Takeo and Phnom Penh people at the school building in shackles? A27: No, they did not put the people in shackles. But they did not allow the people to walk out freely. They had them stay in one single place.”], A28, EN 00945873.
- <sup>1032</sup> **D119/5** Hang Song WRI, A30, EN 00876145 [“For those who had not made a serious mistake, they were tied up in lines and taken southward [to Prey Sokhon]. Some other prisoners were shackled. For the female prisoners, they were tied up and walked away, while the male prisoners were shackled and interrogated first.”].
- <sup>1033</sup> **D219/591** Sam Kun WRI, A37, EN 01178844-45 [“Q: Was anyone released from Wat Angk Serei Meali Pagoda? A37: According to what villagers said, it seemed no one was set free. All those detained were taken to be killed.”].
- <sup>1034</sup> **D119/2** Vorng Nob WRI, A32, EN 00945874 [“Q: Can you estimate how many people were killed at Prey Sokhon? A32: “To my understanding and estimate, approximately 1000 families were killed in Prey Sokhon. On average, a family consisted of about four members.”]; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, Interview of Vong Hieng, EN 00207580 [“The witnesses assumed that there were about 10,000 to 12,000 corpses.”].
- <sup>1035</sup> **D219/604** Touch Sam WRI, A72, EN 01184874 [“Q: When did you see this? How many times did you see such events? A72: It was when I was guarding cows. I saw those events every day for about one month. Two or three people were taken and killed.”]; **D219/592** Vorng Nob WRI, A65, EN 01185747 [“Q: During the two or three months when you were there, how many people on average were taken to be killed per day? A65: “At least 10 people were taken to be killed per day.”], A61, EN 00185746.
- <sup>1036</sup> **D219/592** Vorng Nob WRI, A55, EN 01185745 [“Q: Who walked the people? A55: The militia. The chiefs were waiting in Prey Sokhon. They had the militia take the people. Sometimes, they took five families; at other times they took 10 families.”]; **D219/568** Mom Phalla WRI, A69, EN 01182730 [“Q: How many people did you see being taken? A69: Many, there were about 30 people.”]; **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, Account of Vong Hieng, EN 00207679.
- <sup>1037</sup> **D119/2** Vorng Nob WRI, A34, EN 00945874 [“They kept on killing and putting people there [Prey Sokhon execution site] from 17 April 1975 to November 1978 when the Vietnamese entered this village”]; **D219/591** Sam Kun WRI, A40, EN 01178845 [“The place [Wat Ang Srei] was a district military base”], A47, EN 01178846 [“Q: Do you know during what period of time those soldiers were stationed there? A47: From 1975 until liberation.”]; **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887251.
- <sup>1038</sup> **D219/568** Mom Phalla WRI, A69-71, EN 01182730 [“Q: How many people did you see being taken? A69: Many. There were about 30 people. Q: You said that there were around 30 people taken to be killed. Were there any young children? A70: Yes, around five or six children came along with their mothers. Q: How old were those children? A71: I did not know how old they were, but I can say that they could walk, I saw a woman who was carrying her baby. That woman was told to drop her child and let her child while her hands were tied behind her back.”].

people”, former Lon Nol officials, and, mainly, Khmer Krom.<sup>1039</sup>

319. Wat Ang Srei prisoners were told that they would be sent home or transferred elsewhere but were instead brought to Prey Sokhon: tied up by militiamen, marched at gunpoint into the forest, and forced to dig pits.<sup>1040</sup>
320. Militiamen then beat the prisoners to death before throwing the bodies into pits.<sup>1041</sup> Some victims were still alive when buried.<sup>1042</sup> Mom Phalla, who worked in the Prey Sokhon area at the time, described hearing beatings and screaming.<sup>1043</sup> Witnesses also detailed the stench of uncovered pits full of bodies and seeing covered graves cracking open from swelled corpses.<sup>1044</sup>

<sup>1039</sup> **D219/568** Mom Phalla WRI, A61, EN 01182728 [“I went there when they took the ‘17 April people’ and the Khmer Krom to be killed at Prey Sokhon.”]; **D219/604** Touch Sam WRI, A70, EN 01184874 [“Q: How did you know that people were taken to be killed at Prey Sokhon? A70: I saw it first-hand. The ‘17 group’ was taken to be killed.”]; **D119/4** Kun Sam WRI, A26, EN 00876981; **D219/591** Kun Sam WRI, A36, EN 01178844.

<sup>1040</sup> **D119/2** Vorng Nob WRI, A25, EN 00945873 [“Q: After the Takeo people were taken to be killed at the killing site, how long afterwards did you learn this? A25: I learned of that event on the same day. These people were taken out at 2 p.m. or 3 p.m. I saw them being escorted on the way to the jungle. My house stood on one side of the route from the compound of the pagoda. By that time, I had not yet moved my home to the new place. That was why I saw the event happening at the time. When those people were taken out of the school building, they were not tied. They were escorted by two militiapersons armed with guns. One of the militiapersons walked in the front and other walked from behind. They were escorted to a meeting place where they were told that they would be sent to a new place or land. At the same time, militiapersons emerged from the jungle nearby, tied them and took them out straightaway.”]; **D219/592** Vorng Nob WRI, A53, EN 00185745 [“Q: Regarding the first group from Takeo, did you see them being taken to be killed in Prey Sokhon first-hand? A53: Yes, I did. Around 2.00 p.m., they were taken to be killed. They took people to be killed between 2.00 p.m. and 6.00 p.m. The people were not scared because Angkar told them that they were being sent to live in new villages.”]; A56, EN 00185745 [“Q: Were the people handcuffed? A56: No, they were not, but when they arrived in Prey Sokhon, they were tied up and sat down. They had a meeting when the militia left the forest, and then the people were taken to the graves at gunpoint. The ones responsible for beating the people just beat them; the ones responsible for tying them up just tied them up.”]; **D219/604** Touch Sam WRI, A71, EN 01184874 [“Q: What did you see? A71: I saw the people being led away to be killed. They were forced to dig up the earth to bury themselves. The ‘17 group’ did not know how to dig the ground.”]. See also **D1.3.10.14** DC-Cam Mapping Report for Takeo Province, Account of Vong Hieng, EN 00207679.

<sup>1041</sup> **D219/568** Mom Phalla WRI, A68, EN 01182729 [“I was nearby the killing site, and I could hear the sounds of beating and screaming. Then I stood and watched the incident. I saw them use a wooden club about one meter long to beat people one by one and drop them into the pit.”]; **D119/7** Mom Phalla WRI, A22, EN 00876159 [“When I saw them clubbing the people to death, I was terrified and scared, so I left that place and went to look for rattan at the other places. I saw there were many people there at that time, but I did not dare to look at them long.”]; **D219/604** Touch Sam WRI, A74, EN 01184874; **D119/4** Sam Kun WRI, A32, EN 00876982.

<sup>1042</sup> **D219/604** Sam Touch WRI, A74, EN 01184874 [“Some who had been beaten remained alive. Then they were buried in piles”]; A79-80, EN 01184875 [“It happened in 1976 [...] It was after the harvest season in January or February.”].

<sup>1043</sup> **D119/7** Mom Phalla WRI, A22, EN 00876159 [“Q: Do you recall any events took place in Prey Sokhon Forest? A22: When I was in the mobile unit, I was assigned to collect rattan, also known as Ropak, in that area. There, I saw they [Khmer Rouge] were clubbing the people and dropping the bodies into the pit. I heard the victims screaming ‘Oy!, Please help me!’ I heard the sound of the clubbing ‘Phos, Phos.’”].

<sup>1044</sup> **D119/2** Vorng Nob WRI, A34, EN 00945874 [“Those pits were kept open during the Khmer Rouge era, and they killed people and put them there from day to day on a continuing basis. They kept on killing and

321. Prey Sokhon contained three to four large mass graves,<sup>1045</sup> ranging in size from approximately 20 metres in diameter and two metres deep to 10 metres by five metres and two metres deep.<sup>1046</sup> Though estimates varied, witnesses stated that there were thousands of individuals killed at Prey Sokhon.<sup>1047</sup>

### Persecution

322. Persecution was committed through the crimes described above against the Khmer Krom, members of the former Lon Nol regime, and “17 April people” at Wat Ang Srei and Prey Sokhon. These Khmer Krom, members of the former Lon Nol regime, and “17 April people” were specifically targeted because of their actual or perceived membership of a political group.<sup>1048</sup>

### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

323. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Wat Ang Srei Muny Security Centre and Prey Sokhon execution site:<sup>1049</sup> genocide of the Vietnamese national group in Cambodia (particularly

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putting people there from 17 April 1975 to November 1978 when the Vietnamese entered this village. Because they killed people and put them into the pits, but left them open, there was bad smell there with swarms of flies flying throughout the jungle.”]; **D119/4** Sam Kun WRI, A30, EN 00876981 [“Q: A witness whom we have interviewed said that when he walked past the location of Prey Sokhon, it smelled bad, outright awash with flies. Is that correct? A30: Yes, correct. I actually saw just that, and they had me go to bury those who had been smashed on the way to Prey Sokhon on the left side because they had been buried incompletely, and they had swelled, cracking open the grave. They then had me to go to cover the grave fully. The bodies I went to bury were those of two girls with long hair who had been taken from Tuol Kouk Srok to that place.”].

<sup>1045</sup> **D1.3.10.14** DC-Cam Takeo Province Analytical Report, EN 00207679 [“There were four huge pits [at Prey Sokhon]”]; **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887250 [“After a 2Kms walking distance from the entrance of the single track is the location of the 3 mass graves pits [...] [t]wo pits are located on the Right side of the track (North) and one on the left side (South). The mass graves location is called Trapeang Svay Pound”].

<sup>1046</sup> **D119/10.2** Annex 2 Photos of OCIJ Site Identification Report, EN 00882066 [“These [grave] sites were from a circular size for one of them of about 20 meters diameter for +/- 2 meters deep and of a rectangular size for the other one of about 10x5 meters large for +/- 2 meters deep”]; **D1.3.10.14** DC-Cam Takeo Province Analytical Report, EN 00207679 [“There were four huge pits [at Prey Sokhon] [...] each pit is four 10 meters x 10 meters in size. Each of the pits was 2 meters deep”]; **D119/10** Prey Sokhon Execution Site Site Identification Report, EN 00887250 [“After a 2Kms walking distance from the entrance of the single track is the location of the 3 mass graves pits [...] [t]wo pits are located on the Right side of the track (North) and one on the left side (South). The mass graves location is called Trapeang Svay Pound.”].

<sup>1047</sup> **D119/2** Vorng Nob WRI, A32, EN 00945874 [“To my understanding and estimate, approximately 1,000 families were killed in Prey Sokhon. On average, a family consisted of about four members.”]; **D219/592** Vorng Nob WRI, A24, EN 01185741 [“Some families had three, four, five, six people; some had up to seven people.”]; **D219/604** Sam Touch WRI, A92, EN 01184877 [“I did not know how many; there were so many of them.”]; **D1.3.10.14** DC-Cam Takeo Province Analytical Report, EN 00207679-80, 00207676. <sup>1048</sup> *See VIII.B.1.a.* Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy.

<sup>1049</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are persecution on political grounds against former Lon Nol regime members and “17 April people”, and other inhumane acts (enforced disappearance and

Khmer Krom),<sup>1050</sup> and the crimes against humanity of murder; extermination;<sup>1051</sup> imprisonment; persecution on political grounds against “17 April people”, former Lon Nol officials, and Khmer Krom; and other inhumane acts (inhumane treatment and enforced disappearance).

## B. NORTHWEST ZONE

### 1. THE PURGE

#### a. MECHANISM OF THE PURGE

##### i. TIME FRAME AND ROLE OF YIM TITH AND TA MOK

324. Thousands of Southwest Zone cadres, combatants and soldiers were sent by Ta Mok and **Yim Tith** to the Northwest Zone with the mission to “get rid of the Northwest Zone cadres”, both civilian and military, and “take control over the Northwest Zone”.<sup>1052</sup> Ta Mok received direct orders from Pol Pot at a meeting in Phnom Penh to organise the transfer of Southwest Zone cadres to the Northwest Zone to “deal with” those who controlled the zone and were now deemed traitors and enemies of Angkar.<sup>1053</sup> Ta Mok

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inhumane treatment). The CIJs were seized of these crimes by **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, para. 15.

<sup>1050</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>1051</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Wat Ang Srei and Prey Sokhon alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Wat Ang Srei and Prey Sokhon, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>1052</sup> **D118/150** Hem Moeun WRI, A23-24, EN 00975010 [“Before my division was sent to Battambang we were ordered to get rid of the Northwest Zone people. [...] A24: Ta Mok was the one who issued the order. Ta Mok said, ‘It is likely that the Northwest Zone people will betray us, so we must put our forces there’”], A58, 60, EN 00975014-15 [“Ta Mok ordered the forces to suppress them. [...] A60: Ta Tit brought his forces from Takeo with Ta Mok [...] We were sent to the Northwest Zone because they wanted to get rid of the Northwest Zone cadres. Only the Southwest Zone cadres and soldiers were sent to take control over the Northwest Zone.”]; **D118/285** Nop Ngim WRI, A40, EN 01044680 [“Ta Mok said that those Northwest Zone cadres had betrayed *Angkar* so he sent the Southwest Zone cadres to lead there”]; **D119/124** Nhem En WRI, A27, EN 01055653-54 [stated that the Southwest Zone cadres knew that they had the duty to screen and smash the Northwest Zone cadres who betrayed Angkar]; **D219/900** Moul En WRI, A40, 57-58, EN 01517477-78 [explains that in mid-1977, on their way to the Northwest Zone, Pol Pot told Southwest Zone soldiers that they were sent there to “prevent the enemies from burrowing inside the Northwest Zone.”]; **D118/222** Hem Moeun WRI, A6, EN 00988132; **D118/137** Chhorn Vorn WRI, A10-11, EN 00970081.

<sup>1053</sup> **D118/259** Pech Chim WRI, A55-58, 63-65, 140, 142, 149, EN 01000673-75, 83-84 [Witness explains that Pol Pot and Ta Mok decided to transfer the Southwest cadres to the Northwest Zone, that Pol Pot gave direct orders to Ta Mok during a meeting to organize such transfer and to lead the Southwest Zone forces, and that, therefore, Ta Mok had the authority to take control of the Northwest Zone which was “traitorous” and had to be “dealt” with (as well as the East and Central Zones)]; **D119/68** Rochoem Ton alias Phyu Phoun WRI, A10, EN 00975047 [“Pol Pot had trusted Ta Mok [...] Ta Mok was designated to control the zone; he selected people he trusted to accompany him.”], A2-3, EN 00975045; **D118/285** Nop Ngim WRI, A40, EN 01044680 [“Ta Mok said that those Northwest Zone cadres had betrayed Angkar so he sent the

and **Yim Tith** led that purge campaign ordered by the Party Centre.<sup>1054</sup> **Yim Tith** himself ordered the purge of specific groups of persons.<sup>1055</sup>

325. The plan to purge the Northwest Zone was executed in stages to avoid any resistance from the Northwest Zone leadership. Although the moment of their transfer varied according to the seven sectors of the zone, in the first group, hundreds of Southwest Zone cadres and soldiers were sent to the Northwest Zone between mid-1976 and early 1977.<sup>1056</sup> This first contingent started to work with the Northwest Zone cadres at the

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Southwest Zone cadres to lead there”]; **D219/654** Sok Cheat alias Khom WRI, A78, EN 01207520 [“When Ta Mok arrived, the old cadres [Northwest Zone cadres] were accused of being traitors and being affiliated with the Yuon.”].

<sup>1054</sup> **D105/3** Nuon Muon WRI, A33-34, EN 00787176 [“A33: I heard that both Ta Mok and Ta Tith [...] arrested all the Northwest Zone cadres from Zone level down to Sector level, all the way through cooperative level. Q: Were the arrests made under the authority of Ta Mok and Ta Tith? A34: Yes.”]; **D119/124** Nhem En WRI, A23, EN 01055652 [“Ta Mok assigned trusted cadres from the Southwest to lead all the other Zones, including the Northwest Zone.”]; **D118/150** Hem Moeun WRI, A60, EN 00975014 [“Ta Tit brought his forces from Takeo with Ta Mok.”]; **D118/86** Nhoek Ly WRI, A4, EN 00976959 [“In July 1978, Ta Nhim and several other Northwest cadres were arrested by Ta Mok, Ta Tit, alias Ta Tit with a big head, and Southwest cadres accusing them of being traitors.”]; **D105/8** Han Thy WRI, A20, 22, EN 00803456-57 [“Q: Did you hear Ta Tit speaking about the purge of traitorous cadres? A20: Yes, the plan was just like that. Without the Vietnamese entry, all of us would have been purged. [...] A22: we were viewed as enemies, and many of us had been killed.”]; **D118/75** Huy Krim WRI, A29, EN 00976618 [“[Ta Tith] was powerful enough to simply discharge the northwest cadres”]; **D219/654** Sok Cheat alias Khom WRI, A78, EN 01207520 [“It was notorious that after Ta Tith entered, many people disappeared. The upper echelon like Ta Vanh, Ta Nhim, Ta Pet, and Ta Chham, who I heard were at the zone level and on the military committee, were arrested”]; **D219/944** Vor Ruom WRI, A6, EN 01502643 [“Originally there were only military men from the Northwest Zone. Later on, there were military men under the supervision of Ta Mok. We first began to work with each other. Afterwards there were arrests of people, including the Northwest Zone’s military men”]; **D20** Han Thy WRI, EN 00710286-87; **D118/136** Chhean Hea WRI, A11, EN 00969639; **D118/18** Nuon Muon WRI, A27, EN 00912312.

<sup>1055</sup> **D219/368** Chhoeung Bean WRI, A141, EN 01117730 [“My unit chief escaped, and Ta Saman chased him in order to have him killed, under the orders of Ta Tith. [...] [Bav] told me that Rim and Poch had been shot dead at the time of Ta Tith’s control.”], A26-28, 34, EN 01117717-18 [“Two weeks after Ta Tith came to power, Ta Prum was arrested. [...] A27: There were five soldiers, all of whom were armed. They came in search of Ta Prum. They told him that the higher-level Angkar wanted to have him re-educated. [...] A28: The incident took place in January or in February 1978. [...] A34: [...] Only a fortnight after Ta Tith came to power Ta Prum was arrested.”]; **D219/263** Chham Luy WRI, A30, 33-34, 41-42, 45, 47-49, 58, EN 01097409-11 [explains that Yim Tith, chief of Sector 1, “ordered the killing of people” and how Nim, direct subordinate of Yim Tith, arrested and beaten and shot to death around 50 people in a field during night time]; **D118/136** Chhean Hea WRI, A7-8, EN 00969638 [“Ta Tit and Ta Nim came to stay at Kang Hort dam and both of them arrested and killed many people from the cooperatives in Sangkae District and Battambang District. [...] A8: He ordered to have my relatives arrested at the cooperatives. They were told to come to attend meetings but they were arrested and sent by lorries to be killed.”]; **D118/77** Nang Ny WRI, A23, EN 00970455 [“‘the contemptible’ [Ta Tit]: they hated him very much because he was vicious. When Ta Tith came to this Sector, they revoked the authority of the Northwest people; they removed the Village Chiefs and Commune Chiefs and disarmed them; some fled into the jungle. All the people would have been killed if the Vietnamese had not arrived in time”], A30, EN 00970456 [“[Ta Tith] said that the Northwest group had ‘Khmer bodies with Yuon heads’. They accused them of collaborating with Vietnam. That was why they arrested and killed the Northwest cadres. When the Southwest group had taken complete control of this Sector they arrested former Northwest cadres such as the Mobile Units and the Cooperative Chairmen and took them away for execution in Baydamram Village, Baydamram Commune.”]; **D219/654** Sok Cheat alias Khom WRI, A75, EN 01207519.

<sup>1056</sup> **D118/85** Chea Choeun WRI, A9-10, 12, 15, EN 00976943-44 [explains that in June 1976 he was assigned to leave the Southwest Zone to work in the Northwest Zone at the request of Ta Mok; estimates that 1,000

cooperative, commune, and district levels and closely monitored the local cadres.<sup>1057</sup> The removal, arrest, imprisonment, and execution of the local low- to mid-level cadres started a few months afterwards, in mid-1977,<sup>1058</sup> immediately followed by their replacement with Southwest Zone cadres.<sup>1059</sup> As two more important waves of Southwest Zone cadres

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– 1,500 cadres left for the Northwest Zone in June 1976]; **D118/249** Son Em WRI, A31-32, EN 01034087-88 [“We were the receivers of new cadres who had been sent in at the first phase of between 500 and 600 persons including males, females, civilians, and soldiers at around the end of 1976-they had sent them here to replace the old-timer lower level cadres before they replaced the upper level cadres. [...] A32: They were from the Southwest Zone, and the women were mostly from the salt farm unit.”]; **D219/763** Sao Chobb WRI, A79-80, EN 01337028 [“In ’77 the Southwest Zone cadres sent the people in there to work with the Northwest Zone people.”]; **D118/107** Set Dun WRI, A29, EN 00976913 [in 1976]; **D219/861** Sek Sam At alias Yeay Rim WRI, A29-32, EN 01364076 [recalls being transferred to the Northwest Zone during the first part of 1977]; **D219/222** Touch Seng alias Yeay Yan WRI, A16-18, 33, EN 01088577-78; **D118/250** Muth Voeuk WRI, A70, EN 01032480; **D219/181** Pao Bandet WRI, A19, EN 01077038; **D219/242** Ap Chroeng alias Ran WRI, A14, 26, EN 01092976-77; **D118/153** Long Vun WRI, A54, EN 00978776.

<sup>1057</sup> **D118/136** Chhean Hea WRI, A2, EN 00969636 [“the Southwest cadres came to the Northwest Zone in early 1977. Initially, they did not come to lead the Northwest Zone yet and only a few cadres were sent to work with the Northwest cadres at commune and district offices and monitored them [...] The Southwest cadres started to arrest the Northwest low-level cadres first and top leaders finally.”]; **D118/86** Nhoek Ly alias Kim WRI, A13, EN 00976961 [“Southwest cadres had been sent to work secretly in various villages since 1976 [...] they were not supervising Northwest cadres”]; **D219/763** Sao Chobb WRI, A64, EN 01337026 [“The Southwest Zone people infiltrated the Northwest Zone for almost one year.”]; **D118/106** Huon Choeum WRI, A12, EN 00978419 [“When the Southwest group first came to the Northwest Zone they did not make any arrests—they monitored the Northwest group”], A36, EN 00978423 [“They said they had come to help the Northwest, but in fact they had come to investigate the Northwest group.”], A39, EN 00978424; **D6.1.991** Uk Soeum alias San Soeum WRI, A3, EN 00491349; **D118/137** Chhorn Vorn WRI, A8, EN 00970080; **D219/944** Vor Ruom WRI, A6, EN 010502643.

<sup>1058</sup> **D118/106** Huon Choeum WRI, A39, EN 00978424 [“They first came at end of 1976 [...] those men had come to investigate. After about three to four months, in mid-1977, more Southwest cadres were sent in to sweep clean and take charge of the Northwest Zone.”]; **D118/136** Chhean Hea WRI, A2, EN 00969637 [“The Southwest cadres started to arrest the Northwest low-level cadres first and top leaders finally.”], A39, EN 00969643 [“After they had monitored the Northwest cadres, they started to arrest them one by one, from district to zone. The Southwest cadres did not arrest the cooperative chiefs or commune chiefs but controlled them instead.”], A84, EN 00969649 [“Q: Do you know any surviving low-level Northwest cadres? A84: None of them are alive.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 10.57.32-10.59.32 [“They started to purge cadres at the lower level, and they put in place cadres from the Southwest Zone. They put people from the Southwest Zone to get themselves familiar with the works of the cadres in Battambang province”]; **D118/249** Son Em WRI, A30-31, 34, EN 01034087-88 [“Q: You witnessed the replacement of old-timer cadres in the Northwest Zone by yourself as of June or July 1977 [...] Is this correct? A30: Yes [...] A31: between 500 and 600 persons including males, females, civilians, and soldiers at around the end of 1976-they had sent them here to replace the old-timer lower level cadres before they replaced the upper level cadres. [...] A34: those old-timer cadres had been accused of being traitors.”]; **D219/181** Pao Bandet WRI, A14-16, 19, EN 01077037-38 [explains that two or three months after their arrival (before mid-April 1977), the Southwest cadres arrested the Northwest cadres from the district levels down to the commune level and that afterwards, they arrested the cadres in the military and administrative echelons]; **D219/538** Soeun Mat WRI, A17, EN 01173575 [“All of the Northwest unit chiefs and cooperative chiefs were removed from their positions by Ta Tith’s group.”]; **D6.1.991** Uk Soeum alias San Soeum WRI, A2, EN 00491348; **D118/18** Nuon Muon WRI, A27, EN 00912312; **D219/306** Soen Ban WRI, A53, EN 01111919; **D219/465** Chhoeung Bean WRI, A34, EN 01139588; **D219/944** Vor Ruom WRI, A6, EN 010502643; **D219/233** Chhean Hea WRI, A17, EN 01090008; **D219/66** Kung Chhom alias Ngor Naimchay alias Kong Vibol WRI, A54, EN 01053985.

<sup>1059</sup> **D118/250** Muth Voeuk WRI, A88, EN 01032482 [“When the Southwest Zone arrived, they already had their administrative structure ready. They arrived in organized groups. For example, in my commune there were five cooperatives; when they arrived, they already had the administration teams including the soldiers ready for these five cooperatives. When they began arresting people, they did it immediately.”]; **D118/87**

and combatants, both civilian and military, were deployed to the Northwest Zone during the rest of 1977<sup>1060</sup> and the first part of 1978,<sup>1061</sup> the number of arrests and killings intensified<sup>1062</sup> until Ta Mok and **Yim Tith** managed to entirely “sweep clean and take charge of the Northwest Zone.”<sup>1063</sup>

326. The purges resulted in the arrest, imprisonment, and execution of massive numbers of Northwest Zone cadres and their associates between 1 June 1977 and the end of the regime.<sup>1064</sup> Depending upon the position they held, the severity of the offences allegedly committed, and their geographic location, the arrested Northwest Zone cadres and

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Tep Sien WRI, A41, EN 00976975 [Witness explains the assignment upon their arrival in the Northwest Zone of five Southwest Zone cadres, including himself, to positions in commune and district committees]; **D118/107** Set Dun WRI, A2, 14, EN 00976908-09, 11; **D118/137** Chhorn Vorn WRI, A9, EN 00970080-81; **D118/153** Long Vun WRI, A38, EN 00978772; **D219/15** Chheun Chhuoy WRI, A28, EN 01156943; **D219/57** Kong Run alias Kong Sarun WRI, A44, EN 01040562.

<sup>1060</sup> **D219/953** Chhoeung Chhoeuth WRI, A35, EN 01451714 [“They came here in two different stages. Women were sent here first. In July 1977, they came here in large numbers. At the start of 1976 or 1977, their groups were sent once. Most of them were women. They came to control the worksites. A few months later they came here in great numbers”]; **D118/153** Long Vun WRI, A38, EN 00978772 [“At that time [before January 1978] Ta Mok sent a number of cadres and people, including some military commanders and some soldiers from the Southwest Zone”], A54, 64, EN 00978776, 78 [“They sent the people from the Southwest Zone to Northwest Zone three times. [...] A64: The first time was in 1977, during which Yeay Chem was sent there. Then between 1977 and 1978, another small team of people were sent there too. The last time in 1978 was my team.”]; **D118/107** Set Dun WRI, A29, EN 00976913; **D219/922** Chhoeum Nham WRI, A70-72, EN 01451443; **D118/4** Kan Choek WRI, A15, EN 00935585.

<sup>1061</sup> See, e.g. **D118/136** Chhean Hea WRI, A44 [“many Southwest cadres, military officers and ordinary people started to move to the Northwest Zone in early 1978.”]; **D118/285** Nop Ngim WRI, A28-29, 31, EN 01044678 [Witness was transferred from Kep Salt Fields in early 1978, to be Samlout District Deputy Secretary, Sector 1]; **D118/153** Long Vun WRI, A3-4, 39, EN 00978767-68, 74 [Witness was transferred in January 1978 to oversee the Sector 3 commerce office, together with Nory Leav, Sector 3 Office Chairman]; **D219/931** Prak Soeun WRI, A4, A10-12, 29, EN 01498928-29, 31 [Child was transferred in early 1978 to Kampung Kul Sugar Factory with his entire children mobile unit from Sector 13]; **D118/107** Set Dun WRI, A29, EN 00976913.

<sup>1062</sup> See, e.g. **D118/77** Nang Ny WRI, A23, 30, EN 00970455-56 [“[Ta Tith] said that the Northwest group had ‘Khmer bodies with Yuon heads’. [...] A30: When the Southwest group had taken complete control of this Sector they arrested former Northwest cadres such as the Mobile Units and the Cooperative Chairmen and took them away for execution in Baydamram Village, Baydamram Commune.”]; **D118/278** Nam Im WRI, A39, EN 01031786 [“when the Southwest arrived, they arrest all including people from the platoons, companies, the cooperative committees, the district committees, the sector committees and the zone committee, to be killed.”]; **D219/263** Chham Luy WRI, A42, 45, 47-49, EN 01097410-11 [details how 50 persons including 40 relatives were arrested by Nim and his soldiers, then were beaten and shot to death at a field during the night time.]; **D219/20** Chhum Vanny WRI, A50-53, EN 01050471.

<sup>1063</sup> **D118/106** Huon Choeum WRI, A39, EN 0978424 [“They first came at end of 1976 [...] those men had come to investigate. After about three to four months, in mid-1977, more Southwest cadres were sent in to sweep clean and take charge of the Northwest Zone.”].

<sup>1064</sup> See **V.B.1.a.ii. Crimes – Northwest Zone – The Purge – Mechanism of the Purge – S-21 Statistics; Annexes D.1-D.15** (S-21 Prisoner Lists & Charts). See also **D118/137** Chhorn Vorn WRI, A61, EN 00970088 [“Since the arrival of the Southwest people in 1977 more and more killing was carried out because all the Northwest cadres together with some of the Northwest people had been arrested.”]; **D219/564** Heng Phat (Phouk) WRI, A13-15, EN 0118939 [mentions that in Ta Pou commune, about 350 persons were arrested and killed]; **D219/953** Chhoeung Chhoeuth WRI, A48, EN 01451716.

combatants were either sent to S-21,<sup>1065</sup> sent to a Northwest Zone security office,<sup>1066</sup> or killed at the closest execution site.<sup>1067</sup> Low-level cadres, combatants, and soldiers who were not arrested or executed were either sent to a tempering worksite in the Northwest Zone under the Southwest Zone group's control,<sup>1068</sup> or were at minimum removed from any significant position and replaced by Southwest Zone cadres.<sup>1069</sup>

327. The arrests of low-level cadres were followed during mid-1977 to mid-1978 by the arrest and execution, mostly in S-21, of nearly all district and sector cadres,<sup>1070</sup> all Northwest

<sup>1065</sup> See **V.B.1.a.ii.** Crimes – Northwest Zone – The Purge – Mechanism of the Purge – S-21 Statistics; **Annexes D.1-D.15** (S-21 Prisoner Lists & Charts). See also **D118/249** Son Em WRI, A36, EN 01034088 [explains that serious offenders were sent to Office S-21 and Prey Sar]; **D118/136** Chhean Hea WRI, A55, EN 00964646.

<sup>1066</sup> See, e.g. **Koas Krala** District Security Centre, Sector 1: **D118/4** Kan Choek WRI, A13, 21, EN 00935585-86; **Banan** Security Centre, Sector 1: **D118/77** Nang Ny WRI, A1, 4, EN 00974051-52 [“A4: Some Northwest cadres were imprisoned in Banan Prison, while others were taken for execution at Baydamram.”]; **Kakaoh** Security Centre, Sector 1: **D118/137** Chhorn Vorn WRI, A25, EN 00970083; **D118/102** Toat Thoeun alias Ham WRI, A35-36, EN 00974021; **Khnang Kou** Security Centre, Sector 1: **D219/515** Chheun Chhuoy WRI, EN 01156939-40; **Wat Kandal** Security Centre: **D118/249** Son Em WRI, A38, EN 01034088; **Wat Kirirum** Security Centre, Sector 3: **D219/515** Chheun Chhuoy WRI, A23, EN 01156942; **D219/458** Pheung Dy WRIA, Account of Pheung Dy, EN 01129838.

<sup>1067</sup> See, e.g. **D118/77** Nang Ny WRI, A30, EN 00970456 [“When the Southwest group had taken complete control of this Sector [1], they arrested former Northwest cadres such as the Mobile Units and the Cooperative Chairmen and took them away for execution in Baydamram Village, Baydamram Commune.”]; **D219/20** Chhum Vanny WRI, A50-53, EN 01050471 [states that upon the arrival of the Southwest Zone cadres, they arrested all the Northwest cadres from unit chiefs to district military chiefs and sent them to be killed nearby]; **D219/263** Chham Luy WRI, A42, 45, 47-49, EN 01097410-11 [details how 50 persons including 40 relatives were arrested by Nim and his soldiers, then were beaten and shot to death at a field during the night time.]; **D119/66** Bin Heuy WRI, A15, EN 00975039-40.

<sup>1068</sup> **D118/4** Kan Choek WRI, A17, EN 00935586 [Witness was removed from commune chief position at Koas Krala District, Sector 1, in late 1977 and assigned to forced labour, including transporting prisoners]; **D219/448** Yat Yoeun WRI, A22, 35, 39, EN 01149250, 52-53 [“The former Northwest soldiers were sent from Kakoh Commune to Cheung Tenh Mountain, east of Tuol Mtes and north of Phnum Thipakdei Mountain. [...] A35: I saw the former Northwest Zone soldiers being made to work extremely hard, and they received little food. They passed out when they were carrying earth to the top of the dam [...] Their knees were bigger than their heads. However, they were still forced to work to exhaustion. [...] A39: The former Northwest Zone soldiers were monitored while they were working because they were regarded as prisoners.”]; **D219/305** Ngien Chheuy WRI, A17, EN 01111908.

<sup>1069</sup> See, e.g. **D118/85** Chea Choeun WRI, A39, EN 00976948 [“After I had moved to Battambang, suppose someone had been a village chief, he was not taken anywhere but assigned to hold a position under us. [...] Achar Toek had been village chief there; however, when I arrived, he was demoted to be a village member, while I was promoted to be a village chairman.”]; **D118/87** Tep Sien WRI, A14, EN 00976972.

<sup>1070</sup> At the sector level: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77], 5334 [Me Chun (Men Chun) alias Hoeng, Secretary of Sector 5, 20-Jun-77], 9890 [Sun Kun alias Suy, Deputy Secretary of Sector 4, 26-Jun/22-Jul-77], 6173 [Um Taay, Secretary of Sector 7, 28-Jun-77], 1997 [Ham Chhel alias Khan, Deputy Secretary of Sector 2, 10-Jul/4-Aug-77], 6265 [On Sam-Oeun alias Saret, Member of Sector 2, 4-Aug-77], 12738 [Tauch Muoch, Member of Sector 4, 5/6-Aug-77], 8441 [Srei Oeum alias Ren, Committee Chief of Sector 2, before Secretary of Sector 1, 23-Aug-77], 1394 [Doeuk Pheach alias Nop, Member of Sector 1, 12-Sep-77, executed 12-Oct-77], 5370 [Thin Thim (Minh Thoem or Theum) alias Hieng (Heang), Secretary of Sector 4, 18-10/18-12-77], 7872 [Ran Chet alias Kou, Deputy Secretary of Sector 3, 18-Nov/18-Dec-77 or 18-Mar-78], 6857 [Phok Tom (Phok Sary alias Tom), Secretary of Sector 3, 25, 29 or 30 Jun 1978; mentions in the ‘Remark’ field that an S-21 Prisoner List states this person was “executed with handwritten note and taken photo”]; 4395 [Loek Soeut alias Vung, Secretary of Sector 4, 26/27-Jun-78 or 26-Jul-78]; At the district level: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 24 [An Maong, Secretary of Preah Net Preah District in Sector 5, 28-Jun-77],



Zone Army commanders (the leadership of the general staff, and all leaders from the divisions down to the battalions and companies),<sup>1071</sup> and the main chiefs of Office 560 and its ministries.<sup>1072</sup> This systematic purge culminated with the arrests of zone committee members,<sup>1073</sup> particularly the arrest and replacement of Northwest Zone Secretary Ros Nhim<sup>1074</sup> in June 1978 and the removal and later arrest of Northwest Zone Committee cadres Kung Sophal *alias* Ta Keu, Heng Teav *alias* Ta Pet, and Phok Sary

9963 [Suon San, Secretary of Serei Saophan District, 27/28-Jun-77], 4182 [Khim Huot, Secretary of Thmar Puok District, Sector 5, 17-Jul-77], 4823 [Chhaim Chhat (Sat), Deputy Secretary of Puok District, Sector 5, 28/29-Jul-77], 5863 [Uoch Phon, Secretary of Maong District, Sector 2, 4-Aug-77], 1558 [Em Soem (Em Son), Deputy Secretary in Daun Teav District in Sector 4, 5-Aug-77], 5909 [Ngan Yem *alias* Hatt, Secretary of Phnom Srok District in Sector 5, 4-Sep-77, executed 25-Mar-78], 7220 [Pauch Thik *alias* Thik, Deputy Secretary in Daun Teav District in Sector 4, 17-Sep-77], 6334 [Hie Vann, Secretary of District 41, Sector 4, 7-Oct-77, executed 11/12-Nov-77], 12854 [Toek Man *alias* Vai, Secretary of District 41 -Bakk Prea District- in Sector 4, 7/8-Oct-77], 8293 [Sautr Nel *alias* Phy, Deputy Secretary in Daun Teav District in Sector 4, 7-Oct-77], 492 [Chann Oeun *alias* Oeun, Secretary of Mongkul Borei District, 22/23-Oct-77], 7903 [Reut Noal *alias* Tha, Secretary of Ampil District, Sector 3, 22-Oct-77/24-Nov-77], 2996 [Kaet Prum *alias* Hea, Secretary of Phnom Sampeou District in Sector 3, 2-Feb-78], 8648 [Svay Oeut, Secretary of Poipet District in Sector 3, 18-Mar-78], 8939 [Chea Oeun, Deputy Secretary of Krakor District in Sector 2, 24-Mar/1-Apr-78], 9568 [Eng Rin, Deputy Secretary of Ampil District in Sector 3, 14/15-Apr-78], 5553 [Ngin Inh *alias* Man, Secretary of Mongkul Borei District, Sector 3, 16/18-Jun-78], 617 [Chheng Chhan *alias* Chhann or Chhon, Secretary of Babil District, Sector 3, 17/18-Jun-78], 4825 [Mae My *alias* Mao Samai, Secretary of Poipet District in Sector 3, 18/26-Jun-78], 4244 [Lei Chhauy, Secretary of Daun Teav District, Sector 4, 26/30-Jun-78], 11480 [Prakk Khuop *alias* Khuon, Secretary of Daun Try District, Sector 4, 26/30-Jun-78], 11481 [Yuok Hort, Secretary of Bakk Prea District, Sector 4, 26/30-Jun-78], 11482 [Chim Chan, Deputy Secretary of Daun Teav District in Sector 4, 26/30-Jun-78], 11483 [Makk Vai, Deputy Secretary of Daun Try District in Sector 4, 26/30-Jun-78]; **D6.1.83** David Chandler, *Voices from S-21*, 1999, EN 00192749 [“By the end of the year [1977] the secretaries and their assistants of all seven sectors in the Northwest Zone had been purged”]; **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181111 [“Later on, they started to arrest sector secretaries, including sector secretaries from the Northwest Zone’s Sector 1, Sector 2, Sector 3, Sector 4, Sector 5, Sector 6, and Sector 7 [...] The secretaries and deputy secretaries brought in for political training and arrested, like Ta Hoeng, Ta Man, Ta Vanh, Sector Secretary Ta Sou, Ta Ieng, and Ta Sari [Ta Tom]”]; **D118/102** Toat Thoeun WRI, A15, EN 00974015 [“After I returned from Beijing, China I realized that the chiefs of Sectors 1, 2, 3, 4, 5, 6 and 7 of the Northwest Zone had been arrested and transferred to Phnom Penh and had been replaced with cadres from the Southwest Zone”], A16-30, EN 00974015-18; **D219/233** Chhean Hea WRI, A20, EN 01090009; **D118/190** Moeu Pov WRI, A114, EN 00986172; **D118/137** Chhorn Vorn WRI, A10-11, EN 00970081, A61, EN 00970088; **D219/276** Nhoem Nguy WRI, A24, EN 01098501-02. *See further V.B.1.b.ii.* Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level.

<sup>1071</sup> *See V.B.1.b.i.* Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Zone Level – The Northwest Zone Army Cadres.

<sup>1072</sup> *See V.B.1.b.i.* Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Zone Level – The Office 560 and its “Ministries”.

<sup>1073</sup> *See V.B.1.b.i.* Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Zone Level – The Northwest Zone Committee.

<sup>1074</sup> *See V.B.1.b.i.* Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Zone Level – The Northwest Zone Committee. *See also D24* Tes Heanh WRI, EN 00710291 [“I was sure about was that Moul Sambath [Ros Nhim] was replaced by Ta (Grandfather) Mok as Chief of the Northwest Zone [...] I saw a mass military convoy to the Zone said to be seeking the arrest of Moul Sambath.”]; **D219/751** Vor Ruom WRI, A41, EN 01305925; **D219/210** Lek Phiv *alias* Ta Leang WRI, A6, EN 01088523; **D219/66** Kung Chhom *alias* Ngor Naimchay *alias* Kong Vibol WRI, A38-39, EN 01053983; **D118/102** Toat Thoeun WRI, A33-34, 41, EN 00974020, 23.

*alias* Ta Tom.<sup>1075</sup>

328. Beginning as early as mid-1977 and increasingly over time, Ta Mok and **Yim Tith** largely controlled the Northwest Zone. They based themselves at the Party School, Battambang University,<sup>1076</sup> made regular visits to the field,<sup>1077</sup> and deployed loyal Southwest Zone cadres to responsible positions in all Northwest Zone areas and offices. By June 1978, their control over the zone was complete, from the base to the top.<sup>1078</sup>
329. The takeover of the Northwest Zone was a gradual process and even in the period prior

<sup>1075</sup> Kung Sophal *alias* Ta Keu was arrested on 2 Nov 1978 and sent to S-21; Heang Teav *alias* Ta Pet was arrested in Sep-Oct 1978 and sent to perform forced labour in Kampong Speu; Phok Sary *alias* Tom (Tum) entered S-21 at the end of June 1978. *See* **V.B.1.b.i.** Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Zone Level – The Northwest Zone Committee.

<sup>1076</sup> **D105/8** Han Thy WRI, A13-23, EN 00803456 [Witness attended a meeting in Battambang chaired by Yim Tith and attended by Ta Nhim and Ta Pet and 150 other cadres; explains that Ta Nhim, Ta Pet and himself were afraid of being arrested at the time and that reports on all work had to be made to Ta Tith]; **D118/136** Chhean Hea WRI, A33, EN 00969642-43 [states that Ta Mok resided and worked at the Battambang University before Ta Pet, Ta Nhim and Ta Keu were arrested], A14, EN 00969640 [“There were only three leading cadres of the Northwest Zone who attended the meetings-Ta Nhim, Ta Keu and Ta Pet-and the others were from the Southwest.”]; **D118/150** Hem Moeun WRI, A11, 42, EN 00975008, 12 [Ta Mok’s house was on the campus of the university opposite an airport], A61, EN 00975015 [“Ta Tit used to invite military commanders to the meetings on the university campus.”]; **D118/271** Chhean Hea WRI, A25, EN 01029420 [“I met [Ta Tit] personally once, at Battambang University. At that time, I was alongside Ta Pet as his bodyguard.”]; **D219/430** Chhoeung Bean WRI, A88, 95, EN 01128719-20; **D219/465** Chhoeung Bean WRI, A31, EN 01139587.

<sup>1077</sup> **D219/368** Chhoeung Bean WRI, A16-17, 19, 24, 114, EN 01117716-17, 26 [Witness saw Ta Tith regularly inspecting the Kanghat Dam in March or April 1977, sometimes with Ta Mok, where Tith had transferred his mobile unit subordinates Tern, Vat, Ran, Rom and Chhea; he saw him inspecting the worksite “on countless occasions”], A116, EN 01117726 [“Ta Tith took partial control of Kanghat Dam in November or December 1977, and he took complete control of it in 1978. At that time, there were no Northwest Zone cadres left.”]; **D219/236** Lek Phiev WRI, A16-18, EN 01092932 [Witness regularly went to Kanghat Dam to meet Ta Pet. He sometimes saw Yim Tith, who was on the Sector 1 Committee, during the meetings organised there and listened to him when he talked during such meetings]; **D219/698** Dos Doeun WRI, A49-51, EN 01213451 [“A49: Sometimes [Ta Tith] was at Banan, and sometimes he was at Kanghat. He was walking around while people were digging canals. [...] A50: In 1976 [...] A51: I saw him and heard of him during that regime”], A217-219, EN 01337081 [“Q: He was in charge of those who were building Kanghat Dam there? A218: He walked around; he checked on those who were working. A219: If anyone was lazy, they would be taken to be killed.”]; **D219/306** Soen Ban WRI, A53, EN 01111919 [Witness heard of Ta Tith at the time the latter visited Tuol Mtes Worksite, probably in the dry season of 1977]; **D118/149** Ham Saom WRI, A53, 55, 62, EN 00974999-5000; **D219/117** Top Seung WRI, A72-73, 75, 91, 145, EN 01067709, 11, 18; **D219/763** Sao Chobb WRI, A65-68, 71, EN 01337026; **D219/551** Heng Khly WRI, A55-56, EN 01178559.

<sup>1078</sup> **D219/233** Chhean Hea WRI, A16, 21, 49, EN 01090008-09, 11 [“I am certain that Ta Tith had higher authority than Ta Pet because Ta Tith came to be in charge of the zone. [...] A21: Ta Tith and Ta Nim took over Sector 1 and the Northwest Zone after Ta Pet had been arrested. [...] Q: After Ta Pet met Ta Tith, bearing in mind that you were close to Ta Pet, did you ever notice any indication that Ta Pet was afraid of Ta Tith? A49: I noticed that he had changed a lot, in both his facial expressions and his behaviour. He seemed disappointed and anxious. [...] Before Yim Tith arrived, he had some authority. He inspected cooperatives in Sector 1. But after Yim Tith arrived, he fell from power.”]; **D219/894** Kao Porn WRI, A22, EN 01412967 [“When Ta Tith came to Battambang [...] he dismissed everyone and took charge”]; **D219/368** Chhoeung Bean WRI, A114, EN 01117726 [“He [Yim Tith] took complete control of the sector in 1978.”]; **D119/124** Nhem En WRI, A10, EN 00975047 [“the disappearance of cadres in all zones was caused by the presence of Ta Mok and his subordinates in the zones”]; **D219/193** Vat Phat WRI, A217, EN 01079904; **D118/259** Pech Chim WRI, A56, 142, EN 01000674, 84.

to his arrest, Ta Mok and **Yim Tith** exercised influence and control over Ros Nhim and his deputies.<sup>1079</sup> According to a former bodyguard of Ros Nhim, **Yim Tith** met with Ros Nhim in his residence in Battambang for about one year until the latter's arrest.<sup>1080</sup> **Yim Tith** also had frequent meetings with Ta Pet, participated in public meetings, and travelled throughout Sector 1 with him both before and after the arrest of Ros Nhim.<sup>1081</sup> According to Sao Chobb (Choap), during meetings held in 1977, **Yim Tith** and Ta Mok assessed the progress of purging "enemies burrowing inside".<sup>1082</sup>

## ii. S-21 STATISTICS

330. An analysis of information contained in the S-21 records<sup>1083</sup> indicates that 1366 Northwest Zone people were imprisoned at S-21 between late 1975 and December 1978. After removing from this list all of the prisoners classified as "new people" and those who entered S-21 before 1 June 1977, 1010 victims of the Northwest Zone purges remain. In this group, 313 worked at the Zone level and 576 at the Sector or lower levels. There was insufficient data to determine at what level 121 Northwest people worked. The S-21 records show two periods when the number of high-ranking cadres (sector committee or battalion committee and above) spiked higher. The first was in June to August 1977, when about 50 high-ranking cadres and about 180 other cadres and combatants were

<sup>1079</sup> **D118/136** Chhean Hea WRI, A33, EN 00969642-43 ["Ta Mok stayed at Battambang University [...] At the time, Ta Pet, Ta Nhim and Ta Keu were not arrested yet."], A14, EN 00969640 ["The meetings were held among leaders only, not ordinary people. Even their bodyguards were not allowed to attend. There were only three leading cadres of the Northwest Zone who attended the meetings-Ta Nhim, Ta Keu and Ta Pet-and the others were from the Southwest."].

<sup>1080</sup> **D118/137** Chhorn Vorn WRI, A27-30, EN 00970083 ["A27: I have heard of Ta Tit from the Southwest. When Ta Tit [...] came to visit Ta Nhim's house every evening. [...] I did not know what they talked about [...] A28: Ta Tit arrived in Battambang less than a year before Ta Nhim was arrested. [...] A30: He was fairly tall with a large face."]; **D219/237** Chhorn Vorn WRI, A6, 15, EN 01092936-37.

<sup>1081</sup> **D219/85** Vy Phann WRI, A3, EN 01061169 ["Ta Pet announced at the meeting that Ta Tith, who was from the Southwest Zone, had come to help govern Sector 1"]; **D219/368** Chhoeung Bean WRI, A15, 34, 36, EN 01117716, 18 ["A15: Ta Tith replaced [Ta Prum and Ta Vanh] perhaps in late 1977 or early 1978 [...] A34: when Ta Tith came the first time, he worked with Ta Heng Teav, alias Ta Pet, in Tuol Andaet for one month [...] A36: Ta Tith arrived in Tuol Andaet in perhaps March or April 1977, during which time I saw him coming and going. I saw him very frequently in June or July 1977."]; **D118/271** Chhean Hea WRI, A25, EN 01029420 ["I was Ta Pet's bodyguard and I always accompanied him to meet with Ta Tith when they needed to have meetings with one another, but I never attended those meetings. I met him personally once, at Battambang University. At that time, I was alongside Ta Pet as his bodyguard."]; **D219/292** Lek Phiv WRI, A19, EN 01111808 ["Ta Tith [...] always travelled back and forth with Ta Pet in their Jeep"]; **D219/291** Lek Phiv WRI, A28, EN 01111809 ["During the meeting, [Ta Mok] was the guest speaker. I do not remember what he said, but Ta Tith and Ta Pet also gave speeches at that time."]; **D20** Han Thy WRI, EN 00710286; **D219/538** Soeun Mat WRI, A35-36, EN 01173579.

<sup>1082</sup> **D219/763** Sao Chobb WRI, A126-130, 133-135, 138, EN 01337034-35 [explains that he attended two meetings in 1977 chaired by Ta Mok and Ta Tith at a former secondary school in Battambang and that one "meeting was held to exchange their experiences and to find out the reasons of enemies burrowing inside", including CIA and Vietnamese networks, and "assess if there was any progress"].

<sup>1083</sup> See **Annexes D.1-D.15** (S-21 Prisoner Lists & Charts).

imprisoned at S-21. The second spike occurred in June 1978, at the time Ros Nhim and the remaining Northwest Zone high-ranking cadres and associates were imprisoned (about 18 high-ranking cadres and 56 others). Between those two periods, the number of Northwest Zone cadres, soldiers, and combatants who entered S-21 remained at a very regular and significant level (82 in September 1977, 179 in October 1977, 60 in November 1977, 43 in December 1977, 109 in January 1978, 134 in February 1978, 41 in March 1978, 27 in April 1978 and 2 in May 1978).

### iii, ROLE OF ROS NHIM IN THE PURGE

331. While Ros Nhim's power and influence over his zone steadily diminished beginning in mid-1977, he remained the nominal Northwest Zone Secretary until his arrest in June 1978. During this period, it appears Ros Nhim tried to convince the Party Centre that he remained loyal.<sup>1084</sup> Indeed, both before and after 1 June 1977, and continuing until early 1978, Ros Nhim and his deputy Kung Sophal *alias* Ta Keu (both of whom were CPK Central Committee members<sup>1085</sup> and members of the JCE with **Yim Tith** and Ta Mok), played an important role in the purge of their own subordinates. They sometimes delivered the Party Centre's summons to cadres to study in Phnom Penh (where they would be arrested),<sup>1086</sup> or ordered, based on instructions issued by the upper level, the

<sup>1084</sup> The surviving telegrams and reports that were sent by Ruos Nhim to the Party leaders in Phnom Penh show that he Northwest Zone leader reported in detail to the Centre on the enemy situation in his region, and sought direction and instructions on how to implement the Party lines: **D1.3.27.3** Report from M-560 to Angkar, 29 May 1977, EN 00183010-18; **D6.1.966** Report from M-560, 8 Jun 1977, EN 00583917-21; **D6.1.59** Telegram from Nhim to Angkar 870, 12 Aug 1977, EN 00335204 ["It is up to Angkar to decide on this matter"]; **D1.3.30.4** Telegram from Nhim to Angkar 870, 27 Aug 1977, EN 00185185-86; **D132.1.39** Telegram from Nhim to Angkar 870, 20 Oct 1977, EN 00434858 ["I would like to seek approval from Angkar"]; **D6.1.973** Telegram from Nhim to Angkar 870, 21 Dec 1977, EN 00539059 [announces that he sent a large van of oranges to the Party leaders]; **D1.3.30.8** Telegram from Nhim to Angkar 870, 24 Dec 1977, EN 00182781 [asking for Angkar's decision on whether or not to attack a location at which enemies were present]; **D1.3.30.19** Telegram 242 from Nhim to Angkar 870, 11 May 1978, EN 00185215-16; **D6.1.52** Telegram from Nhim to Office 870, 10 Mar, EN 00337466; **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181122 ["Q: Were there any conflicts between Pol Pot and Ta Nhim during that regime? A: No, there were no serious conflicts between them"], EN 01181127 ["Ta Keu and Ta Nhim both tried to be close to Pol Pot"].

<sup>1085</sup> **D6.1.882** Kaing Guek Eav *alias* Duch WRI (Military Court), 4 Jun 1999, EN 00326763 ["there were full members of the Central Committee such as Ros Nhim, Kong Sophal *alias* Keu"]; **D179/1.2.11** Kaing Guek Eav *alias* Duch, T. 27 Mar 2012, 15.11.54 ["Secretary of all Zones across the country were members of the Central Committee"]; **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197575 ["There was another upper level at the Central Committee, Ta Keu [...] Ta Keu worked in the Zone committee, but he was not the head"]; **D1.3.27.5** Masato Matsushita and Stephen Heder, *Interviews with Kampuchean Refugees at Thai-Cambodia Border*, 1980, EN 00170749-50; **D117/36.1.23** Philip Short, *Pol Pot, the History of a Nightmare*, 2005, EN 00396669, 73.

<sup>1086</sup> **D219/380** Pok Sophat WRI, A22, EN 01123450 ["Those Northwest Zone cadres were called to attend a study session. [...] It was [Ros Nhim] who summoned them to the study session."]. *See also* **D118/102** Toat Thoeun WRI, A21, 31-32, EN 00974016, 18-19 ["A21: those committee cadres were called to attend educational sessions in Phnom Penh, and never returned; later, new cadres from the Southwest Zone came

arrest and/or execution of “countless numbers” of low-ranking cadres and their family members.<sup>1087</sup> Until at least late 1977, Ros Nhim regularly received S-21 confessions, and he used these to identify and/or order the arrest of the persons denounced by the S-21 prisoners.<sup>1088</sup> Those arrests were sometimes conducted by Northwest Zone cadres or soldiers,<sup>1089</sup> but were mostly carried out by Southwest Zone soldiers under the supervision of Ta Mok and **Yim Tith**.<sup>1090</sup> Toat Thoeun, Ros Nhim’s adopted son, stated

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to take charge of the sector [...] A31: Those cadres were called to attend meetings in Phnom Penh, and one week later, it was announced that those cadres had been arrested [...] A32: All of them [...] disappeared forever”].

<sup>1087</sup> **D1.3.30.19** Telegram 242 from Nhim to Angkar 870, 11 May 1978, EN 00185215-16 [following a “meeting with Angkar,” Nhim reported that he was trying to implement “the recommendations of 870” by being “more highly vigilant” in efforts to “smash invasive enemies” and “successively sweep all destructive elements.”]; **D219/66** Kung Chhom alias Ngor Naimchay alias Kong Vibol WRI, A43-45, 47-48, 51, 54, EN 01053984-85 [“A43: First they used Ta Nhim and Ta Keu to arrest their subordinates. [...] A44: there were orders from the upper echelon, from Phnom Penh. [...] A45: They began in May 1977 [...] A47: Very many cadres were arrested at that time, countless numbers [...] Q: Did they arrest those cadres’ family members? A48: Yes, both their wives and their children [...] A51: Soldiers went down to arrest them directly [...] A54: They ordered Ta Nhim and Ta Keu to arrest a number of low-ranking cadres, and then the Southwest Zone military came in and continued arresting the Northwest Zone cadres.”]; **D118/249** Son Em WRI, A49, 51, EN 01034090-91 [explains that orders were issued from the Party Centre and that both Nuon Chea and Pol Pot came to meet Ruos Nhim and Ta Keu in 1976 and 1977 in the Northwest Zone before arrests took place]; **D16** Lim Sat WRI, EN 00708139 [“in 1976 and 1977, chiefs of the Northwest Zone were arrested and taken away. [...] members of the Northwest Zone Committee may also have been involved as the Zone was ordered directly by the Central Committee in Phnom Penh.”]; **D119/29** Pan Chhuong WRI, A4-6 [describes arrests of local cadres ordered by Nhim]; **D119/33** Chhit Yoeuk WRI, A14 [Arrested cadres taken away in white vehicle from Zone security office].

<sup>1088</sup> **D6.1.796** Kaing Guek Eav alias Duch WRI, EN 00414341 [Duch discusses S-21 Confession of Iv Eang, with cover page bearing Son Sen annotations dated 14 Nov 77, indicating that a copy was sent to the Northwest Zone, to assist Nhim in gathering additional prisoners for S-21], EN 0041343; **D6.1.1009** Iv Eang S-21 Confession, EN 00769678; **D6.1.1028** Um Chhoeun alias Mai S-21 Confession, 10 Oct 1977, EN 00221781, KH 00174734 [cover page bears annotations dated 14-15 Nov 1977: “Comrade Khieu directly delivered to comrade Nhoem, 15/11/77” and “1. Already sent to the Northwest [...] 14/11/77”]; **D6.1.1008** Nop Soeun S-21 Confession, 13 Sep-14 Nov 1977, EN 00221767 [annotations indicate that the confession was sent to the Northwest Zone on 18 October 1977]; **D6.1.1011** Yim Chan S-21 Confession, 18 Jul-18 Aug 1977, EN 00224629 [annotations indicate that two copies were submitted to the Northwest on 18 August 1977]; ; **D6.1.1034** An Maong S-21 Confession, EN 00221786 [Preah Net Preah District Secretary confession annotated by Son Sen, “Two copies for Angkar to deliver to the Northwest, 1/10/77”]; **D219/852.1.11** Thet Sambath and Gina Chon, *Behind the Killing Fields*, EN 00757531 [“Rhos Nhim later told Nuon Chea about Sieu Heng’s arrest”], EN 00757551-52.

<sup>1089</sup> **D119/29** Pan Chhuong WRI, A4, EN 00937034 [“Upon the arrival of the Southwest, Ta Val was arrested, however it was not the Southwest who arrested him. In fact, Ta Cheal, Sector 5 committee vice chief made the arrest. Ta Cheal was son of Ta Nhim alias Muol Sambath [...] The order to arrest Ta Val came from Ta Nhim”].

<sup>1090</sup> See, e.g. **D219/233** Chhean Hea WRI, A19, EN 01090008 [“Q: Do you mean that Ta Say, Ta Nob and Ta Sou were arrested by people under the command of Ta Tith and Ta Nim? A19: Yes, I do. They were arrested by Ta Tith’s and Ta Nim’s people”]; **D118/271** Chhean Hea WRI, A29, EN 01029421 [“Ta Say, Ta Nob and Ta Sou [...] were arrested by the Southwest cadres, who were led by Ta Tith and Ta Nim, and all were sent to Tuol Sleng Prison.”]; **D219/421** Tea Nguon WRI, A26, EN 01135112 [“Q: Was Ta Tom the sector committee arrested by Southwest group? A26: Yes, Ta Tom was arrested by the cadres”]; **D219/66** Kung Chhom alias Ngor Naimchay alias Kong Vibol WRI, A51-52, 54, EN 01053985 [“Q: Who arrested those Northwest Zone cadres? A51: Soldiers went down to arrest them directly. Q: To whom did the soldiers belong? A52: They were soldiers from Takeo Province (the Southwest group) under the supervision of Ta Mok. [...] A54: When the Southwest Zone soldiers arrived, Ta Nhim and Ta Keu were still in charge. After those soldiers arrested all the lowing-ranking cadres, Ta Nhim and Ta Keu were like

that arrest orders were issued by the Centre and carried out by security guards from Office 870, often without informing Ros Nhim. He further explained that Ta Mok's forces from the Southwest Zone were known as the "Army of the Centre".<sup>1091</sup>

332. Despite the ongoing purge of his subordinates, Ros Nhim did not attempt to flee the country or attempt to resist before he too was arrested in June 1978. He remained loyal to the Centre and implemented all instructions from the Centre, including from Ta Mok.<sup>1092</sup> Further, the purge was conducted secretly and in such a way that the arrestees could not fight back.<sup>1093</sup> Finally, by mid-1978, after the systematic purge of civilian and military Northwest cadres, "Ta Nhim and Ta Keu were like legless crabs left only with their shells."<sup>1094</sup>

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legless crabs left only with their shells."]; **D219/181** Pao Bandet WRI, A14-16, 19, EN 01077037-38 [explains that two or three months after their arrival (before mid-April 1977), the Southwest cadres arrested the Northwest cadres from the district levels down to the commune level and that afterwards, they arrested the cadres in the military and administrative echelons].

<sup>1091</sup> **D118/102** Toat Thoeun WRI, A15, EN 00974015 [After Toat Thoeun's driver / foster son was mistakenly arrested in his stead: "I went to meet with Ruos Nhim and asked him why he wanted to arrest me. Ruos Nhim told me that he was not aware of the arrest as the arrest had been made by the Centre. I told him that next time, he would also be arrested if he was not aware of such an event."], A31, EN 00974019 ["I asked Ta Nhim why he allowed all of his subordinates to be arrested. I told him that after all his subordinates were arrested, it would be his turn. He told me that it was not he who issued the arrest orders, but those orders were issued from the Centre and that security guards from Office 870 were responsible for implementing the arrest orders".], A46, EN 00974024 ["At that time, Ta Mok's army was called the Army of the Centre."].

<sup>1092</sup> See para. 331.

<sup>1093</sup> **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181143 ["when the upper cadres betrayed us, they called us in and arrested us easily. [...] When going to educational meetings, they took weapons, and they called us to be arrested [...] why we did not fight back? How could we fight? We were called to attend a meeting, and it was explained as such, and we said, 'Oh, that's probably right.' They organised a training course at school for 100 or 200 trainees. When the trainees went up into that Tuol Sleng School building, they were arrested silently and unknowingly"]; **D118/102** Toat Thoeun WRI, A32, 43, EN 00974019, 23; **D219/210** Lek Phiv alias Ta Leang WRI, A6, EN 01088523.

<sup>1094</sup> **D219/66** Kung Chhom alias Ngor Naimchay alias Kong Vibol WRI, A51-52, 54, EN 01053985 ["Q: The orders to arrest those cadres came from the upper echelon, and Ta Nhim and Ta Keu implemented the orders. Who arrested those Northwest Zone cadres? A51: Soldiers went down to arrest them directly. Q: To whom did the soldiers belong? A52: They were soldiers from Takeo Province (the Southwest group) under the supervision of Ta Mok. [...] A54: When the Southwest Zone soldiers arrived, Ta Nhim and Ta Keu were still in charge. After those soldiers arrested all the low-ranking cadres, Ta Nhim and Ta Keu were like legless crabs left only with their shells. They ordered Ta Nhim and Ta Keu to arrest a number of low-ranking cadres, and then the Southwest Zone military came in and continued arresting the Northwest Zone cadres"]; **D287/2/1.1** Notes of interview of Heang Teav alias Ta Pet by Steve Heder, EN 00217620 ["[Ta Nhim] was thinking only in terms of self-defense. It was impossible for him to initiate anything against Pol Pot because he had no troops left that he could rely on, only his bodyguards"]; **D118/102** Toat Thoeun WRI, A31, EN 00974019.

## b. PURGES OF THE NORTHWEST AT THE ZONE AND SECTOR LEVEL

## i. PURGES AT THE ZONE LEVEL

The Northwest Zone Committee

333. Before their purge, the Northwest Zone Committee was composed of three main leaders: Muol Sambath *alias* Muol Un *alias* Ros Nhim *alias* Ta Kao *alias* Nhim *alias* 90, Zone Secretary,<sup>1095</sup> Kung Sophal *alias* Ta Keu (Koe/Kei) or Ta Kan,<sup>1096</sup> deputy secretary,<sup>1097</sup> and Heng Teav *alias* Ta Paet/Pet *alias* Ta Kandol,<sup>1098</sup> deputy secretary and Sector 1

<sup>1095</sup> **D1.3.18.2** Muol Sambath *alias* Ruos Nhim *alias* 90 S-21 Confession, 14 Jun 1978, EN 00780859 [“Moul Oun *alias* Sambath *alias* Nhim, former secretary of Northwest Zone”], EN 00780862, KH 00024656, FR 00785207 [The English translation does not mention the alias “90”, contrary to the Khmer original and French translation]; **D1.3.30.8** Telegram from Nhim to Angkar 870, 24 Dec 1977, EN 00182781; **D118/102** Toat Thoeun WRI, A7, 170, EN 00974013, 47 [mentions Ros Nhim’s identification number 90 or “Ta 90”], A44, EN 00974023 [“Ta Nhim was the Zone Secretary in charge of the whole zone”], A181, EN 00974049 [“about the responsibility of the Northwest Zone committees [...] Ta Nhim, who was the Secretary of the Northwest Zone, controlled Sectors 3, 4 and 5”]; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A30, EN 00976926 [“Ta Kan *alias* Ta Keu was the Deputy of Ta Nhim *alias* Ta Kao.”]; **D118/150** Hem Moeun WRI, A15, EN 00975009; **D118/136** Chhean Hea WRI, A6, EN 00969638; **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181118 [“Ta Nhim. In the past, his name was Moul Sambath. Q: And called Moul Un? A: Yes, he was called Un. He was also called Vork in the past”], EN 01181126 [“I was a member. Ta Keu was deputy [...] Ta Nhim was in charge”]; **D6.1.116** Tes Heanh WRI, EN 00275412; **D6.1.165** Im An WRI, EN 00274160; **D119/110** Chum Kan WRI, A95, EN 00985689; **D6.1.168** Prum Sarun WRI, EN 00274180; **D219/380** Pok Sophat *alias* Ta Phat WRI, A19, EN 01123449; **D118/69** Nuon Muon WRI, A11, EN 00950727; **D219/430** Chhoeung Bean WRI, A47, EN 01128714; **D219/268** Nom Phoun WRI, A36, EN 01098484; **D119/68** Rochoem Ton *alias* Phy Phuon WRI, A4, EN 00975045; **D119/14** Chum Kan WRI, A38, EN 00899962; **D118/245** Chuon Than *alias* Kronh WRI, A5, EN 01029379; **D118/86** Nhoek Ly WRI, A13, EN 00976961.

<sup>1096</sup> **D219/936** Duch Chantha WRI, A58-59, EN 01492993 [“Ta Kan, who was also known as Ta Keu”]; **D219/921.2** Chap Puth DC-Cam Statement, EN 01530136 [“There was Ta Kan *alias* Ta Keu [...] He was called Ta Keu [in Pursat Province]. In Battambang Province, he was called Ta Kan”]; **D118/106** Huon Choeun WRI, A6, EN 00978418; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A30-31, EN 00976926.

<sup>1097</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181125 [“Ta Keu handled tasks at the office. He was the deputy.”], EN 01181126 [“Ta Keu was deputy [...] Ta Keu organised tasks at the Education Office. Ta Nhim was in charge of Economics on the Party side. Ta Keu was in charge of administrative work.”]; **D219/674** Kaing Guek Eav *alias* Duch WRI, A35, EN 01213437 [“a person of the Northwest Zone committee named Kung Sophal *alias* Keu, the deputy of the Northwest Zone”]; **D118/154** Toat Thoeun WRI, A34, EN 00978788 [“Both Ta Keu and Ta Pet were Ta Nhoem’s deputies”]; **D118/69** Nuon Muon WRI, A11, EN 00950727 [“Ta Keu was also Zone Deputy, like Ta Paet”]; **D6.1.685** Lim Sat WRI, A1, EN 00412157; **D219/8** Yang Sokhom WRI, A133, EN 01047786; **D118/63** Han Thy WRI, A15, EN 00945851; **D118/86** Nhoek Ly WRI, A13, 19-20, EN 00976961-62; **D118/136** Chhean Hea WRI, A6, EN 00969638; **D119/68** Rochoem Ton *alias* Phy Phuon WRI, A4, EN 00975045; **D219/921** Chap Puth WRI, A20, EN 01451427.

<sup>1098</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181103; **D118/102** Toat Thoeun WRI, A33, EN 00974020 [“Kei and Kan and Ta Pet, *alias* Ta Kandol, were deputy secretaries of the zone”]; **D118/271** Chhean Hea WRI, A4, EN 01029415-16.

Secretary,<sup>1099</sup> and previously the committee member in charge of economics.<sup>1100</sup> The Northwest Zone Committee comprised at some point at least three additional members: Ruos Mao *alias* Say, Zone Office Chairman and former Sector 1 Secretary;<sup>1101</sup> Chea Huon *alias* Vanh, former Sector 2 then Sector 1 Secretary,<sup>1102</sup> in charge of the Northwest

<sup>1099</sup> **D6.1.116** Tes Heanh WRI, EN 00275412 [“Heng Teav *alias* Ta Pet, the Northwest Zone deputy”]; **D118/95** Samey Saveng WRI, A16-18, EN 00970468-69 [“A16: Ta Heng Teav was Deputy Chief of the Northwest Zone. He was also in charge of Sector 1”]; **D118/154** Toat Thoeun WRI, A34, EN 00978788 [“Both Ta Keu and Ta Pet were Ta Nhoem’s deputies”]; **D118/69** Nuon Muon WRI, A11, EN 00950727 [“Ta Heng Teav was Deputy of the Northwest Zone”]; **D118/76** Chuch Punlork WRI, A32, EN 00976628 [“Ta Pet [...] held a position in the province. He was next below Ta Nhim. Moul Sambath and Heng Teav worked in the same committee.”]; **D219/654** Sok Cheat *alias* Khom WRI, A6, EN 01207505-06 [“[My uncle’s] name was Heng Teav. [...] he was on the Sector 1 Committee”], A20, 22-23, EN 01207508; **D219/515** Chheun Chhuoy WRI, A27, EN 01156943; **D118/137** Chhorn Vorn WRI, A50, EN 00970086; **D118/149** Ham Saom WRI, A28-31, EN 00974996; **D118/102** Toat Thoeun WRI, A33, 43, 181, EN 00974020, 23, 49; **D118/136** Chhean Hea WRI, A6, EN 00969638; **D118/86** Nhoek Ly WRI, A13, 19-20, EN 00976961-62; **D219/423** Yon Yoeun WRI, A35, EN 01135131; **D219/416** Lies Kung WRI, A1, EN 01135073; **D219/233** Chhean Hea WRI, A5-6, EN 01090007; **D219/368** Chhoeung Bean WRI, A11, 14-15, 39-40, EN 01117716, 18.

<sup>1100</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181126 [“I was a member.”]; **D118/102** Toat Thoeun WRI, A44, EN 00974023-24 [“Ta Nhim was the Zone Secretary in charge of the whole zone [...] Ta Pet was in charge of economics [...] Later, Ta Pet was in charge of dam and dike construction at Kanghat Dam.”] A181, EN 00974049; **D219/430** Chhoeung Bean WRI, A47, EN 01128714 [“[Ta Kao] was the Zone Secretary. He was in charge of the military, whilst Heng Teav *alias* Ta Pet was in charge of civilian work. Both of them worked together and took charge of the zone. Civilian work included growing cotton, building dams”]; **D118/136** Chhean Hea WRI, A41, EN 00969644; **D118/86** Nhoek Ly *alias* Kim WRI, A13, 19, EN 00976961-62; **D219/187** Phan Khorn *alias* Khorn WRI, A50, EN 01104749.

<sup>1101</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7765, EN 01222640 [Ros Mao *alias* Than or Peang or Say, Chief of Zone Office (member of Northwest Zone and former Sector 1 Secretary), 26 Jun or 10 Jul 77]; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A18, EN 00976924 [“Ta Say, the Zone Committee and in Office 560, and Ta Vanh [...] were arrested first”]; **D118/69** Nuon Muon WRI, A11, EN 00950727; **D118/136** Chhean Hea WRI, A21-22, EN 00969641; **D118/106** Huon Choeun WRI, A23, EN 00978421.

<sup>1102</sup> His name was sometimes spelled “Veanh” instead of “Vanh”. **D219/517** Soy Chhoeun WRI, A78, EN 01166179 [“From 1975 to 1976, Ta Vanh was the Secretary of Sector 1.”]; **D118/69** Nuon Muon WRI, A11, EN 00950727 [“In the Committee of Sector 1 [...] Ta Vanh”]; **D219/424** Riem Dos WRI, A26, EN 01135144 [“Ta Vanh [...] was Sector 1 Committee in 1977”]; **D219/85** Vy Phann WRI, A3, EN 01061169 [“The very first Sector 1 Committee was Ta Say. Later he was replaced by Ta Veanh [...] Ta Pet, *alias* Heng Teav, came to replace him.”]; **D118/102** Toat Thoeun WRI, A31, EN 00974018, A61-62, EN 00974026-27.



Zone Commerce until his arrest,<sup>1103</sup> and Phok Sary *alias* Ta Tom, Sector 3 Secretary.<sup>1104</sup>

334. After the arrival of **Yim Tith** in the Northwest Zone,<sup>1105</sup> the Party Centre called those leaders to “educational sessions” in Phnom Penh and had them arrested.<sup>1106</sup> At high-level CPK meetings, **Yim Tith**, Ta Mok, and others accused the Northwest Zone leaders of treason, claiming they were affiliated with the Vietnamese or the CIA or responsible for a “lack of control” of the population (starvation and death of the people transferred there).<sup>1107</sup> Typically, a week after they were called to Phnom Penh, it was announced that

<sup>1103</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 15.32.58-15.34.43 [“Ta Kan from the zone committee and Ta Vanh also from zone committee.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.21.06-09.23.27 [“Mr. Vanh was in charge of commerce in the entire Battambang province”]; **D118/278** Nam Im WRI, A169, EN 01031804 [“Ta Vanh was on the Sector Committee, in charge of economy. After that, he was promoted to the Northwest Zone Committee, in charge of commerce.”]; **D118/136** Chhean Hea WRI, A54, EN 00969646 [“I heard of Ta Vanh. He was in charge of commerce of the Northwest Zone.”]; **D123/1/1.3a** Huon Choem DC-Cam Statement, EN 01549707 [“maybe early 1977 when they arrested Ta Vanh, the Northwest Zone Commerce Chairperson”]; **D6.1.715** Saloth Ban *alias* So Hong or Lot Nitya WRI, EN 00361016-17; **D118/173** Van Chauk WRI, A22, EN 00981758; **D118/102** Toat Thoeun WRI, A31, EN 00974018 [“Among the five cadres in the Zone Committee [...] Ta Vanh, a member of the zone committee in charge of Sector 2”], A61, EN 00974026 [“Ta Vanh was the Secretary of Sector 2 and at the same time, the Deputy Secretary of the zone because the Secretary of Sector 2 had been shot dead. As a result, Ta Vanh was appointed as both the Secretary of sector and the Deputy Chief of the zone. The same went for Sector 3”], A44, 71, EN 00974024, 28; **D6.1.991** Uk Soeum *alias* San Soeum WRI, A3-5, EN 00491349-50; **D219/193** Vat Phat WRI, A16, 298-299, EN 01079874, 914; **D16** Lim Sat WRI, EN 00708139; **D219/551** Heng Khly WRI, A29, EN 01178556; **D219/923.1.2** Duch Chantha DC-Cam Statement, EN 01395498, 503.

<sup>1104</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181126 [“Ta Tom was also a member.”]; **D118/102** Toat Thoeun WRI, A31, EN 00974018 [“Among the five cadres in the Zone Committee [...] Ta Tom, the deputy chief of the zone committee in charge of Sector 3”]; **D118/150** Hem Moeun WRI, A32, EN 00975011 [“Ta Tom (deceased) was the deputy chief [of the Northwest Zone]”]; **D6.1.883** OCP S-21 Revised Prisoner List, Number 7602, EN 00329926 [Phok Sary *alias* Tam, 29 Jun 78, executed 22 Sep 78], Number 10864, EN 00330068 [Tom, Member of Northwest Zone]; **D118/95** Samey Saveng WRI, A21, EN 00970469.

<sup>1105</sup> **D219/654** Sok Cheat *alias* Khom WRI, A78, EN 01207520 [“It was notorious that after Ta Tith entered, many people disappeared. The upper echelon like Ta Vanh, Ta Nhim, Ta Pet, and Ta Chham, who I heard were at the zone level and on the military committee, were arrested”]; **D105/3** Nuon Muon WRI, A33-34, EN 00787176 [“A33: I heard that both Ta Mok and Ta Tith [...] arrested all the Northwest Zone cadres from Zone level down to Sector level, all the way through cooperative level. Q: Were the arrests made under the authority of Ta Mok and Ta Tith? A34: Yes.”].

<sup>1106</sup> **D118/102** Toat Thoeun WRI, A32, EN 00974019 [“All of them were called to attend educational sessions in Phnom Penh and then disappeared forever. All of them were replaced with Southwest Zone cadres”], A43, EN 00974023 [“Ruos Nhim, Phoeng, *alias* Kan and Kei, and Ta Pet, *alias* Ta Kandol, were arrested at the same time after they were called to attend meetings in Phnom Penh”]; **D219/210** Lek Phiv *alias* Ta Leang WRI, A6, EN 01088523 [“During that time, the Zone cadres, such as Ta Nhim [...] also disappeared under a pretext of being taken to attend study sessions.”]; **D118/86** Nhoek Ly WRI, A13, EN 00976961 [“In mid-1978, they began to arrest Northwest cadres on the accusation they were traitors. [...] Ta Hoeun told me Ta Nhim was the first person to be arrested, and later Ta Koe, and lastly Ta Heng Teav *alias* Ta Pet, was also arrested and sent to Phnom Penh”]; **D118/150** Hem Moeun WRI, A48-51, EN 00975013 [explains that Ruos Nhim, his son Cheal, and Ta Tom received each one letter inviting them to a meeting in Phnom Penh and left in car to Phnom Penh]; **D219/465** Chhoeung Bean WRI, A44, EN 01139592.

<sup>1107</sup> **D219/852.1.11** Thet Sambath and Gina Chon, *Behind the Killing Fields*, EN 00757531 [“Ruos Nhim [...] received communist training by Vietnam [...] Nuon Chea said Rhos Nhim’s betrayal started then, even though he didn’t realize it until much later”]; **D118/136** Chhean Hea WRI, A13, EN 00969639 [“Ta Tit announced that the Northwest Zone leaders were traitors as they were affiliated with the Vietnamese.”]; **D219/538** Soeun Mat WRI, A17, EN 01173575 [“They accused Ta Vanh, Ta Pet, and Ta Kao of being traitors because they thought that Ta Vanh, Ta Pet and Ta Kao were about to transform the mobile unit

they had been arrested for treason.<sup>1108</sup>

335. Northwest Zone Secretary Ros Nhim was “called to a meeting” in Phnom Penh but instead was arrested by Southwest Zone forces in Battambang<sup>1109</sup> and was taken to S-21

forces into an army. [...] I learned about this because Ta Tith announced it publicly in a meeting”], A44, EN 01173580 [“Q: what Ta Tith said in the second meeting? A44: I remember that they announced in the meeting that Ta Kao had been arrested and taken to be killed”]; **D118/86** Nhoek Ly WRI, A21-22, EN 00976962-63 [“A21: At the meeting, they announced that Ta Nhim had betrayed the party and colluded with the Vietnamese, and that Ta Mok and Ta Tit were to replace him because all the Northwest cadres had been arrested”]; **D219/931** Prak Soeun WRI, A21, EN 01492930 [“[Ta Mok] sent me there in early 1978 and then he announced that cadres in this zone had betrayed Angkar”]; **D6.1.991** Uk Soeum alias San Soeum WRI, A3-4, EN 00491349 [“A3: It was Ta Sarun and Yeay Rim who announced that cadres of the Northwest Zone became traitors. Ta Sarun stated that: ‘Angkar provided enough forces for working; however, cadres of the Northwest Zone did not control well. That was why people died. It thus simply means that these Northwest Zone became traitors.’ [...] Yeay Rim added: ‘Pou, you all must fulfil all of the plans imposed by the Party. Failure to achieve that would, simply mean that you are enemy and you will disappear like them.’ [...] A4: That day he [Ta Sarun] also announced by emphasizing that leaders in the Northwest Zone such as Ta Keu or Ta Nghim (the Northwest Zone committee) and Ta Vanh betrayed; that was why many people in this zone died.”]; **D118/102** Toat Thoeun WRI, A86, EN 00974031 [“those cadres were allegedly traitors, had connections with the Vietnamese, and did not perform their duties well”]; **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181131 [“Those of us who had fought the French colonists with the Vietnamese were accused of being the Vietnamese spies, Vietnamese CIA. And there was the American CIA. So, Ta Vanh was accused of being American CIA. Ta Vanh, Ta Hoeung and so on were all accused of being American”], EN 01181109 [“the evacuation was incorrect. The people were forced to join the collectives and starved as a result [...] when we did that, the people starved. The people were pooled and the former city dwellers were starved because they were sent empty-handed to the rice fields and rural areas.”], EN 01181132-34 [“Q: Why did starvation occur? [...] the citizens were evacuated from the city to the countryside, so they did not know how to farm rice, and rice was not transported to be distributed to the people as it was far away [...] it was too populated. Talking about that place, three million were taken to Battambang. Hundreds of thousands of people were sent to a place which used to accommodate only tens of thousands of people [...] Gradually the people starved to death. Many people, particularly the ones who had been evacuated from Phnom Penh died [...] we made too much collectivism, so the people did not have land to plant; they were not allowed to grow privately”]; **D219/654** Sok Cheat alias Khom WRI, A78, EN 01207520; **D118/136** Chhean Hea WRI, A35, EN 00969643; **D219/233** Chhean Hea WRI, A11, EN 01090007-08; **D118/108** Lim Tim alias Pol Savoeun WRI, A18, EN 00976924; **D119/94** Bou Mao WRI, A22, EN 00982758.

<sup>1108</sup> **D118/102** Toat Thoeun WRI, A31, EN 00974018 [“the arrests were not made directly. First those cadres were called to attend meetings in Phnom Penh and one week later it was announced that those cadres had been arrested.”], A86, EN 00974031; **D118/136** Chhean Hea WRI, A36, EN 00969643 [“All high-ranking cadres from the Northwest were arrested and sent to Tuol Sleng.”], A55, EN 00969646 [“I heard the Southwest cadres saying, before the Vietnamese arrived, that the arrested Northwest cadres were sent to Tuol Sleng.”], A13, EN 00969639; **D118/150** Hem Moeun WRI, A16-18, EN 00975009 [“Q: What happened to Ta Nhim, Ta Cheal and Ta Tum? A16: They were ordered to go to Phnom Penh [...] A17: I knew it because I worked closely with Ta Mok. [...] Q: Who ordered Ta Nhim, Ta Cheal and Ta Tom to Phnom Penh? A18: I only heard Ta Mok telling them to go to Phnom Penh. [...] Ta Nhim was invited to get in a car to go to a meeting as usual. He was not tied up. He had to leave Svay Sisophon to go to Battambang.”]; **D118/222** Hem Moeun WRI, A11, EN 00988133; **D118/86** Nhoek Ly WRI, A21-22, 36, EN 00976962-63, 65; **D6.1.991** Uk Soeum alias San Soeum WRI, A3-5, EN 00491349-50; **D219/538** Soeun Mat WRI, A17, EN 01173575.

<sup>1109</sup> **D287/2/1.1** Notes of interview of Heang Teav alias Ta Pet by Steve Heder, EN 00217619 [“Cheal got a letter from Nuon Chea, asking Cheal to come and see him. That’s when Cheal was arrested. Nuon Chea also asked Nheum to come see him, but Nheum refused. Instead they had to come arrest him at the airfield. They grabbed him and took him to Phnom Penh [...] When [Keu] and I realized that Nheum was not around and asked Mok, Mok told us that Nheum had gone to China for three months.”]; **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181152 [“We knew that Ta Nhim had been arrested and how he had been killed. Q: Was Ta Nhim arrested and detained at the airfield? A: At the airfield [near] the Royal University”]; **D118/86** Nhoek Ly WRI, A4, EN 00976959 [“In July 1978 Ta Nhim and several other

in the first part of June 1978.<sup>1110</sup> Although he was removed from his position as Northwest Zone Deputy Secretary as of mid-1978, Kung Sophal *alias* Kan or Keu was only arrested and taken to S-21 on 2 November 1978.<sup>1111</sup> Kaing Guek Eav *alias* Duch stated that Ke Pauk, Central Zone Secretary, reported to him in the 1980s that it was Ta Mok who ordered Kung Sophal *alias* Ta Keu be arrested at the same time as Vorn Vet on 2 November 1978, right after the fifth Central Committee Party Congress.<sup>1112</sup> Like

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Northwest cadres were arrested by Ta Mok, Ta Tit, *alias* Ta Tit with a big head, and Southwest cadres accusing them of being traitors.”], A35, EN 00976965 [“Ta Nhim [...] suddenly he was accused of being a traitor. An old woman [...] told me that Ta Nhim was arrested and they tied his hands tied behind his back. He was then brought to Battambang University and forced to declare, ‘I am a traitor. Brothers and Sisters, do not follow my example and please serve the person who will replace me.’”]; **D119/98** Kor Len WRI, A9, EN 00985185 [“Ruos Nhim, Ta Cheal (Ta Nhim's son) [...] were killed perhaps in mid-1978”], A21-22, 24, EN 00985188 [“A21: Ta Mok, the new Northwest Zone Committee, ordered his subordinates to come to arrest the Northwest Zone cadres. Q: Did you know why Ta Mok ordered to the arrests of the Northwest group? A22: At that time, the Northwest cadres were accused of being traitors [...] A24: The Northwest, they were also called to study”]; **D219/210** Lek Phiv *alias* Ta Leang WRI, A6, EN 01088523; **D219/674** Kaing Guek Eav *alias* Duch WRI, A35, EN 01213437; **D118/137** Chhorn Vorn WRI, A20, EN 00970082; **D118/150** Hem Moeun WRI, A16-19, EN 00975009; **D118/136** Chhean Hea WRI, A35, 37, EN 00969643.

<sup>1110</sup> **D1.3.18.2** Muol Sambath *alias* Ros Nhim S-21 Confession, 14 Jun 1978, EN 00780859 [“Moul Oun *alias* Sambath *alias* Nhim, former secretary of Northwest Zone.”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 14398 [Moul Un *alias* Sambatt (Nhim), Secretary of Northwest Zone, M, 56]; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, 1996, EN 00678710 [“The crackdown came at exactly the same time as that in the East. Ros Nhim, Secretary of the Northwest Zone, was arrested on 11 June 1978, eight days after So Phim's suicide”]; **D6.1.882** Kaing Guek Eav *alias* Duch WRI (Military Court), EN 00326765 [Speaking of S-21 prisoners: “The insiders, who did not hold degrees (intellectuals), were: Ros Nhim, Kong Sophal *alias* Koe, Norng Sarim *alias* San”]; **D24** Tes Heanh WRI, EN 00710291; **D118/136** Chhean Hea WRI, A55, EN 00969646.

<sup>1111</sup> **D118/103.3** Kaing Guek Eav *alias* Duch Final Written Submission, 23 Nov 2009, EN 00412106, fn. 28 [“When Nhim was arrested, Kong Sophal *alias* Keu had not been arrested yet. Keu was arrested together with Vorn Vet at Office 870 on 2 November 1978.”]; **D1.3.4.6** Kung Sophal *alias* Keu S-21 Confession, 4 Nov-5 Dec 1978, EN 00797073 [The earliest date mentioned on the confession is 4 November 1978]; **D118/271** Chhean Hea WRI, A34, EN 01029422 [“They arrested Ta Nhim first and about five months later they arrested Ta Keu. Ta Tith and Ta Mok replaced them”]; **D118/136** Chhean Hea WRI, A36, EN 00969643 [“Ta Keu was arrested and sent to Tuol Sleng as well. All high-ranking cadres from the Northwest were arrested and sent to Tuol Sleng.”], A55, EN 00969646; **D6.1.882** Kaing Guek Eav *alias* Duch WRI (Military Court), EN 00326765 [About S-21 prisoners: “The insiders, who did not hold degrees (intellectuals), were: Ros Nhim, Kong Sophal *alias* Koe, Norng Sarim *alias* San”]; **D219/921** Chap Puth WRI, A68, EN 01451430 [“Ta Keu suddenly disappeared.”]; **D219/465** Chhoeung Bean WRI, A44, EN 01139592 [“Ta Yaun [...] [said] that when the Southwest cadres controlled this area, they killed the senior Northwest cadres, such as Ta Vanh, Ta Keu and Ta Muoch. [...] they had been told that they were being called for study.”]; **D219/66** Kung Chhom *alias* Ngor Naimchay *alias* Kong Vibol WRI, A30-32, 36, EN 01053982-83; **D118/86** Nhoek Ly WRI, A13, EN 00976961.

<sup>1112</sup> **D6.1.637** Kaing Guek Eav *alias* Duch WRI, EN 00398234 [“what Ke Pork says (ERN 000164136-KH, 00089715-EN) concerning the arrest of Ta Keu (Kung Sophal, Deputy Secretary of the Northwest Zone) and Vorn Vet is all accurate. Ke Pork told to me, when we met in 1988 or 1989 in Thailand, that after a Central Committee meeting, Pol Pot had asked the participants to stay and watch a film projection; that Ta Mok had ordered the arrest of Ta Keu and Vorn Vet and that Pol Pot then asked Ke Pork, with a smile, ‘Did you enjoy the film?’.”]; **D179/1.2.13** Kaing Guek Eav *alias* Duch, T. 29 Mar 2012, 10.18.21-10.24.47 [“Vorn Vet was arrested [...] at the Central Office; arrested by Comrade Lin's group and under the direct order from Ta Mok [...] it was on the 2<sup>nd</sup> of November 1978”]; **D1.3.16.1** Ke Pauk's Autobiography, EN 00089715 [“In 1978 before the Vietnamese invaded Cambodia, when we were conducting the fifth general assembly in the national assembly building [...] Pol Pot told me to stay waiting to see a movie [...] I decided to stay in the building of the Central Committee. [...] at one in the morning, they captured Ta Keu

Kung Sophal, Heng Teav *alias* Ta Pet was removed from his leadership position in mid-1978. **Yim Tith** then officially replaced Ta Pet as secretary of Sector 1 and deputy Zone secretary.<sup>1113</sup> For strategic reasons, after Ros Nhim's arrest, **Yim Tith** temporarily appointed Ta Pet as his deputy secretary in Sector 1 to help **Yim Tith** understand the work and geography of the Northwest Zone and to reassure the population and avoid any revolt or turmoil.<sup>1114</sup> However, once he was no longer useful, Ta Mok's men arrested Ta

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and Vorn Vet. After that Pol Pot questioned me whether I saw the movie. [...] In fact, it was the scene of arresting Ta Keu and Vorn Vet.”]; **D118/103.3** Kaing Guek Eav *alias* Duch Final Written Submission, 23 Nov 2009, EN 00412106, fn. 28 [“Keu was arrested together with Vorn Vet at Office 870 on 2 November 1978.”].

<sup>1113</sup> **D20** Han Thy WRI, EN 00710286 [“Ta Pet also attended the meeting, but he said nothing. Upon Ta Tith's arrival, Ta Pet still controlled all the tasks. Ta Tith and Ta Pet worked together, but I thought that Ta Tith was the Chief as Ta Pet had been removed [...] Ta Tith said that he was Chief of the Northwest Zone. Q: Where was Ta Pet after that? A: He was also there and had no rights to say anything.”]; **D118/63** Han Thy WRI, A29-30, EN 00945852-53 [“Ta Tit. He was in the Northwest Zone committee. [...] A30: He said that he came from the Southwest zone. He announced that ‘he came here to replace the Northwest cadres’.”]; **D105/8** Han Thy WRI, A27-29, EN 00803457 [Witness explains that during a second meeting with Yim Tith, he was asked by him to organise a meeting in Kantueu commune in order to remove Ta Paet from his position in the Northwest Zone and for Yim Tith to rise to the zone's secretary, Ta Paet ultimately becoming a normal citizen]; **D219/515** Chheun Chhuoy WRI, A27, 30, 47, EN 01156943-44, 47 [“Ta Tith, a high-level Southwest cadre, replaced Ta Pet, who was Zone Committee. Several months after Ta Tith arrived, Ta Pet, Ta Kao, and Ta Man disappeared. [...] A30: After Ta Pet disappeared [...] The meeting took one week, and it was chaired by Ta Tith [...] Zone Committee or possibly the Sector Committee [...] A47: Ta Pet suddenly disappeared, and Ta Tith was introduced as Zone Committee.”]; **D118/150** Hem Moeun WRI, A60, EN 00975014 [“In Battambang, Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the Northwest Zone during Ta Mok's absence.”]; **D118/271** Chhean Hea WRI, A34, EN 01029422-23 [“At the time, the Southwest cadres disliked the Northwest cadres, and after they arrested Ta Nhim and Ta Keu, the Southwest cadres could not promote Ta Pet to be a senior ranking cadre any longer”]; **D219/233** Chhean Hea WRI, A8, EN 01090007 [“Ta Mok, Ta Nim and Ta Tith were transferred to be in charge over there.”], A21, EN 01090009 [“Ta Tith and Ta Nim took over Sector 1 and the Northwest Zone after Ta Pet had been arrested.”], A49, EN 01090011 [“Q: After Ta Pet met Ta Tith [...] did you ever notice any indication that Ta Pet was afraid of Ta Tith? A49: ‘I noticed that he had changed a lot, in both his facial expressions and his behaviour. He seemed disappointed and anxious. He was not ordered to do anything. [...] Before Yim Tith arrived, he had some authority. He inspected cooperatives in Sector 1. But after Yim Tith arrived, he fell from power.’”]; **D219/465** Chhoeung Bean WRI, A31, EN 01139587 [“after Ta Mok arrived, Ta Kao was taken to be executed, followed by Ta Muoch. Only Ta Pet continued in his position as chief of the workers' union, although he was powerless. Later Ta Tith totally controlled this area”]; **D118/136** Chhean Hea WRI, A7, EN 00969638 [“Ta Mok controlled the zone as a whole and Ta Mok's close aide was Ta Tit while Ta Tit's deputy was Ta Nim [...] Both of them were in charge of Sector 1.”], A23, EN 00969641; **D219/210** Lek Phiv *alias* Ta Leang WRI, A3-5, EN 01088522; **D219/62** Preap Kap WRI, A44, EN 01053910; **D105/4** Huy Krim WRI, A20, EN 00787165 [“Ta Mok and Ta Tith, were known as the Zone Committee. They came.”]; **D118/77** Nang Ny WRI, A35-36, EN 00970457; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.39.42-10.43.35; **D118/285** Nop Ngim WRI, A7, EN 01044674-75; **D219/34** Ek (UI) Hoeun WRI, A43, EN 01053577; **D119/70/4** Ek (UI) Hoeun DC-Cam Statement, EN 01050192; **D219/953** Chhoeung Chhoeuth WRI, A19, 56, EN 01451712, 16; **D219/117** Top Seung WRI, A60, 68, 79, EN 01067706, 08-09; **D219/430** Chhoeung Bean WRI, A117, EN 01128723; **D219/368** Chhoeung Bean WRI, A14, 39, EN 01117716, 18; **D118/245** Chuon Than *alias* Kronh WRI, A4, 18, EN 01029378, 82; **D219/551** Heng Khly WRI, A67-68, EN 01178561; **D118/95** Samey Saveng WRI, A17, EN 00970468; **D118/271** Chhean Hea WRI, A34, EN 01029422; **D118/222** Hem Moeun WRI, A14, EN 00988134; **D219/236** Lek Phiv *alias* Ta Leang, A18, EN 01092932; **D219/751** Vor Ruom WRI, A46, EN 01305925; **D219/85** Vy Phann WRI, A2, EN 01061168.

<sup>1114</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181114 [“Initially, I was assigned as Sector 1 Deputy Secretary. After they had arrested Ta Nhim and Ta Vanh they assigned Ta Tith, who was with Ta Mok, as secretary and me as his deputy.”]; **D287/2/1.1** Notes of interview of Heang Teav *alias* Ta

Pet in September or October 1978. He was first sent to Phnom Penh and then imprisoned in Kampong Speu until January 1979.<sup>1115</sup>

336. Chea Huon *alias* Ta Vanh was the first of the Zone committee members to be arrested upon **Yim Tith**'s arrival. After a brief, transitory period at the Ministry of Foreign Affairs,<sup>1116</sup> he was imprisoned in S-21 on 20 June 1977 and executed on 18 October 1977.<sup>1117</sup> Ruos Mao *alias* Say was arrested by Southwest Zone forces under **Yim Tith**'s

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Pet by Steve Heder, EN 00217620 ["Q: What happened to you after Nheum was arrested? A: I was put under Teut, Mok's man. They kept me on, but didn't let me do anything. The people thought I had been arrested, too, so there was unrest [...] they arrested many people. I protested to Teut about these arrests, and he decided to let the people know that I was still around to calm them down."]; **D1.3.11.15** Heang Teav OCP Statement, EN 00426119 ["Q: They assumed that you had already been arrested, so they rebelled. A: Yes. Rebelled. In fact, I had not yet been arrested because they let me go back and forth. When they saw that, they did not go to the forest any more; they stayed and farmed as usual. They had them follow them and bring them back; then they were arrested"]; **D219/551** Heng Khly WRI, A61, EN 01178560 ["In some places [Ta Mok] retained Northwest cadres, but those cadres were just deputies to help the Southwest cadres understand the work in the Northwest. After they understood the work, they demobilized all of the Northwest group."]; **D219/85** Vy Phann WRI, A3, EN 01061169; **D20** Han Thy WRI, EN 00710286; **D118/271** Chhean Hea WRI, A25, 34, EN 01029420, 22; **D219/368** Chhoeung Bean WRI, A34, EN 01117718; **D219/292** Lek Phiv WRI, A19, EN 01111808; **D219/291** Lek Phiv WRI, A28, EN 01111809.

- <sup>1115</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181104 ["I was removed from my work [...] Around September or October 1978, I was arrested and imprisoned in Kampong Speu"], EN 01181113 ["In the final round, [...] they arrested me, Ta Keu, and Ta Kok. The three of us were the last to be arrested"], EN 01181115-16 ["Then A Mok, his bodyguards, and a lorry of his soldiers came to drag my wife and pull me by the arm onto their vehicle. How could I resist when they had a lorry of soldiers against me? We were unarmed, so we had no choice but to ride on the vehicle with them. Upon our arrival in Phnom Penh [...] a group of soldiers from Kampong Speu came in with their vehicle to take me with them to Kampong Speu [...] I was sent to Chan Reangsei Barracks."]; **D1.3.11.15** Heang Teav OCP Statement, EN 00426120 ["They assigned me to go to Phnom Penh [...] So Ta Mok said if we keep you here we will lose influence, so you are being taken out. He said that they had told the people not to be angry, that our cadres had told the people, but the people did not listen, but when they removed me, they would listen"]; **D219/233** Chhean Hea WRI, A14, 18, EN 01090008 ["A14: Ta Pet was the last Northwest Zone cadre who was arrested after Ta Tith and Ta Mok had come to take charge of the Northwest Zone [...] Q: who arrested Ta Pet? A18: I saw two messengers of Ta Tith and Ta Mok coming to speak to Ta Pet. He was told to prepare his luggage because Ta Mok had ordered that he be moved to another location."]; **D118/136** Chhean Hea WRI, A2, EN 00969637 ["After 1979, I met Ta Pet and he told me that he had been assigned to cut a clump of bamboo per day in Oral mountain, Kampong Speu Province"], A36-37, EN 00969643; **D219/515** Chheun Chhuoy WRI, A27, EN 01156943; **D118/69** Nuon Muon WRI, A11, 18, EN 00950727-28.

- <sup>1116</sup> **D6.1.715** Saloth Ban *alias* So Hong WRI, EN 00361016-17 [Nephew of Saloth Sar/Pol Pot and Deputy Minister of Ieng Sary: "Vanh (original name was Chea Huon), who was the Northwest Zone committee and moved to work at the Ministry of Foreign Affairs; later on, he was arrested and disappeared."].

- <sup>1117</sup> **D6.1.313** Chea Huon *alias* Vanh S-21 Confession, 25 Jun-21 Aug 1977, EN 01559904, KH 00299157 ["Chea Huon *alias* Vanh, Secretary of Sector 1, the Northwest"]; **D131/2.1.137** Chea Huon *alias* Vanh S-21 Confession [Khmer only]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 122, EN 00873644 ["Chea Huon *alias* Vanh, M, Northwest Zone, Secretary of Sector 1, entry date: 20.6.77"]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913 [Chea Huon *alias* Vanh, Secretary of Sector 1, 20 Jun 77]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837609 ["III. Sector 1: 16. Chea Huon *alias* Vanh, Sector secretary"]; **D131/2.1.76** S-21 Prisoner List, Number 2, EN 01149206 ["Chea Suon *alias* Vanh, Secretary of Sector 1, entry date: June 1977"]; **D118/271** Chhean Hea WRI, A13, EN 01029418 ["Ta Vanh was arrested by the Southwest cadres and sent to Tuol Sleng Prison."]; A55, EN 00969646 ["I heard the Southwest cadres saying, before the Vietnamese arrived, that the arrested Northwest cadres were sent to Tuol Sleng."]; **D219/654** Sok Cheat *alias* Khom WRI, A78, EN 01207520; **D219/64** Peou Koeun *alias* Peou Raem WRI, A23, EN 01053948; **D118/102** Toat Thoeun WRI, A31-32,

command and imprisoned at S-21 at the end of June 1977 and executed on 18 October 1977 after being interrogated.<sup>1118</sup> The Southwest Zone forces arrested Phok Sary *alias* Tom for treason after calling him “to study”. He was taken to S-21 on 28 June 1978 and executed on 22 September 1978.<sup>1119</sup>

337. Dozens or even hundreds of other cadres, bodyguards, workers, and family members with alleged connections to Ros Nhim, Ta Keu, Ta Pet, or the other members of the Zone Committee were also arrested and killed by Southwest Zone and Party Centre forces.<sup>1120</sup>

EN 00974018-19; **D118/77** Nang Ny WRI, A34, EN 00970457; **D118/137** Chhorn Vorn WRI, A53, EN 00970086; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A18, EN 00976925; **D118/149** Ham Saom WRI, A30-32, EN 00974996; **D219/310** Voan Samut WRI, A2, EN 01111936-37; **D219/368** Chhoeung Bean WRI, A11, 14-15, 39-40, EN 01117716, 18; **D118/278** Nam Im WRI, A169, EN 01031804; **D219/538** Soeun Mat WRI, A17, 19, EN 01173575.

<sup>1118</sup> **D1.3.4.10** Ros Mao *alias* Say S-21 Confession, EN 00221612, KH 00070160 [Cover page mentions 27 Jun 77 as date of arrest], KH 00070328 [bears the date 27 June 77 at the bottom of page]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 35, EN 00873637 [“Ruos Mao *alias* Say, M, Northwest, Chief of Zone Office, entry date: 10.7.77”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7765, EN 01222640 [Ros Mao *alias* Than or Peang or Say, Chief of Zone Office (member of Northwest Zone and former Sector 1 Secretary), 26-Jun or 10-Jul-1977]; **D219/233** Chhean Hea WRI, A19, EN 01090008 [“Q: Do you mean that Ta Say, Ta Nob and Ta Sou were arrested by people under the command of Ta Tith and Ta Nim? A19: Yes, I do. They were arrested by Ta Tith’s and Ta Nim’s people”]; **D118/271** Chhean Hea WRI, A29, EN 01029421; **D118/249** Son Em WRI, A53-56, EN 01034091 [Great nephew of Ta Say states that Say was arrested in June 1977 for being an enemy and CIA agent and was taken to Phnom Penh], A62, EN 01034092 [“[Nuon Chea] said that the Party arrested Say (my uncle) who was the ringleader of traitors and the one who provided information to the American CIA that led to the arrest of a communist leader, Tou Samut”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.42.20-09.48.18 [“Say was my great uncle [...] Say was the office chief of Office 560 [...] In 1977, I received information from Nuon Chea, who had brought me from Phnom Penh. He said that, ‘the contemptible Say was the traitor of the Party’. [...] Nuon Chea said so during the gathering of hundreds of people from the Northwest Zone to listen to his speech.”], 10.04.42-10.06.48 [“three of them were arrested: the first person was Say, second was Chet, who was my father, and third was Man (phonetic), who was in charge of commerce”], 10.15.10-10.16.55; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A18, 42, EN 00976925, 27.

<sup>1119</sup> **D1.3.4.8** Phok Sary *alias* Tom S-21 Confession, KH 00070108 [The cover page mentions his date of arrest: 28 June 1978]; **D6.1.332** Phok Sary *alias* Tom S-21 Confession, EN 00823329, KH 00309944, FR 00807258 [“Phok Sary *alias* Tom, 28.6.78 arrested [...] Secretary of Sector 3, Northwest Zone”]; **D6.1.1202** S-21 Prisoner List from Northwest Zone, EN 00185269, Number 4 [Phok Sary *alias* Tom, 63, M, Secretary of Sector 3, 29 Jul 1978]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6857, EN 01222598 [Phok Tom (Phok Sary *alias* Tom), Secretary of Sector 3, Northwest Zone, 25, 29 or 30 Jun 1978; mentions in the ‘Remark’ field that an S-21 Prisoner List states this person was “executed with handwritten note and taken photo”]; **D6.1.883** OCP S-21 Revised Prisoner List, Number 7602, EN 00329926 [Phok Sary *alias* Tam, 29 Jun 78, executed 22 Sep 78], Number 10864, EN 00330068 [Tom, Member of Northwest Zone]; **D219/930** Em Lay WRI, A9, EN 01492911 [“Ta Tom [...] died when the Southwest group came”], A52-53, EN 01492916 [“The Southwest group did not come to arrest Ros Nhim and Ta Tom themselves. The former called the latter to go to study in Battambang and then the former arrested the latter. [...] The guard told me that they had gone to study in Battambang. They have disappeared since then.”], A69, EN 01492918 [“Ros Nhim was taken away first. And then Ta Tom was taken away”]; **D118/102** Toat Thoeun WRI, A31-32, EN 00974018-19; **D219/421** Tea Nguon WRI, A26, EN 01135112 [“Q: Was Ta Tom the sector committee arrested by Southwest group? A26: Yes, Ta Tom was arrested by the cadres”]; **D118/150** Hem Moeun WRI, A18, 20, EN 00975009 [explaining that Ta Mok ordered Ros Nhim, Ta Cheal and Ta Tom to go to Phnom Penh]; **D347/2.1.36** Hem Moeun, T. 2 Aug 2016, 14.16.10-14.18.20; **D118/86** Nhoek Ly WRI, A42, EN 00976966; **D123/1/1.5a** Iv Sovann DC-Cam Statement, EN 00988187-88.

<sup>1120</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181113 [“When all of them were arrested, they researched their networks for anyone else who had been brought into the Party by Ta Keu and those

Following the arrest of Ros Nhim and the removal of Ta Keu and Ta Pet from power, Ta Mok and **Yim Tith** were formally appointed to *de jure* positions in the Northwest Zone, which matched the *de facto* control they had exercised since shortly after their arrival in the area.<sup>1121</sup>

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who were found to be close to him, including militiamen and his bodyguards, tracked them down, and killed them”], EN 01181152 [“The fifty men protected him wherever he went. [...] On the day of [Ta Nhim’s] arrest, his bodyguard unit commander was killed, and the rest were arrested and killed, except for a few of them who managed to escape and eventually were arrested and detained in Krala Peas Village [...] They were arrested because they were known to be troops of Ta Nhim”]; **D219/294** Moul En WRI, A66-67, EN 01111833 [“Ta Mao arrested all Ta Nhim’s subordinates including Ta Nhim’s nephew. Mao had arrested whomever he wanted to.”]; **D118/102** Toat Thoeun WRI, A33, EN 00974020 [“In May 1978, Ruos Nhim contacted me and asked for bodyguards to protect him. I sent 300 combatants to protect him. [...] After Ta Nhim was arrested, the Centre sent troops to kill Ta Ruos Nhim’s 300 bodyguards whom I had provided for him. Some of them fled to me, and told me about the arrest of Ruos Nhim”], A43, EN 00974023 [“After [Ruos Nhim, Ta Kan and Ta Pet] had been arrested, their family members were also arrested”], A63-64, EN 00974027 [“A63: Cheal, alias Chhnang, was one of Ta Nhim’s sons, and also Sao Phim’s son-in-law. He was the Deputy Chief of the Sector 5 committee. Q: As far as you know, what happened to Cheal? A64: Cheal was arrested at Preak Kdam”], A84-85, EN 00974030-31 [“Nam, Duong, Nau Thoat (fat Nau), Nau Skorm (thin Nau) and Thuong [...] All of them were arrested with Ta Ruos Nhim because they, as Ta Ruos Nhim’s bodyguards, had accompanied Ta Ruos Nhim to attend a meeting in Phnom Penh. All of those who went to Phnom Penh, including the medical doctor, couriers and cooks were arrested. The medical doctor, who was arrested with Ruos Nhim, was Van, the Chief of the Northwest Zone Hospital. His two male cooks Sovan and Rit used to work with him since he struggled in the forests”]; **D118/173** Van Chauk WRI, A22, EN 00981758 [“They accused Ta Vanh of being a traitor. Then they arrested Vanh’s entire bloodline and killed them straight away. Vanh was Northwest Zone Committee. All of them were killed.”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13742, EN 01222894 [Yim Chan (Yim Chay), Chief of Zone Commerce Rice-Grind Machine (before work as messenger of Chea Huon alias Vanh), 30-Jun-77]; **D219/233** Chhean Hea WRI, A30, EN 01090010 [“As for the cadres who worked with [Ta Pet], such as Ta Say, Ta Nob, Ta Sou and his messengers named Khan, Ol and Sam, they had been arrested before him and disappeared.”]; **D1.3.11.15** Heang Teav OCP Statement, EN 00426119 [“Ta Mok told me that those several people there at Kanghat, my people, now had all been smashed to bits [...] he was not joking. The next day someone came to report to me that he had seen that they had all been killed”]. **D118/136** Chhean Hea WRI, A7, 13, EN 00969638-39 [“Ta Mok controlled the zone as a whole and Ta Mok’s close aide was Ta Tit while Ta Tit’s deputy was Ta Nim [...] Ta Pet [...] told me Ta Tit came to make an announcement and showed me the documents from the Centre which appointed him to be responsible for the Northwest Zone.”]; **D118/86** Nhoek Ly WRI, A4, EN 00976958 [“In July 1978, Ta Nhim and several other Northwest cadres were arrested by Ta Mok, Ta Tit, alias Ta Tit with a big head.”], A13, EN 00976961 [“Then Southwest cadres were totally in charge of the Northwest Zone”]; **D118/150** Hem Moeun WRI, A35, EN 00975011 [“Ta Mok replaced Ta Nhim.”], A60-61, EN 00975014 [“Ta Tit ranked second after Ta Mok. Ta Tit was in charge of the Northwest Zone during Ta Mok’s absence. We were sent to the Northwest Zone because they wanted to get rid of the Northwest Zone cadres. [...] A61: Ta Mok made an announcement in front of the army that ‘Ta Tit is in charge of the zone when I am absent.’”]; **D118/137** Chhorn Vorn WRI, A24, EN 00970082 [“Q: Who replaced Ta Nhim and Ta Pet on the Northwest Committee? A24: No one replaced them because the Southwest cadres had already taken control of it.”], A8, EN 00970080; **D219/649** Lim Tim alias Pol Savoeun WRI, A37, 40, 47, EN 01207436-37 [explains the moment Ta Tith was introduced as Northwest Zone chairperson, “probably in March 1978; early 1978”]; **D118/108** Lim Tim alias Pol Savoeun WRI, A16-17, EN 00976924 [“Ta Tit; he was in charge of the Northwest Zone. He stayed in Battambang town [...] A17: at Battambang University in Battambang town. Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone. I also knew that Ta Tit came to Battambang before Ta Mok.”]; **D219/538** Soeun Mat WRI, A14, EN 01173574 [“After Ta Kao was arrested, Ta Tith became the manager. Ta Tith was from the Southwest. He was well-built and had a dark complexion”]; **D219/931** Prak Soeun WRI, A17, 19, EN 01492930 [“A17: Ta Mok controlled two zones: the Southwest Zone and the Northwest Zone”]; **D219/64** Peou Koeun alias Peou Raem WRI, A27-30, EN 01053949 [“After the purge of the senior cadres here, Ta Tith arrived and administered here. [...] A28: At the time, his position was Sector Committee. If we compare that to today, he would be Provincial

The Office 560 and its “Ministries”

338. The Northwest Zone was called “Zone 560”<sup>1122</sup> and its Implementing Office had the code name of “M-560” or Office 560.<sup>1123</sup> The high-ranking cadres of Office 560 were heavily purged between June 1977 and June 1978 and replaced by Southwest Zone cadres.<sup>1124</sup> As mentioned above, Ruos Mao *alias* Ta Say, the chairman of Office 560 and member of the Zone Committee, was arrested for treason on 26 or 27 June 1977 and executed at S-21 on 18 October 1977.<sup>1125</sup> Two other Office 560 high-ranking cadres were executed at S-21 on the same day: Um Chhoeun *alias* Mai, member of the Zone Office

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Governor. Later Ta Tith administered the Northwest Zone as well. [...] A29: There was a meeting and a person subordinate to Ta Tith said, ‘All of the leaders in Battambang Province were sent away to study. Comrade Tith controls Battambang Province’. [...] A30: I attended two or three meetings. [...] When Ta Keu announced that, Ta Tith had already come to administer Battambang Province. I heard from others that Ta Tith ordered Ta Keu, ‘If cotton cannot be grown, if grubs eat the cotton, then grubs will eat humans too.’ After that Ta Keu tried to work very hard.”]; **D219/894** Kao Porn WRI, A22-23, 27-28, 36, 47-48, EN 01412967-69; **D20** Han Thy WRI, EN 00710285-86; **D219/465** Chhoeung Bean WRI, A31, EN 01139587; **D118/153** Long Vun WRI, A19, EN 00978770; **D118/106** Huon Choeum WRI, A7, EN 00978418; **D118/84** Toch Phoeun *alias* Choem WRI, A15, EN 00976936; **D219/780** Huy Krim WRI, A44-47, EN 01344856; **D118/137** Chhorn Vorn WRI, A8, EN 00970080; **D105/3** Nuon Muon WRI, A13, EN 00787174; **D6.1.116** Tes Heanh WRI, EN 00275412.

- <sup>1122</sup> **D219/66** Kung Chhom *alias* Ngor Naimchay *alias* Kong Vibol WRI, A33, EN 01053983 [“The Northwest Zone was called Zone 560.”]; **D123/1/1.3a** Huon Choeum DC-Cam Statement, EN 1549760 [“as long [as] one saw 560, then one would know it could only be the Northwest Zone.”].

- <sup>1123</sup> **D219/921** Chap Puth WRI, A125, 127, EN 01451435-36 [“Q: What was Office 560? A125: It was the Office for Zone 560. Ta Keu would call it Office 560 [...] A127: I knew that Office 560 was the place of the zone leadership through my own leaders”], A130, EN 01451436; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A36, EN 00976927 [“The Northwest Zone Office was known as Office 560. It was where Ta Say worked. It was located near the new stone bridge, near Rumchek Barracks in Battambang town.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.42.20-09.45.06 [“Say was the office chief of Office 560.”]; **D118/249** Son Em WRI, A7-9, EN 01034083 [worked as messenger/report typewriter at the Zone Office 560 in Battambang City]; **D118/102** Toat Thoeun WRI, A47, EN 00974024 [“The Northwest Zone Office also had a three-digit code number. When we communicated by phone, we referred to this office as 560. When we communicated on the radio, the office was called 60. When we communicated in writing, we called it the ‘Implementing Office’”]; **D219/917** Chey Touch *alias* Chey Nath WRI, A84-85, EN 01519531-32.

- <sup>1124</sup> **D118/249** Son Em WRI, A17-19, EN 01034085 [“I worked at this [M-560] office until they discharged me [...], for they had doubts that I was a traitor [...] A18: provincial cadres at the zone level were replaced by cadres from the Southwest Zone [...] A19: the replacement of zone level cadres was conducted in 1978 - after the replacement of lower level cadres was completed.”].

- <sup>1125</sup> **D1.3.4.10** Ros Mao *alias* Say S-21 Confession, EN 00221612, KH 00070160 [Cover page mentions 27 June 1977 as date of arrest], KH 00070328 [bears the date 27.6.77 at the bottom of page]; **D191.1.111** S-21 Execution Log for 18 October 1977, EN 00873637, Number 35 [“Ruos Mao *alias* Say, M, Northwest, Chief of Zone Office, entry date: 10.7.77”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7765, EN 01222640 [Ros Mao *alias* Than or Peang or Say, Chief of Zone Office (member of Northwest Zone and former Sector 1 Secretary), 26-Jun or 10-Jul-77]; **D118/249** Son Em WRI, A53-56, EN 01034091 [Great nephew of Ta Say and messenger at Office 560 states that his great uncle was arrested in June 1977 under the accusation of being an enemy and CIA agent and was taken to Phnom Penh]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.42.20-09.48.18, 10.04.42-10.06.48, 10.15.10-10.16.55; **D118/108** Lim Tim *alias* Pol Savoeun WRI, A18, 42, EN 00976925, 27; **D219/233** Chhean Hea WRI, A19, EN 01090008; **D118/271** Chhean Hea WRI, A29, EN 01029421.



Committee,<sup>1126</sup> and Keo Kan *alias* Doeun, the chief of the Zone's telecommunication office.<sup>1127</sup> The successor of Doeun, Ou Ruos, was himself arrested around the time Ros Nhim was purged, in June 1978.<sup>1128</sup> More than 35 other cadres or workers of the Zone Office and its subordinate offices were taken to S-21 between June 1977 and June 1978, and executed.<sup>1129</sup> Moreover, other subordinates and family members of the Office 560 leaders were arrested and imprisoned in S-24 (Prey Sar, a branch of S-21), such as the wives and children of Ta Mai and Ta Say, as well as Ta Keu's foster son and one of Ta Vanh's couriers.<sup>1130</sup> Others were hunted and killed in the Northwest Zone or were

<sup>1126</sup> **D6.1.1028** Um Chhoeun alias Mai S-21 Confession, 10 Oct 1977, EN 00221781, KH 00174734; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 169, EN 00873649 ["Om Chhoeun alias Mai, M, Northwest Zone, Member of Zone's Office", no date of entry]; **D118/102** Toat Thoeun WRI, A32, EN 00974019-20 ["five people were arrested simultaneously in 1977. Those five people were [...] Ta Mai [...] was the chief of the zone office and former deputy minister of culture during the Sangkum Reastr Niyum era [...]. All of them were called to attend educational sessions in Phnom Penh and the disappeared forever"], A131, EN 00974041.

<sup>1127</sup> **D191.1.111** S-21 Execution Log for 18 October 1977, Number 167, EN 00873649 ["Keo Kann alias Doeun, M, Northwest Zone, Chief of Zone's Telegram"]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837612 ["VIII. Departments/ ministries in the Zones [...] 70. Keo Kan alias Doeun, Chief of Zone's telecommunication"]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 2737, EN 01222437 [Keo Kan alias Doeun, Assistant, Zone Commerce Office, Northwest Zone, 3-Aug-77].

<sup>1128</sup> **D6.1.1042** Ou Ruos S-21 Confession, Jun-Jul 1978, EN 00219286-88; **D6.1.1193** S-21 Interrogation Log, 30 Jun 1978, EN 00183840 [No. 7, Auch Ros, Chairman of Northwest Zone Communication, 17 Jun 78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6076, EN 01222567 [Ou Ros, Chief of Zone Communication, Northwest Zone, Zone Office, 17 or 19-Jun-78].

<sup>1129</sup> **D131/2.1.134** Em Nuth alias Song S-21 Confession, 18 Jan 1978-26 Mar 1978, EN 01147650 [Deputy Secretary of Northwest Zone Security, 15-Jan-78]; **D131/2.1.138** Chea Pheav alias Kay S-21 Confession, 27 Jun 1978, KH 00213051 [arrested on 15 May 1978]; **D191.1.111** S-21 Execution Log for 19 Sep 1977, EN 00873169 [No. 46, Kem Sophon, Northwest Zone, regional performance art combatant, 4-Jul-77; No. 47, Touch Son, Northwest Zone, Combatant in regional Office, 21-Jul-77]; **D6.1.1193** S-21 Interrogation Log, EN 00183841 [No. 9, Chhin Khan, Vice Chairman of Northwest Zone Security, 15-Jun-78; No. 10, Oeun Chhoum, Chairman of Zone Office of defense M-32 of Northwest Zone, 15-Jun-78]; **D6.1.1128** S-21 Execution Log for 6 Mar 1978, EN 00193556 [No. 13, Tep Hang alias Sarath, "NW, Dep Chairman Vehicle Repair, Zone", 19-Nov-77]; **D131/2.1.76** S-21 Prisoner List, EN 01149209 [23. Khuon Kev, Chairperson of petroleum warehouse, 16-Jun-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 12615 [Touch Son, Combatant as Assistant Work of Office 560, 21-Jun-77], 1497 [Em Nut(h) alias Song, Chief or Deputy Chief of Zone Security, 16-Jan-78], 622 [Chhin Khan (Chheun Khan), Deputy Chief of Zone Security, Zone Office, 15/18-Jun-78], 522 [Chea Pheav (Chea Phiev or Kiev) alias Kay Deputy Chief of Zone Security, 17-May-78], 4775 [Mean Mis (Mean Mil) alias Khoeun, Office K-32, 12-Jun-78], 8332 [Tieng Happ, Office 17, 15-Mar-78, executed 25-Mar-78], 187 [Mouy Boeun, 1-Feb-78], 5049 [Meas Em or Meas Chhem, 1-Feb-78, executed 25-Mar-78], 4097 [Kep [Kem] Sophon alias Phon, 4-Jul-77], 5345 [Hin Nay, 4-Jul-77], 5341 [Chhouk Teng, 5-Jul-77], 3724 [Huot / Khuon Keo, 16-Jul-77], 5343 [Sa Sean alias Yean, 16-Jul-77], 12863 [Ton Yeng, 23-Aug-77], 6246 [Hut Huot, 14-Oct-77, executed 31-Oct-77], 13129 [Pho Pheng, 24-Oct-77], 3957 [Kung San, 26-Oct-77, executed 25-Mar-78], 12617 [Tep Hang alias Sarann, 19-Nov-77], 7196 [Phlean Phlay alias Khoeun, 12-Jun-78], 11451 [Sut Chhoeut, 12-Jun-78], 11453 [Uk Oeup, 12-Jun-78], 11426 [Deng Chhoeum, 19-Jun-78], 11435 [Chhun Heng, 19-Jun-78], 11448 [Nou Kai, 19-Jun-78], 11449 [Nann Pon, 19-Jun-78], 11424 [Seng San alias Sem, 20-Jun-78], 11432-11434 [Ham Oeun; Kang Tong; Thaong Phal; all entered S-21 20-Jun-78], 11446-11447 [Leav Moeng; Saom Naut, both entered 20-Jun-78], 11444 [Vann No, 21-Jun-78], 11466 [Hoeng Phean alias Phai, 21-Jun-78], 6079 [Oeun Thuom/Oeun Chhuom, 15/18-Jun-78].

<sup>1130</sup> **D118/102** Toat Thoeun WRI, A75, EN 00974028-29 ["A75: In 1980, I met [...] Ta Mai's wife and his two children, and Say's wife and his two children [...] All of them were detained at Prey Sar [...] A79: One is Ta Kei's foster son, Thon, who used to be imprisoned at Prey Sa [...] One of Ta Vanh's couriers [...] who used to be imprisoned at Prey Sa is also still alive"].

enslaved at worksites.<sup>1131</sup>

339. In addition to the cadres and combatants of Office 560 itself, the Zone “ministries” (placed under the Zone Office) were similarly purged from the moment **Yim Tith** and **Ta Mok** arrived in the Northwest Zone. The Secretary of the Zone Commerce Office,<sup>1132</sup> **Em Man**, and its member, **Chhoeng Chuon** *alias* **Loeun**, entered S-21 on 16 June 1977 and were executed on 18 October 1977.<sup>1133</sup> Deputy Secretary **Leay Khuong** (Nay Khuong) entered S-21 one year later in June 1978.<sup>1134</sup> **Tea Chim**, a member of the Northwest Zone Commerce Committee in charge of logistics, was imprisoned in S-21 on 30 July 1977 and executed on 18 October 1977.<sup>1135</sup> At least 28 other cadres and workers

<sup>1131</sup> **D118/249** Son Em WRI, A68, EN 01034093 [“after my father had been arrested they hunted for his relatives. Some of them fled, but were followed and shot to death, and some others died of starvation.”], A59, 63, EN 01034092 [“A new Southwest Zone cadre, who replaced Khleung as the commander of Division 1, ordered Khleung’s subordinates, also from the Northwest Zone, to arrest me. [...] A63: After that, they sent me to various worksites to remove water hyacinth from lakes and to dig reservoirs around Phnom Penh.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 11.10.39-11.12.24 [explains that he was personally arrested in September or October 1977], 09.56.20-09.59.40 [explains that after his arrest and a short stay near the university, he attended a large meeting chaired by Nuon chea then was sent to several places around Phnom Penh to clear or dig ponds, make fertilizer, harvest rice and build buildings], 11.14.18-11.18.24 [explains that hundreds of arrested Northwest Zone people -relatives or subordinates of Northwest Zone cadres- attended a meeting chaired by Nuon Chea], 11.29.58-11.35.35 [clarifies that among those hundreds put to work after the meeting, some disappeared, particularly those who were inactive in their labour, could not achieve the quota or were sick a lot].

<sup>1132</sup> **D219/896** Chuoung Luom WRI, A20, EN 01421350 [“The commerce unit reported directly to the zone commerce office. At that time, Sectors 1, 2, 3, 4, 5 and 6 had a commerce unit. There was also a zone commerce unit. The zone commerce unit distributed stuff to each commerce unit of each sector. Each commerce unit delivered the stuff further to other districts and areas.”].

<sup>1133</sup> **D173/3.1.10** Em Man S-21 Confession (partial), July 1977, KH 01472255-56; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 170, EN 00873649 [Em Man, Northwest Zone, Chief of Zone’s Commerce, 16-Jun-77], Number 141, EN 00873646 [Chhoeng Chuon *alias* Loeun, Northwest Zone, Member of Zone State Commerce]; **D131/2.1.76** S-21 Prisoner List, EN 01149208 [“No. 15: Chhoeng Choun *alias* Loeun, Commerce Chairperson, the Northwest Zone, 1977”], EN 01149210 [No. 35: Em Man, Commerce Chairperson, the Northwest Zone, 16-Jul-77]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837613 [“VIII. Departments/ ministries in the Zones [...] 78. Em Man, Chief of Zone’s commerce”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1545 [Em Man, Chief of Northwest Zone Commerce, 16-Jun-77], Number 1309, EN 01222386 [Chhoeng Chuon *alias* Loeun, Member of Zone State Commerce, 16-Jun-77]; **D118/102** Toat Thoeun WRI, A32, EN 00974019 [“five people were arrested simultaneously in 1977. Those five people were Ta Vanh, Ta Tom and Ta Van [San] [...] Ta Mai [...] and Man – the chief of commerce of the zone. All of them were called to attend educational sessions in Phnom Penh and then disappeared forever.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 10.04.42-10.06.48 [“three of them were arrested: the [...] third was Man (phonetic), who was in charge of commerce succeeding Vanh”]; **D123/1/1.3a** Huon Choeum DC-Cam Statement, EN 01549762 [“Ta Man was in charge of the Zone Commerce”]; **D219/515** Chheun Chhuoy WRI, A27, EN 01156943; **D219/240** Chuch El WRI, A51, EN 01092957 [“My chiefs [Loeun, Banh, and Man] were arrested and taken to be shot”].

<sup>1134</sup> **D6.1.1193** S-21 Interrogation Log, EN 00183840 [No. 5, Leay Khuong, Vice Chairman of Northwest Zone Commerce, 15-Jun-78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11462, EN 01222803 [Nay Khuong (Leay Khuong), Deputy Chief of Zone Commerce, Zone Office, 15/18-Jun-78].

<sup>1135</sup> **D191.1.111** S-21 Execution Log for 18 October 1977, Number 36, EN 00873637 [Tea Chim, Member of Zone Commerce, 30-Jul-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11773, EN 01222815 [Tea Chim (Phea Chim), Chief of Zone Commerce in Phnom Penh (Chief of Northwest Zone Logistics – Receiving stand by Phnom Penh), 30-Jul-77].

of the Zone Commerce Office were arrested, imprisoned, and executed at S-21 after 1 June 1977.<sup>1136</sup>

340. The Chief of the Zone Agriculture Office, Moeun Chum *alias* Mao, entered S-21 on 30 July 1977, fell “gravely sick” and was “smashed” on 19 October 1977.<sup>1137</sup> His successor Vann Yoem *alias* Seth, entered S-21 on 23 October 1977 and was executed on 9 December 1977).<sup>1138</sup> Seth’s successor, Lim Nam, was in turn arrested and sent to S-21 in June 1978.<sup>1139</sup> Tim Sdaeng *alias* Kraek, Chief of Zone Fishery, was taken to S-21 on 19 June 1978.<sup>1140</sup> Twenty-six other cadres and workers of the Zone Agriculture section were imprisoned and executed at S-21.<sup>1141</sup>

<sup>1136</sup> **D6.1.1008** Nop Soeun S-21 Confession, 13 Sep-14 Nov 1977, EN 00221767; **D6.1.1011** Yim Chan S-21 Confession, 18 Jul-18 Aug 1977, EN 00224629; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837612 [“VIII. Departments/ ministries in the Zones [...] 71. Nob Soeun, Chief of rice mill, zone’s commerce; 72. Khim Chan, Rice mill worker, zone’s commerce; [...] 74. Phach Phou *alias* Pouch, Chief of zone’s rice mill in Mongkul Borei”]; **D131/2.1.76** S-21 Prisoner List, EN 01149213 [Thach Phau *alias* Pauch, Chairperson of the machinery workshop of the Zone, Mongkul Borei District, 3-Aug-77]; **D191.1.111** S-21 Execution Log for 19 Sep 1977, EN 00873169 [No. 45: Hauy Touch *alias* Tha, combatant in regional office, 21-Jun-77]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 81, EN 00873641 [Nob Soeun, Northwest Zone, Chief of zone’s rice mill, 17-Jul-77], Number 82 [Yim Mith, Northwest Zone, Chief of zone’s rice mill]; **D6.1.1193** S-21 Interrogation Log, EN 00183840 [No. 4, Un Sam Ang, Chairman of rice processing factory of Northwest Zone, 21-Jun-78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 10220 [Maut Hiet *alias* Than (Chorn), Committee Member of Zone Commerce Fishery, 19-Jun-78], 1910 [Hauy Touch *alias* Tha, 21-Jun-77], 4711-12 [Kim Sovann *alias* Vann & Ty Tuon, 21-Jun-77], 4816 [Neou Nem, 28-Jun-77], 13742 [Yim Chan/Chay, 30-Jun-77], 5613 [Nop Soeun, 16-Jul-77], 6831 [Phach Pho *alias* Pauch, 3-Aug-77], 6221 [Ly Loeut *alias* Saroeun, 24-Oct-77, executed 16-Feb-78], 6222 [So Pheng, 26-Oct-77], 6228 [Leng Chhorn, 24-Oct-77], 6231 [Nget San, 24/26-Oct-77], 6232 [Dapp Seng, 24-Oct-77], 6234 & 13148 [Bun Han (Bun Hean), 24-Oct-77, executed 5/6-Dec-77], 6243 [Khieu Vorn, 24-Oct-77, executed 31-Oct-77], 6245 [Mam Sen, 24-Oct-77, executed [3]1-Oct-77], 6249 [Sien Proeung, 24-Oct-77, executed 31-Oct-77], 6602 [Pin Pum, 24-Oct-77, executed 31-Oct-77], 6230 [Men Makk, 26-Oct-77], 6233 [Nhim Sarin, 26-Oct-77], 13056 [Um Pakk, 26-Oct-77], 6229 [Chhuoy Chhiv, 29-Oct-77], 14667 [Uk Thoeun, 11/12-Feb-78], 7696 [Pech Ny, 12-Feb-78, executed 10-Mar-78], 7729 [Hay Phuon, 12-Feb-78, executed 23-Feb-78], 11437 [Vann Khin, 21-Jun-78], 11445 [Phann Sauy, 21-Jun-78], 11468 [Un Sam-Ang, 21/30-Jun-78].

<sup>1137</sup> **D191.1.111** S-21 Execution Log for 19 October 1977 (gravely sick persons “smashed”), Number 4, EN 00873651 [Moeun Chum *alias* Mao, Northwest Zone, Chief of Zone Agriculture]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5338, EN 01222537 [Moeun Mao, Chief of Zone Agriculture, 30-Jul-77]; **D219/872** Touch Mary WRI, A30-32, EN 01375360 [“A30: During the meeting, the current cadres who were still in charge over there told us that they would no longer be able to take charge of us and that the Srae Ambel people would come to replace them. Q: Do you remember the name of the Northwest Zone cadre who said that in the meeting? A31: His name was Ta Moeun. Q: What happened to Ta Moeun after the cadres from Srae Ambel came? A32: After the meeting, they sent him away. I did not know where he was sent”].

<sup>1138</sup> **D191.1.111** S-21 Execution Log for 9 December 1977, Number 214, EN 00873625 [Vann Yoem *alias* Seth, Northwest Zone, Chief of Zone’s Agriculture, 23-Oct-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6214, EN 01222572 [Vann Nhip, Chief of Zone Agriculture, 23-Oct-77].

<sup>1139</sup> **D6.1.1193** S-21 Interrogation Log, Number 6, EN 00183840 [Lim Nam, Chairman of Northwest Zone Agriculture, 16-Jun-78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11461, EN 01222803 [Lim Nam, Chief of Thma Kol Zone Agriculture (Chief of Northwest Zone Agriculture), Zone Office, 16/18-Jun-78].

<sup>1140</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 12560, EN 01222844 [Tim Sdaeng *alias* Kraek, Chief of Zone Agriculture-Fishery, Northwest Zone, Zone Office, 19-Jun-78].

<sup>1141</sup> **D131/2.1.148** Nhean Chong S-21 Confession, Jan-Feb 1978, KH 00264908 [arrested on 1 November 1977]; **D191.1.111** S-21 Execution Log for 189 September 1977, Number 44, EN 00873169 [Peou Net,

341. With regard to the Zone Industry and Public Works, So Chim *alias* Chaet (Chet), chief of the textile factory and possibly chief of the Zone Industry Committee, was arrested and taken to S-21 under the same circumstances as Ta Say, to whom he was related, and was executed in late July 1977.<sup>1142</sup> Many other cadres and combatants of the Northwest Zone Industry and Public Works ministries were purged and lost their lives at S-21,<sup>1143</sup> including Chin Chham, Chief or Committee member of the Zone Kamping Puoy Dam Construction, who was executed on 10 March 1978 after entering S-21 on 17 January 1978.<sup>1144</sup>
342. In the Northwest Zone Hospital sector, Lav Keav (Neang Keav) *alias* Khim, Chief of Pursat Hospital and member of the Zone Hospital Committee, was arrested and sent to S-21 on 20 June 1977. He was executed on 9 December 1977,<sup>1145</sup> the same day as Mom

Regional veterinary, 22-Jul-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7240 [Peou Net, 22-Jul-77], 5768 [Chhort Chheang, 31-Aug-77], 5813 [Horn Hing, 31-Aug-77], 5410 [Neang Neou *alias* Sai, 25-Sep-77], 6156 [Saom Haing, 25-Sep-77, executed 7/8-Oct-77], 6223 [Proek Raim, 9-Oct-77], 6242 [Haing Loeum, 9-Oct-77, executed 31-Oct-77], 6244 [Chuon Chheng, 24-Oct-77, executed 31-Oct-77], 6218-19 [Toek Chim *alias* Hean; Chiep Ben, 26-Oct-77], 6239 [Nuy Nan, 26-Oct-77], 1744 [Hao Hakk, 29-Oct-77], 6847 [Nep Han, 11-Nov-77], 7215-18 [Tol Tann, Srei Yong, Mut Loeum *alias* Chai, Ting Vy, all 12-Dec-77, executed Dec-77], 5657 [Nhean Chong, 17-Dec-77, executed 16-Feb-78], 6162 [Vay Hoeun (Aok Hoeun), 18-Dec-77], 9763 [Suon On, 22-Apr-78, executed 29-Apr-78], 11436 [Thip Ut (Thim Ut) *alias* San Vat or Savan, 18-Jun-78], 11438-39 [Phan Ol *alias* Oeun; Am Phon *alias* Kar, 21-Jun-78], 12197 [Uch En, 3-Aug-78], 3623 [Kao Manatt *alias* Rit, 6/16-Jan-78, executed 25-Mar-78], 7846 [Ham Hing, 18/19-Jan-78, executed 10-Mar-78].

<sup>1142</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 10054, EN 01222744 [So Chim *alias* Chet, Chief of textile factory in Battambang, 28-Jun-77, executed 30-31-Jul-77]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.42.20-09.45.06 [“My father [So Chim *alias* Chaet] was in charge of the industrial sector of the province in that Northwest Zone.”], 10.04.42-10.06.48 [“[My father and uncle Say] were arrested at the same time, and three of them were arrested: the first person was Say, second was Chet, who was my father [...] [My father’s] *alias* was Sau Chet, and his native name was Chim”], 10.08.10-10.11.31 [acknowledges that the name appearing under number 10054 of the OCIJ S-21 Prisoner List is his father’s]; **D118/249** Son Em WRI, A53-56, EN 01034091 [Both Sau Chim *alias* Chet and Ruos Mao *alias* Ta Say were arrested in June 1977 for being enemies and CIA agents].

<sup>1143</sup> **D6.1.1193** S-21 Interrogation Log, Number 14, EN 001838401 [Moung Doeun *alias* Loeum, Chairman of Lathe factory, 17-Jun-78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11456 [Prakk Voek *alias* Yat, Chief of Lathe Section, 21-Jun-78], 4828 [Sam Doeun (Muong Doeun) *alias* Loeum, Chief of Zone Factory (Lathe), 17/19-Jun-78], 3742 [Kao Sam-Aun *alias* Saravuth, Chief of Zone Sack Factory, 2-Sep-77], 10235 [Sot Kry, Chief of Zone Water construction, 21-Aug-78], 6835 [Ya Seng Hieng (Heang) *alias* Nop, 11-Nov-77], 6625 [Prum Sao, 28-Jun-77], 5344 [Keo Nary, 22-Jul-77], 6853 [Prakk Savatt *alias* Voar, 5-Sep-77, executed 28-Nov-77], 1597 [Ham Ny, 5-Oct-77, executed 8-Oct-77], 6248 [Rai Ngoy, 14-Oct-77, executed 31-Oct-77], 1879 [Hoeum Heng, 16-Oct-77, executed 10-Mar-78], 6225 [Leng Moeng *alias* Ly, 16-Oct-77], 6236 [Run Lonh *alias* Sakun, 16-Oct-77], 6272 [Soem Metr, 16-Oct-77, executed 16-Feb-78], 6227 [Khen Khan, 24-Oct-77], 6838 [Seng Mao 11-Nov-77, executed 23-Nov-77], 6840 [Pheng Run, 11-Nov-77], 1942 [Kung Torng, 28-Nov-77, executed 16/18-Dec-77], 7219 [Hach Vit (Hap Vit) *alias* Sarit, 12-Dec-77, executed Dec-77], 8854 [Sok Ba *alias* Roeun, 28-Mar-78], 9761 [Moul Set, 22-Apr-78, executed 29-Apr-78], 1585 [Hy Savy, 10/31-Aug-78].

<sup>1144</sup> **D6.1.341** Chin Chham S-21 Confession, 7 Feb 1978, EN 00809122-23 [Former Committee Member Zone Kamping Puoy Dam Construction, Project of the Northwest Zone], EN 00809135 [interrogator indicating he was arrested on 17 Jan 78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1168, EN 01222379 [Chin Chhaim, Chief of Zone Kamping Puoy Dam Construction, 17-Jan-78, executed 10-Mar-78].

<sup>1145</sup> **D191.1.111** S-21 Execution Log for 9 December 1977, Number 216, EN 00873625 [Lav Keav *alias* Khoem, Chief of medics in Pursat, 20-Jun-77]; **D1.3.25.2** S-21 Prisoner List, EN 00181776 [No. 9, Lav

Ou *alias* Bol, chairman of Hospital Po-1 in Battambang, who had been arrested in July or August 1977.<sup>1146</sup> Eam Van (Launh Van), Committee member of the P-1 Zone Hospital and personal doctor of Ros Nhim, was arrested with Nhim and entered S-21 in mid-June 1978.<sup>1147</sup> Other Zone Hospital and drug manufacturing cadres, staff, and relatives were similarly imprisoned in S-21 between July 1977 and June 1978 and subsequently executed.<sup>1148</sup>

343. Finally, several leaders, cadres, and combatants of the Northwest Zone civilian mobile units were arrested, imprisoned, and executed in S-21.<sup>1149</sup>

### The Northwest Zone Army Cadres

344. The Northwest Zone Army comprised between 6,000 and 10,000 troops in total<sup>1150</sup>

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- Keav *alias* Khim, chairman of Pursat Provincial Town Hospital]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4384, EN 01222501 [Neang Keav (Lav Keav) *alias* Khim, Chief of Pursat Hospital and Committee Member of Zone Hospital, 20-Jun-77].
- <sup>1146</sup> **D191.1.111** S-21 Execution Log for 9 December 1977, Number 215, EN 00873625 [Mum Ou *alias* Bol, 9-Jul-77]; **D1.3.25.2** S-21 Prisoner List, EN 00181776 [“Ministries/ Offices in Northwest Zone: No. 10, Um Ou *alias* Bol, chairman of Hospital Por-1, Northwest Zone”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4742, EN 01222516 [Mom Ou *alias* Bol, Chief of Hospital P-1 in Battambang, 9-Aug-77].
- <sup>1147</sup> **D6.1.1193** S-21 Interrogation Log, EN 00183841 [No. 13, Eam Van, Po-1 Hospital Com, Northwest Zone, 16-Jun-78]; **D6.1.31** S-21 Interrogation Log, 2 Jul 1978, EN 00785278 [Hot group – Northwest Zone: No. 3, Eam Van, Committee of Hospital P-1, Northwest Zone]; **D118/102** Toat Thoeun WRI, A85, EN 00974031 [“All of those who went to Phnom Penh, including the medical doctor, couriers and cooks were arrested. The medical doctor, who was arrested with Ruos Nhim, was Van, the Chief of the Northwest Zone Hospital.”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11467, EN 01222803 [Launh Van *alias* Eam Van, Committee member of Zone Hospital P-1, Northwest Zone, Zone Office, 16/18-Jun-78].
- <sup>1148</sup> **D6.1.31** S-21 Interrogation Log, 2 Jul 1978, EN 00785275 [Documentation group - From Northwest Zone: No. 1, Yung Peng Seng *alias* Sara, Deputy Chief of Drug Manufacturing of Northwest Zone, 17-Jun-78] (same document found under **D6.1.35**, EN 00785255 and **D6.1.38**, EN 00791586); **D6.1.1193** S-21 Interrogation Log, EN 00183841 [No. 8, Vaen Ven, Chairman of Northwest Zone Medical Technology Po-3, 18-Jun-78]; **D191.1.111** S-21 Execution Log for 18 October 1977, EN 00873646 [No. 139, Chhy Huoy *alias* Khai, Northwest Zone, Chief of medical technicians, 4-Aug-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13853 [Yun Peng Seng *alias* Sara, Deputy Chief of Northwest Zone Hospital – Technical Medical Physician, Zone Office, 18-Jun-78], 13399 [Ven Van, “Chief of technical medical physician in Hospital P-3”, 18/19-Jun-78], 5969 [Uk Chhatt (Uk Ry) *alias* Ry, Chief of Zone Hospital P-2, 28-Jan-78, executed 11-May-78], 5347 [Chhorn Sokhom, 24-Jul-77], 4934 [Mom San *alias* Thong, Chief of Zone Hospital P-1, 24/29-Jan-78, executed 11-May-78], 11454-55 [Ke Phong (Thong) *alias* Se; Tit Channary *alias* Rann, 21-Jun-78], 11425 [Ros Srean *alias* Thun, 21-Jun-78], 11427-29 [Lep Saluk; Minh Miet *alias* Tum; Liem Laom; 21-Jun-78], 11440-43 [Thaong Khorn; Thaong Sy; Samrit Sokhoeun; Hean Hing (Heang Hoeng); 21-Jun-78], 11466 [Hoeng Phean *alias* Phai, 21-Jun-78].
- <sup>1149</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 9886 [Sun Tim, Chief of Zone Mobile Unit, 28-Jun-77], 12479 [Thuch Lim Huot, 28-Aug-77], 6836 [Lao Teng *alias* Heang, 11-Nov-77, executed 23-Nov-77], 6839 [Tann Yun, 11-Nov-77], 6841 [Min Lun *alias* Roeun Lun, 11-Nov-77], 10179 [Pan Nay *alias* Sen Nay, 11-Nov-77], 11417 [Than Then *alias* Savaen, 18-Jun-78], 7289 [Phor Thoeut, 22-Nov/2-Dec-77, executed 16-Feb-78], 5726 [Nei Kann, 30-Nov/2-Dec-77, executed 16-Feb-78].
- <sup>1150</sup> **D118/102** Toat Thoeun WRI, A97, EN 00974033 [“Each division consisted of over 5,000 combatants”]; **D219/551** Heng Khly WRI, A148, 151, EN 01178575 [“A148: About 10 per cent of Division 1 soldiers disappeared [...] Q: So, there were three battalions per regiment, which consisted of around 900 soldiers. There were three regiments per division, which consisted of approximately, 2,700 to 3,000 soldiers. You claimed that 10 percent of the soldiers disappeared, so this mean that around 250 to 300 soldiers went missing during that time. Is that correct? A151: Yes.”].

divided into two divisions, Divisions 1 and 2 (occasionally called 1006 and 1007). The Northwest Zone army leaders, mainly based at Office 17,<sup>1151</sup> were under the authority of the Northwest Zone Committee during the DK.<sup>1152</sup>

345. An S-21 notebook containing an organigram of the Northwest Zone Army establishes that the Division 1 committee was composed of Norng Sarim *alias* San, secretary, Neou (Nov), deputy secretary, and Chhorn, member, while Division 2 was commanded by Khleng (Kleng), secretary, Khaoy (Khoy), deputy secretary, and Ren, member.<sup>1153</sup> Norng Sarim *alias* San (sometimes called Vorn San),<sup>1154</sup> was the first overall Zone General Staff commander, with Ta Khleng as deputy<sup>1155</sup> and Neou as member.<sup>1156</sup> After his arrest, Ta San was temporarily replaced by Ta Khleng as Zone General Staff commander, for a period of six months, between June and December 1977.<sup>1157</sup>

<sup>1151</sup> **D219/551** Heng Khly WRI, A10-12, EN 01178553 [“A10: Office 17 was the courier office of the Northwest Military Zone. [...] A11: Office 17 focused on only the military side. Q: Was Vorn’s San office at Office 17? A12: Yes.”].

<sup>1152</sup> **D219/551** Heng Khly WRI, A13, 15, EN 01178553 [“Q: Did Ros Nhim also have his office at Office 17? A13: Ros Nhim did not have an office at Office 17, but he communicated with that office from time to time for civil messages. [...] A15: Ros Nhim was in charge of politics, which included civil and military affairs. Vorn San was responsible for the military only.”], A21-23, EN 01178554-55 [“Q: Was Ros Nhim authorised to issue military-related orders to Vorn San? A21: Yes, he was. [...] Ros Nhim [...] administered both the military and the civilian sides.”]; **D118/106** Huon Choeum WRI, A47-48, EN 00978426 [“A47: Ta Ren had to report to Ta Khleng-the chief of the Northwest Zone Military Staff. Q: Did you know who Ta Khleng reported on to? A48: Ta Khleng reported to the Zone Committee, meaning to Ta Nhim.”]; **D118/102** Toat Thoeun WRI, A99, 102, EN 00974034 [“[The division commanders] had to report to the zone because divisions were under zones. [...] A102: Divisions 1006 and 1007 reported to Ta Khleng and Ta Khleng reported to Ta Ruos Nhim who was a zone secretary”].

<sup>1153</sup> **D6.1.963** S-21 Notebook, *Khmer Rouge Black Journal*, EN 00602544, KH 00443016-17, FR 06544895 [Organigram of the Northwest Zone Army (mistakenly written Northeast Zone Army): “Division 1: Norng Sarim *alias* San, secretary (arrested); Neou, deputy secretary, (arrested); Chhorn, member (arrested); Division 2: Kleng, secretary, from 75 (arrested); Khoy, deputy secretary, from 1975; Ren, member, from 75, (arrested) [...] Regiment 70: 1. Ren.”]. *See also* Son Em who confused Divisions 1 and 2: **D219/974.1.7** Son Em, T. 22 Nov 2016, 09.32.20-09.35.10 [“I heard of the name Neou, but I could recognize Chhorn. As for Division 1, there were Kleng, Khoy and Ren, all of whom I knew.”]; **D118/249** Son Em WRI, A20, EN 01034085 [“the Zone General Staff had two divisions - San was the chairperson of Division 2, and Khleng was the chairperson of Division 1.”].

<sup>1154</sup> **D219/551** Heng Khly WRI, A8, EN 01178552 [“I worked with Mr. Vorn San, the Northwest Military Chairman, during which time Ros Nhim was in charge of Zone Politics. And my work was carrying messages from Vorn San to various divisions along the border.”], A28, EN 01178555 [“Ta Khleng also worked as military staff for Vorn San”]; **D118/102** Toat Thoeun WRI, A100, EN 00974034 [“Vorn, *alias* San, was the Commander of Division 1007”].

<sup>1155</sup> **D6.1.430** Kan Thol WRI, EN 00277822 [“Ta Khleng, the Deputy Northwest Zone Com (disappeared along with Ta Nhim)”]; **D219/551** Heng Khly WRI, A28, EN 01178555 [“Ta Khleng also worked as military staff for Vorn San”].

<sup>1156</sup> **D191.1.111** S-21 Execution Log for 9 December 1977, Number 221, EN 00873625 [Sou Nov, Member of General staff, 13-Jun-77]; **D191.1.111** S-21 Execution Log for 8 December 77, EN 00873281 [“No. 5: Sou Neou, Member of Zone’s General Staff, 13-Jun-77, “smashed and photographed” on 8-Dec-77].

<sup>1157</sup> **D219/551** Heng Khly WRI, A42-43, EN 01178557 [“Q: When Vorn San went missing after he came up to Phnom Penh, who replaced Vorn San? A42: Ta Khleng replaced him. Q: What zone was Ta Khleng from? A43: He was from the Northwest Zone. He came as acting in place, but when the Southwest group arrived, they arrested Ta Khleng”], A144, EN 01178574; **D219/702.1.4** Lim Sat, T. 2 May 2013, 09.37.18-

346. All these Zone army leaders were arrested between June and December 1977, well after the arrival of **Yim Tith** and hundreds of Southwest Zone cadres and soldiers in the Northwest Zone.<sup>1158</sup> They were all detained at S-21 in Phnom Penh: Norng Sarim *alias* San, Zone Army General Staff commander and Division 1 commander, was called by the Party Centre to “study,”<sup>1159</sup> taken to S-21 on 20 June 1977, and executed on 18 October 1977;<sup>1160</sup> Sou Neou (Nov), Division 1 deputy commander and General Staff member, entered S-21 on 13 June 1977 and was executed on 8 or 9 December 1977;<sup>1161</sup> Uk

09.40.17 [“Ta Khleung was the commander from the Zone Committee.”], 10.24.51-10.26.39 [“Ta Khleung. He was the military commander for the Zone.”]; **D118/102** Toat Thoeun WRI, A33, EN 00974020 [“the commander of the Northwest Zone, Ta Khleung, was also arrested.”]; **D219/974.1.4** Huon Choeum, T. 17 Oct 2016, 13.51.50-13.53.34 [“The commander of the division, Division 2, was Ren [...] And there was another person, Ta Ham and also Ta Khleung. They were chiefs of the general staff of Division 2.”], 14.17.42-14.20.47 [“Q: Ta Khleung. He was the chief of the military staff of the Northwest Zone; is that correct? A: Yes, that is correct.”]; **D219/66** Kung Chhom *alias* Ngor Naimchay *alias* Kong Vibol WRI, A42, EN 01053984. *See also* **D219/494.1.4** Khan Thorl, T. 10 Aug 2015, 15.19.38-15.21.13; **D6.1.145** Ung Chhat WRI, EN 00284417; **D219/930** Em Lay WRI, A23, EN 01492912; **D118/106** Huon Choeum WRI, A47, EN 00978426.

- <sup>1158</sup> **D219/380** Pok Sophat WRI, A18-19, EN 01123449 [“Q: You travelled to Battambang in 1976. Was it in early, mid- or late 1976? A18: It was in late 1976. Q: When you arrived in Battambang who did you report to? What were you assigned to do? A19: I reported to Ros Nhim, who was on the Northwest Zone Committee. I became the Deputy Commander of the Regiment based in Treng”]; **D118/102** Toat Thoeun WRI, A92, EN 00974032 [“all cadres with the rank of division commander down to battalion commander were arrested.”], A99, EN 00974034 [“The chief of military logistics was Ta Khleung, *alias* Chhlorb. He was arrested.”]; **D219/654** Sok Cheat *alias* Khom WRI, A78, EN 01207520; **D219/64** Peou Koeun *alias* Peou Raem WRI, A26, EN 01053948; **D105/3** Nuon Muon WRI, A33-34, EN 00787176.

- <sup>1159</sup> **D219/551** Heng Khly WRI, A33, 36-37, EN 01178556-57 [“Q: you said some senior-level cadres in the Northwest Zone were called to study and went missing in 1977. When was that? A33: It was during the dry season, probably in August or September [...] A36: The arrests were conducted in Phnom Penh, but the arrestees were from the Northwest [...] A37: I referred to Vorn San”]; **D118/102** Toat Thoeun WRI, A32, EN 00974019 [“five people were arrested simultaneously in 1977. Those five people were [...] Ván [San] – who was the chief of the general staff of the zone military [...] were called to attend educational sessions in Phnom Penh and they disappeared forever. All of them were replaced with Southwest Zone cadres.”].

- <sup>1160</sup> **D191.1.111** S-21 Execution Log for 18 October 1977, Number 33, EN 00873636 [Norng Sarim *alias* San, Secretary of Division 1, 26-Jun-77”]; **D173/3.1.15** Norng Sarim *alias* San S-21 Confession, 1977; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5537, EN 01222545 [Norng Sarim *alias* San, Secretary of Division 1, Northwest Zone, 20-Jun-77]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837608 [“I. Division 1: 1. Norng Sarim *alias* San, Secretary of division”]; **D6.1.963** S-21 Notebook, *Khmer Rouge Black Journal*, EN 00602544, KH 00443016-17, FR 06544895 [“Division 1: Norng Sarim *alias* San, secretary (arrested)”]. *See also* **D131/2.1.76** S-21 Prisoner List, EN 01149206 [No. 1: E Sarim *alias* San, Secretary of Division 1, 77]; **D6.1.882** Kaing Guek Eav *alias* Duch WRI (Military Court), EN 00326765 [About S-21 prisoners: “The insiders, who did not hold degrees (intellectuals), were: Ros Nhim, Kong Sopha *alias* Koe, Norng Sarim *alias* San”]; **D119/68** Rochoem Ton *alias* Phy Phuon WRI, A4, EN 00975045-46 [“Ta San, military chief of the Northwest Zone”]; **D118/102** Toat Thoeun WRI, A100, EN 00974034 [“Vorn, *alias* San, was the Commander of Division 1007. He was arrested together with Ta Vanh”].

- <sup>1161</sup> **D191.1.111** S-21 Execution Log for 9 December 1977, Number 221, EN 00873625 [Sou Nov, Member of General staff, 13-Jun-77]; **D191.1.111** S-21 Execution Log for 8 Dec 1977 [smashed and photographed], EN 00873281 [No. 5: Sou Neou, Member of Zone’s General Staff, 13-Jun-77]; **D173/3.1.36** Sou Neou S-21 Confession, 15 Jun 1977, KH 01472346; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8179 [Sou Neou, Member of Northwest Zone General Staff, 13-Jun-77, executed 8-Dec-77]; **D6.1.963** S-21 Notebook, *Khmer Rouge Black Journal*, EN 00602544, KH 00443016-17, FR 06544895 [“Division 1: [...] Neou, deputy secretary, (arrested)”].

Chhoeung *alias* Chhorn, Division 1 committee member, entered S-21 on 22 June 1977 and was “smashed” on 18 October 1977;<sup>1162</sup> Lim Chhuom *alias* Ta Khleng, Zone Army General Staff Commander and Division 2 Commander, was imprisoned in S-21 on 18 December 1977;<sup>1163</sup> Chhom Then (Chhum Then) *alias* Khoy (Khaury), Division 2 deputy commander, entered S-21 on 17 September 1977 and was “smashed” on 9 December 1977;<sup>1164</sup> Sao Leng *alias* Ren, Division 2 Committee member and Regiment 70 Secretary, entered S-21 on 23 or 24 August 1977 only to be executed along with other Northwest Zone Army colleagues on 18 October 1977.<sup>1165</sup> Finally, the chief of Economics of the Zone army, Phy Hinh (Hy Hing) *alias* Ham was executed in October 1977 at S-21, one month after his imprisonment.<sup>1166</sup>

347. By December 1977, following the plan of the Party Centre (including Ta Mok),<sup>1167</sup>

<sup>1162</sup> **D191.1.111** S-21 Execution Log for 18 October 1977, Number 110, EN 00873643 [Uk Chhoeun *alias* Chhan, Member of Division, 26-Jun-77]; **D173/3.1.17** Uk Chhoeung *alias* Chhorn S-21 Confession, 6 Sep 1977-18 Oct 1977, KH 01472274-77; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837608 [“I. Division 1: 2. Uk Chhoeun *alias* Chhorn, Member of division”]; **D6.1.963** S-21 Notebook, *Khmer Rouge Black Journal*, EN 00602544, KH 00443016-17, FR 06544895 [“Division 1: [...] Chhorn, member (arrested)”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6336, EN 01222577 [Uk Chhoeung *alias* Chhorn, commander of Division 1, 22-Jun-77]; **D131/2.1.76** S-21 Prisoner List, EN 01149209 [“No. 26: Uk Chhoeun *alias* Chhorn, Member of Division 1, 26-Jun-77”].

<sup>1163</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7223, EN 01222614 [Lim Chhuom *alias* Ta Khleng, deputy secretary, Division 2, 18-Dec-77]; **D118/106** Huon Choeum WRI, A5, EN 00978418 [“Ta Khleng, the Zone Military Staff, was probably sent to S-21”]; **D6.1.145** Ung Chhat WRI, EN 00284420 [“After Ta Khleng was arrested and transported on an airplane to Phnom Penh in 1977”]; **D118/102** Toat Thoeun WRI, A33, EN 00974020 [“the commander of the Northwest Zone, Ta Khleng, was also arrested.”]; **D219/66** Kung Chhom *alias* Ngor Naimchay *alias* Kong Vibol WRI, A42, EN 01053984.

<sup>1164</sup> **D191.1.111** S-21 Execution Log for 9 December 1977, Number 227, EN 00873626 [Chhom Then *alias* Khoy, Member of Division 2, 17-Sep-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1050, EN 01222374 [Chhum Then *alias* Khaury, member of Division 2, 17-Sep-77]; **D131/2.1.76** S-21 Prisoner List, EN 01149211 [No. 37: Chhum Then *alias* Khaury, Secretary of Division 2, Sep-77]; **D6.1.963** S-21 Notebook, *Khmer Rouge Black Journal*, EN 00602544, KH 00443016-17, FR 06544895 [“Division 2: [...] Khoy, deputy secretary, from 1975.”]; **D219/66** Kung Chhom *alias* Ngor Naimchay *alias* Kong Vibol WRI, A42, EN 01053984.

<sup>1165</sup> **D6.1.546** The Khmer Rouge Communication Document, *S-21 Report from Mam Nai alias Chan to Brother Duch*, 25 Aug 1977, EN 00143286 [“prisoners taken in on 23 August 1977: [...] B. Northwest Zone: 3. Sao Leng *alias* Ren, Secretary of Regiment 70, Division 2”]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 119, EN 00873644 [Sao Leng *alias* Ren, Secretary of Regiment 70 in Division 2, 24-Aug-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8470, EN 01222672 [Sao Leng *alias* Ren, Secretary of Regiment 70 in Division 2, 24-Aug-77]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837608 [“II. Division 2: Sao Leng *alias* Ren, Secretary of regiment 70”]; **D6.1.963** S-21 Notebook, *Khmer Rouge Black Journal*, EN 00602544, KH 00443016-17, FR 06544895 [“Division 2: [...] Ren, member, from 75, (arrested) [...] Regiment 70: 1. Ren”].

<sup>1166</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1791, EN 01222407 [Phy Hinh (Hy Hing) *alias* Ham, Chief of Northwest Zone - Military Economics (Chief of Zone Farm and Northwest Zone Military Worksite, 13 or 14-Sep-77, executed 7 or 8-Oct-77].

<sup>1167</sup> **D6.1.1051** Kaing Guek Eav *alias* Duch WRI, EN 00154910 [“Office 870 was the head office of the Standing Committee of the Central Committee of the Communist Party of Kampuchea. [...] Two members did not live there: [...] Ung Choeun *alias* Ta Mok.”]; **D119/124** Nhem En WRI, A26, EN 01055653.



Southwest Zone cadres led by Ta Mok and **Yim Tith**,<sup>1168</sup> with the participation of JCE member Ros Nhim,<sup>1169</sup> had purged the entire Northwest Zone army leadership.<sup>1170</sup> The power of Ros Nhim over the Northwest Zone forces he once controlled was eroded while the influence of Ta Mok and **Yim Tith** dramatically increased. Although some witnesses allege that the position of Ta Khleng was assigned temporarily to Kung Sophal *alias* Ta Keu / Ta Kan, the deputy Northwest Zone secretary,<sup>1171</sup> it is more likely that a Southwest Zone military cadre took over Khleng's position, as former messengers detailed.<sup>1172</sup>

348. Following the purges of Division 1 and Division 2 commanders, all those who were deemed part of their “traitorous networks”, including the totality of the Zone Army leaders at the regiment, battalion, company, and military mobile unit levels, were arrested with the help of the Southwest Zone forces under the command of Ta Mok and **Yim**

<sup>1168</sup> **D219/551** Heng Khly WRI, A39, EN 01178557 [“After they arrested Vorn San, cadres from the Southwest Zone administered the military section”], A52, EN 01178559 [“When Ta Mok arrived, he began to demolish the old Northwest structure and arrested commanders of divisions, regiments, and battalions with the excuse of them being sent to study. Then, he began to arrest their subordinates.”], A80, EN 01178563 [“When they learned that some lower-echelon cadres had relationships with the higher-echelon cadres, they removed those cadres”].

<sup>1169</sup> **D219/380** Pok Sophat WRI, A22, EN 01123450 [“Those Northwest Zone cadres were called to attended a study session. When they were called to a study session, Ros Nhim was still in his position. It was he who summoned them to the study session. I do not know from which organ such decision came from.”].

<sup>1170</sup> **D219/551** Heng Khly WRI, A39, EN 01178557 [“Q: You said the arrests were conducted in August or September 1977. Do you remember if cadres from other zones went to administer the Northwest Zone? A39: Yes. They were from the Southwest Zone. After they arrested Vorn San, cadres from the Southwest Zone administered the military section, and then they came to administer the civil section.”]; **D118/102** Toat Thoeun WRI, A92, EN 00974032 [“As far as I know, all cadres with the rank of division commander down to battalion commander were arrested”]; **D118/106** Huon Choeum WRI, A5, EN 00978418 [“Ta Khleng, the Zone Military Staff, was probably sent to S-21. Initially, the chairmen of Divisions 1 and 2 were arrested, followed by the leaders of the regiments”].

<sup>1171</sup> **D6.1.145** Ung Chhat WRI, EN 00284420 [“After Ta Khleng was arrested and transported on an airplane to Phnom Penh in 1977, Ta Kan came to take his place.”]; **D118/102** Toat Thoeun WRI, A44, EN 00974023 [“Ta Kei commanded the army”].

<sup>1172</sup> **D219/551** Heng Khly WRI, A42-43, EN 01178557 [Messenger of Ta San: “Q: When Vorn San went missing after he came up to Phnom Penh, who replaced Vorn San? A42: Ta Khleng replaced him. Q: What zone was Ta Khleng from? A43: He was from the Northwest Zone. He came as acting in place, but when the Southwest group arrived, they arrested Ta Khleng, and Un Lort became acting in place. Around one year later, Ta Mok came to be Northwest Zone Chairman. Then they transferred Un Lort to Public Works.”], A115, EN 01178569 [explains that Un Lort was ultimately sent to forcibly break rocks at Phnum Touch Phnum Thum for being a bad element]; **D118/249** Son Em WRI, A59, EN 01034092 [Nephew/messenger of Ta Say: “A new Southwest Zone cadre, who replaced Khleng as the commander of Division 1, ordered Khleng’s subordinates, also from the Northwest Zone, to arrest me.”]. In late 1978, Dan (Southwest Zone military cadre) became one of the division commanders: **D219/380** Pok Sophat WRI, A25, EN 01123450 [“When Ta Mok asked me, I replied that I did not wish become the [Division] Commander. At that time, Ta Mok told Dan to be the Commander [...] This actually happened in late 1978, not in 1977. At that time, Ta Mok was on the Northwest Zone Committee.”].

**Tith.**<sup>1173</sup> They were taken to S-21, imprisoned, and eventually executed.<sup>1174</sup> The Southwest Zone leaders suspected even low-ranking cadres or soldiers of the Northwest

- <sup>1173</sup> **D219/551** Heng Khly WRI, A52, EN 01178559 [“When Ta Mok arrived, he began to demolish the old Northwest structure and arrested commanders of divisions, regiments, and battalions with the excuse of them being sent to study. Then, he began to arrest their subordinates.”], A80-81, EN 01178563 [“A80: When they learned that some lower-echelon cadres had relationships with the higher-echelon cadres, they removed those cadres [...] Q: Most of the Northwest cadres disappeared, and some other cadres were transferred to work at different places. Is that correct? A81: Yes.”], A148, 151, EN 01178575 [“A148: After they arrested the division chiefs, division deputies, and regiment chairpersons [...] About 10 per cent of Division 1 soldiers disappeared [...] Q: So, there were three battalions per regiment, which consisted of around 900 soldiers. There were three regiments per division, which consisted of approximately, 2,700 to 3,000 soldiers. You claimed that 10 percent of the soldiers disappeared, so this mean that around 250 to 300 soldiers went missing during that time. Is that correct? A151: Yes.”].
- <sup>1174</sup> The main cadres (regiment, battalion and company chiefs) of Division 1 imprisoned at S-21 (and therefore executed) can be found under: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1673 [Hiek Vorn, 28-Jun-77], 13401 [Van Sang, 28-Jun-77], 5328 [Cheam Salan alias Tuy, 3/4 Jul-77, executed 16-Feb-78], 12769 [Theas Uom, 4/5-Jul-77, executed 16-Feb-78], 5326 [Yim Mit, 4/8-Jul-77, executed 16-Feb-78], 5336 [Mit Bav, 4-Jul-77], 5891 [Chann Yat (Ngin Yeat), 4-Jul-77], 8234 [Sok Kun, 4-Jul-77], 11503 [Sum Say, 4-Jul-77], 4661 [Luy Loeun, 28-Jul-77], 7805 [Ren Raun alias Mon, 10-Aug-77], 5748 [Chham Chhay, 31-Aug-77, executed 16-Feb-78], 5749 [Chhneang Yem alias Yen, 31-Aug-77], 5750 [Chiv Liep alias Saron, 31-Aug-77], 5707 [Ngoeun Yin alias Ngok Korn, 5-Oct-77, executed 8-Oct-77], 6182 [Ok Phoet, 5-Oct-77, executed 8 -Oct-77], 6253 [Im Khim, 10-Oct-77, executed 25-Oct-77], 6256 [Se Seng, 13-Oct-77], 1353 [Deng Nong alias Nam, 15-Oct-77], 8865 [Sok Phal, 19-Oct-77], 2093 [Im Yeun alias Na, 2-Nov-77], 1434 [Dun Chhliem, 17-Dec-77, executed 16-Feb-78], 227 [Chhim Siep, 21-Jun-78], 4824 [Ma Um, 21-Jun-78], [Thaong Sat (Chhat), 21-Jun-78]. The main cadres of Division 2 imprisoned at S-21 are: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4640 [Sok Sary, 16-Jun-77], 2832 [Kaet Meun, 21-Jun-77], 1228 [Chhuon Khoeun, 28-Jun-77], 5173 [Mao Saroeun, 10-Aug-77], 581 [Chy Chiv alias Roeut, 24-Aug-77], 5795 [Lei Sot, 31-Aug-77, executed 16-Feb-78], 1697 [Ham Rann, 15-Sep-77], 3504 [Kung Sambok, 15-Sep-77], 6016 [Ny Nan, 15-Sep-77], 2785 [Kang Kan, 17-Sep-77], 5464 [Nem Mao alias Ny, 17-Sep-77], 3722 [Kan Tak, Sep-77], 2330 [Koam Chuon, 27-Sep-77], 5810 [Nem Nun, 27-Sep-77], 12519 [Tong Nhong alias Vat, 27-Sep-77], 13172 [Uch Chea, 27-Sep-77], 13397 [Vann Pich, 25/27-Sep-77, executed 16-Feb-78], 13977 [Ye Yann alias Mapp, 27-Sep-77], 7225 [Pe Pon, 13-Oct-77, executed 16-Feb-78], 6266 [Suon Sauy, 19-Oct-77, executed 31-Oct-77], 4935 [Man Maey, 18-Jan-78, executed 10-Mar-78], 9812 [Sam Voeun, 8-Feb-78, executed 25-Mar-78], 1815 [Hem Nan, 10-Feb-78], 8763 [Ou Chhav, 25-Mar-78], 8765 [Tim Vy, 25-Mar-78], 8792 [In Lan, 26-Mar-78], 8794 [Den Pha, 26-Mar-78], 5819 [Nem Spai, 18-Jun-78], 13400 [Ven Van alias Man (Vorng Man), 9/10-Feb-78 or 25-Mar-78], 4827 [Makk Pom, 15/18-Jun-78], 11420 [Chhoeun Chamraen alias Saraing, 18-Jun-78]. In the Artillery battalion: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 445 [Chhuon Uon, 4-Jul-77], 1720 [Huot Eng, 14 Mar-78]. In the Military Zone Mobile Unit: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1600 [Ham Chhi alias Chhoeun, Chief of Zone Mobile Unit, military section, 28-Jun-77], 6220 [Ul Haim, 4-Jul-77], 9223 [Sieng Ngann alias Chan or Thorn, 28-Jul-77, executed 25-Mar-78], 6606 [Phai Chroch alias Lim, 2-Dec-77, executed 16-Feb-78], 7208 [Chheng Chhom alias Khom, 2-Dec-77], 7213 [Nun Chann, 12-Dec-77, executed Dec-77], 8241 [Nhim Mon alias Trory, 19-Feb-78], 7259 [Peou Ngoeun alias Samoeun, 30-Nov/2-Dec-77, executed 16-Feb-78]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, EN 00837608 [“I. Division 1 [...] 3. Luy Loeun [...] 4. Van Sang [...] 5. Ul Ham [...] 6. Ren Raun alias Mon [...] 7. Hiek Vuon [...] 8. Mit Bao [...] 9. Chhuon Uom [...] II. Division 2: [...] 13. Chi Chiv alias Roeut [...] 14. Kaet Meun [...] 15. Mao Saroeun”]; **D191.1.111** S-21 Execution Log for 18 October 1977, EN 00873648 [No. 161, Bou Rom]; **D131/2.1.76** S-21 Prisoner List, EN 01149206-13 [Nos. 3, 5, 14, 19, 24, 25, 31, 32, 38, 43, 47, 49, 50, 52]; **D118/102** Toat Thoeun WRI, A92, EN 00974032 [“As far as I know, all cadres with the rank of division commander down to battalion commander were arrested”]; **D347/2.1.41** Huon Choeum, T. 18 Oct 2016, 09.31.16-09.33.00 [About Ta Khleng: “those who were part of the networks, those who were linked to the zones military, those who were considered as part of that network were all accused of being traitors.”]; **D118/106** Huon Choeum WRI, A2, 5, EN 00978417-18 [About a Zone Army Fishing Unit: “Around March or April 1978, my unit chairman, Ta Sum, was arrested; at that time I was his deputy [...] A5: To my knowledge, Ta Khleng, the Zone Military Staff, was probably sent to S-21. Initially, the chairmen of Divisions 1 and 2 were arrested, followed by the leaders of the regiments, battalions, and artillery units”].

Zone Army of disloyalty, and many were imprisoned and executed in Northwest Zone security offices,<sup>1175</sup> or removed from their positions and forced to labour in conditions of enslavement at Northwest Zone worksites where many died.<sup>1176</sup>

ii. PURGES AT THE SECTOR LEVEL

Sector 1

349. Southwest Zone cadres began arriving in Sector 1 in early to mid-1977.<sup>1177</sup> The purge of Northwest Zone cadres in Sector 1 was comprehensive: Nuon Muon, a cooperative-level cadre from Sector 1,<sup>1178</sup> said that “[w]hen the Southwest group arrived here, all the Northwest Zone cadres, including myself, were accused of being KGB agents and we were arrested” and sent to security centres.<sup>1179</sup> The arrests extended from the “Zone level

<sup>1175</sup> **D118/106** Huon Choeum WRI, A2, EN 00978417 [About a Zone Army Fishing Unit: “After the arrest of my chairman, I had been working in a fishing unit for less than a month when the Southwest people used motorboats to round up military fishing unit forces, and they dissolved my unit. They then took some of my men to Kakaoh, a Military Corrections Office; others were taken to Phnum Thebadei Mountain, and some others were sent to live in cooperatives.”]; **D118/137** Chhorn Vorn WRI, A25, EN 00970083 [“Q: What kinds of prisoners were sent to Kakaoh Prison? A25: The prisoners there were former Northwest military who had been caught by the Southwest cadres.”].

<sup>1176</sup> **D219/551** Heng Khly WRI, A45-46, EN 01178558 [“A45: A few months after they arrested Vorn San, they escorted me to the [no-good] elements group whose commanders were traitors. They sent me to temper myself by farming rice, working farmland, and breaking rock [...] Q: Did they send you to temper yourself before or after the arrival of the Southwest group? A46: Simultaneously. They sent me to break rock and farm rice at the same Office 17”], A80, 82, 84, EN 01178563 [“Some former soldiers were ordered to work in the mobile units, and most of them went missing. [...] Q: they made you farm rice. When you farmed rice, where were you? A82: At Chamkar Chek in Battambang Province [...] A84: They had me break rock at Phnum Thipakdei Mountain. At that time, Ta Mok had already arrived. [...] he ordered me to break rock at Phnum Thipakdei Mountain. At that time, I began to be starved and thin. When I sat, my knees were higher than my head.”], A93, EN 01178565 [“when the Southwest cadres arrived, they did not give us enough food.”], A100, EN 01178566 [“Q: Did you ever hear from your friends or your workmates about sickness or death from hunger? A100: 100 per cent. That did exist. There was another tempering site in Kakaoh Village of Moung District. The majority of soldiers were sent to work at worksites, and those who worked well were allowed to go out to work in mobile units, whereas some others went missing. Many of those who joined the revolution with me in 1971 also died at Kakaoh.”].

<sup>1177</sup> **D219/751** Vor Ruom WRI, A12-13, EN 01305920 [“In 1977, the Southwest group took control. But I had left by that time. [...] It was probably in early 1977”]; **D219/697** Nauk Chheath WRI, A52, EN 01213444 [“Q: You mentioned there was a switch in cadre members from the Northwest to the Southwest Zone people. When did that situation take place? A52: It took place in the beginning of 1977”]; **D219/390** Suom Hang WRI, A17, 24, EN 01130577-78 [“The Southwest cadres arrived in Banan District in mid-1977 [...] I noticed that the Northwest Zone cadres were sent to work at other places and disappeared after that. However, we did not dare to ask what had happened to them.”]; **D219/306** Ban Soen WRI, A53, EN 01111919; **D118/135** Chhom Youn WRI, A15, EN 00970436. *See also* **D118/4** Kan Choek WRI, A15, EN 00935585 [“Based on my estimation, the Southwest group arrived in Koas Krala district in late 1977 during the harvest season.”]; **D219/763** Sao Chobb WRI, A33-34, EN 01337021; **D219/20** Chhum Vanny WRI, A48-49, EN 01050471 [Southwest Zone cadres arrived in February or March 1978].

<sup>1178</sup> **D105/3** Nuon Muon WRI, A5, 14, EN 00787174 [“In 1976, I was an assistant to Chamlang Kuoy Cooperative in Battambang province of the Northwest Zone. [...] This was Sector 1.”].

<sup>1179</sup> **D105/3** Nuon Muon WRI, A16, EN 00787175; **D118/18** Nuon Muon WRI, A12-13, 15, EN 00912310-11 [“Q: When were you taken to be detained in Tuol M-tes? A12: It was probably in January or February of 1977. Q: Did the Southwest Zone group already arrive there at that time? A13: At that time the Southwest Zone group had already arrived. They arrested the Northwest Zone cadres and took them to that place [Tuol

down to Sector level, all the way through cooperative level” and were carried out under the authority of Ta Mok and **Yim Tith**.<sup>1180</sup> Following their arrests, the Northwest Zone cadres were subject to detention and forced labour, and many were killed because the Southwest Zone cadres “accused them of being KGB or of being Vietnamese agents.”<sup>1181</sup> Similarly, Ta Pet’s nephew Sok Cheat stated that “[w]hen Ta Mok arrived, the old cadres were accused of being traitors and being affiliated with the Yuon. [...] At that time, all of the Sector 1 cadres were killed, including the chiefs and their subordinates.”<sup>1182</sup>

350. **Yim Tith** spoke openly about the purge of traitorous cadres and he personally ordered the killing of cadres<sup>1183</sup> as well as many other people suspected of belonging to the former

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M-tes]. [...] A15: To say this conclusively, they brought prisoners from all cooperatives in Sector 1 to work at Tuol M-tes.”]

<sup>1180</sup> **D105/3** Nuon Muon WRI, A33-34, EN 00787176 [“Q: What did you hear about Ta Tith? A33: I heard that both Ta Mok and Ta Tith were from the Southwest Zone and that they arrested all the Northwest Zone cadres from Zone level down to Sector level, all the way through cooperative level. Q: Were the arrests made under the authority of Ta Mok and Ta Tith? A34: Yes.”]; **D118/18** Nuon Muon WRI, A27, EN 00912312 [“After that, they started arresting the Northwest Zone cadres from the cooperative committee level to the Sector level. At that time Ta Mok, from the Southwest Zone, carried out the arrest, and Ta Tit became the secretary of Sector 1.”]. See also **D118/149** Ham Saom WRI, A38-40, 42-43, EN 00974997-98.

<sup>1181</sup> **D105/3** Nuon Muon WRI, A18-22, EN 00787175. See also **D219/751** Vor Ruom WRI, A19-20, 27, 40, EN 01305921, 23-25 [“When the Southwest Zone group arrived, all of the former Khmer Rouge cadres and soldiers were sent to do farming and were killed afterwards. [...] They were accused of serving the traitors’ networks. [...] When the Southwest Zone group arrived, they arrested the chiefs in the prison and sent them to be killed. They definitely did that. The Southwest Zone group searched for the Northwest Zone group. They wanted to know the number of Northwest Zone people, their chiefs and subordinators. The Southwest Zone group, both female and male cadres, came to power after the Northwest Zone group was taken away. Apparently, the Southwest Zone group took all of the chiefs away, and then they took control”]; **D219/515** Chheun Chhuoy WRI, A15, 17, 24, 41, EN 01156939-40, 42, 46 [“Upon the arrival of the Southwest group, they arrested the Northwest cadres and put them in Khnang Kou Prison, even though the Northwest cadres had not committed any offences. The Southwest group accused the Northwest cadres of being CIA and being Vietnamese networks, so the Northwest cadres there were killed. Khnang Kou Prison was a big prison at Banan. [...] I think that the Southwest group arrived in July or August in 1978. [...] Only about three months after the Southwest cadres arrived did they start arresting the former Northwest cadres. I remember that the Southwest cadres arrived in this sector in the growing season, and they arrested the former Northwest cadres when the rice was ripe, perhaps in November or December 1978. [...] The Southwest cadres accused the Northwest cadres of being affiliated with the Yuon.”]; **D118/63** Han Thy WRI, A14, EN 00945851 [“When the Southwest arrived, they killed the Northwest cadres. They also wanted to arrest me. However, I knew it beforehand so I fled to Sampeou mountain and then to Battambang.”]; **D219/390** Hang Suom WRI, A23-24, EN 01130577-78.

<sup>1182</sup> **D219/654** Sok Cheat WRI, A78, EN 01207520. See also **D118/136** Chhean Hea WRI, A8, 11, EN 00969637, 39 [Victims killed by Yim Tith and Ta Nim: “were accused of being affiliated with the Vietnamese. [...] The chiefs in the Northwest Zone were afraid of Ta Mok completely because Ta Mok could arrest them by accusing them of being affiliated with the Vietnamese.”]; **D118/290** Vach Kong WRI, A31, 33, EN 01066771 [“when the Southwest Zone cadres arrived, they took the former cadres to be killed and replaced the former cadres. [...] I heard that they were taken to be killed, but we were not allowed to see where they were killed.”].

<sup>1183</sup> **D219/464** Tiep Tith WRI, A12, 20, EN 00803456; **D20** Han Thy WRI, EN 00710286-87. See also **D118/63** Han Thy WRI, A30, EN 00945853.

cadres' "networks,"<sup>1184</sup> including family members.<sup>1185</sup>

351. At the time **Yim Tith** first arrived in Sector 1, the Sector 1 Secretary was a Northwest Zone cadre named Chea Huon *alias* Ta Vanh.<sup>1186</sup> Ta Vanh, both Sector 1 Secretary and Zone Committee member, was arrested and sent to S-21 on 20 June 1977 where he was executed on 18 October 1977.<sup>1187</sup> Ta Vanh was replaced as Sector 1 Secretary by Heng Teav *alias* Ta Pet, who was in turn removed from office and eventually arrested personally by Ta Mok and Ta Mok's bodyguards in September or October 1978.<sup>1188</sup> In the course of the purge, Ta Nop, Sector 1 Committee member, was also arrested and imprisoned in S-21 on 12 September 1977.<sup>1189</sup> Evidence shows that **Yim Tith** and his subordinate Nim were involved in Nop's arrest.<sup>1190</sup> Finally, the Sector 1 Office

<sup>1184</sup> **D219/233** Chhean Hea WRI, A22-24, EN 01090009 ["Q: You said Ta Nim and Ta Tith killed many people in Sangkae and Battambang Districts. Can you tell us who were taken to be killed? A22: Yes, that is right. Many people were killed especially those who were part of the former cadres' network and those who had escaped into the forests and returned upon the appeal. Simply speaking, young, old, women, and children were killed. For example, the entire family of my uncle, and of my wife's uncle, were all killed. Q: Were children also killed? A23: Yes, they were. The whole families were killed. Q: Do you know if this order came from Ta Tith and Ta Nim? A24: In fact, I knew this from my cousin named Chhamluy because he was also arrested and he was on the verge of being killed. But because he could challenge the accusation against him, he, his wife and his mother were freed. Chhamluy himself concluded that it was Ta Tith and Ta Nim who ordered the killings, because they were the ones who were in charge over there."].

<sup>1185</sup> **D219/20** Chhum Vanny WRI, A104-105, EN 01050479 ["Q: Who were all those victims? A104: Those killed were the Northwest group and their families. Q: What Zone were the killers cadres of? A105: The Southwest group."].

<sup>1186</sup> See paras 97-99.

<sup>1187</sup> **D6.1.313** Chea Huon *alias* Vanh S-21 Confession, 25 Jun-21 Aug 1977, EN 01559904, KH 00299157 ["Chea Huon *alias* Vanh, Secretary of Sector 1, the Northwest"]; **D131/2.1.137** Chea Huon *alias* Vanh S-21 Confession [Khmer only]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 122, EN 00873644 ["Chea Huon *alias* Vanh, M, Northwest Zone, Secretary of Sector 1, entry date: 20.6.77"]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon *alias* Vanh, Secretary of Sector 1, 20-Jun-77]; **D118/137** Chhorn Vorn WRI, A50, 53, EN 00970086; **D219/465** Chhoeung Bean WRI, A44, EN 01139591-92; **D219/368** Chhoeung Bean WRI, A11, 14-15, 39-40, EN 01117716, 18; **D219/64** Koeun Peou WRI, A21-23, EN 01053948; **D118/149** Saom Ham WRI, A28-32, EN 00974996; **D118/102** Toat Thoeun *alias* Ham WRI, A32, EN 00974019; **D118/271** Chhean Hea WRI, A11-13, EN 01029418. See also **D219/20** Chhum Vanny WRI, A55-57, 70-71, EN 01050472, 74; **D219/702.1.4** Lim Sat, T. 2 May 2013, 15.32.58-15.34.43; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.21.06-09.23.27.

<sup>1188</sup> **D34.1.9** Heng Teav *alias* Ta Pet Interview by Steve Heder, EN 01181104, 15-16; **D219/233** Chhean Hea WRI, A14, 18, EN 01090008; See also **D118/136** Chhean Hea WRI, A2, EN 00969637; **D118/149** Ham Saom WRI, A28-32, EN 00974996; **D219/515** Chheun Chhuoy WRI, A27, EN 01156943; **D219/464** Tiep Tith WRI, A27, EN 00803457.

<sup>1189</sup> **D219/233** Chhean Hea WRI, A5-6, EN 01090007; **D118/136** Chhean Hea WRI, A21-23, EN 00969641; **D118/271** Chhean Hea WRI, A29, EN 01029421; **D131/2.1.76** S-21 Prisoner List, Number 18, EN 01149208 ["Toeuk Pheach *alias* Nob, Member of Sector 1, Sep 1977"]; **D6.1.553** S-21 Report from Mam Nai *alias* Chann to Brother Duch, 12 Sep 1977, EN 00143314 ["prisoners taken in on 12 September 1977: A. Northwest Zone, 1. Doeuk Pheach *alias* Nop, Member of Region 1"]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1394, EN 01222390 [Doeuk Pheach *alias* Nop, Member of Sector 1, 12-Sep-77].

<sup>1190</sup> **D118/271** Chhean Hea WRI, A29, EN 01029421 ["My older cousin named Chham Luy, who is still alive, told me that Ta Say, Ta Nob, and Ta Sou were north-west inhabitants, and they were arrested by the Southwest cadres, who were led by Ta Tith and Ta Nim, and all were sent to Tuol Sleng Prison."]. Chhean Hea also says that Yim Tith and Ta Nim were involved in the killing of "many people" from Sangkae and

Chairman, Uy Ol *alias* Thoeum entered S-21 on 3 July 1977 and was executed on 18 October 1977,<sup>1191</sup> while Kuy Lum, Sector 1 Commerce Chairman, was imprisoned at S-21 on 3 August 1977.<sup>1192</sup>

352. The purge was also carried out in the key districts of Sector 1. Sao Chobb stated that when the Southwest Zone troops arrived toward the end of 1977, “they started removing cadres of the Northwest Zone group including district committees. They then arrested and killed them.”<sup>1193</sup> At least two of the three members of the Koas Krala District Committee, as well as the chief of district commerce, were arrested and killed.<sup>1194</sup>

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Battambang districts; it is unclear from the evidence whether this refers to cadres or not: **D118/136** Chhean Hea WRI, A7, EN 00969638.

<sup>1191</sup> **D131/2.1.76** S-21 Prisoner List, Number 33, EN 01149210 [“Uy Ol alias Thoeum, Office chairperson of Sector 1, 03 Jul 1977”]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 123, EN 00873645 [Uy Ol alias Thoeum, Chief of Office in Sector 1, 4.8.77]; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, Number 17, EN 00837609 [Uy Ol alias Thoeum, Chief of Sector’s Office]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13267, EN 01222871 [Uy Ol, Chief of Sector 1 Office, 04-Aug-77].

<sup>1192</sup> **D131/2.1.76** S-21 Prisoner List, Number 8, EN 01149207 [Kuy Lum, Commerce Chairperson, Sector 1, 3 Aug 1977].

<sup>1193</sup> **D219/983** Sao Chobb WRI, A59, EN 01519565.

<sup>1194</sup> **D219/983** Sao Chobb WRI, A59, EN 01519565 [“The Southwest Zone group came in mid-[19]77 to embed among the local people. At the end of [19]77 their troops arrived. When they arrived, they started removing cadres of the Northwest Zone group including district committees. They then arrested and killed them.”]. Secretary Yeun: **D219/236** Lek Phiv WRI, A4, EN 01092931; **D219/292** Lek Phiv WRI, A14-15, EN 01111807-08; **D219/210** Lek Phiv WRI, A3, EN 01088522; **D219/624** Pei Poeut WRI, A7, EN 01187717; **D219/625** Pei Poeut WRI, A19, EN 01187731; **D118/4** Kan Choek WRI, A3, EN 00935584; **D219/514** Sien Soem WRI, A24, EN 01167968; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356; **D118/3** Pek Em WRI, A4, EN 00978794; **D219/763** Sao Chobb WRI, A29, EN 01337021. Deputy Secretary Thoeun Leng (Doeun Leng), in charge of military: **D6.1.554** S-21 Report from Mam Nai alias Chan to Brother Duch, 19 Oct 1977, EN 00143353 [Report from Man Nai about the prisoners “taken in on 18 October 1977: A. Northwest Zone [...] 4. Doeun Leng, Member of Koh Kralar District, Region 1”]; **D131/2.1.76** S-21 Prisoner List, Number 28, EN 01149210 [“Koeun Leng, deputy secretary of Koas Krala District, Sector 1, 12 Oct 77”]; **D1.3.25.7** S-21 Interrogation Log, 2 Feb 1978, Number 5, EN 00784626 [Thoeun Leng, Deputy Secretary of Koh Krala]; **D6.1.45** S-21 Prisoner List for Northwest, Number 31, EN 01148900 [Thoeun Leng, Deputy Secretary of Kaoh Krala District, Sector 1, 12 Oct 77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11668, EN 01222811 [Thoeun Leng, Member of Koh Krala District in Sector 1 (Deputy Secretary of Koh Krala District in Sector 1), 12-Oct-77 or 18-Oct-77]; **D219/292** Lek Phiv WRI, A14-15, EN 01111808; **D219/210** Lek Phiv WRI, A3, EN 01088522; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356; **D219/763** Sao Chobb WRI, A29, EN 01337021. Member Chheut: **D118/4** Kan Choek WRI, A3, EN 00935584. Touch Pei, in charge of district commerce: **D219/624** Pei Poeut WRI, A8, EN 01187717; **D219/625** Pei Poeut WRI, A6, EN 01187725, 28; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/294** Lay Eng WRI, A9, EN 01037356; **D219/763** Sao Chobb WRI, A29-31, EN 01337021 [“Leng, Chhoeung, and Yeun [...] died in 1978. They were taken to be executed. [...] They were killed at Tracheak Chet Canal.”]; **D219/983** Sao Chobb WRI, A60, EN 01519565-66; **D118/4** Kan Choek WRI, A3, EN 00935584 [“Ta Pei was killed.”]; **D118/294** Lay Eng WRI, A9, EN 01037356 [“Ta Yoeun, Ta Leng, and Ta Pey [...] arrested by the Southwest cadres.”]; **D219/624** Pei Poeut WRI, EN 01187714, A1, 3-4, EN 01187716; **D219/210** Lek Phiv WRI, A6, EN 01088522. Additional information regarding the purge in the various districts of Sector 1 is contained in the sections of this submission relating to the crime sites in Sector 1. *See V.B.2.a.iii.* Crimes – Northwest Zone –Sector 1 –Koas Krala Security Centre – Authority Structure and Communication; *V.B.2.b.iii.* Crimes – Northwest Zone –Sector 1 –Thipakdei Cooperative – Authority Structure and Communication; *V.B.2.c.iii.* Crimes – Northwest Zone – Sector 1 – Kanhath Dam Forced Labour Site – Authority Structure and Communication; *V.B.2.d.iii.*

Following the disappearance of Koas Krala District Secretary Yeun, **Yim Tith** began presiding over meetings that Yeun had previously run.<sup>1195</sup> Similarly, in late 1977 or early 1978, Ta Mok held a meeting in Samlout District at which he announced that Southwest Zone cadres would replace the incumbent Northwest Zone cadres, who, Ta Mok said, had “betrayed Angkar.”<sup>1196</sup> Nop Ngim, the Southwest Zone cadre who became the deputy district secretary following this purge, stated that the “Northwest cadres disappeared”<sup>1197</sup> and that “Ta Mok told her that most of the cadres in the district were arrested and killed because they had betrayed the Angkar Khmer Rouge.”<sup>1198</sup> S-21 records show that Chorn Luy (Chuon Luy), Member of the Samlout District Committee, entered S-21 on 12 February 1978.<sup>1199</sup> Following the removal and disappearance of the Northwest Zone cadres, the Samlout District Committee was composed entirely of cadres from the Southwest Zone.<sup>1200</sup> In Sangkae District, District Secretary Yim Hem was first removed from his position and assigned to be a village chairman before entering S-21 on 20 October 1977.<sup>1201</sup> Two members of the district committee fled to the forest when the Southwest Zone cadres arrived rather than face arrest.<sup>1202</sup> The Kanghat Dam chairperson, Tep Rum *alias* Yan was arrested and taken to S-21 on 13 September 1977 to be executed on 18 October 1977.<sup>1203</sup>

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Crimes – Northwest Zone – Sector 1 – Kampong Kol Sugar Factory – Authority Structure and Communication; **V.B.2.e.iii.** Crimes – Northwest Zone – Sector 1 – Banan Security Centre – Authority Structure and Communication; **V.B.2.f.iii.** Crimes – Northwest Zone – Sector 1 – Khnang Kou Security Centre – Authority Structure and Communication.

<sup>1195</sup> **D219/210** Lek Phiv WRI, A6, EN 01088522. *See also* **D219/292** Lek Phiv WRI, A21, EN 01111809.

<sup>1196</sup> **D118/285** Nop Ngim WRI, A40, 42, EN 01044680-81.

<sup>1197</sup> **D118/285** Nop Ngim WRI, A42, EN 01044681.

<sup>1198</sup> **D67.3** DC-Cam Promoting Accountability Project, Notes of Interview with Nop Ngim, EN 00728602.

<sup>1199</sup> **D6.1.45** S-21 Prisoner List for Northwest, Number 30, EN 01148900 [“Chuon Luy, Member of Samlout District; Sector 1, 12 Feb 78”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1157, EN 01222378 [Chorn Luy, Member of Samlot District, Sector 1, 12-Feb-78].

<sup>1200</sup> **D118/285** Nop Ngim WRI, A31-33, EN 01044678-79 [The Samlout District Committee was composed of Secretary Leng; Deputy Secretary Nop Ngim; and Member Thi, all of whom were from Takeo Province.]; **D219/298** Nop Ngim WRI, A4, EN 01111859; **D219/62** Preap Kap WRI, A57-58, EN 01053913.

<sup>1201</sup> **D6.1.45** S-21 Prisoner List for Northwest, Number 32, EN 01148900 [“Yim Hem, Former Secretary of Sangke District, Sector 1; Village chairman, Sector 1, 29 Oct 77”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6269, EN 01222574 [Yim Hem (Him Hem), Chief of Thmar Pruos Village Cooperative in Sector 1, before [...] Secretary of Sangke District in 1975, 29-Oct-77].

<sup>1202</sup> **D118/149** Ham Saom WRI, A9-13, EN 00974994. *See also* **D219/412** Koch Rien WRI, A13, EN 01142926 [identifying Yan as a member of a district committee]; **D219/464** Tiep Tith WRI, A24, 80, EN 01151248, 56 [identifying Vey as a member of the Sangkae district committee]; **D131/2.1.87** Name List of Cadres and People of Sangkae District, EN 01149069, 82 [identifying Vey as secretary of Sangkae District, Yan as deputy secretary of Sangkae District, and Yien as member of Sangkae District].

<sup>1203</sup> **D131/2.1.76** S-21 Prisoner List, Number 20, EN 01149208 [Tep Rum *alias* Yan, Chairperson of Kanghat Dam, Sector 1, 13 Sep 1977]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 143, 00873646 [“Tep Rom *alias* Yan, Chief of water dam in Sector 1, 13.9.77”]; **D6.1.553** S-21 Report from Mam Nai *alias* Chann to Brother Duch, 12 Sep 1977, EN 00143314 [“prisoners taken in on 12 September 1977: A. Northwest Zone, 2. Tep Rum *alias* Yan, cadre in charge of the tractor(s) used to build dam(s) in

353. Lower-level cadres were also purged in Sector 1. In Koas Krala District, Southwest Zone cadres arrested, detained, and killed hundreds of Northwest Zone cadres at all levels in the two or three months following their arrival.<sup>1204</sup> In Sangkae District, witnesses recalled the killing of many lower-level cadres, such as commune, village, and unit chiefs, as victims.<sup>1205</sup> In one particularly public and brutal spectacle in Sangkae District, 110 Northwest Zone unit chiefs and other cadres who had tried to flee the purge were bound and severely beaten at a prominent location on top of the Kanghat Dam as a warning to the other workers.<sup>1206</sup> These cadres subsequently disappeared.<sup>1207</sup> Witnesses were able to

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Region 1”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11667, EN 01222811 [Tep Rom, Cadre of Tractor Responsibility and Sector 1 Dam Bar (Chief of Sector 1 Dam), 12-Sep-77].

1204 **D219/20** Chhum Vanny WRI, A47, 50-52, EN 01050470-71 [“Upon the arrival of the Southwest Zone cadres, the most important thing was they arrested all of the old Northwest cadres and sent them to be killed. [...] I [personally] saw them transport away those cadres [...] About two to three months after the Southwest group arrived, they started to arrest the Northwest Zone group from unit chief and above and the old cadres.”]; **D219/763** Sao Chobb WRI, A34, 62, 104-106, EN 01337021, 25, 31 [“Q: When the internal purges were carried out, were the cadres of Northwest Zone killed at Koas Krala Prison? A104: They were captured and executed in Koas Krala and at the canal construction sites. During the purges, the Southwest Zone cadres made the arrests and killed them. Q: In which year? A105: In '78. Q: Did you know the number of the Northwest Zone cadres who were executed? A106: So many cadres were killed, ranging from junior to senior cadres. Some of the junior cadres survived. Hundreds of cadres, junior and senior, were killed in Koas Krala.”]; **D118/290** Kong Vach WRI, A31-33, EN 01066771 [“When the Southwest Zone cadres arrived, they took the former cadres to be killed and replaced the former cadres. [...] I did not personally see the killings, but I know that those former cadres were taken to a prison and starved for a week. [...] I heard that they were taken to be killed, but we were not allowed to see where they were killed.”]; **D219/11** Nhanh Penh WRI, A7-8, EN 01047035 [“Q: When the Southwest group arrived, were the Northwest cadres replaced by the Southwest group? A7: Yes, that is correct. Q: When the Southwest group arrived to replace the Northwest cadres, what happened to the Northwest cadres? A8: I did not know what happened to them or where they went. They all suddenly disappeared.”]; **D219/301** Chanthan Soeung WRI, A29, EN 01111884 [“The Southwest Zone cadres killed the Northwest Zone leaders [...] approximately in December 1978”]; **D219/894** Kao Porn WRI, A91, EN 01412972.

1205 **D6.1.127** Sun Nat WRI, EN 00250284 [“The subdistrict and village chiefs and the base people of the Northwest Zone were gradually taken away and killed by the Southwest group, for instance for accusing the Southwest group of immorality.”]; **D118/77** Nang Ny WRI, A4, 30, EN 00970452, 56 [“When the Southwest group had taken complete control of this Sector, they arrested former Northwest cadres such as the Mobile Units and the Cooperative Chairmen and took them away for execution in Baydamram Village, Baydamram Commune.”]; **D219/751** Vor Ruom WRI, A19-20, 27, 40, EN 01305921, 23-25 [“When the Southwest Zone group arrived, all of the former Khmer Rouge cadres and soldiers were sent to do farming and were killed afterwards. [...] When the Southwest Zone group arrived, they arrested the chiefs in the prison and sent them to be killed. They definitely did that. The Southwest Zone group searched for the Northwest Zone group. They wanted to know the number of Northwest Zone people, their chiefs and subordinators.”]; **D219/90** Koch Rien WRI, A76-79, EN 01081756. *See also* **D219/535** Dy Phoeng WRI, A18-20, EN 01173557-58 [“Q: Were any there replacements of the leaders in the village and commune? A18: Yes, there were. Q: When? A19: There were replacements when the newcomers arrived. They were from the southwest.”]. *See also* **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6269, EN 01222574 [Yim Hem (Him Hem), Chief of Thmar Pruos Village Cooperative in Sector 1, before [...] Secretary of Sangke District in 1975, 29-Oct-77], Number 7847, EN 01222644 [Ros Khchuong alias Rann, Assistant, Cotton Farm in Sangke District, 04-Aug-77], Number 13326, EN 01222874 [Ven Voeun alias Vuon, Chief of Tuol Mtes Worksite in Sector 1, 29-Oct-77].

1206 **D219/352** Lies Kung WRI, A28-32, EN 01180933-34.

1207 **D219/352** Lies Kung WRI, A32, EN 01180934.



recall a number of the cadres who disappeared in the Sector 1 purge by name.<sup>1208</sup>

354. At least 23 individuals from the consolidated OCIJ S-21 prisoner list can be definitively identified as cadres originating in Sector 1.<sup>1209</sup> This group includes cadres from various levels of the Sector 1 hierarchy, from former Sector 1 Secretary Ta Vanh<sup>1210</sup> down to the deputy chief of the Sector 1 car mechanics.<sup>1211</sup> The victims from Sector 1 all entered S-

<sup>1208</sup> Koas Krala District: Victims whose names or positions witnesses are able to recall specifically include a cadre named Hem, who was in charge of mobile units; Yav, who was in charge of commerce and cooperatives; Yiek, in charge of logistics; Chev, a commune military chairman; Pak, the district military commander, and unit chiefs named Seng and Yoeun. **D118/3** Pek Em WRI, A19, EN 00978796 [regarding Hem, Yav, and Yiek]; **D219/20** Chhum Vanny WRI, A50-53, EN 01050471-72 [regarding Pak, Chev, Seng, and Youen]. Samlout District: Chamlang Kuoy Cooperative chief Von **D105/3** Nuon Muon WRI, A26-27, EN 00787176 [Identifying Chamlang Kuoy Cooperative chief Von as one of those arrested and killed by Southwest Zone cadres]; **D118/18** Nuon Muon WRI, A18, EN 00912311 [Von]. Sangkae District: Some of the victims who can be identified by name include Sun Kun, a district-level cadre; Sun Rin, the Bay Damram Commune Chief; Ram, a member of the Bay Damram Commune Committee; a unit chief named Chhem; a unit chief called Ta Yiev; a unit chief named Yat Lam; a unit chief named Phan Vey or Vai; a cadre called Ren; the three members of the committee of the Kampong Kol Sugar Factory – Ta Met, Ta Nob, and Ta Bav; and two members of the Chheu Teal Commune committee, Ta Tauch and Ta Yoeut. **D219/411** Chhoeun Chhorn WRI, A15, 22-23, EN 01142914-16 [Rin]; **D219/515** Chheun Chhuoy WRI, A16, 18, 23, EN 01156940-42 [Chhem]; **D219/535** Dy Phoeng WRI, A21-22, EN 01173558 [Yiev]; **D118/243** Chham Luy WRI, A5, EN 01029400 [Ren]; **D219/90** Koch Rien WRI, A103-110, 112, EN 01081758-60 [Yat Lam and Phan Vey]; **D219/412** Koch Rien WRI, A23-24, 26-27, 40, EN 01142929-30, 33 [Sun Kun, Sun Rin, Yat Lam, Phan Vai]; **D219/464** Tiep Tith WRI, A28, 78, EN 01151248, 55 [Rin and Ram] **D118/108** Lim Tim WRI, A8, EN 00976922-23 [Ta Met, Ta Nob, and Ta Bav]; **D118/135** Chhom Youn WRI, A7, EN 00970435 [Ta Tauch and Ta Yoeut].

<sup>1209</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77], Number 7765, EN 01222640 [Ros Mao alias Say, Chief of Zone Office (Member of Northwest Zone) (Former Secretary of Sector 1) (Deputy Secretary of Sector 1), 26-Jun-1977 or 10-Jul-1977], Number 2202, EN 01222422 [Koy Sam, Deputy Chief of Sector 1 Car Mechanic, 04-Aug-77], Number 7847, EN 01222644 [Ros Khchuong, People in Samraing Commune Cooperative in Sector 1 (Assistant, Cotton Farm in Sangke District) (Chief of Sector 1 Cooperative) (Chief of Company in Sector 1 Village), 04-Aug-77], Number 8440, EN 01222670 [Sngoun Voeun, Chief of Sector 1 Car Mechanic, 04-Aug-77], Number 13267, EN 01222871 [Uy Ol, Chief of Sector 1 Office, 04-Aug-77], Number 5818, EN 01222556 [Ma Kung, Member of [Arom Commune] in Sector 1, 18-Aug-77], Number 8441, EN 01222670 [Srei Oeum, Old People in Sector 1 (Sector 1, before Secretary of Sector 2) (Before work as Committee Chief of Sector 2, and then Assistant, Cooperative 6, Battambang District in Sector 1), 23-Aug-77], Number 1394, EN 01222390 [Doeuk Pheach, Member of Sector 1, 12-Sep-77], Number 11667, EN 01222811 [Tep Rom, Cadre of Tractor Responsibility and Sector 1 Dam Bar (Chief of Sector 1 Dam), 12-Sep-77], Number 6272, EN 01222575 [Soem Metr, Chief of Water Pump Team in Rum Chek Cooperative, Sector 1 (Chief of Team in Cooperative, before work as Secretary of Battalion), 16-Oct-77], Number 11668, EN 01222811 [Thoeun Leng, Member of Koh Krala District in Sector 1 (Deputy Secretary of Koh Krala District in Sector 1), 18-Oct-77 or 12-Oct-77], Number 6270, EN 01222574 [Run Til, Chief of Village Hospital in Samlot District, Sector 1, 19-Oct-77], Number 6216, EN 01222572 [Oeun Moch, Position Chief of Fifty Member Unit in Raung Cooperative, Sector 1, 29-Oct-77], Number 6269, EN 01222574 [Yim Hem, Chief of Thmar Pruos Village Cooperative in Sector 1, before work as Secretary of Sangke District in 1975, 29-Oct-77], Number 6273, EN 01222575 [Mol Sot, Construction of Water Gate in Sector 1, 29-Oct-77], Number 13326, EN 01222874 [Ven Voeun, Chief of Sector 1 Worksite (Chief of Tuol Mtes Worksite in Sector 1), 29-Oct-77], Number 7224, EN 01222614 [Huon Proeun, Chief of Sophy Cooperative in Sector 1, 28-Dec-77], Number 1157, EN 01222378 [Chorn Luy, Member of Samlot District, Sector 1, 12-Feb-78].

<sup>1210</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon, Secretary of Sector 1, 20-Jun-77].

<sup>1211</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 2202, EN 01222422 [Koy Sam, Deputy Chief of Sector 1 Car Mechanic, 04-Aug-77].

21 during the period in which **Yim Tith** was present as a *de facto* leader in the Northwest Zone; the first victim entered S-21 on 20 June 1977.<sup>1212</sup>

### Sector 2

355. In Sector 2, groups of Southwest Zone cadres under the leadership of Ta Mok<sup>1213</sup> arrived in late 1976 or early 1977<sup>1214</sup> and began purging and replacing cadres from the Northwest Zone.<sup>1215</sup>
356. The Southwest cadres eradicated the sector and district committees that were in place in Sector 2.<sup>1216</sup> Former Sector 2 Secretary Srei Oeum *alias* Ren, Deputy Secretary and later Secretary Ham Chhil *alias* Khan, and Member (and former Bakan Leu District Secretary) On Sam-Oeun *alias* Saret<sup>1217</sup> had all been arrested and sent to S-21 by August 1977, with

<sup>1212</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon, Secretary of Sector 1, 20-Jun-77].

<sup>1213</sup> **D219/223** Nuon Rin WRI, A105, EN 01088603 [In Sector 2: “Ta Mok came here with other women before Ta Sarun did. When he came, he removed all the cadres from the commune, district, and sector levels.”]; **D191.1.109** Thep Phun CPA Report, EN 00483288 [“At mid 1977, cadres, chief of cooperatives and chief of soldiers in Northwest Zone were called to be reeducated and were arrested and taken to the prison and then they were killed. Since then, Southwest Zone took control in this place and Ta Mok was responsible for this region.”].

<sup>1214</sup> **D219/222** Touch Seng *alias* Yeay Yan WRI, A33, 36-37, 117-118, EN 01088578, 84 [the witness discusses when she and her Bakan District Committee colleagues (Ren and Rim) arrived in Pursat from the Southwest Zone]; **D219/57** Kong Run *alias* Kong Sarun WRI, A43, EN 01040561; **D6.1.991** Uk Soeum *alias* San Soeum WRI, A2, EN 00491348 [the witness became the Rumlech Cooperative chair in early 1977 (appointed by Yeay Rim (*see* A3)): “The call for re-education and disappearance of [Rumlech Commune officials] occurred in early 1977 when the Southwest Zone people came to take control of the Northwest Zone.”].

<sup>1215</sup> *See, e.g.* **D219/223** Nuon Rin WRI, A27, EN 01088595 [in Sector 2]; **D118/175** Voern Dara WRI, A47, 49, EN 00981834 [in Bakan Leu District, Sector 2]; **D118/192** Ven Van WRI, A97-98, EN 00986189 [in Bak Chenhchien Commune, Bakan Leu District]; **D118/278** Nam Im WRI, A26, 98, 128, EN 01031783, 94, 98 [in Bakan Leu District].

<sup>1216</sup> **D118/278** Nam Im WRI, A39, EN 01031786; **D219/758** Oem Lun WRI, A39, EN 01251821; **D219/223** Nuon Rin WRI, A105, EN 01088603.

<sup>1217</sup> Ren: **D219/187** Phan Khorn WRI, A31, EN 01104747 [“Different chairpersons [were] in charge of Sector 2 in different periods. From 1970 to 1976 the chairman of Sector 2 was Ta Ren.”]; **D6.1.991** Uk Soeum *alias* San Soeum WRI, A3, EN 00491348 [“Ta Ren (disappeared in 1976) became the sector committee.”]. Khan: In April 1975, Khan was Deputy Secretary and was then promoted to Secretary in 1976 when Secretary Ren left the Sector. *See, e.g.* **D219/923.1.2** Duch Chantha DC-Cam Statement, EN 01395499 [“Khan and Oeun were at [the sector] office. [...] Q: Was [Khan] promoted immediately after the liberation? A: Yes, he was. [...] Neither Sam Oeun nor [Khan] was the sector secretary. [...] [Khan] was in charge of the economics section of the sector. Sam Oeun was in charge of political section at that time.”]; **D6.1.991** Uk Soeum *alias* San Soeum WRI, A3, EN 00491348-49; **D219/187** Phan Khorn WRI, A31, EN 01104747; **D219/223** Nuon Rin WRI, A23-24, EN 01088595. On Sam-Oeun: On Sam-Oeun served as Bakan Leu District Secretary before being promoted to Sector 2 Committee as Member. *See, e.g.* **D18** Koem So WRI, EN 00708143 [in Rumlech Commune, Bakan Leu: “before my arrest, Un Sam Oeun served as District Chief, but he was later arrested.”]; **D219/89** Sam Leng WRI, A228, EN 01057853; **D118/278** Nam Im WRI, A27, EN 01031784; **D6.1.615** Prak Sarin SOAS Interview, EN 00352069 [“[Sameuan] later was promoted to the Sector 2 Committee, in around 1976”]; **D118/238** Kol Set *alias* Keo Set WRI, A56, EN 01040474; **D219/223** Nuon Rin WRI, A23-24, EN 01088595; **D219/921.2** Chap Puth DC-Cam Statement, EN 01530131-32.

Khan and On Sam-Oeun entering together on 4 August 1977.<sup>1218</sup> District-level officials Sae (Bakan), Ouch Phon (Maong), and Kung San (Maong) also travelled to Phnom Penh with Khan and Sam-Oeun and were imprisoned alongside them.<sup>1219</sup>

357. New Sector 2 Secretary Ben, a Southwest cadre,<sup>1220</sup> was instrumental in purging and killing Sector 2 cadres.<sup>1221</sup> Some lower-ranking Northwest cadres were simply removed from their positions, but many were killed, including commune and cooperative officials and military cadres.<sup>1222</sup> The killing of Northwest cadres was so intense that Nam Im

<sup>1218</sup> **D6.1.45** S-21 Prisoner List for Northwest, Numbers 35-36, EN 01148900 [35. Ham Chhil alias Khan, Member of Sector 2, 10 Jul 77; 36. Srei Oeum alias Ren, Former Secretary of Sector 2, presently a base person, 23 Aug 1977]; **D6.1.1202** S-21 Prisoner List from Northwest Zone, Number 2, EN 00185268 [Srei Oeum alias Ren, Secretary of Sector 2, 23-Aug-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8441, EN 01222670 [Srei Oeum alias Ren, Old People in Sector 1 (Sector 1, before Secretary of Sector 2) (Before work as Committee Chief of Sector 2, and then Assistant, Cooperative 6, Battambang District in Sector 1), 23-Aug-77], Number 1997, EN 01222415 [Ham Chhel alias Khan, Member of Sector 2 (Deputy Secretary of Sector 2), 04-Aug-77 or 10-Jul-77], Number 6265, EN 01222574 [On Sam-Oeun alias Saret, Member of Sector 2, 04-Aug-77]. *See also* **D118/177** Lorn Heng WRI, A26, 29, EN 00981786; **D219/187** Phan Khorn WRI, A19, EN 01104746; **D219/223** Nuon Rin WRI, A24-25, EN 01088595; **D6.1.616** Uk Soeum alias San Soeum SOAS Interview, EN 00352105 [“Southwest Zone and West Zone youngsters were being put in place and demissioning grassroots cadre. They kept us under surveillance, kept track of our work, which Sameuan told us was happening. Then it was announced that Khan, [...] and Sameuan (the higher ups) were traitors.”].

<sup>1219</sup> **D219/936** Duch Chantha WRI, A46-53, 57, EN 01492992-93 [this former messenger for Sector 2 (Deputy) Secretary Khan stated that in 1977, Khan went to a meeting in Pursat with other leaders and was then sent to Phnom Penh, accused of being a traitor and a rebel], A32, 66-67, EN 01492990, 94 [Khan, Sam Oeun, Ta Sae (district), and Ta Oem (district) were all transported to Phnom Penh by bus]; **D219/188** Phan Khorn WRI, A87, EN 01106437 [“Q: Who were the base cadres who were sent to be imprisoned in the Toul Sleng Prison in Phnom Penh? A87: They were Ta Sae, Ta Kung Sam-ouen, and Kap (my wife’s uncle). [...] Ta Sae was the former district committee of Bakan district.”]; **D6.1.45** S-21 Prisoner List for Northwest, Number 34, EN 01148900 [Ouch Pon, Secretary of Moung District, Sector 2, 4 Aug 77]; **D.1.3.25.7** S-21 Interrogation Log, 2 Feb 1978, Number 5, EN 00784624 [Documentation Group: Ouch Pon, Secretary of Moung District, Sector 3, Northwest]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5863, EN 01222558 [Uoch Phon (Ouch Phon), Secretary of Maong District in Sector 2, 4-Aug-77], Number 5864, EN 01222558 [Kung San (Kung Sean) alias Somaly, Member of Maong District in Sector 2, 4-Aug-77, executed on 19-Dec-77 or 10-Dec-77].

<sup>1220</sup> **D219/223** Nuon Rin WRI, A28, EN 01088595; **D219/187** Phan Khorn WRI, A31, EN 01104747 [“in 1977, a man named Ben from the Southwest Zone became the chairman of Sector 2.”]; **D219/8** Yang Sokhom alias Yang Han WRI, A124, EN 01047785; **D219/242** Ap Chroeng alias Ran WRI, A16, 25, EN 01092976-77.

<sup>1221</sup> *See, e.g.* **D219/223** Nuon Rin WRI, A30, EN 01088595 [“Whilst Ben was in charge, he arrested and killed many base cadres in Pursat Province. Ben killed the cadres at the village, commune, district, and battalion level.”]; **D219/242** Ap Chroeng alias Ran WRI, A24, EN 01092977 [“When Ben arrived here, he arrested the Battalion Commanders and took them to be killed at Snam Preah.”].

<sup>1222</sup> *See, e.g.* **D219/57** Kong Run alias Kong Sarun WRI, A44, EN 01040561-62 [“Q: After that, what happened to base cadres? A44: Some cadres were taken to be killed while others were removed from positions of trust.”]; **D219/188** Phan Khorn WRI, A89, EN 01106437 [“About a half month or one month after the arrival of the new cadres, I saw the former cadres at the commune and district levels were removed one by one.”], A83-84, 86, EN 01106436-37 [“A83: [...] Some base cadres were removed, but some continued to hold on [to] their positions. [...] A84: This meant that they were removed from their positions to become the ordinary people and stayed in the cooperative. [...] Q: Were any base cadres in Bakan district or Pursat province arrested and taken to be detained at Tuol Sleng in Phnom Penh? A86: Yes, there were, but they were all dead.”]; **D6.1.991** Uk Soeum alias San Soeum WRI, A2, EN 00491348 [the witness became the Rumlech Cooperative chair in early 1977 (appointed by Yeay Rim (*see* A3)): “The call for re-education and disappearance of [Rumlech Commune officials] occurred in early 1977 when the Southwest Zone

described it as happening “every day.”<sup>1223</sup>

358. Northwest cadres were often targeted in alleged “networks” or “strings” of purged high-ranking cadres, the most notable example being the sustained attack on the “network” of Ta Vanh. Chea Huon *alias* Vanh had been Sector 2 Secretary in the pre-DK era before he was transferred to the Zone Committee in charge of Commerce in late 1974 and then also replaced Ta Say as Sector 1 Secretary in early 1976.<sup>1224</sup> On 20 June 1977, after a transitory period at the Ministry of Foreign Affairs, Vanh was accused of being a traitor and entered S-21.<sup>1225</sup> Due to his former ties to Sector 2, many Sector 2 cadres were accused by the Southwest cadres of belonging to his “network” and were purged.<sup>1226</sup> Nuon Pho, a Bakan District Committee member during Ta Vanh’s time, was one such victim, sent to S-21 on 1 April 1978.<sup>1227</sup> After Southwest cadres arrested former Bakan District Secretary and Sector 2 Committee Member On Sam-Oeun, his “string” was

people came to take control of the Northwest Zone.”]; **D219/223** Nuon Rin WRI, A31, 105, EN 01088595, 603; **D118/278** Nam Im WRI, A39, EN 01031786; **D219/89** Sam Leng WRI, A155-157, EN 01057843.

<sup>1223</sup> **D118/278** Nam Im WRI, A125, EN 01031798.

<sup>1224</sup> See, e.g. **D219/974.1.4** Huon Choeum, T. 17 Oct 2016, 14.20.47-14.22.33 [“before the liberation year of 1975, [Ta Vanh] was a part of [...] Sector 2 Committee.”] confirming **D123/1/1.3a** Huon Choeum DC-Cam Statement, EN 01549725-26 [“Q: [...] in late 1971 or early 1972, there was the beginning of the creation of sectors? A: Yes. [...] Q: And who was Sector 2 Com? A: [...] Ta Vanh.”]; **D219/974.1.6** Son Em, T. 21 Nov 2016, 09.21.06-09.23.27 [“Mr. Vanh [...] was in charge of commerce.”]; **D118/278** Nam Im WRI, A166-167, 169, EN 01031804; **D118/102** Toat Thoen WRI, A71, EN 00974028; **D118/122** Thek Bunroeun WRI, A17-18, EN 00975863; **D118/69** Nuon Muon WRI, A11, EN 00950726; **D6.1.715** Saloth Ban *alias* So Hong WRI, EN 00361016-17; **D6.1.313** Chea Huon *alias* Vanh S-21 Confession, 25 Jun-21 Aug 1977, EN 01559904, KH 00299157 [“Chea Huon *alias* Vanh, Secretary of Sector 1, the Northwest”]; **D131/2.1.137** Chea Huon *alias* Vanh S-21 Confession [Khmer only]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 122, EN 00873644 [“Chea Huon *alias* Vanh, M, Northwest Zone, Secretary of Sector 1, entry date: 20.6.77”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913 [Chea Huon *alias* Vanh, Secretary of Sector 1, 20 Jun 77];

<sup>1225</sup> See, e.g. **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon *alias* Vanh, Secretary of Sector 1, 20-Jun- 77]; **D118/278** Nam Im WRI, A167, 169, EN 01031804 [“After the liberation in 1975, Ta Vanh was arrested because he was accused of being a revisionist. [...] he was accused of being a traitor.”]; **D118/69** Nuon Muon WRI, A11, EN 00950726; **D118/136** Chhean Hea WRI, A54, EN 00969646; **D123/1/1.3a** Huon Choeum DC Cam Statement, EN 01549763-64 [“Ta Vanh was the first [to be arrested]. [...] the [arrest] would have been late ’76.”]. See further **V.B.1.b.ii**. Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 1.

<sup>1226</sup> See, e.g. **D118/226** Nget Vut WRI, A96, 98, EN 01055759 [in Rumlech Village, Bakan Leu District]; **D219/89** Sam Leng WRI, A229, EN 01057853 [in Sraong Cooperative, Bakan Leu District]; **D219/345** Noem Lorn WRI, A22, EN 01116100 [in Bakan District]; **D118/256** Seng Eng WRI, A24-27, EN 01025245 [Den, chairman of hospital in Ta Lou, Bakan District, was executed around 1977 “because he was accused of being in Ta Vanh’s network” and “those who were in Ta Vanh’s network were all killed.”]; **D118/202** Prak Sarin WRI, A35-36, EN 00986212; **D118/173** Van Chauk WRI, A22-24, EN 00981758.

<sup>1227</sup> **D6.1.1202** S-21 Prisoner List from Northwest Zone, Number 3, EN 00185269 [Nuon Pho, Member of Bakan District Committee, District 2, 1-Apr-78]; **D6.1.1203** S-21 Interrogation Log, EN 00855379 [“Northwest Zone Section, 10. Nuon Phau, Member of Bakan District, Sector 2, 1 Apr 78, to be interrogated”]; **D219/744** Pheun Phonn WRI, A11, 35-37, EN 01251794, 96; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5704, EN 01222551 [Nuon Pho, Committee Member of Bakan District in Sector 2, 01-Apr-78].

similarly targeted.<sup>1228</sup>

359. The purge continued with the arrival of West Zone cadres, who either replaced or ruled alongside the Southwest leaders, both groups taking orders from Ta Mok.<sup>1229</sup> Sector 2 Secretary Ben was himself arrested and replaced by Sarun from Kampong Chhnang.<sup>1230</sup> In Bakan Leu, District Secretary Yeay Ren and Member Yeay Yan, Southwest cadres who had been put in place only months earlier,<sup>1231</sup> were both arrested, leaving Yeay Rim in control of Bakan Leu.<sup>1232</sup> As detailed in the *Sector 2* sub-section of the *CPK Authority Structure and Communication* section, when the two Bakans merged, Rim was then joined by the new Bakan Kraom Secretary, West Zone cadre Pheng,<sup>1233</sup> who had just purged and replaced his Southwest predecessor, Phal.<sup>1234</sup> Together, Sarun, Rim, and Pheng continued implementing the JCE policy of rooting out “traitorous” cadres in the

<sup>1228</sup> **D219/89** Sam Leng WRI, A229, EN 01057853.

<sup>1229</sup> **D6.1.991** Uk Soeum alias San Soeum WRI, A20, EN 00491354; **D6.1.616** Uk Soeum alias San Soeum SOAS Statement, EN 00352105 [“The Southwest Zone had come first, then the West Zone [...] Southwest Zone and West Zone youngsters were being put in place and demissioning grassroots cadre. They kept us under surveillance, kept track of our work, [...] Some of us grassroots cadres remained in place, but we were just tools to help these youngsters push forward the mass movement, and we kept being arrested.”]; **D118/273** Nget Yi alias Chhut Yi WRI, A46, 52, EN 01035033-34.

<sup>1230</sup> *See, e.g.* **D219/223** Nuon Rin WRI, A28-30, EN 01088595 [“[Ben] came to replace them for only a few months. After that, he was arrested and taken away. [...] Ta Sarun was the new Secretary of the sector. He was from Kampong Chhnang. [...] Ta Sarun stayed there until the Vietnamese arrived.”]; **D219/187** Phan Khorn WRI, A31, EN 01104747; **D219/223** Nuon Rin WRI, A28, EN 01088595.

<sup>1231</sup> *See, e.g.* **D219/222** Touch Seng alias Yeay Yan WRI, A33, 36-37, 117-118, EN 01088578, 84 [Yan, Ren, and Rim arrived in Pursat in February or March 1977]; **D219/187** Phan Khorn WRI, A33, EN 01104747; **D118/278** Nam Im WRI, A112, 119, EN 01031796-97 [“The Bakan District Committee was comprised of Ren, Roem [Rim] and Yan. They are all female. They were from salt fields in the Southwest Zone [...] To my observation, Ren was the chairperson; Roem [Rim] was the deputy, and Yan was the member.”]; **D118/189** Phan Saray WRI, A17, 65-66, EN 00986688, 95-96 [describing the arrest and replacement of former District Secretary, Ta Taay with Yeay Rim from the Southwest Zone in 1976-1977]; **D219/8** Yang Sokhom alias Yang Han WRI, A53, EN 01047775. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

<sup>1232</sup> *See, e.g.* **D219/222** Touch Seng alias Yeay Yan WRI, A120, EN 01088584 [“Ren had been taken away. Later on, only Yeay Rim remained [in charge of Bakan District], and I was detained.”]; **D219/861** Sek Sam At alias Yeay Rim WRI, A44-45, EN 01364077-78 [twice confirming that she was on the Bakan District Committee and at one point Ren went missing and Yan was arrested]; **D219/8** Yang Sokhan alias Yang Han WRI, A63, 66-67, EN 01047776-77; **D219/187** Phan Khorn WRI, A33-34, EN 01104747-48; **D6.1.991** Uk Soeum alias San Soeum WRI, A20, EN 00491354; **D219/223** Nuon Rin WRI, A40, 48-49, EN 01088596-97; **D219/590** Long Khork WRI, A39-40, EN 01178803.

<sup>1233</sup> *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

<sup>1234</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13263, EN 01222871 [Uong Chin alias Phal, Assistant, Kdat District in Sector 2 before work in Division 703 (Assistant Krakor District in Sector 2), 01-Apr-78 or 23-Mar-78] *but see* **D6.1.13** S-21 Name List of Prisoners Interrogated on 02-03 April 1978, EN 01210363 [showing Uong Chin’s arrest date as 23 Feb 1978]; **D219/276** Nhoem Nguay WRI, A24, EN 01098502 [“Ta Pheng was a district committee member then [...] When Ta Pheng arrived, he arrested Ta Phal at Au Ta Paong and took him somewhere.”]; **D219/241** Am Sokhon alias Khon WRI, A18-21, 51-52, EN 01092963-64, 66; **D219/588** Kuy Yin WRI, A109, EN 01178762; **D219/223** Nuon Rin WRI, A40-42, 54, EN 01088596-98; **D219/586** Khun Mon WRI, A87-88, 121, EN 01178709, 14; **D219/6** Ouk Heang WRI, A111, EN 01047754; **D118/122** Thek Bunroeun WRI, A12, EN 00975862.

areas under their control, including the network of Ta Vanh.<sup>1235</sup>

360. While many area cadres were likely sent to local security centres or worksites not discussed in this Submission, surviving prison records indicate that at least 17 cadres from Sector 2 (or their family members) were sent to S-21 from mid-1977 until the end of the regime as part of the purge of the Northwest Zone.<sup>1236</sup>

### Sector 3

361. Southwest Zone cadres began arriving in Sector 3 in late 1977 or early 1978<sup>1237</sup> and quickly started targeting and replacing their Northwest counterparts.<sup>1238</sup> At the sector

<sup>1235</sup> **D6.1.991** Uk Soeum alias San Soeum WRI, A3-4, EN 00491348-49; **D219/188** Phan Khorn WRI, A80, EN 01106436; **D118/238** Kol Set alias Keo Set WRI, A58, EN 01040474; **D219/241** Am Sokhorn alias Khon WRI, A51-52, EN 01092966; **D118/191** Nget Chat WRI, A13-14, 62, EN 00986709-10, 16.

<sup>1236</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1997, EN 01222415 [Ham Chhel alias Khan, Deputy Secretary of Sector 2, 4-Aug-77 or 10-Jul-77], Number 2006, EN 01222415 [Im Chhan, Secretary of Battalion 350 in Sector 2 Unit, 28-Jun-77 or 27-Jun-77], Number 5704, EN 01222551 [Nuon Pho, Committee Member of Bakan District in Sector 2, 1-Apr-78], Number 5863, EN 01222558 [Uoch Phon (Ouch Phon), Secretary of Maong District in Sector 2, 4-Aug-77], Number 5864, EN 01222558 [Kung San (Kung Sean) alias Somaly, Member of Maong District in Sector 2, 4-Aug-77, executed 18 or 19-Dec-78], Number 6265, EN 01222574 [On Sam-Oeun alias Saret, Member of Sector 2, 04-Aug-77], Number 6851, EN 01222598 [Pheng Rin, son of Pho Pheng in Sector 2, 11-Nov-77 (*see also* Number 13129, EN 01222866 [Pho Pheng, Member of Platoon in Zone Transportation, 24-Oct-77])], Number 7668, EN 01222634 [Prakk Yin alias So Kin, Chief of Tractor Workshop in Sector 2, 5-Jul-77 or 4-Jul-77], Number 8441, EN 01222670 [Srei Oeum alias Ren, Sector 1, formerly Secretary of Sector 2, 23-Aug-77], Number 8935, EN 01222694 [Chai Sean alias Seng, Committee Member of Krakor Leu District in Sector 2, 1-Apr-78], Number 8937, EN 01222694 [Mann Moeng, Committee Member of Krakor Krom District in Sector 2, 1-Apr-78], Number 8939, EN 01222695 [Chea Oeun, Deputy Secretary of Krakor District in Sector 2, 1-Apr-78 or 24-Mar-78], Number 8940, EN 01222695 [Hong Y (Hong Iv) alias Im, Wife of Oeun and Assistant, Chamkar Krauch District Office, 1-Apr-78 or 17-Mar-78], Number 9414, EN 01222715 [Chheng Taing, Medical Staff of Mean Leakk Cooperative in Sector 2, 11-Apr-78, executed 11-May-78], Number 13263, EN 01222871 [Uong Chin (Ung Chin) alias Phal, Assistant, Kdat District in Sector 2, 1-Apr-78 or 23-Mar-78] *but see* **D6.1.13** S-21 Name List of Prisoners Interrogated on 2-3 April 1978, EN 01210363 [showing Uong Chin's arrest date as 23 Feb 1978, as well as Chea Oeun's arrest date as 24 Feb 1978, and Hong I alias Im's arrest date as 28 Feb 1978] and **D6.1.1206** S-21 Name List of Prisoners Interrogated on 4 April 1978, EN 01408110 [showing Hong Y alias Im's arrest date as 24 Mar 1978].

<sup>1237</sup> **D219/667** Hun Moeun WRI, A23, EN 01204498 [in Phnom Sampeou Commune, Sector 3: "the Southwest Zone groups arrived in late 1977"]; **D219/164** Chheang Meng WRI, A59, EN 01076932 [in Ou Prasat Commune, Mongkol Borei District, Sector 3 (*see* A61-62): "When the Southwest cadres arrived in 1977, they took [commune chief Ta Yan] away to be killed because he was a Northwest cadre."]; **D118/66** Im An WRI, A17-18, EN 00954058; **D118/64** Pol Seun WRI, A24, EN 00950700 [in Phnom Sampeou District, Sector 3 (*see* A4): "Q: [...] you stated that the Southwest group arrived in this area in 1977. Is that correct? A24: Yes! It was probably in that year."]; **D6.1.169** Nhim Ho WRI, EN 00274192 [in Peak Sbek Cooperative, District 68 (*see* EN 00274191-92), Sector 3: "The group from the Southwest arrived in 1977, early 1978. [...] This group was Angkar from above, from the Southwest Zone, and they had the right to govern the old cadres of the Northwest Zone."]; **D219/784** Mom Krath WRI, A46, EN 01485068 [in Snoeng Commune, Sector 3 (*see* A37): "In 1978, the Southwest Zone people arrived. They were Ta Mok's group."]; **D219/548** Ing Oeum WRI, A20, EN 01193235 [in Anlong Ta Mei Village, Banan District, Sector 3 (*see* A2, 7): "The Southwest Zone group arrived in 1978."].

<sup>1238</sup> *See, e.g.* **D6.1.127** Sun Nat WRI, EN 00250284 [in Phnom Sampeou Commune: "At the time, there were changes in the governing structure at Phnom Sampeou Subdistrict: cadres from the Southwest Zone came and seized power from the Northwest group, and the Northwest group was arrested and killed by the Southwest group. [...] The subdistrict and village chiefs and the base people of the Northwest Zone were gradually taken away and killed by the Southwest group [...] These events occurred during late 1977 and

level, Northwest cadres Ta Chham, Ta Hoeun, Phok Sary alias Ta Tom, and Kev Manak were progressively removed from the Sector 3 Committee and arrested by Southwest Zone cadres.<sup>1239</sup> Ta Tom, who also served on the Zone Committee, was arrested shortly after Ros Nhim in June 1978.<sup>1240</sup>

362. By the time Ros Nhim and Ta Tom were arrested, the purge had profoundly affected every administrative level in Sector 3, from village to sector.<sup>1241</sup> Ta Mok struggled to

early 1978.”]; **D219/548** Ing Oeum WRI, A44-45, 51, EN 01193240-41 [in Anlong Ta Mei Village, Banan District (*see* A2, 7)]; **D118/86** Nhoek Ly alias Ta Kim WRI, A13, EN 00976961; **D1.3.11.61** SK71 Interview (summary) by Steve Heder, EN 00217748 [in Phnom Sampeou District, Sector 3: “In late 1977-early 1978, Northwest Zone cadre were replaced by those from the Southwest, after which Chay became Secretary of Sector 3.”]; **D118/64** Pol Seun WRI, A19, 23, EN 00950699-700 [in Phnom Sampeou District, Sector 3 (*see* A4)]; **D118/107** Set Dun WRI, A30, 33, EN 00976913. Another indicator of the late 1977-early 1978 timeframe is demonstrated by **Annex D.7** of this Submission, which lists in chronological order by date of entry all Sector 3 cadres sent to S-21 (using **D219/825.1.2** OCIJ S-21 Prisoner List as the source). As reflected in that annex, cadres from Sector 3 arrived at S-21 in a steady stream from October 1977 until mid-1978.

<sup>1239</sup> *See, e.g. Chham*: **D6.1.164** Kung Kimly WRI, EN 00274153 [“The Sector chief was Chham (Sector 3).”]; **D219/697** Nok Chheath WRI, A9, EN 01213441; **D118/64** Pol Seun WRI, A5, 9, EN 00950698; **D118/85** Chea Choeun WRI, A25-26, EN 00976946; **D118/66** Im An WRI, A6, 19, EN 00954057, 59; **D6.1.165** Im An WRI, EN 00274159 [“In 1977, there was a meeting at Phnom Sampeou, when the group from the Southwest who came to govern the Sector announced that the Northwest Zone cadres were traitors. Then the Northwest Zone cadres were arrested. For instance, Ta Chham, the Sector 3 Committee [Secretary], was arrested at Sre Thmei by Southwest cadres and disappeared after that.”]. *Hoeun*: **D219/906.1.2** Hun Chhunly, T. 6 Dec 2012, 14.40.31-15.06.25 [“Comrade Hoeun, who was the Deputy of Sector 3 Committee”]; **D118/86** Nhoek Ly alias Ta Kim WRI, A10, EN 00976960 [“Ta Hoeun was arrested by Ta RUOS Nhim in perhaps early 1978. [...] he sent him to Phnom Penh. I never saw him again. I believe he was executed.”]. *Phok Sary alias Ta Tom alias Ta Tob and Kev Manak*: **D219/551** Heng Khly WRI, A19, 66, EN 01178554, 61; **D219/294** Muol En WRI, A38-40, EN 01111830; **D118/102** Toat Thoeun WRI, A22-23, EN 00974016-17; **D118/154** Toat Thoeun WRI, A36, EN 00978788; **D118/136** Chhean Hea WRI, A25, EN 00969641; **D118/86** Nhoek Ly alias Ta Kim WRI, A42, EN 00976966; **D123/1/1.4a** Nhoek Ly DC-Cam Statement, EN 01390350 [“Ta Tom was also in Sector 3. Ta Tom was Sector Com.”].

<sup>1240</sup> Ros Nhim made a confession at S-21 approximately two weeks before Ta Tom entered S-21. *See* **D1.3.18.2** Muol Sambath alias Ros Nhim S-21 Confession, EN 00780859, 61 [dated 14 June 1978]; **D1.3.4.8** Phok Sary alias Tom S-21 Confession, KH 00070108 [The cover page mentions his date of arrest: 28 June 1978]; **D6.1.332** Phok Sary alias Tom S-21 Confession, EN 00823329, KH 00309944, FR 00807258 [“Phok Sary alias Tom, 28.6.78 arrested [...] Secretary of Sector 3, Northwest Zone”]; **D6.1.1202** S-21 Prisoner List from Northwest Zone, EN 00185269, Number 4 [Phok Sary alias Tom, 63, M, Secretary of Sector 3, 29 Jul 1978]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6857, EN 01222598 [Phok Tom (Phok Sary) alias Tom, Secretary of Sector 3, 25, 29 or 30-Jun-78]. *See also* **D118/86** Nhoek Ly alias Ta Kim WRI, A42, EN 00976966. Regarding Ta Tom’s membership on the Northwest Zone Committee, *see* para.333, particularly fn. 1106.

<sup>1241</sup> **D118/30** Sam Sokhan WRI, A3-4, EN 00901559 [in late 1977 or early 1978 (*see* A1-2): “At that time because the Southwest Zone group wanted to take control of the Northwest Zone, they started to arrest many Northwest Zone cadres. [...] When the Southwest Zone group arrived, they called the Northwest Zone cadres to study in Battambang. They arrested Northwest Zone cadres from the village level up to the Zone level.”] *read in conjunction with* **D118/29** Sam Sokhan WRI, A2, EN 00903216 [establishing that the witness lived in Mongkol Borei District, Sector 3]; **D6.1.362** Pol Seun WRI, EN 00315905 [in Phnom Sampeou District, Sector 3 (*see* EN 00315904): “In 1977, Southwest cadres came to replace the Northwest in the administrative structure. Committees of the Zone, Sector, Districts and Subdistricts of the Northwest were all replaced by those from the Southwest. I heard from the Southwest cadres that all cadres of the Northwest were traitors.”]; **D118/28** Chhann Chhoeun WRI, A17, EN 00901002 [in Phnom Lech Village, Mongkol Borei District, Sector 3, 1977 (*see* A1, 13, 18): “After the arrival of the Southwest Zone group, the Northwest Zone’s cadres were arrested continuously.”]; **D6.1.165** Im An WRI, EN 00274159 [“In 1977, there was a meeting at Phnom Sampeou, when the group from the Southwest came to govern the

find replacements for the officials they had purged. At times, whole communes and districts were left without cadres in charge.<sup>1242</sup> As a result, improvised arrangements were put into place. The sector boundaries were reorganised, incorporating parts of Sector 3 into Sectors 4 and 5 and *vice versa* in order to more evenly balance the number of people within each administrative area.<sup>1243</sup> In addition, Southwest cadres were given responsibilities across multiple levels and geographical areas,<sup>1244</sup> compromising the previously strict CPK administrative hierarchy. For example, Southwest cadre Ta Chay succeeded Ta Tom as Sector 3 Secretary, simultaneously filling that role as well as the role of Sector 5 Secretary, and Im Chaem worked across both sectors as his deputy.<sup>1245</sup>

363. Moul En, a soldier from the Southwest Zone, was ordered by Ta Mok to head Bavel District in Sector 3 after Ros Nhim was arrested.<sup>1246</sup> He recalled that when the sector boundaries were reorganised in approximately September or October 1978, Ta Mok ceded parts of Sector 5 to Sector 3 and gave **Yim Tith** authority over them, while parts of what had previously been Sector 3 were ceded to Sector 5.<sup>1247</sup> After the boundaries

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Sector announced that the Northwest Zone cadres were traitors. Then the Northwest Zone cadres were arrested. For instance, Ta Chham, the Sector 3 Committee [Secretary], was arrested at Sre Thmei by Southwest cadres and disappeared after that. I also heard that they had killed Moul [Sambath alias Ros Nhim, Zone Secretary] and that Loeut, the Phnom Sampeou Subdistrict Military Chairman, had been arrested as well.”]

<sup>1242</sup> **D219/294** Moul En WRI, A43, 115, EN 01111831, 38. *See also* **D219/900.1** Chou Yorn DC-Cam Statement, EN 01208088 [“[Commune chief Nuon Thau] told me that Angkar ordered me to go to the Northwest because there were no cadres there and that a great number of forces had been sent here. He told me to go there because of the lack of cadres there. He sent me from the Southwest.”], EN 01208087 [the witness went to the Northwest Zone in June 1977], EN 01208090-91 [Ta Tith came with him. He was the sector committee chief and “seemed to be in Sector 3”].

<sup>1243</sup> **D118/153** Long Vun WRI, A32-36, EN 00978773; **D219/294** Moul En WRI, A157-158, EN 01111843.

<sup>1244</sup> **D118/102** Toat Thoeun WRI, A62, EN 00974027; **D118/153** Long Vun WRI, A35-36, EN 00978773.

<sup>1245</sup> **D118/153** Long Vun WRI, A26, 36, 57-59, EN 00978772-73, 77; **D118/93** Prak Soem WRI, A1, 7-9, EN 00967035-37; **D219/294** Moul En WRI, A41, 44-46, EN 01111830-31 [after the witness was appointed chief of Bavel District approximately a month after Ros Nhim’s arrest (*see* A46): “The first meeting was with Sector 5 Secretary by the name of Ta Chay [...] He was from Takeo. He was the Sector 5 Secretary administering the districts of Sisophon, Mongkul Borei and Phnom Srok.”], A92-93, EN 01111836 [stating that Ta Chay was in charge of Sector 3 after Ros Nhim was arrested], A158, EN 01111843 [“Q: Yesterday you said Ta Chay was in charge of Sector 3 but now you are saying Ta Chay was in charge of Sector 5. Which is your correct statement? A158: [...] Ta Chay was still in charge of Sector 3 which stretched to Sector 5. These two sectors possibly were merged.”]; **D219/37** Suon Mot WRI, A49-50, EN 01053620. *See also* regarding Ta Chay’s origins in the Southwest Zone: **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678538 [“Two [of Ta Mok’s] sons, Cham and Chay, also served on the Tram Kak CPK district committee”]. For further evidence regarding Im Chaem serving as Ta Chay’s deputy on the Sector 5 Committee, *see* fn. 1285.

<sup>1246</sup> **D219/900** Moul En WRI, A3-12, EN 01517474-75 [establishing that he had been a Khmer Rouge soldier in the Southwest Zone until 1977 when he was moved to Battambang], A35-36, 46-48, EN 01517476-77 [establishing that when he moved to Battambang, he was still a soldier but after Ros Nhim was arrested, Ta Mok ordered him to work in Sector 3 in Bavel District]; **D219/294** Moul En WRI, A36, 46, EN 01111830-31 [confirming that he was assigned as Secretary of Bavel District about one month after Ros Nhim’s arrest].

<sup>1247</sup> **D219/294** Moul En WRI, A41-42, 47, 110, 157, EN 01111830-31, 38, 43.



were redrawn, Moul En no longer reported to Ta Chay and instead reported to **Yim Tith** in Sector 3.<sup>1248</sup> The fluidity of the changing borders and leadership responsibilities makes it highly plausible that both Ta Chay and **Yim Tith** simultaneously held sector-level authority over parts of Sector 3. More importantly, Moul En's direct reporting relationship to **Yim Tith** and his evidence of **Yim Tith**'s actions during that period make it clear that **Yim Tith** exercised authority in Bavel District in a way that would befall a sector secretary.<sup>1249</sup>

364. Evidence on the Case File demonstrates that the Southwest cadres of Sector 3 loyally implemented the CPK policy of smashing perceived enemy cadres at every level. Northwest cadres were sent to area security centres such as Wat Kirirum<sup>1250</sup> and other prisons and worksites not discussed in this Submission. In addition, surviving prison records indicate that at least 118 cadres working in some sort of leadership position were sent from Sector 3 to S-21 from late 1977 until the end of the regime.<sup>1251</sup> These records

<sup>1248</sup> **D219/900** Moul En WRI, A47, EN 01517477 ["First, I was assigned to work in Bavel District in Sector 3 under the control of Ta Chay who was from the Southwest Zone. Later, Ta Mok may have combined those sectors."], A110, 112, EN 01517482 ["First, when I was in Bavel, I was under the management of Ta Chay. Later, Bavel was put under the management of Ta Tith. [...] Sometimes, Bavel District was under Sector 5 and sometimes it was under Sector 3."], A114, EN 01517483; **D219/294** Moul En WRI, A41, EN 01111830, A42-43, EN 01111831 ["A42: YIM Tith commanded Sector 3. The area from Chbarmorn to the south was under Sector 3, and the area from Chbarmon to the north was under Sector 5. Q: Did you learn YIM Tith was Sector 3 Secretary due to your position as the district chief? Yes, I did. I learned of this when I was serving as the replacement of the district chief as Ta Mok lacked cadres to assist him."]. See also **D219/928** Nhem Hean WRI, A86, EN 01451504 ["I did not know Ta Tith's office, but I heard that he was on Sector 3 Committee."].

<sup>1249</sup> **D219/294** Moul En WRI, A41, EN 01111830 ["Q: As the chief of Bavel District had you ever attended meetings with other district chiefs? A41: I had attended the meetings on two occasions. [...] the second meeting was with Sector 3 Secretary by the name of Ta Tith."], A75-76, 97-101, 190-191, EN 01111834, 36-37, 45.

<sup>1250</sup> **D219/458** WRIA, Account of Pheung Dy, EN 01129838 ["PHEUNG Dy told that in the KR regime he lived near Phnom Sampoeu (known by the OCIJ to be in Sector 3), but he was not detained in Phnom Sampeou prison (known to the OCIJ as Wat Kirirum prison). He witnessed Southwest Zone soldiers escorting people at gun point to Wat Kirirum prison to be killed. He was told that those persons were Northwest Zone cadres from Battambang and Pursat provinces."].

<sup>1251</sup> Sector Committee and Sector-Level Officials: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6857, EN 01222598 [Phok Tom (Phok Sary) alias Tom, Secretary of Sector 3, 25, 29 or 30-Jun-78], Number 7872, EN 01222645 [Ran Chet alias Kou, Deputy Secretary of Sector 3, 18-Nov-77, 18-Dec-77, or 18-Mar-78], Number 4726, EN 01222516 [Mean Yann alias Saren, Chief of Sector 3 Farm, 24-Oct-77], Number 6852, EN 01222598 [Hang Chorn alias Yorn, Deputy Chief of Sector 3 Hospital, 26-Nov-77], Number 6870, EN 01222599 [Ken Phan (Phin Than) (Phin Phan) alias In Phan, Chief of Sector 3 Military Economics, 18 or 19-Jan-78, executed 10-Mar-78], Number 7028, EN 01222606 [Phai Lop, Deputy Chief of Sector 3 Commerce, 21-Feb-78 or 21-Apr-78], Number 7313, EN 01222618 [Pakk Suom, Responsibility of Blacksmith in Sector 3, 29-Jan-78, executed 10-Mar-78], Number 7870, EN 01222645 [Riel Bour, Chief of Sector 3 Responsibility Car Driver, 30 or 31-Jan-78, executed 23-Feb-78], Number 7866, EN 01222645 [Tuot Choeun alias Him, Chief of Sector 3 Children Unit, 18-Jan-78], Number 8052, EN 01222654 [Raing Lap, Deputy Chief of Sector 3 State Commerce, 21-Jan-78, executed 10-Mar-78], Number 9569, EN 01222722 [Ly Ouch (Sei Ouch), Deputy Chief of Sector 3 Veterinary, 15-Apr-78, executed 11-May-78], Number 10128, EN 01222748 [Suk Nit, Chief of Sector 3 Farm, 18-Oct-77]. Ampil District Committee: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 7903, EN 01222646 [Reut Noal (Rit Nall) alias Tha,

further demonstrate the breadth and depth of the purge that swept through Sector 3.

#### Sector 4

365. The purge in Sector 4 began in July 1977. Surviving S-21 records show a dramatic spike in arrests of Sector 4 cadres from July 1977 through June 1978, with peaks in October 1977 and February 1978.<sup>1252</sup> Although witnesses' evidence regarding the timing of the arrival of Southwest Zone cadres differs depending on their individual perspectives and memories, many say that Southwest Zone cadres arrived in 1977, specifying mid- to late 1977.<sup>1253</sup> Witnesses' memories of the arrest of specific Northwest Zone cadres by the

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Secretary of Ampil District, Sector 3, 22-Oct-77 or 24-Nov-77], Number 9568, EN 01222722 [Eng Rin alias Pheap, Deputy Secretary of Ampil District in Sector 3, 14 or 15-Apr-78], Number 214, EN 01222338 [Chim Chun (Chim Lun), Member of Ampil District in Sector 3, 04-Feb-78, executed 25-Mar-78], Number 1722, EN 01222404 [Ham Smien alias Haim, Member of Ampil District in Sector 3, 02 or 04-Feb-78, executed 25-Mar-78], Number 897, EN 01222368 [Chhin Rom (Chheun Rom), Assistant, Ampil District in Sector 3, 24-Nov-77, executed 10-Mar-78], Number 3215, EN 01222452 [Khoem Yy, Chief of Cotton Farm Worksite in Sector 3, [former] Member of Ampil District in Sector 3, 02 or 04-Feb-78]. Bavel District Committee: D219/825.1.2 OCIJ S-21 Prisoner List, Number 617, EN 01222357 [Chheng Chhan alias Chhann Chhon, Secretary of Bavel District, Sector 3, 17 or 18-Jun-78], Number 885, EN 01222368 [Chea Ke alias Kim, Member of Bavel District in Sector 3, 30-Jan-78, executed 25-Mar-78], Number 7050, EN 01222607 [Peou Seap, Member of Bavel District in Sector 3, 30-Jan-78, executed 25-Mar-78]. Mongkol Borei District Committee: D219/825.1.2 OCIJ S-21 Prisoner List, Number 492, EN 01222351 [Chann Oeun (Thann Oeun) alias Oeun, Secretary of Mongkul Borei District in Sector 3 (former Member of Sector 3), 22 or 23-Oct-77, executed 11-May-78], Number 5553, EN 01222546 [Ngin Inh (Ngin Ing) alias Man, Committee Chief of Mongkul Borei District, Sector 3, 16 or 18-Jun-78], Number 176, EN 01222337 [But Aum (Bun Aom) alias Sam-At, Member of Mongkul Borei District in Sector 3, 21-Jan-78, executed 25-Mar-78]. Phnom Sampeou/Banan District Committee and District-Level Officials: D219/825.1.2 OCIJ S-21 Prisoner List, Number 2996, EN 01222446 [Kaet Prum alias Hea, Secretary of Phnom Sampeou District in Sector 3, 02-Feb-78], Number 1870, EN 01222410 [Hen Mi (Hen Me), Committee Member of Phnom Sampeou District (Secretary of Phnom Sampeou District, Sector 3), 15 or 18-Jun-78], Number 9835, EN 01222735 [So Kung, Committee Member of Phnom Sampeou District Hospital in Sector 3, 26 or 27-Apr-78], Number 9601, EN 01222723 [Chroeng Saom (Chhoeum Saom), Chief of Phnom Sampeou District Hospital in Sector 3, 15 or 16-Apr-78]. Poipet District Committee: D219/825.1.2 OCIJ S-21 Prisoner List, Number 4825, EN 01222520 [Mae My alias Mao Samai (Samai), Secretary of Paoy Pet District in Sector 3, 18 or 26-Jun-78], Number 7136, EN 01222610 [Prum Prean alias Say, Member of Paoy Pet District in Sector 3, 2-Feb-78, executed 25-Mar-78], Number 8168, EN 01222658 [Nou Yory alias Yot, Member of Paoy Pet District in Sector 3, 06 or 14-Feb-78, executed 25-Mar-78], Number 8648, EN 01222680 [Svay Oeut, Secretary of Paoy Pet District in Sector 3, 18-Mar-78]. *See also* Annex D.8 of this Submission, which lists in hierarchical order all Sector 3 cadres sent to S-21 (using **D219/825.1.2** OCIJ S-21 Prisoner List as the source), including the higher-level officials listed above as well as officials from the communes and cooperatives, villages, and military. As reflected in that annex, at least 118 cadres from Sector 3 arrived at S-21 in a steady stream from October 1977 until mid-1978 as part of the purge.

<sup>1252</sup> See **Annex D.9**.

<sup>1253</sup> **D219/391** Sok Bunran WRI, A2-3, 18-19, EN 01132652, 55 ["This place was referred to as Commune 30, in Sector 4. [...] Commune 30 was located in District 42, Sector 4. [...] The Southwest Zone group came to my [Kach Roteh] village in mid-1977, perhaps in April. [...] About two months after their arrival, the Southwest Zone group arrested a cooperative chairperson named Ta Yin. [...] Q: Do you remember when Ta Yin was arrested? A19: He was arrested perhaps in Mayor June 1977."]; **D219/781** Yan Prak WRI, A43, EN 01348608 [Southwest Zone cadres entered Kach Roteh Village "[i]n 1977."]; **D219/839** Chea Koeung WRI, A79, EN 01399442 ["Southwest came in [...] 1977" in Kach Roteh Village.]; **D219/125** Srey Soeum WRI, A51, EN 01067735 ["The Southwest group arrived in my area [Os Tuk village] in late 1977"]; **D219/404** Hoeung Sambo WRI, A10, EN 01147870 ["The Southwest group arrived in our area [Thmei Village] between late 1977 and early 1978."]; **D219/409** Ang Sar WRI, A47, 52, EN 01142881-82; **D219/42** Chech Sopha WRI, A86, EN 01050633; **D219/831** Venh Vanna WRI, A62, EN 01391213;

Southwest Zone also establish the time of their arrival; for example, witnesses Heng Leap and Run Lay both recalled that cadre You Rem disappeared when the Southwest Zone cadres arrived, and S-21 records establish that he entered S-21 on 7 October 1977.<sup>1254</sup> The Southwest Zone cadres carrying out the purge were under the leadership of Ta Mok.<sup>1255</sup>

366. The first arrest at the sector level was the former Sector Deputy Secretary Khek Pin (Bin) *alias* Sou on 21 June 1977 (then Chief of the Cambodia-Thailand Committee, executed on 18 October 1977).<sup>1256</sup> Deputy Secretary Sun Kun was taken to S-21 shortly thereafter, on either 26 June or 22 July 1977.<sup>1257</sup> Tauch Muoch, the member of the Sector Committee, was taken to S-21 in early August 1977.<sup>1258</sup> Following this initial purge, Sector 4 Secretary Minh Thim *alias* Hieng was arrested in late 1977 and his successor

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**D219/309** Saoy Yen WRI, A3, EN 01111931; **D219/830** Seng Reut WRI, A34-35, EN 01390104. *Note* there are also a number of witnesses who date the Southwest Zone cadres arrival to 1978. *See, e.g.* **D219/61** Chhaom Soda WRI, A9, EN 01053891; **D219/305** Ngin Chheuy WRI, A11, 17, EN 01111907-08; **D219/865** Heng Puth WRI, A23, EN 01373656.

<sup>1254</sup> **D219/718** Heng Leap WRI, A15-16, EN 01219970 [“Q: Before the Southwest Zone cadres came, who controlled [Ta Pon]? A15: You Rem (male) did. But he did die then. When the Southwest Zone cadres came, he was taken to killed. [...] A16: when the Southwest [Zone] cadres came, Ta Rem disappeared. People said that he had been taken to be killed.”]; **D219/565** Run Lay WRI, A10, EN 01182679 [“They [Ta Khom and Ta Rem] were both taken to be killed by the Southwest [Zone] group.”]; **D191.1.111** S-21 Execution Log for 31 October 1977, Number 67, EN 00873190 [“You Rem, Chief of Ta Pon Cooperative, Sector [4], 9.10.77”]; **D6.1.557** S-21 Report from Mam Nai *alias* Chan to Brother Duch, 8 Oct 1977, Number 20, EN 00143349 [“prisoners taken in on 7 October 1977: [...] Chief of Collective 3, District 41, region 4”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6351, EN 01222578 [You Rem, Chief of Cooperative in District 41, Sector 4, 7-Oct-77].

<sup>1255</sup> **D118/106** Huon Choeum WRI, A2, EN 00978417 [“in early 1978 [...] the Southwest side led by Ta Mok began to arrest zone, sector, district cadres and the military.”].

<sup>1256</sup> **D191.1.111** S-21 Execution Log for 18 October 1977, Number 127, EN 00873645 [“Khek Ben *alias* Sou, Northwest Zone, Committee in Sector 4, 21.6.77”]; **D6.1.1024** Khek Pin *alias* Sou S-21 Confession, July 1977, EN 00782487-514; **D6.1.1013** Khek Pin *alias* Sou S-21 Confession, EN 00224632; **D1.3.25.4** Monthly List of Prisoners from Northwest Zone, Sep 1977, Number 29, EN 00837610 [“Sector 4: [...] Khek Pen *alias* Sou, Sector’s secretary”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 2180 [Khek Pin *alias* Sou, Committee Chief Cambodia-Thailand, Deputy Secretary of Sector 4, Foreign Affairs Ministry (Northwest Zone), 23-Jun-77]. His wife was also arrested and taken to S-21: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4659 Lim Chhau Hun, Chief of Sector 4 Economics and wife of Khek Pin *alias* Sou, 8-Aug/8-Sep-77, executed 10-Mar-78].

<sup>1257</sup> **D173/3.1.16** Sun Kun *alias* Suy S-21 Confession (partial), Sep 1977, EN 01472271-73; **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, Number 30, EN 00837610 [Sector 4, Sun Kun *alias* Suy, Sector’s member]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 9890, EN 01222737 [Sun Kun *alias* Suy, Deputy Secretary of Sector 4, 22-Jul-77 or 26-Jun-77]; **D219/528** Lonh Lun WRI, A29, EN 01168066 [“Ta Suy was at Sector level.”]; **D123/1/1.4a** Nhoek Ly (Li) *alias* Ta Kim DC-Cam Statement, EN 01390348 [“Sector 4 Com was [...] Suy.”].

<sup>1258</sup> **D1.3.25.4** Monthly List of Prisoners from Northwest Zone, Sep 1977, EN 00837610, Number 31 [“Sector 4: [...] 31. Touch Mouch, Sector’s member.”]; **D173/3.1.11** Tauch Muoch S-21 Confession (partial), Aug 1977, KH 01472257; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 12738, EN 01222852 [Tauch Muoch (Touch Muoch), Member of Sector 4 (Committee Chief of Sector 4), 05-Aug-77 or 06-Aug-77]; **D219/445** Tek Sim WRI, A9, EN 01147935 [“Muoch [...] Sector 4 Committee after 1975.”].

Loek Soeut *alias* Vung (Vong) was arrested and sent to S-21 in June or July 1978.<sup>1259</sup>

367. The district committees in Sector 4 were also purged. A total of six members of the Bak Prea District (also known as District 41) Committee were arrested and sent to S-21: the three initial members of the committee entered S-21 in October 1977,<sup>1260</sup> and they were followed by two successor secretaries and one successor member.<sup>1261</sup> At least five members of the Daun Try District (also known as District 42) Committee were arrested and sent to S-21 between October 1977 and June 1978: the secretary, followed by his

<sup>1259</sup> Secretary Minh Thim alias Hieng: **D6.1.1203** S-21 Interrogation Log, EN 00855379 [“Northwest Zone Section, 5. Menh Thoem alias Hieng, Sector 4 Secretary, 18 Dec 77”]; **D6.1.1187** S-21 Interrogation Log for 18 May 1978, EN 00233858, Number 3 [“Minh Therm alias Heang, Secretary of sector 4, northwest zone, 18.12.77”]; **D6.1.1186** S-21 Interrogation Log for 9 May 1978, EN 00233751, Number 4 [“From Northwest Zone; 4. Binh Therm alias Heang, Secretary, sector 4, Northwest zone, 18.12.7[7]”]; **D6.1.1202** S-21 Prisoner List from Northwest Zone, EN 00185258, Number 2 [Minh Theum alias Heang, Secretary of Sector 4]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5370, EN 01222539 [Thin Thim (Minh Thoem) (Minh Theum) alias Hieng (Heang), Secretary of Sector 4 (Old Secretary of Sector 4), 18-Dec-77 or 18-Oct-77]; **D219/414** Mao Heang WRI, A17, EN 01135065 [“Q: Did you know the name of the sector secretary? A17: [...] I heard from the militiamen that his name was Hieng.”]; **D219/445** Tek Sim WRI, A9, EN 01147935 [“Hieng [...] Sector 4 Committee after 1975.”]; **D219/44** Ngam Ngoeum WRI, A17, EN 01050661 [“Sector 4 Secretary was Ta Hieng”]; **D123/1/1.4a** Nhoek Ly (Li) alias Ta Kim DC-Cam Statement, EN 01390348 [“Sector 4 Com was Ta Heang”]; Secretary Loek Soeut alias Vung: **D6.1.1202** S-21 Prisoner List from Northwest Zone, EN 00185268, Number 1 [Loek Soeun alias Vong, Secretary of Sector 4, 26-Jul-78]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4395, EN 01222501 [Loek Soeut (Loek Soeun) alias Vung, Secretary of Sector 4 (New Secretary of Sector 4), 27-June-78 or 26-June-78 or 26-July-78]; **D219/262** Rai Soeun WRI, A5, EN 01095849 [“I reported directly to the chairman of the Sector Committee, Ta Vong.”]; **D219/499** Orn Nhev WRI, A52, EN 01156204 [“Sector Secretary Vong.”]; **D118/102** Toat Thoeun alias Ham WRI, A24-25, EN 00974017.

<sup>1260</sup> Secretary Toek Man alias Vai or Rai: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 12854, EN 01222855 [Toek Man alias Vai (Rai), Secretary of District 41, Sector 4 (Secretary of Bakk Prea District in Sector 4), 07-Oct-77 or 08-Oct-77]; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 10, EN 00143347 [“prisoners taken in on 7 October 1977: [...] Toek Man alias Vai, Secretary of District 41, Region 4”]. Deputy Secretary Hie Vann: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6334, EN 01222577 [Hie Vann, Secretary of District 41, Sector 4 (Deputy Secretary of District 41, Sector 4), 07-Oct-1977]; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 11, EN 00143347 [“prisoners taken in on 7 October 1977: [...] Hear Vann, Deputy Chief of District 41, Region 4”]. Member Pel Lath alias Ron: **D173/2.1.26** Pel Latt alias Run S-21 Confession, 7 Oct 1977, EN 01521467 [Pal Lath alias Ron, Mobile Platoon Chairperson, District 42, Sector 4, 17 Oct 1977]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5218, EN 01222533 [Pil Latt, alias Run, Member of District 41 in Sector 4, 19-Oct-77].

<sup>1261</sup> Secretary Yuok Hort: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11481, EN 01222804 [Yuok Hort, Secretary of Bakk Prea District, Sector 4, 30-Jun-78 or 26-Jun-78]; **D6.1.380** Thun Sovat WRI, EN 00375896 [“District 41 Committee [...] was named Hort. He was arrested in 1978.”]; **D219/44** Ngam Ngoeum WRI, A17, EN 01050661 [“Ta Hort [...] District Committee.”]; **D6.1.625** Tek Sim SOAS Interview, EN 00352052 [“district cadre [...] Huot [...] arrested.”]; **D219/755** WRIA, EN 01240241 [“Mr Sovath told us that Ta HORT, a former District 41 Secretary, in Sector 4, was arrested by the South West Cadres [...] Yeay Sat, said that her husband Phin Hort, who was a member of the District 41 committee, was arrested by the South West cadres in June 1978. The arrest was ordered by Ta Mok [...] Yeay Sat said that her husband was accused to be a KGB and CIA Agent.”]. *See contra* **D219/445** Tek Sim WRI, A12, EN 01147936 [“Ta Huot was deputy”]. Secretary Nit Than: **D191.1.111** Names of Prisoners Smashed on 9 December, 1977, Number 245, EN 00873628 [Nit Than alias Som, Secretary of Bak Prea commune in Sector 4, 17.9.77]. Member Dav Soeng: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 15, EN 00143347 [“Dav Soeng alias Prum[,] Member of District 41”].

successor; the deputy secretary, followed by his successor; and the member.<sup>1262</sup> Daun Teav District, also known as District 43, was also purged, with five members of the district committee sent to S-21 between August 1977 and June 1978: the secretary; the deputy secretary and his successor; and the member and his successor.<sup>1263</sup>

368. Commune, cooperative, and other lower-level cadres were also extensively purged. Prisoner lists from S-21 record the names of dozens of Sector 4 cadres.<sup>1264</sup> The comprehensive nature of the purge in Sector 4 is illustrated by the fact that on 7 October 1977 alone, 32 cadres from Sector 4 were arrested and sent to S-21, including at least 14 commune, cooperative, and village-level cadres as well as a number of unit chiefs.<sup>1265</sup>
369. Witnesses also corroborate the massiveness of the Sector 4 purge which extended far beyond those higher-level cadres sent to S-21 in Phnom Penh. Farmer Koeung Chea said that “[i]mmediately upon coming in, Southwesterners gathered up Northwest cadres. The majority were simply taken away to be beaten to death and disposed of.”<sup>1266</sup> Koeung

<sup>1262</sup> Secretary Prak Khuop: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11480, EN 01222804 [Prak Khuop (Prak Khuoch) alias Khuon, Secretary of Daun Try District, Sector 4, 30-Jun-78 or 26-Jun-78]. Previous Secretary Lem Ren: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6377, EN 01222579 [Lem Ren, People in Sector 4 Office, before work as Secretary of Daun Try District, 07-Oct-77]; **D219/528** Lonh Lun WRI, A29, EN 01168066 [“Ren was at district level.”]; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 40, EN 00143349 [“Dear Brother [Duch], This is to report to you on the number of prisoners taken in on 7 October 1977: [...] Lem Ren, Villager of the Office of Region 4, formerly Deputy Secretary of Daun Try District, Region 4”]. Deputy Secretary Makk Vai: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11483, EN 01222804 [Makk Vai, Deputy Secretary of Daun Try District, Sector 4, 30-Jun-78 or 26-Jun-78]. Previous Deputy Secretary Saut Nel alias Phy: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8293, EN 01222663 [Saut Nel alias Phy, Deputy Secretary of Daun Teav District in Sector 4, 7-Oct-77]; **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 13, EN 00143347 [“Dear Brother [Duch], This is to report to you on the number of prisoners taken in on 7 October 1977: [...] Saut Nel alias Phy[,] Deputy Secretary of Daun Try District, Region 4”]; **D219/424** Riem Dos WRI, A9, 23, EN 01135139, 43 [“District 42 [...] Ta Phi [...] district level.”]; **D219/300** Im Bun Chhoeun WRI, A4, EN 01111873-74. Member Nai Vann: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 14, EN 00143347 [“Dear Brother [Duch], This is to report to you on the number of prisoners taken in on 7 October 1977: [...] Nai Vann[,] Member of Daun Try District, Region 4”]; **D219/404** Hoeung Sambo WRI, A7, EN 01147869; **D119/109** Suon Lauv WRI, A18-20, EN 00984907.

<sup>1263</sup> Secretary Lei Chhauy (Lai Chhauy): **D219/825.1.2** OCIJ S-21 Prisoner List, Number 4244, EN 01222495 [Lei Chhauy (Lai Chhauy), Secretary of Daun Teav District, Sector 4, 30-Jun-78 or 26-Jun-78]. Deputy Secretary Chim Chan (Cheun Chan): **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11482, EN 01222804 [Chim Chan (Cheun Chan), Deputy Secretary of Daun Teav District in Sector 4, 30-Jun-78 or 26-Jun-78]. Previous Deputy Secretary Em Soem (Em Son): **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1558, EN 01222398 [Em Soem (Em Son), Deputy Secretary of Daun Teav District in Sector 4 (Deputy Secretary of District 43), 05-Aug-77]. Member Dav Soeng alias Prum: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6338, EN 01222577 [Dav Soeng alias Prum, Member of Daun Teav District in Sector 4, 07-Oct-77]. Previous Member Um Kan alias Kem: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6021, EN 01222565 [Um Kan alias Kem, Member of Daun Teav District in Sector 4, 17-Sep-77].

<sup>1264</sup> See **Annex D.9**.

<sup>1265</sup> **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Numbers 9-40, EN 00143347.

<sup>1266</sup> **D219/839** Chea Koeung WRI, A54, EN 01399439. See also **D219/839** Chea Koeung WRI, A42, 44-45, 52, 54-55, 61-63, EN 01399437-40; **D219/334** Sam Ngak WRI, A8, 16, EN 01118147-48 [“I learned that the Northwest Zone cadres were executed while some escaped because they feared they would get into trouble after the arrival of the Southwest Zone cadres. [...] I learned that all of those who were executed

Chea personally witnessed many of these killings.<sup>1267</sup> The Southwest Zone cadres justified this by “accus[ing] Northwesterners of being traitorous cadres”.<sup>1268</sup> Similarly, Riem Dy stated that “after the arrival of the Southwest Zone cadres the Northwest Zone cadres were called to attend meetings or study sessions. Then they never came back.”<sup>1269</sup> He stated that the Northwest Zone cadres who disappeared ranged “from the cooperative level to the sector level”.<sup>1270</sup> The scale of the purge was such that witnesses believed that “thousands” of Northwest Zone cadres had been killed.<sup>1271</sup>

370. S-21 records indicate that approximately 300 Sector 4 cadres were arrested and sent to S-21.<sup>1272</sup> Witnesses were also able to specifically recall a number of cadres who were arrested or disappeared by name or position.<sup>1273</sup>
371. Following the purge, Southwest Zone cadres were firmly in control of Sector 4. **Yim Tith** himself was powerful and prominent enough there to be perceived as the Sector 4 Secretary by some witnesses.<sup>1274</sup>

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were ordinary people and the former Northwest Zone cadres”]; **D219/61** Chhaom Soda WRI, A9, EN 01053891 [“After the Southwest group arrived, all of the Northwest group scattered and disappeared. [...] the Southwest group arrived there around seven or eight months before the Vietnamese liberated Battambang”]; **D219/257** Sek Chaot WRI, A26, EN 01095831 [“I knew that when the Southwest group arrived, they arrested the Northwest Zone cadres”]; **D105/2** Heng Suon WRI, A23-24, 26, 61, EN 00787183, 87; **D219/302** Choem Khoeun WRI, A5-6, EN 01111888.

<sup>1267</sup> **D219/839** Chea Koeung WRI, A42, 44-45, 52, 54-55, 61-63, EN 01399437-40.

<sup>1268</sup> **D219/839** Chea Koeung WRI, A56, EN 01399439.

<sup>1269</sup> **D219/394** Riem Dy WRI, A4, EN 01130588. *See also* **D219/681** Suon Heng WRI, A12, EN 01218591 [“When the Southwest Zone group arrived, the Northwest Zone group disappeared. I did not know the reason why they disappeared. I knew that they had been sent for re-education.”]; **D219/414** Mao Heang WRI, A1, EN 01135058-59 [“Q: [...] You also mentioned the disappearances of the Northwest Zone cadres later replaced by the Southwest cadres. [...] Is this a correct summary [...]? A1: Yes”]; **D219/305** Chheuy Ngin WRI, A11, 17, EN 01111907-08.

<sup>1270</sup> **D219/337** Riem Dy WRI, A5-6, EN 01117677 [“after the Southwest Zone cadres arrived, they took all the high-ranking Northwest Zone cadres away. [...] I just know that they all disappeared. I also heard that the Northwest Zone cadres at sector level were sent to study in Phnom Penh, but I do not know what happened to them after that. [...] I noticed the disappearance of the Northwest Zone cadres, from the cooperative level to the sector level.”].

<sup>1271</sup> **D219/566** Heng Phat WRI, A11, EN 01179754; **D219/343** Ros Moang WRI, A9, EN 01116083.

<sup>1272</sup> *See Annex D.9.*

<sup>1273</sup> **D219/392** Tek Sim WRI, A19-21, EN 01130621 [military cadres named Ny and Moe]; **D118/106** Huon Choeum WRI, A2, EN 00978417 [a unit chairman named Ta Sum]; **D219/564** Heng Phat WRI, A6-7, 9-15, EN 01180938-39 [a female unit chief and Ta Rem]; **D219/718** Heng Leap WRI, A15-16, EN 01219970 [You Rem]; **D219/565** Run Lay WRI, A10, 48, EN 01182679, 89 [Ta Khom, Ta Rem, and Ta Mao]; **D219/404** Hoeung Sambo WRI, A15, EN 01147871 [chairman of elders unit in Thmei Village named Yom]; **D118/298** Khiem Bau WRI, A48-50, EN 01044739 [commune committee member Touch]; **D219/356** Van Nak WRI, A41, 93, EN 01116333, 37 [Yin and Mean, cadres who had worked at Wat Kach Roteh Pagoda].

<sup>1274</sup> **D105/8** Han Thy WRI, A7, EN 00803455 [“Ta Tit then served as secretary of Sector 4.”]; **D118/63** Han Thy WRI, A34-35, EN 00945853; **D118/96** Loch Eng WRI, A29, EN 00974060 [Yim Tith was chief of the sector containing Boeng Prey Commune]; **D219/627** Loch Eng WRI, A4, EN 01187739 [Boeng Prey Commune was located in Doun Teav District]; **D219/884** Loch Eng WRI, A4-8, EN 01476049.

### Sector 5

372. In or around March 1977, Ta Mok sent a group of 300 to 500 soldiers and 500 to 600 families by train from the Southwest Zone to the Northwest Zone, all led by Southwest cadre Im Chaem.<sup>1275</sup> Those being relocated were told they were being sent to farm, but the underlying reason they were sent was to replace the area's "traitors within the ranks".<sup>1276</sup> In mid-1977, Im Chaem and the other Southwest cadres in Sector 5 began implementing a systematic campaign of arrests that targeted Northwest cadres at the cooperative, commune, district, and sector levels.<sup>1277</sup> Family members of purged cadres were also arrested.<sup>1278</sup>
373. Before the purge, the Sector 5 Committee was comprised of Northwest cadres Men Chun *alias* Hoeng (secretary), Ta Vuth (deputy secretary), Kong Lem *alias* Lai (member), and

<sup>1275</sup> **D119/65** Tum Soeun WRI, A30-31, 39-40, 44, EN 00966782-84; **D219/37** Suon Mot WRI, A31-32, EN 01053617; **D106/5** Tum Soeun WRI, A7-13, EN 00805994 *confirmed by* **D219/102** Tum Soeun WRI, A1, EN 01061138 (*see also* **D119/64.1** Tum Soeun DC-Cam Statement, EN 00951696); **D219/34** Ek (UI) Hoeun WRI, A36-37, 42, EN 01053576-77; **D118/209** Ek (UI) Hoeun WRI, A127, EN 00983582 ["[Im Chaem] [...] left for the Northwest in March 1977."]; **D119/135** Iem Riem WRI, A24, EN 01040522, A28-30, EN 01040523; **D119/84** Moeng Vet WRI, A5-6, EN 00982701 [Yeay Chaem was sent to the Northwest Zone in early 1977 before the Khmer New Year in April]; **D118/153** Long Vun WRI, A53-54, 64, EN 00978776, 78; **D123/1/5.1b** Im Chaem DC-Cam Statement, 20 Jun 2008, EN 00951796 [Ta Mok sent her to the Northwest Zone], EN 00951798-99 ["As the leader, I was sent [to Preah Net Preah District] alone. [...] And there were 500 people including their spouses coming with me. [...] they were people from Takeo, Kampot and Kampong Speu provinces. [...] I had selected them to move with me. The reason was because I needed them to work in the cooperatives."]; **D1.3.12.1** Im Chaem Interview, 26 Apr 2007, EN 00217519 [500 military forces from Takeo Province also came]; **D6.1.75** Im Chaem DC-Cam Statement, 4 Mar 2007, EN 01040640 ["I brought 500 soldiers from Southwest and Takeo to work at these existing worksites."].

<sup>1276</sup> *See, e.g.* **D106/5** Tum Soeun WRI, A7, 10, EN 00805994; **D119/65** Tum Soeun WRI, A47, 53-54, EN 00966785; **D118/259** Pech Chim WRI, A54, EN 01000673 ["After Yeay Chaem and other cadres arrived in the Northwest Zone, I secretly asked other people and I learned that 'there was an issue; there were traitors within the ranks', so the Southwest cadres were sent to the Northwest."], A138-139, EN 01000683 ["Due to the rebellion, Ta Mok sent Yeay Chaem to deal with it. [...] this event occurred in 1977, and a number of cadres were sent to the zone with problems, such as the Northwest Zone"];

<sup>1277</sup> *See, e.g.* **D119/98** Kor Len WRI, A10, EN 00985185, A19-25, EN 00985187-88; **D119/43** Sva Nung WRI, A13-17, 21, EN 00944491-92; **D119/99** Pech Ruos WRI, A15-16, EN 00985201; **D119/89** Chhum Seng WRI, A22-23, EN 00982308; **D118/102** Toat Thoeun WRI, A15, 28, EN 00974015, 17; **D219/181** Pao Bandet, A14, 16, EN 01077037; **D219/473** Preap Hin WRI, A7, EN 01180923; **D219/23** Pum Kho WRI, A47-49, EN 01050542-43; **D219/570** Pen Las WRI, A15-18, EN 01179772-73; **D119/137** Ith Iet WRI, A17, EN 01044781; **D119/22** Phauk Kuy WRI, A12, EN 00919161; **D219/174** Lem Phen WRI, A20-22, EN 01076987; **D119/38** Sos Narin WRI, A12, EN 00944475; **D119/138** Sar Lorm WRI, A12-13, EN 01040534; **D219/443** Pum Khau WRI, A59, 62, EN 01143066.

<sup>1278</sup> *See, e.g.* **D219/175** Hang Horn WRI, A30-31, EN 01077005 [families of the Northwest cadres were arrested and put in Phnum Troyoung Prison]; **D119/144** Lat Suoy WRI, A37, EN 01031892; **D119/100** Cheam Kin WRI, A8-9, EN 00985175 [the witness was the wife of Ta Val, the Sector 5 Mobile Unit Chairman], A21, 23, EN 00985177 ["One week after the Southwest group arrived, they arrested my husband at the Spean Sraeng Worksite. [...] One week after my husband was arrested; they arrested me and put me in prison at Svay, accusing me of being 'the wife of a traitor.' [...] They were the Northwest military, and they came to arrest me at the order of the Southwest group."], A33, EN 00985179.

Ta Cheal *alias* Chhnang (assistant), who was the son of Zone Secretary Ros Nhim.<sup>1279</sup> The Southwest group progressively ousted them all. First was Hoeng, who was replaced by Ta Cheal (appointed as “interim leading person”), until Southwest cadre Heng Rin took over as secretary.<sup>1280</sup> Both Hoeng and Lai were sent to S-21.<sup>1281</sup> Ta Vuth subsequently “disappeared” and Ta Cheal took his place as deputy secretary.<sup>1282</sup> Both Ta Cheal and his father assisted the Southwest cadres in implementing the purge until they too were ultimately sent to S-21 in June 1978.<sup>1283</sup> Heng Rin was subsequently removed

<sup>1279</sup> See, e.g. Men Chun alias Hoeng: **D6.1.364** Chhoeun Sem WRI, EN 00338375 [wife of Yem Hat of the Phnom Srok District Committee: “I only knew Ta Hoeng who was sector committee”]; **D118/230** Chhuon Bun WRI, A35-37, EN 01055553; **D118/102** Toat Thoeun WRI, A28, EN 00974017; **D119/33** Chhit Yoeuk WRI, A12-13, EN 00923046. Ta Vuth: **D1.3.10.3** DK Report, *General View of Sector 5*, 27 Jun 1977, EN 00223175 [stating that Vuth was the deputy secretary of the Sector 5 Committee]; **D6.1.364** Chhoeun Sem WRI, EN 00338375 [wife of Yem Hat of the Phnom Srok District Committee: “Ta Vuth [...] was deputy of Ta Hoeng”]; **D119/156** Chhoeun Choeun WRI, A29, EN 01044847. Kong Lem alias Lai: **D1.3.10.3** DK Report, *General View of Sector 5*, 27 Jun 1977, EN 00223175 [stating that Lai was the member of the Sector 5 Committee]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 3624, EN 01222468 [Kung Lem alias Lai, “Member of Sector 5”]. Ta Cheal or Chiel: **D1.3.10.3** DK Report, *General View of Sector 5*, 27 Jun 1977, EN 00223175 [stating that Cheal was an assistant on the Sector 5 Committee]; **D6.1.364** Chhoeun Sem WRI, EN 00338375 [wife of Yem Hat of the Phnom Srok District Committee: “Ta Cheal [...] was deputy of Ta Hoeng too”]; **D119/156** Chhoeun Choeun WRI, A29, EN 01044847; **D118/102** Toat Thoeun WRI, A63, EN 00974027; **D219/636** Khoem Vai WRI, A64, EN 01207676; **D119/148.1** DC-Cam’s Promoting Accountability Project: Pan Chhuong, EN 00729879 [“Chiel was one of Ros Nhim’s sons.”].

<sup>1280</sup> See, e.g. **D1.3.10.3** DK Report, *General View of Sector 5*, 27 Jun 1977, EN 00223175 [stating that Hoeng, Secretary of Sector 5, had been arrested]; **D219/494.1.8** Chhit Yoeuk, T. 17 Aug 2015, 09.32.39-09.34.53 [before Hoeng was replaced by Rin, Ta Cheal, who was Ros Nhim’s son, was appointed on a provisional basis in charge of Sector 5 – he was an “interim leading person”]; **D119/66** Bin Heuy WRI, A9, EN 00975038 [“Ta Mok and Yeay Chaem were the ones who arrested Ta Hoeng (Chief of Sector 5)”]; **D119/156** Chhoeun Choeun WRI, A29, EN 01044847; **D118/230** Chhuon Bun WRI, A35-37, EN 01055553; **D6.1.431** Chiep Chhean WRI, EN 00277817; **D6.1.450** Saom Phan WRI, EN 00290358; **D119/148.1** DC-Cam’s Promoting Accountability Project: Mun Mut alias Mun Saroeun, EN 00729875 [“In mid-1977, Hoeng, Chiel, [Ta] Val, [Ta] Maong and other cadres were arrested and killed by cadres from the Southwest Zone.”], Yem Kimros, EN 00729906 [“Rin replaced Hoeng as the chief of Region [5]”].

<sup>1281</sup> See, e.g. **D1.3.25.4** S-21 Monthly Prisoner List from Northwest Zone, Sep 1977, Number 42, EN 00837611 [“VII. Sector 5 [...] Men Chun alias Hoeng, Secretary of Sector 5”]; **D131/2.1.101** S-21 Prisoner List, 1977, Number 1, EN 01148957 [Mem Chun alias Hoeng, Sector Secretary, Sector 5]; **D6.1.555** S-21 Report from Mam Nai alias Chan to Brother Duch, September 1977, EN 00143301 [“prisoners taken in on 2 September 1977: Northwest Zone: 1. Kong Lem alias Lai, Member of Region 5”]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 5334, EN 01222537 [Men Chun alias Hoeng, Secretary of Sector 5, 20-Jun-77], Number 3624, EN 01222468 [Kung Lem alias Lai, Member of Sector 5, 2-Sep-77, executed on 8-Dec-77].

<sup>1282</sup> See, e.g. Ta Vuth: **D119/156** Chhoeun Choeun WRI, A29, EN 01044847; **D6.1.364** Chhoeun Sem WRI, EN 00338375 [Ta Hoeng, Ta Vuth (Ta Hoeng’s deputy), and Ta Cheal were all arrested to be killed]. Ta Cheal: **D118/102** Toat Thoeun WRI, A63, EN 00974027 [“Cheal alias Chhnang [...] was the Deputy Chief of the Sector 5 committee.”]; **D119/148.1** DC-Cam’s Promoting Accountability Project: Pan Chhuong, EN 00729879 [“Chiel, the deputy chief of Region [5]. Chiel was one of Ros Nhim’s sons.”].

<sup>1283</sup> See, e.g. **D219/825.1.2** OCIJ S-21 Prisoner List, Number 1032, EN 01222373 [Nhim Chhnaing alias Cheal, Assistant, Sector (Northwest Zone, Sector 5), 14-Jun-78], Number 14398, EN 01222915 [Moul Un alias Sambatt alias Nhim, Secretary of Northwest Zone]; **D1.3.18.2** Muol Sambath alias Ros Nhim S-21 Confession, EN 00780859, 61 [dated 14 June 1978]; **D119/65** Tum Soeun WRI, A95, EN 00966793; **D119/156** Chhoeun Choeun WRI, A29, EN 01044847; **D118/150** Hem Moeun WRI, A15-17, EN 00975009, A32, EN 00975011; **D119/110** Chum Kan alias Nhon WRI, A95, EN 00985689-90; **D6.1.364** Chhoeun Sem WRI, EN 00338375; **D119/66** Bin Heuy WRI, A4, EN 00975037; **D118/102** Toat Thoeun



and Ta Chay replaced him as chief of the Sector 5 Committee,<sup>1284</sup> while Im Chaem became deputy secretary.<sup>1285</sup>

374. Upon arriving in Sector 5, Im Chaem had initially worked with An Maong, the Northwest cadre serving as Preah Net Preah District Secretary.<sup>1286</sup> But once the purge began, An Maong was arrested and sent to S-21, replaced by Im Chaem herself.<sup>1287</sup> Other local cadres assisted the Southwest newcomers in carrying out the purge, but they too were later arrested.<sup>1288</sup> Similar events played out across the districts of Sector 5, which included not only Preah Net Preah District but also Phnum Srok, Serei Saophoan, and

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WRI, A64, EN 00974027; **D219/636** Khoem Vai WRI, A64, 87, EN 01207676, 80; **D119/94** Bou Mao alias Rim WRI, A26, EN 00982759; **D119/108** Sok Rum WRI, A90-94, EN 00986265-66; **D119/148.1** DC-Cam's Promoting Accountability Project: Pan Chhuong, EN 00729879 ["In June or July, 1977, Hoeng, [Ta] Val, [Ta] Maong, [Ta] Sam-at, Hat and other cadres were arrested and killed by Chiel, the deputy chief of Region [5]. Chiel was one of Ros Nhim's sons. However, Chiel, Ros Nhim and others were arrested and killed by Ta Mok's soldiers in a few months later."], Yem Kimros, EN 00729906; **D67.6** Pan Chhuong DC-Cam Statement, EN 00728688; **D123/1/2.44** Yem Kim Ruos DC-Cam Statement, EN 00985221. *See also V.B.1.a.iii.* Crimes – Northwest Zone – The Purge – Mechanism of the Purge – Role of Ros Nhim in the Purge.

<sup>1284</sup> *See, e.g.* **D6.1.43** S-21 Prisoner List, EN 00181758 [Northwestern Zone, 2. Heng Rin alias Mei, Secretary of Sector 5, 16.11.78]; **D219/37** Suon Mot WRI, A49-50, EN 01053620; **D219/294** Muol En WRI, A41, 44-45, EN 01111830-31; **D118/93** Prak Soem WRI, A8-9, 19, EN 00967036-38.

<sup>1285</sup> **D119/65** Tum Soeun WRI, A93-94, EN 00966793; **D118/93** Prak Soem WRI, A19, EN 00967038; **D119/130** Orm Huon WRI, A118, EN 01075218; **D119/112** Til Sengly WRI, A9, EN 00987778; **D119/91** Chiem Tab WRI, A15, 25, EN 00982323-24, 26; **D219/130** Chhao Chat WRI, A75, 77, EN 01059945-46; **D219/37** Suon Mot WRI, A42, EN 01053618; **D119/144** Lat Suoy WRI, A94, EN 01031904; **D219/433** Yong Sin WRI, A8, EN 01142962; **D119/99** Pech Ruos WRI, A22, EN 00985202; **D119/66** Bin Heuy WRI, A11, EN 00975039; **D5/853** Thang Thoeuy CPA, EN 00982862; **D5/865** Roeung Saruon CPA, EN 00982872. *See also* **D118/93** Prak Soem WRI, A19-20, EN 00967038; **D219/4.1** Suon Mot DC-Cam Statement, EN 01056814; **D119/20** Li Sinh WRI, A16, EN 00901019-20; **D118/153** Long Vun WRI, A57, 59, EN 00978777.

<sup>1286</sup> **D119/145** Thip Kimlun WRI, A75, EN 01079710. Regarding An Maong as district secretary, *see, e.g.* **D119/99** Pech Ruos WRI, A16, EN 00985201; **D119/137** Ith Iet WRI, EN 01044783 [Investigator's Note: "The witness knew that Ta Maong was Preah Net Preah District Committee and was a Northwest person who later disappeared."].

<sup>1287</sup> *See, e.g.* **D1.3.4.1** An Maong S-21 Confession, EN 00786950 [dated 3 July 1977]; **D191.1.111** S-21 Execution Log for 18 October 1977, Number 134, EN 00873645 [Orn Mang, Deputy Secretary of Preah Netpreah District, 28-Jun-77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 24, EN 01222329 [An Maong, Secretary of Preah Net Preah District in Sector 5, 28-Jun-77]; **D119/99** Pech Ruos WRI, A16, EN 00985201; **D119/139** Mun Mot WRI, A38, EN 01044801; **D119/137** Ith Iet WRI, EN 01044783 [Investigator's Note: "The witness knew that IM Chaem alias Yeay Chaem, a Southwest person, was Preah Net Preah District Committee after Ta Maong disappeared."]; **D219/256** Mi Tal WRI, A13, EN 01095823; **D123/1/5.1b** Im Chaem DC-Cam Statement, EN 00951796 ["Q: When you arrived in Preah Net Preah, did you become the secretary of the district? A: Yes when I arrived."].

<sup>1288</sup> **D219/359.1** DC-Cam, *Searching for the Truth*, Jun 2015, EN 01112059 ["The Southwest Zone cadres needed old cadres of the Northwest Zone who knew the geographical locations, people, and the cadres who had served at the communes and cooperatives of Preah Net Preah. Therefore, they decided to keep [Pum Kho] and make use of him for a while because it would be easy for them to search for people and old cadres of the Northwest Zone and arrest them more [...] with his help."]; **D219/443** Pum Khau WRI, A8-9, EN 01143057 [confirming D219/359.1 as correct], A55-57, 64-67, 71-72, EN 01143065, 67-68; **D119/145** Thip Kumlun WRI, A75, EN 01079710; **D119/100** Cheam Kin WRI, A23, EN 00985177 [the witness, Ta Val's wife, was arrested on the orders of Southwest cadres by Northwest soldiers who were later taken to be killed].

Thma Puok districts.<sup>1289</sup>

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*See, e.g. Regarding the districts in Sector 5: D1.3.34.4 Report on the Situation in Sector 5, 19 Oct 1977; D219/575 Toek Suong WRI, A19, EN 01179815; D123/1/5.1a Im Chaem DC-Cam Statement, 4 Mar 2007, EN 00089772; D6.1.431 Chiep Chhean WRI, EN 00277816; D6.1.430 Kan Thol WRI, EN 00277821. Preah Net Preah District: D219/825.1.2 OCIJ S-21 Prisoner List, Number 24, EN 01222329 [An Maong, Secretary of Preah Net Preah District in Sector 5, 28-Jun-77], Number 4332, EN 01222498 [Lei Phut, Chief of Thmei Village Cooperative in Preah Net Preah District, 4-Aug-77], Number 4685, EN 01222514 [Lun Sa (Lun Chhay) alias Sa, Chief of Tear Kam Village Cooperative in Preah Net Preah District, 24-Jul-77], Number 4727, EN 01222516 [Makk Ling alias Sam-At, Chief of Mobile Unit in Preah Net Preah District, 4-Aug-77], Number 5866, EN 01222558 [Chhum Ting (Oeng Ting) alias Kung, Chief of Prasat Commune in Preah Net Preah District, 4-Aug-77, executed on 8 or 9-Dec-78], Number 7035, EN 01222606 [Theng Thuok, Chief of Company in Preah Net Preah District Army, Sector 5, 14 or 15-Oct-77, executed on 16-Feb-78], Number 7363, EN 01222621 [Lun Chhan, Chief of Village in Preah Net Preah District, Sector 5, 5-Jun-77], Number 8276, EN 01222662 [Sa Yuok Leng alias Leng, Chief of Kork Lun Village in Preah Net Preah District, 4-Jul-77], Number 11486, EN 01222804 [Daung Phon alias Pril, Member of Preah Net Preah District, Sector 5, 18-Jun-78]; D119/73 Nou Choung WRI, A15, EN 00980542, A17-18, EN 00980543; D219/443 Pum Khau WRI, A55-57, EN 01143065, A61-62, 64, EN 01143066-67; D219/181 Bandet Pao WRI, A14-16, 19, EN 01077037-38; D219/474 Chanrin Huon WRI, A11, EN 01152318; D219/12 Vuochleang Muy WRI, A24-26, EN 01047688. Phnum Srok District: D219/825.1.2 OCIJ S-21 Prisoner List, Number 480, EN 01222351 [Chea Tuy, Chief Committee of Phnom Srok District, Sector 5, 18 or 27-Jun-78], Number 4662, EN 01222513 [Sok Lam, Chief of Paoy Char Commune in Phnom Srok District, 18-Aug-77], Number 5909, EN 01222560 [Ngan Yem (Ngann Yem) alias Hatt (Hat), Secretary of Phnom Srok District in Sector 5, 4-Sep-77, executed on 25-Mar-78], Number 6389, EN 01222580 [Chhep Pheng (Chhem Pheng), Deputy Chief of Mobile Unit in Phnom Srok District, Sector 5, 18-Oct-77, executed on 25-Mar-78], Number 7155, EN 01222611 [Pen Youy, Member of Phnom Srok District in Sector 5, 25-Sep-77], Number 9743, EN 01222730 [Sapp Thi alias Thaong, Member of Phnom Srok District in Sector 5, 20-Jan-78, executed on 25-Mar-78], Number 10188, EN 01222751 [Smot Smann, Chief of Phnom Srok District Commerce in Sector 5, 18-Aug-77], Number 11491, EN 01222805 [Kim Van alias Nall, Chief of Ponlai Cooperative, Phnom Srok District, Sector 5, 20-Jun-78], Number 13144, EN 01222867 [Phuong Samut, Chief of Phnom Srok Commerce, 23 or 24-Sep-77], Number 11491, EN 01222805 [Kim Van, Chief of Ponlai Cooperative, Phnom Srok District, Sector 5, 20-Jun-78]; D6.1.364 Chhoeun Sem WRI, EN 00338374-75 [wife of Yem Hat, a Northwest cadre on the Phnom Srok District Committee: “my husband (Hat) had been appointed as district committee and others were also appointed [...] Ta Pheng [...] was deputy, Ta Yuy who was a member; Ta Thorng and Ta Lot were also members in Phnom Srok District. Those people were purged, except Ta Lot.”], EN 00338376 [“they began to arrest the cadres, first in Thma Puok District; then it came to Serei Saophoan District; then it came to Preah Netpreah District; and lastly it was in Phnom Srok District. [...] They arrested my husband by charging ‘betrayal’.”]; D119/90 Chuon Pheap WRI, A7, EN 00982315. Serei Saophoan District: D219/825.1.2 OCIJ S-21 Prisoner List, Number 4821, EN 01222520 [Mang Muon, former Deputy Secretary of Serei Saophoan District, 4-Sep-77], Number 9963, EN 01222740 [Suon San, Secretary of Serei Saophoan District, 27 or 28-Jun-77]; D118/250 Muth Voeuk WRI, A89, EN 01032483 [the witness was the Economy Unit Chair in Kandaol Cooperative in Serei Saophoan District: “There was a meeting at the commune attended by the district level [...]. At one point, the Southwest Zone cadres just told the Northwest Zone to adjourn the meeting, and they arrested the district level cadres of the Northwest Zone to put in the car. [...] After that, they took over the leaderships of the district, commune and village levels, and then they arrested me.”], A83, EN 01032482, A122-123, 126, EN 01032487-88; D219/383 Oeury Poeu WRI, A10, EN 01128294 [in M’kak Commune, Serei Saophoan (see A2): “When the incumbent cadres disappeared, I heard that the district, sector and zone cadres were called to be re-educated. Then I heard that the Southwest Zone cadres came to replace them.”]. Thma Puok District: D219/825.1.2 OCIJ S-21 Prisoner List, Number 4182, EN 01222490 [Khim Huot, Secretary of Thmar Puok District, 17-Jul-77], Number 4823, EN 01222520 [Chhaim Chhat (Chhaim Sat), Deputy Secretary of Puok District (Deputy Secretary of Thmar Puok District, Sector 5), 28 or 29-Jul-77], Number 5368, EN 01222539 [Khun Ray, Chief of Thmar Puok District Cooperative in Sector 5, 26-Jul-77], Number 7865, EN 01222645 [Rem Nhim (Rem Nhip) (Riem Nhim), Chief of Thmar Puok Cooperative in Sector 5, 12-Dec-77 or 25-Nov-77], Number 11487, EN 01222840 [Chheng Met, Assistant Thmar Puok District in Sector 5, 20-Jun-78], Number 11488, EN 01222804 [Hass Men (Hall Men) (Hass Meng), Assistant Thmar Puok District in Sector 5, 19-Jun-78 or 12-Jun-78], Number 11489, EN 01222804 [Prok Yann, Assistant Thmar Puok District in Sector 5, 19-Jun-78]; D219/567 Hem Soeun WRI, A28-36, EN 01182698-99 [in Phum Thmei Commune, Thma Puok*

375. The Southwest group forced some of the cadres who had been removed from their positions to do hard labour at sites such as Spean Sreng Canal worksite.<sup>1290</sup> Most, however, were killed.<sup>1291</sup> Surviving S-21 records indicate that at least 114 cadres from Sector 5 were arrested and sent to S-21 from mid-1977 until the end of the regime.<sup>1292</sup> Other area cadres were sent for execution at local sites such as Wat Chamkar Khnol and Phnom Trayoung Security Centre.<sup>1293</sup>

### Sector 7

376. As one Sector 7 military cadre explained, “[Ta Mok] was hard-hearted with his own people, [he killed] people and soldiers.”<sup>1294</sup> In late 1976 or early 1977, groups of Ta Mok’s cadres from the Southwest Zone began arriving in Sector 7 to purge and replace

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District (*see* A1-2): “The former commune chiefs, village chiefs, and 50 household unit chiefs” were all considered enemies by the Southwest Zone cadres and were arrested, told they would be “taken to study, and they disappeared.”].

<sup>1290</sup> **D219/381** Chan Ratana WRI, A4-13, EN 01128281-82 [former Northwest Zone cadre who states that she and other Northwest leaders, ranking from regiment down to platoon commanders, were sent to Spean Sreng Canal to work under Southwest Zone cadres for ‘re-education’ after being branded as traitors; those who could not work and those who committed minor mistakes could be killed].

<sup>1291</sup> *See, e.g.* **D119/73** Nou Choung WRI, A15, 17, 24-34, EN 00980542-45 [Yeay Chaem ordered the arrest of Northwest cadres including Ta Krak of the Preah Net Preah Commune Committee, and commune cadres Ta Phan and Ta San; they were sent to be killed at Phnom Trayoung Mountain]; **D219/13** Khun Sevinn WRI, A36, 38, 40, EN 01047895-96; **D119/98** Kor Len WRI, A7-11, 19-25, EN 00985185, 87-88; **D119/121** Kor Len WRI, A35-44, EN 01067925-27; **D119/154** Iv Mara WRI, A30-31, 36, EN 01044833, 35; **D119/100** Cheam Kin WRI, A23, EN 00985177 [Ta Val’s wife was arrested on the orders of Southwest cadres by Northwest soldiers who were later taken to be killed]; **D119/49** Thip Samphat, A12-16, EN 00966728; **D119/76** Liem Sarem WRI, A13, EN 00980710; **D119/30** Phoun Suntty WRI, A1, EN 00938203; **D119/91** Chiem Tab WRI, A12, EN 00982323; **D219/175** Hang Horn WRI, A33-34, EN 01077005-06.

<sup>1292</sup> *See* **Annex D.11** (arranged chronologically); **Annex D.12** (arranged hierarchically).

<sup>1293</sup> **D119/115** Til Hev WRI, A25-26, EN 00987794 and **D6.1.634** Til Hev SOAS Interview, EN 00352098 [in Riep Village, Samraong Commune, Sisophon District: “the Southwest Zoners came in August 1977. [...] The Southwest Zone cadre gathered up all the Northwest Zone cadre [...] from the team, village, cooperative, and subdistrict level up. [...] The horse cart drivers who took them away said they were being taken to Chamkar Khnaor.”], EN 00352099 [“The Northwest Zone cadre were gradually called away, without it being announced that they were being arrested or that they were enemies or traitors. [...] We knew that they were taken to Chamkar Khnaor, but not sure what happened to them.”]; **D119/94** Bou Mao alias Rim WRI, A46-48, EN 00982763 [Moeun, the medical chairperson of a Sector 5 mobile unit, was arrested on Yeay Chaem’s orders and sent to Phnom Trayoung Prison to be killed]; **D119/138** Sar Lorm WRI, A28-A37, EN 01040536-37 [discussing the arrest and killing of her husband, Sam Bun; a boy assigned to guard the prison at Phnum Lieb Mountain told her that they had sent her husband to be killed at Phnum Troyoung Mountain]; **D119/99** Pech Ruos WRI, A35, EN 00985205 [regarding Sam Bun]; **D219/175** Hang Horn WRI, A31-32, EN 01077005; **D106/11** WRIA, EN 00780979 [“all of the above [mentioned] people [Song Pharat, Lat Chanthoeun, and Kong Lep] confirmed that before and after the arrival of District secretary Yeay Chaem, execution site[s] were at the locations of Chamkar Daung and Chamkar Yeay Ning in Paoy Kdoeung village Preah Net Preah Commune and District. [...] we were told that people who got killed at these locations were new people or North West cadre and they would be arrested during the day, taken to Ta Krak’s house and brought to the execution site during night time.”].

<sup>1294</sup> **D219/193** Vat Phat WRI, A208, EN 01079903.

the Northwest cadres.<sup>1295</sup>

377. By July 1977, the Sector 7 Committee was comprised of Secretary Taury (former Bakan Leu District Secretary who had been transferred into Sector 7 to succeed the former Secretary, Ke Kim Huot *alias* Sot),<sup>1296</sup> Deputy Secretary Nem, and Member Choeun.<sup>1297</sup> By mid-1977, Taury had been sent to S-21.<sup>1298</sup> Nem, a Khmer Krom, and Choeun were also arrested,<sup>1299</sup> and Nem's "network" was then rooted out.<sup>1300</sup> In their place, Kung from the Southwest became Sector 7 Secretary,<sup>1301</sup> with assistance from the new Kandieng District Secretary, Tri.<sup>1302</sup>
378. The Southwest cadres also eliminated all of the district committees in Sector 7.<sup>1303</sup> Bakan Kraom District Secretary Chea, Deputy Secretary Boeung, and Member Sien<sup>1304</sup> were

<sup>1295</sup> See, e.g. **D134/3** Sat Chhang WRI, A42, EN 00974285 ["Q: Do you remember when the Southwest cadres came to replace those of the Northwest? A42: Maybe in 1976 or 1977."]; **D219/612** That Mon WRI, A58-65, EN 01207365-66 [stating that the Southwest cadres arrived in Bakan Kraom two years before the Vietnamese arrived and replaced the base cadres there]; **D219/276** Nhoem Nguy WRI, A22, EN 01098501 [in Anlong Kray Cooperative, Bakan Kraom: "There were three generations of chiefs [...] The second generation was a Southwest Zone woman [...] She controlled Anlong Kray Cooperative from 1976 until 1977."]; **D118/190** Moeu Pov WRI, A112, EN 00986171 [in Bakan Kraom: "Q: Did the cadres from the Southwest come to your Zone for the purpose of replacing the cadres in your Sector, or what? A112: Yes, they came to replace the Khmer Rouge cadre in my Sector."]. See also **D16** Lim Sat WRI, EN 00708139 [in Kandieng District: "in 1976 and 1977, chiefs of the Northwest Zone were arrested and taken away."].

<sup>1296</sup> **D134/5** Huot Moeng alias Sat Sokhom WRI, A10, 14, EN 00974302; **D134/4** Lim Sat WRI, A32, EN 00974296; **D118/278** Nam Im WRI, A27, EN 01031784; **D6.1.617** Huot Moeng alias Sat Sokhom SOAS Interview, EN 00352087 ["After Sot, Secretary of Sector 7 was Taury"]. With regard to Taury's earlier role in Bakan Leu, see **D118/238** Kol Set WRI, A56, EN 01040474; **D118/199** Uong Sav WRI, A22-23, EN 00985106-07.

<sup>1297</sup> **D219/193** Vat Phat WRI, A26, 57, EN 01079876, 82 [in Sector 7, from 1974: "At the Sector level there were five people in charge: Ta Sot (in charge of politics), Ta Choeun (in charge of Economics), Ta Nem (in charge of the Military) [...] I received orders from Ta Sot, Ta Nem (Ta Sot's deputy), Ta Choeun"]; **D219/241** Am Sokhon alias Khon WRI, A26-27, EN 01092964.

<sup>1298</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6173, EN 01222571 [Um Taury, Secretary of Sector 7, 28-Jun-77]; **D6.1.330** Um Taury S-21 Confession, EN 00769600 [Secretary of Sector 7, Northwest Zone, dated 14 August 1977]; **D219/57** Kong Run alias Kong Sarun WRI, A31, EN 01040559; **D219/187** Phan Khorn WRI, A19, EN 01104746.

<sup>1299</sup> **D219/193** Vat Phat WRI, A134-136, 148-149, EN 01079893, 95; **D219/241** Am Sokhon alias Khon WRI, A27, 41, EN 01092964-65.

<sup>1300</sup> **D219/193** Vat Phat WRI, A134, EN 01079893.

<sup>1301</sup> **D134/5** Huot Moeng alias Sat Sokhom WRI, A15, EN 00974302; **D6.1.617** Huot Moeng alias Sat Sokhom SOAS Interview, EN 00352087 ["After Sot, Secretary of Sector 7 was Taury, then Kung. [...] Kung was also perhaps from Kampot"]; **D134/3** Sat Chhang WRI, A31, EN 00974283.

<sup>1302</sup> **D134/5** Huot Moeng alias Sat Sokhom WRI, A8, EN 00974301; **D134/4** Lim Sat WRI, A32, EN 00974296; **D6.1.161** Suy Sengchhorn WRI, EN 00242117 ["Later Ta Try was assigned to replace Ta Soth after his disappearance."]. See also **D219/702.1.69** Sum Alat, T. 4 Jul 2013, 11.41.13-11.43.19 ["Apart from Ta Sot, who was the secretary of the sector, and after he left Pursat, his successor was Ta Tri (phonetic) and then followed by another person by the name of Ta Taury."]. With regard to Tri's role as Kandieng District Secretary, see fn. 1308.

<sup>1303</sup> **D219/193** Vat Phat WRI, A138, 149, 278, EN 01079894-95, 912.

<sup>1304</sup> **D219/241** Am Sokhon alias Khon WRI, A16, EN 01092963; **D219/276** Nhoem Nguy WRI, A24, EN 01098501-02; **D219/612** That Mon WRI, A54-56, EN 01207364-65; **D118/194** Ruos Narin WRI, A14-15, EN 00986729; **D118/174** Oem Pum WRI, A11, EN 00981773 [while the witness worked in Angkanh

arrested by the incoming Southwest group led by the new district secretary, Phal,<sup>1305</sup> and were sent to work at a dam in Kandieng District where they were subsequently killed.<sup>1306</sup> In Kandieng District, the district committee originally consisted of Khi (secretary), San (deputy secretary), and Mao (member).<sup>1307</sup> Khi and Mao were arrested under the orders of the new secretary, Kung, and their replacement as district secretary, Tri.<sup>1308</sup> San committed suicide to escape arrest.<sup>1309</sup> In Krakor Kraom, the entire district committee disappeared.<sup>1310</sup>

379. The new Southwest cadres, including Kung and Tri, continued to purge leaders at every level, including many members of the Sector 7 military.<sup>1311</sup> As Sat Chhang explained,

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- Village, Bakan District for 7 to 8 months after the Khmer Rouge arrived: “Ta Sien was District Committee”]; **D118/176** Soem Voeurn WRI, A120, EN 00981970.
- 1305 **D219/241** Am Sokhon alias Khon WRI, A18-19, EN 01092963; **D219/276** Nhoem Nguy WRI, A24, EN 01098502.
- 1306 **D219/241** Am Sokhon alias Khon WRI, A53-54, EN 01092966 [the witness was in charge of Trach Kraol Security Office for six months (late 1976 until dry season, 1977): “A53: Ta Boeng, Ta Chea, who were on the former district committees, were shackled on their legs and forced to work at Kbal Hong, Charoek Dam, in Kandieng District. Q: Were Ta Boeng and Ta Chea sent to Trach Kraol Security Office? A54: No, they weren’t. They were sent to Pursat. After the dam was completed, Ta Boeung and Ta Chea were killed.”], A16, EN 01092963 [“Those three District Committee members were beaten to death for having been accused of being the traitors.”]; **D118/194** Ruos Narin WRI, A103, EN 00986742; **D219/193** Vat Phat WRI, A18-19, 149, EN 01079875, 95.
- 1307 **D134/3** Sat Chhang WRI, A27, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A6-7, EN 00974301 *confirming* **D6.1.617** Huot Moeng alias Sat Sokhom SOAS Interview, EN 00352087 [“Kandieng [...] District Committee was Khi, Secretary, San, Deputy Secretary, and Mav, Member. All were from Posat.”]; **D267.1.95** Ung Chhat, T. 30 Apr 2013, 14.07.33-14.09.51 [“I know Ta San [...] clearly because Ta San was an official of [...] Kandieng district”]; **D6.1.145** Ung Chhat WRI, EN 00284417 [“April 1975 [...] I saw [...] Ta San the committee deputy of District 21, Ta Mao the committee of District 21 (which is now called Kandieng district).”]; **D219/702.1.4** Lim Sat, T. 2 May 2013, 11.34.28-11.37.37 [“Khy and San were the representatives from the district committee.”], 11.40.55-11.43.10 [“Q: [...] Can you clarify further the secretary of Kandieng district? [...] A: Khy was the Kandieng district committee.”] *confirming* **D6.1.685** Lim Sat WRI, A2, EN 00412157-58 [“Ta Khi was the chief of Kandieng district committee and his deputy was San.”].
- 1308 **D134/3** Sat Chhang WRI, A28, 31, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A7, EN 00974301 [“Tri [...] came to replace the former members”], A16, EN 00974302 *confirming* **D6.1.617** Huot Moeng alias Sat Sokhom SOAS Interview, EN 00352087 [“District Secretary Khi and Member Mav were arrested in early-mid- 1977 by Kung. [...] Khi was replaced by Tri, who was not from Posat”]; **D134/4** Lim Sat WRI, A32, EN 00974296; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085 [“Tri was maybe from the Southwest”].
- 1309 **D267.1.95** Ung Chhat, T. 30 Apr 2013, 14.07.33-14.09.51 [“Ta San was thought to commit suicide in his own room.”]; **D134/3** Sat Chhang WRI, A28, 30, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A7-8, EN 00974301.
- 1310 **D219/193** Vat Phat WRI, A149, EN 01079895.
- 1311 **D134/5** Huot Moeng alias Sat Sokhom WRI, A16-18, EN 00974302-03; **D219/193** Vat Phat WRI, A35-39, 108, 117, 133, 142, EN 01079878, 89-90, 93-94 [Sector 7 military cadre describing how he was disarmed and transferred to the military staff in 1977 as part of the purge because “[t]hey said that my stances and ideology were no-good” and “[t]hey thought that I wanted to lead the army to defect to Yuon [Vietnam]”], A118-132, EN 01079891-93 [describing the purging of his military company, including the killing of the political commissar and the deputy commander, and the disappearance of nine others]; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085 [“Tri killed lots of Northwest Zone base persons. [...] Tri had mistreated 18s and Northwest Zone cadre”]. *See also* **D6.1.137** Lim Sat WRI, EN 00250762

this period under Kung and Tri “was very bad for the Khmer Rouge cadres.”<sup>1312</sup>

380. When the West Zone cadres arrived in early 1978, the purge continued, with the new West Zone cadres arresting their Southwest predecessors. At the sector level, whilst there is no direct evidence of Kung’s arrest, as outlined in the *CPK Authority Structure and Communication – Sector 7* section,<sup>1313</sup> the evidence demonstrates that Sarun took control of Sector 7 in early 1978. In Bakan Kraom, Phal was arrested by his successor, Pheng from Kampong Chhnang.<sup>1314</sup> In Kandieng District, Tri led the committee for only a few months<sup>1315</sup> before he too was arrested, sent to S-21, and replaced by Nan, a female cadre from the West Zone.<sup>1316</sup> In Krakor Kraom, Southwest District Secretary Moeng was similarly sent to S-21.<sup>1317</sup> Once in place, Sarun, Pheng, and Nan continued to purge.<sup>1318</sup> Indeed, a number of witness described a two-fold turnover of personnel in Sector 7 at all

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[“The Northwest Zone cadres and soldiers at every level were purged by Angkar after being told they were going to study. Then they put the Southwest group in charge to replace them.”].

<sup>1312</sup> **D134/3** Sat Chhang WRI, A31, EN 00974283.

<sup>1313</sup> See particularly para. 182.

<sup>1314</sup> **D219/276** Nhoem Nguy WRI, A24, EN 01098502; **D219/241** Am Sokhon alias Khon WRI, A18-21, EN 01092963-64; **D219/6** Ouk Heang WRI, A111, EN 01047754. See also **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13263, EN 01222871 [Uong Chin alias Phal, Assistant, Kdat District in Sector 2 before work in Division 703 (Assistant Krakor District in Sector 2), 01-Apr-78 or 23-Mar-78] but see **D6.1.13** S-21 Name List of Prisoners Interrogated on 02-03 April 1978, EN 01210363 [showing Uong Chin’s arrest date as 23 Feb 1978].

<sup>1315</sup> **D134/3** Sat Chhang WRI, A28, EN 00974283 [“Tri [...] became the district chief to replace all of the three people [...] for about six months.”]; **D6.1.617** Huot Moeng alias Sat Sokhom SOAS Interview, EN 00352087 [“Tri [...] was in place for five or six months.”].

<sup>1316</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78]; **D219/849** Sou Nan alias Yay Nan WRI, A3, 21, EN 01356226, 28 [“Q: You were born [...] at Srae Andaung Village, Peam Commune, Kampong Tralach District, Kampong Chhnang Province. Is this correct? A3: Yes [...] A21: I arrived in Pursat Province in 1978”]; **D134/5** Huot Moeng alias Sat Sokhom WRI, A19-20, EN 00974303; **D6.1.617** Huot Moeng alias Sat Sokhom SOAS Interview, EN 00352087 [“Tri [...] was in place for five or six months. Then came Nan, in early or mid-1978.”]; **D219/869** Sek Sam At alias Yeay Rim WRI, A51-52, EN 01365562-63; **D134/3** Sat Chhang WRI, A28, EN 00974283; **D134/1** Ung Chhat WRI, A28-29, EN 00974267; **D6.1.643** Ung Chhat WRI, EN 00373918 [“The District 22 committee secretary was Nan (female), who had come from Kampong Chhnang to govern the district in approximately late 1977. At that time, the former district committee secretaries were arrested and some committed suicide. The cooperative committee was changed often; most of those who came to replace them were females, all from Kampong Chhnang. As for the former cooperative committees, some were sent to Ta Lou and Sam San (Bakan District).”].

<sup>1317</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8937, EN 01222694 [Mann Moeng, Committee Member of Krakor Krom District in Sector 2, before work in Division 703, 01-Apr-78]; **D6.1.607** Sun Kav SOAS Interview, EN 00352093 [“Meung, Secretary, District 23, Sector 7 [...] was executed just before the Vietnamese came.”]. See also **D6.1.611** Yeum Bau SOAS Interview, EN 00352116 [in Krakor Kraom: “Ta Meung was arrested during the executions and purges of 1977, around April 1977. Ta Kung replaced him. [...] Ta Kung told me they were revisionists, and that’s why they were arrested.”].

<sup>1318</sup> **D219/188** Phan Khorn WRI, A80, 88, EN 01106436-37; **D219/241** Am Sokhon alias Khon WRI, A51-52, EN 01092966; **D6.1.991** Uk Soeum alias San Soeum WRI, A3, EN 00491349; **D219/183** Sok Khan WRI, A95, EN 01079305.

levels upon the arrival of the Southwest and West Zone cadres.<sup>1319</sup>

## 2. SECTOR 1

### a. KOAS KRALA SECURITY CENTRE

#### i. INTRODUCTION

381. Koas Krala Security Centre was located in Koas Krala District of Sector 1 during the DK regime. Even before he was formally appointed secretary of Sector 1, **Yim Tith** gave instructions and conveyed policies to cadres in Koas Krala District. As early as mid-1976, he instructed soldiers and other representatives from the district to defend against internal and external enemies. In 1977, **Yim Tith** regularly met with the leaders of a military unit in the district, authorised arrests, and promoted those responsible for thousands of extrajudicial executions. In 1978, after the Koas Krala District Secretary was purged, **Yim Tith** personally led meetings in the district.

382. After Southwest Zone cadres arrived in the district, the number of arrests escalated. Using trusted cadres brought from the Southwest Zone, **Yim Tith**'s subordinates facilitated the policy to seek out and remove "bad rice seeds" in the district. Koas Krala Security Centre was established by at least early 1978. The security centre held about 200 to 300 prisoners at any one time. None of the prisoners were accorded any legal process and most, if not all, were executed. Mass executions involving a minimum of 75 prisoners occurred on at least three occasions.

383. The ICIJ charged **Yim Tith** with the following crimes in relation to Koas Krala Security Centre: the crimes against humanity of murder, extermination, imprisonment, persecution on political grounds against Northwest Zone cadres and their families and subordinates; and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>1320</sup>

#### ii. OPERATION AND LOCATION

384. During the DK regime, Wat Koas Krala was used for rice production until Southwest Zone cadres converted the site into a security centre.<sup>1321</sup> The evidence from the

<sup>1319</sup> **D219/276** Nhoem Nguy WRI, A22-23, EN 01098501; **D219/277** Soem Chhean WRI, A25, 55, 57-58, EN 01098511-12, 15. *See also* **D118/194** Ruos Narin WRI, A102-103, EN 00986742 [in Prey Pdao Cooperative, Bakan Kraom]; **D219/340** Ke Y WRI, A20, EN 01117701 [in Kbal Chhoeur Puk Cooperative, Sya Commune, Kandieng District].

<sup>1320</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426071, 77.

<sup>1321</sup> **D219/625** Pei Poet WRI, A26-27, EN 01187733; **D118/6** Lay Eng WRI, A12, EN 00937026; **D118/4** Kan Choek WRI, A28, EN 00935587; **D118/37** Koas Krala Security Centre and Execution Site Site

investigation shows that Southwest Zone cadres established the security centre no later than early 1978<sup>1322</sup> and continued to operate it through the end of the DK regime.<sup>1323</sup> Koas Krala Security Centre was located in Wat Koas Krala, Koas Krala Village, Koas Krala Commune/Cooperative, Koas Krala District, Sector 1 of the Northwest Zone.<sup>1324</sup> From Battambang Town, the site is reached by travelling past Thipakdei Security Centre, which **Yim Tith** also supervised in Koas Krala District.<sup>1325</sup>

385. Prisoners were held in the rice mill and Pali study building.<sup>1326</sup> The security centre was surrounded by many burial pits, both inside and outside the compound.<sup>1327</sup> West of the

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Identification Report, EN 00900758. *See also* **D118/5** Tum Pheuy WRI, A15, EN 00935593-94; **D219/547** Chhan Laung WRI, A33, EN 01174576; **D118/294** Lay Eng WRI, A2, EN 01037355; **D118/6** Lay Eng WRI, A12, EN 00937026; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900758. *See contra* **D118/3** Pek Em WRI, A10, EN 00978795 [Witness grew up in Ruessei Preah Village, Koas Krala Commune and saw Lon Nol soldiers followed by Khmer Rouge soldiers staying at the barracks: “The Koas Krala Security Office existed even before the arrival of the Southwest Zone group.”].

<sup>1322</sup> **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900765 [“Koas Krala pagoda [...] taken by the SWZ cadre in late 1977 or early 1978”]. Southwest Zone cadres generally arrived in Koas Krala District from mid-1977 to mid-1978, *see* **D118/294** Lay Eng WRI, A3, EN 01037355; **D219/983** Sao Chobb WRI, A59, EN 01519565; **D219/763** Sao Chobb WRI, A33, EN 01337021; **D118/4** Kan Choek WRI, A15, EN 00935585; **D219/513** Sien Soem WRI, A10, 24, EN 01167952, 54 and *noting* the investigator’s comments at **D219/514** Sien Soem WRI, EN 01167962; **D118/6** Lay Eng WRI, A16, EN 00937027; **D118/3** Pek Em WRI, A7, EN 00978794.

<sup>1323</sup> **D219/624** Pei Poeut WRI, A1, 3-5, 13, EN 01187716, 19; **D118/5** Tum Pheuy WRI, A11, 17, EN 00935593-94; **D118/4** Kan Choek WRI, A31, EN 00935588.

<sup>1324</sup> **D118/5** Tum Pheuy WRI, A10, 17, EN 00935593-94; **D219/547** Chhan Laung WRI, A23, 31-32, EN 01174574-75; **D118/294** Lay Eng WRI, A5, EN 01037355; **D118/6** Lay Eng WRI, A12, EN 00937026; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900756. *See also* **D219/292** Lek Phiv WRI, A2, 7, EN 01111806; **D118/4** Kan Choek WRI, A3, 6, EN 00935584. During the DK regime, the terms “commune” and “cooperative” were used interchangeably in Koas Krala District, *see, e.g.* **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Numbers 14, 21, 64, EN 01149129-30, 36; **D118/4** Kan Choek WRI, A3, EN 00935584; **D219/547** Chhan Laung WRI, A8, EN 01174572; **D219/763** Sao Chobb WRI, A24, 26, EN 01337020.

<sup>1325</sup> **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900761.

<sup>1326</sup> Rice mill: **D118/6** Lay Eng WRI, A12, EN 00937026; **D219/625** Pei Poeut WRI, A32, EN 01187735; **D118/5** Tum Pheuy WRI, EN 00935597, A19-20, EN 00935594-95. *See also* **D118/4** Kan Choek WRI, A28, 32, EN 00935587-88; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900763, 66-67, 72-73; **D219/625** Pei Poeut WRI, A26-27, EN 01187733. Pali study building: **D219/625** Pei Poeut WRI, A28, EN 01187733; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900763, 66-67, 74; **D118/4** Kan Choek WRI, A28, 32, EN 00935587-88; **D118/5** Tum Pheuy WRI, EN 00935597, A19-20, EN 00935594-95; **D219/517** Soy Chhoeun WRI, A105, EN 01166186. *Note* that the Pali building is also referred to as a study hall, *compare* **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900769 and **D118/5** Tum Pheuy WRI, EN 00935597. Temple: It may have also detained prisoners, *see* **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900763 [“The temple [...] used it as a detention hall.”] (*Note* **D118/4** Kan Choek WRI, A28, EN 00935587); **D219/624** Pei Poeut WRI, A13, EN 01187719 [“detention warehouse in Wat Koas Krala Pagoda”], but *see* **D219/625** Pei Poeut WRI, A29, EN 01187733 [Witness stated the Pali language hall and the rice mill were the “[o]nly [...] two buildings used to detain the prisoners”].

<sup>1327</sup> Inside compound: **D118/294** Lay Eng WRI, A10, EN 01037356 [“I had escaped into the jungle. When we returned to the village about four or five months later, we saw many corpse pits on the premises of Wat Koas Krala.”]; **D219/517** Soy Chhoeun WRI, A105, EN 01166186 [Witness visited the security centre in 1979: “People who went to dig ponds around the pagoda to find treasure found many bones.”]; **D118/5**



compound, there was a nearby execution site situated in a forest.<sup>1328</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

386. **Yim Tith** exercised influence over officials in Koas Krala District even prior to the arrival of Southwest Zone cadres and the establishment of the security centre.<sup>1329</sup> In 1976 and 1977, witness Sao Chobb went with other Northwest Zone soldiers from Koas Krala District to meetings where **Yim Tith** lectured, including a three-day sector-level study session.<sup>1330</sup> **Yim Tith** discussed internal and external enemies and their activities, emphasising the need to defend against “enemies in all forms”, to locate CIA networks and Vietnamese people, and to report in order to “assess if there was any progress”.<sup>1331</sup>

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Tum Pheuy WRI, EN 00935597, A19-20, EN 00935594-95; **D118/4** Kan Choek WRI, A32, EN 00935588. Outside compound: **D118/5** Tum Pheuy WRI, A21, EN 00935595 [“there were [...] small pits, mass grave and bomb crates outside the pagoda which were all used to bury dead bodies.”]; **D118/4** Kan Choek WRI, A32, EN 00935588; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900765-66. In the vicinity: **D219/547** Chhan Laung WRI, A47, 49, EN 01174578 [Witness “saw two large graves near the eastern fence of Koas Krala Pagoda” or “in the eastern compound” approximately a year after the DK regime.]; **D219/514** Sien Soem WRI, A12, EN 01167965, *reiterating* **D219/456** WRIA, Account of Sien Soem, EN 01129829.

<sup>1328</sup> **D219/625** Pei Poet WRI, A22-23, EN 01187732 [Witness was detained at the security centre and taken to “a forested or sparse area [...] in between [...] Prey Mnoas Jungle and Wat Koas Krala Pagoda. The killing place was to the west of Wat Koas Krala Pagoda”]; **D118/4** Kan Choek WRI, A30, EN 00935587.

<sup>1329</sup> **D219/983** Sao Chobb WRI, A13, EN 01519557. *See also* **D219/982** Sao Chobb WRI, A42, EN 01517553; **D219/763** Sao Chobb WRI, A111, EN 01337032.

<sup>1330</sup> Ta Mok was also present at some of these study sessions. Three-day study session at Kanghat Dam in late 1976 or early 1977: **D219/981** Sao Chobb WRI, A5, 11, 20, 37, EN 01502685-88 [“The session lasted for three days”, “probably in the month of May, June or July when the [Kanghat] dam was being built.” “The Southwest group had not arrived.” Attendees “came from all districts.”], A16-18, 24, EN 01502686-87 [At the session Yim Tith and Ta Mok “introduced themselves” and made presentations. The meeting was chaired by “the Sector Committee [...] Ta Vanh”]; **D219/956** Sao Chobb WRI, A14, 22, 55, 61, 63, EN 01456265-66, 69-70; **D219/763** Sao Chobb WRI, A65, 68-71, EN 01337026; **D219/980** Sao Chobb WRI, A20, EN 01517545; **D219/984** Sao Chobb WRI, A5, EN 01517557. *See also* **III.D.3.a.** Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Other Acts and Conduct in the Northwest Zone – Yim Tith’s Earliest Appearance in the Northwest Zone; Regular meetings at Kanghat Dam in 1977: **D219/763** Sao Chobb WRI, A114, 116, 118, 120, EN 01337032-33 [Yim Tith “told me [...] [i]n ’77 [...] [a]t Kang-Hort [...] [at] a meeting for the armed forces, cooperatives, districts, and regions.”], A123, EN 01337033 [The meetings were held “[o]nce a month or one every three or four months.”]. Two meetings at a former school in Battambang Province in 1977: **D219/763** Sao Chobb WRI, A130, 134, EN 01337034 [Ta Mok was present at the meetings in Battambang. “When he [Yim Tith] attended the meetings, everyone knew him.”], A127-129, EN 01337033-34.

<sup>1331</sup> **D219/981** Sao Chobb WRI, A25, EN 01502687 [“Q: Did they [Yim Tith and Ta Mok] speak about internal or external enemies? A25: They spoke all about that. For the military, they spoke about defending against enemies in all forms. They spoke about the existence or non-existence of enemy’s activities.”]; **D219/763** Sao Chobb WRI, A69-70, EN 01337026 [Yim Tith “made some comments [...] about reports.”], A133-135, 138, EN 01337034-35 [“Q: Did Ta Tit say anything about the situation of the enemy? A133: The enemy’s propaganda activities were raised to discuss their motives and reasons. [...] A134: [...] The meeting was held to exchange their experiences and to find out the reasons of enemies burrowing inside. [...] A135: When it came to the traitors, they discussed about the search for CIA networks. They advised the cadres to locate the CIA networks, the Vietnamese..., etc. [...] A138: [...] The meetings in ’77 were held to exchange their experiences and assess if there was any progress. That was what they [Yim Tith and Ta Mok] said during the meetings.”]. Attendees disseminated any information they had received to their subordinates in Koas Krala District, *see* **D219/980** Sao Chobb WRI, A20, EN 01517545.

**Yim Tith** also assigned representatives from Koas Krala District to carry out investigations and ordered reports on any “mistake[s].”<sup>1332</sup> Sao Chobb said that at one of the meetings, **Yim Tith** stated if the mistake “was serious enough [...] then a permission to kill was issued.”<sup>1333</sup>

387. Sao Chobb said that in 1976 and 1977, when he supervised platoon soldiers and labourers, he saw his superior An “arresting and killing people [...] many times” in Koas Krala District.<sup>1334</sup> Sao Chobb told OCIJ investigators that “thousands of people” were killed.<sup>1335</sup> At the time, An was Company Commander of a military unit in the district.<sup>1336</sup> Sao Chobb asked An who had assigned him to kill those people and An told him it was **Yim Tith**.<sup>1337</sup> An, his deputy Pak, and company member Thach told Sao Chobb that “those people [arrested] were CIA, Yuons, and the agents of the [...] Yuon.”<sup>1338</sup> During this period, Sao Chobb saw **Yim Tith** and Ta Mok hold monthly meetings for approximately five months with An, Pak, and Thach.<sup>1339</sup> He told OCIJ investigators that “[a]fter the meeting the arrests were made.”<sup>1340</sup> According to Sao Chobb, **Yim Tith** had

<sup>1332</sup> **D219/763** Sao Chobb WRI, A116, 118, 120-121, EN 01337032-33 [“In ’77 [...] [a]t Kang-Hort [...] was a meeting for the armed forces, cooperatives, districts, and regions. [...] He [Yim Tith] commanded and assigned the people or soldiers to perform their tasks and to do the investigations. If a mistake was found, a report was made.”], A123, EN 01337033 [“Q: How often were the meetings held? A123: Once a month or one every three or four months.”].

<sup>1333</sup> **D219/763** Sao Chobb WRI, A114, 116, 118, 121, EN 01337032-33 [Regarding Yim Tith assigning the killers to execute the people: “He told me [...] [i]n ’77 [...] [a]t Kang-Hort. [...] If it was serious enough to be killed, then a permission to kill was issued.”]. *See contra* **D219/981** Sao Chobb WRI, A67, EN 01502690 [“I did not know about any violence. [...] At the upper level, they led us well and they did not do anything bad or resort to violence.”].

<sup>1334</sup> **D219/982** Sao Chobb WRI, A29-30, 32, EN 01517552. *See also* **D219/982** Sao Chobb WRI, A33, EN 01517552 [“In 1976 and 1977, [...] arrests took place continuously until the arrival of the Southwest Zone cadres.”], A35-37, EN 01517552-53 [Witness saw An arresting “new people” in Sa-ang Num, Koas Krala District]; **D219/983** Sao Chobb WRI, A14-15, 31, EN 01519558, 61.

<sup>1335</sup> **D219/982** Sao Chobb WRI, A31, EN 01517552.

<sup>1336</sup> **D219/982** Sao Chobb WRI, A38, EN 01517553 [“An was company commander in the district military unit.”]; **D219/956** Sao Chobb WRI, A49, EN 01456268 [“An [...] was the commander of the company.”]; **D219/980** Sao Chobb WRI, A9, EN 01517544 [“Ta An as the deputy” of “the command committee of the Kos Krala district”]; **D219/983** Sao Chobb WRI, A32, EN 01519561 [“An [...] reported to the district.”].

<sup>1337</sup> **D219/982** Sao Chobb WRI, A28, EN 01517552 [“I asked him [An] who assigned him to be a killer like that. He said Tith did.”]. *See also* **D219/983** Sao Chobb WRI, A13-14, EN 01519557-58.

<sup>1338</sup> **D219/983** Sao Chobb WRI, A10, EN 01519557. *See also* **D219/982** Sao Chobb WRI, A34, EN 01517552 [Witness was supervised labourers and “When he [An] came to arrest them he said that they were the CIA agents.”]. Regarding the position of Pak, *see* **D219/982** Sao Chobb WRI, A40-41, EN 01517553; **D219/983** Sao Chobb WRI, A32, EN 01519561; **D219/980** Sao Chobb WRI, A9, EN 01517544; **D219/956** Sao Chobb WRI, A49, EN 01456268; **D219/20** Chhum Vanny WRI, A47, 51, EN 01050470-71; **D118/19** Yoeng Yean WRI, A18, EN 00912316.

<sup>1339</sup> **D219/983** Sao Chobb WRI, A16, EN 01519558 [Yim Tith, Ta Mok, Pak, An, and Thach met “once a month for about four to five times.”], A42, EN 01519563 [“they came to hold a meeting once a month.”]; **D219/982** Sao Chobb WRI, A44-46, EN 01517553; **D219/984** Sao Chobb WRI, A10, EN 01517558.

<sup>1340</sup> **D219/983** Sao Chobb WRI, A42, EN 01519563.

instructed An, Pak, and Thach “to search for the CIA agents and Vietnamese”.<sup>1341</sup> Sao Chobb said that after An and Pak “killed more people, they were promoted to the higher rank” by the “upper echelon”, which included **Yim Tith**.<sup>1342</sup> An S-21 administrative record dated February 1978 named An as “Division Chairperson, Koas Krala District Military” and Pak as “Deputy Chairperson of Division, Koas Krala District Military”.<sup>1343</sup>

388. The meetings between **Yim Tith**, An, Pak, and Thach took place at the district’s headquarters.<sup>1344</sup> Sao Chobb told OCIJ investigators that the headquarters was situated next to a security centre that was later relocated by Southwest Zone cadres to Wat Koas Krala.<sup>1345</sup>

389. Following his appointment as secretary of Sector 1, **Yim Tith** continued to target perceived CPK enemies in Koas Krala District. Lek Phiv, who was the chief of Thipakdei Cooperative in Koas Krala District until he was demoted to deputy chief of Chak Kakaoh Cooperative after the arrival of Southwest Zone cadres, told OCIJ investigators:

Ta Tith was a new Secretary of Sector 1 after Ta Pet disappeared. When I was the deputy [...], [there was] a meeting [...] every ten days [...] led by Ta Tith. [...] Generally, when there was a meeting, Ta Yeun, who was on the district committee of Koas Krala District, conducted it. However, after Yeun and Ta Pet disappeared, Ta Tith chaired the meetings instead.<sup>1346</sup>

390. Lek Phiv attended those meetings with representatives of the cooperatives in Koas Krala District.<sup>1347</sup> He recalled that **Yim Tith** “always talked about the Vietnamese enemies”

<sup>1341</sup> **D219/982** Sao Chobb WRI, A33, EN 01517552 [“In 1976 and 1977, Ta Tith assigned them [An, Pak, and Thach] to search for the CIA agents and Vietnamese.”], A47, EN 01517553 [Witness saw Yim Tith meeting with An, Pak, and Thach to discuss “searching for the CIA agents and Vietnamese.”].

<sup>1342</sup> **D219/982** Sao Chobb WRI, A41, EN 01517553, A42, EN 01517553 [“Q: Who then promoted these three men? A42: I thought it was Ta Tith and Ta Mok who did that for they were the upper echelon.”]. *See also* **D219/20** Chhum Vanny WRI, A47, EN 01050470 [“Pak was the one who killed the most people there.”].

<sup>1343</sup> **D131/2.1.86** Name List of Military of Koas Krala District, Sector 1, Numbers 8-9, EN 01149146. *See also* **D118/4** Kan Choek WRI, A9, EN 00935585.

<sup>1344</sup> **D219/984** Sao Chobb WRI, A8, 10, EN 01517558. A present-day visit to the former district headquarters with Sao Chobb and an OCIJ investigator suggests that the headquarters was either in Koas Krala Village or Porpel Village, *see* **D219/993** Kang Hort Dam and Koas Krala District HQ / Security Centre Site Identification Report, EN 01494955; **D219/984** Sao Chobb WRI, A8, EN 01517558.

<sup>1345</sup> **D219/993** Kang Hort Dam and Koas Krala District HQ / Security Centre Site Identification Report, EN 01494955; **D219/984** Sao Chobb WRI, A8, EN 01517558; **D219/763** Sao Chobb WRI, A73-74, 76-77, 83, 88, EN 01337027-29; **D219/992** WRIA, Account of Sao Chobb, EN 01494933.

<sup>1346</sup> **D219/210** Lek Phiv WRI, A4, 6-7, EN 01088522-23. *See also* **D219/236** Lek Phiv WRI, A4, 17, EN 01092931-32; **D219/292** Lek Phiv WRI, A21, EN 01111809.

<sup>1347</sup> **D219/210** Lek Phiv WRI, A6-7, EN 01088522-23 [“I noticed that the same cooperative committee members who attended the meeting that was led by Ta Yeun and Ta Pet, also attended the meeting that was led by Ta Tith. [...] I know that there were representatives from nine cooperatives in Koas Krala District who attended the meetings.”]. *See also* **D219/236** Lek Phiv WRI, A17, EN 01092932; **D219/292** Lek Phiv WRI, A6, 20, 24, EN 01111806, 09.

and “alleged that the Vietnamese wanted to swallow our country.”<sup>1348</sup> Lek Phiv told OCIJ investigators that **Yim Tith** “always talked about the policies of the Party at those meetings”, including the need to strengthen people’s loyalty to the Party.<sup>1349</sup> Sao Chobb noted that when Southwest Zone cadres arrived in the district, a meeting was held to compile a list of people to be arrested.<sup>1350</sup>

391. The security centre at Wat Koas Krala operated at the district level, receiving prisoners from various locations in the district.<sup>1351</sup> Northwest Zone cadres who had led Koas Krala District were removed from their positions, arrested, and killed by Southwest Zone cadres.<sup>1352</sup> Trusted cadres from the Southwest Zone, such as Kim and Kim’s deputy

<sup>1348</sup> **D219/236** Lek Phiv WRI, A19, EN 01092933.

<sup>1349</sup> **D219/210** Lek Phiv WRI, A8, EN 01088523 [“Mainly he talked about strengthening the spirit of the people so that they would believe in the Party and [he talked about] policies related to cultivation.”], A4, EN 01088522.

<sup>1350</sup> **D219/983** Sao Chobb WRI, A29, EN 01519560 [“Q: Did they at that time keep a list of persons who would be arrested and who had been arrested? A29: [...] When the Southwest Zone group arrived, they held the meeting and made [a list] by themselves.”].

<sup>1351</sup> **D118/5** Tum Pheuy WRI, A10-11, EN 00935593; **D118/4** Kan Choek WRI, A30-31, EN 00935587-88; **D219/513** Sien Soem WRI, A42, 45, EN 01167957-58; **D219/550** Pek Em WRI, A23, 25, 27, EN 01174599-600; **D118/3** Pek Em WRI, A30, EN 00978798 and *elaborated upon* at **D219/550** Pek Em WRI, A21, EN 01174598-99; **D118/294** Lay Eng WRI, A7, EN 01037355-56; **D118/6** Lay Eng WRI, A26, EN 00937028; **D219/547** Chhan Laung WRI, A35, EN 01174576.

<sup>1352</sup> Secretary Yeun: **D219/236** Lek Phiv WRI, A4, EN 01092931; **D219/292** Lek Phiv WRI, A14-15, EN 0111807-08; **D219/210** Lek Phiv WRI, A3, EN 01088522; **D219/624** Pei Poeut WRI, A7, EN 01187717; **D219/625** Pei Poeut WRI, A19, EN 01187731; **D118/4** Kan Choek WRI, A3, EN 00935584; **D219/514** Sien Soem WRI, A24, EN 01167968; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356; **D118/3** Pek Em WRI, A4, EN 00978794; **D219/763** Sao Chobb WRI, A29, EN 01337021. Deputy Secretary Thoeun Leng (Doeun Leng), in charge of military: **D6.1.554** S-21 Report from Mam Nai alias Chan to Brother Duch, 19 Oct 1977, EN 00143353 [Report from Man Nai about the prisoners “taken in on 18 October 1977: A. Northwest Zone [...] 4. Doeun Leng, Member of Koh Kralar District, Region 1”]; **D131/2.1.76** S-21 Prisoner List, Number 28, EN 01149210 [“Koeun Leng, deputy secretary of Koas Krala District, Sector 1, 12 Oct 77”]; **D1.3.25.7** S-21 Interrogation Log, 2 Feb 1978, Number 5, EN 00784626 [Thoeun Leng, Deputy Secretary of Koh Krala]; **D6.1.45** S-21 Prisoner List for Northwest, Number 31, EN 01148900 [Thoeun Leng, Deputy Secretary of Kaoh Krala District, Sector 1, 12 Oct 77]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11668, EN 01222811; **D219/292** Lek Phiv WRI, A14-15, EN 0111808; **D219/210** Lek Phiv WRI, A3, EN 01088522; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356; **D219/763** Sao Chobb WRI, A29, EN 01337021. Member Chheut: **D118/4** Kan Choek WRI, A3, EN 00935584. Touch Pei, in charge of district commerce: **D219/624** Pei Poeut WRI, A1, EN 01187714; **D219/625** Pei Poeut WRI, EN 01187725; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/294** Lay Eng WRI, A9, EN 01037356; **D118/5** Tum Pheuy WRI, A10, EN 00935592. *See also* **D219/983** Sao Chobb WRI, A59, EN 01519565 [“The Southwest Zone group came in mid-[19]77 to embed among the local people. At the end of [19]77 their troops arrived. When they arrived, they started removing cadres of the Northwest Zone group including district committees. They then arrested and killed them.”]; **D219/763** Sao Chobb WRI, A29-31, EN 01337021 [“Leng, Chhoeung, and Yeun [...] died in 1978. They were taken to be executed. They were killed at Tracheak Chet Canal.”]; **D219/983** Sao Chobb WRI, A60, EN 01519565-66; **D219/142** Tep Sarun WRI, A38, 92, EN 01063711, 20 [“Ta Pei [...] was taken away to be killed. [...] I saw the arrests”]; **D118/294** Lay Eng WRI, A9, EN 01037356 [“Ta Yoeun, Ta Leng, and Ta Pey [...] arrested by the Southwest cadres.”]; **D219/624** Pei Poeut WRI, A1, 3-4, EN 01187714, 16; **D219/210** Lek Phiv WRI, A6, EN 01088522.

Paong, were brought to fill positions in the district under **Yim Tith**'s leadership.<sup>1353</sup> Witness Pei Poeut, who was later imprisoned at the security centre with her Northwest Zone cadre father, heard Kim and Paong announce at a three-day meeting in the district that there would be screening to 'remove the bad rice seeds'.<sup>1354</sup> Another witness learned from his village chief who had attended a district-led meeting that prisoners at the security centre "would never be released".<sup>1355</sup> At the security centre, Pei Poeut, who survived a mass execution, "heard that [soldiers] had to kill all the Northwest groups within seven days."<sup>1356</sup> During her imprisonment, Pei Poeut frequently saw Kim and Paong at the security centre.<sup>1357</sup> Witnesses observed Paong personally arresting and transporting prisoners to the security centre and, on one occasion, slash victims' throats during a mass execution.<sup>1358</sup> According to Pei Poeut, soldiers at the security centre acting under the command of Kim and Paong took prisoners to be executed.<sup>1359</sup>

392. The organised and premeditated nature of the killings at Koas Krala Security Centre is further demonstrated by the manner in which victims were transported to the security centre. Southwest Zone chiefs in various villages knew when to arrange for ox cart drivers to transport victims either directly to the security centre or to a designated location where soldiers waited to receive the victims to then personally take them to the security centre.<sup>1360</sup>

<sup>1353</sup> **D219/624** Pei Poeut WRI, A7, EN 01187717 ["Kim came to replace Ta Yeun [...] the former governor of Koas Krala District."]; **D219/625** Pei Poeut WRI, A31, EN 01187734 ["I only knew that Koem and Paong [...] were from the Southwest Zone"]; **D118/4** Kan Choek WRI, A16, 18, EN 00935585-86 ["Ta Kim, a Southwest person, became cooperative chief in Kos Krala village. [...] Ta Paong was his deputy."]; **D219/547** Chhan Laung WRI, A25, 55, EN 01174574-75, 79.

<sup>1354</sup> **D219/624** Pei Poeut WRI, A10-11, EN 01187718 [Kim and Paong "held a meeting for three days at Wat Doun Ba Pagoda and they announced that they would be screening for only good rice seeds and would remove the bad rice seeds."]; **D219/625** Pei Poeut WRI, A5, EN 01187728.

<sup>1355</sup> **D118/294** Lay Eng WRI, A5-6, EN 01037355.

<sup>1356</sup> **D219/625** Pei Poeut WRI, A11, EN 01187729. *See also* **D219/625** Pei Poeut WRI, A9, EN 01187729 ["During the killing, the soldiers mocked at the victims saying that, 'You people have to be killed [...] people have been sent to kill you'"]; A15, EN 01187730 ["I gained clear consciousness [...] and I could hear them saying that they were going to return to take more prisoners to the killing place."].

<sup>1357</sup> **D219/625** Pei Poeut WRI, A31, EN 01187734 ["Koem and Paong [...] often came in and out of that place."].

<sup>1358</sup> **D219/624** Pei Poeut WRI, A9, EN 01187717 ["the person who came to bring me to be detained with my father was Paong."]; **D219/547** Chhan Laung WRI, A23-24, EN 01174574 ["Paong [...] arrested the people there."]; **D118/4** Kan Choek WRI, A30-31, EN 00935587-88 ["I learned from Ta Keung that [...] Paong killed people [...]. He saw Paong leaning his knee against the prisoner's back and then slashing his throat. [...] It occurred before the fall of Phnom Penh in 1979."].

<sup>1359</sup> **D219/624** Pei Poeut WRI, A18, EN 01187721 ["Q: Do you know the names of the soldiers who tied you and brought you to the forest at that time? A18: Well, they were the soldiers who guarded over there and followed the orders of Kim and Paong. The person who brought us to the killing place was Dan"].

<sup>1360</sup> **D219/514** Sien Soem WRI, A1-2, 5, EN 01167963 [Khvaeng "village chief [...] verbally ordered me to transport those people. When I arrived at Doun Ba Pagoda, two Southwest soldiers told me to stop and wait there. They said they would drive the cart themselves and transport those persons to Koas Krala

393. A hierarchical CPK authority structure existed in Koas Krala District from zone level to village level. Witness Sien Soem stated that his Southwest Zone village chief reported to his commune/cooperative chief.<sup>1361</sup> Lek Phiv stated that when he was cooperative chief, prior to his demotion by Southwest Zone cadres, he reported to the district secretary who reported to the Sector 1 Secretary.<sup>1362</sup> He also told OCIJ investigators that “orders [...] went from the zone to the sector, the sector to the district, and the district to the cooperative level.”<sup>1363</sup>

#### iv. CRIMES

##### Imprisonment and Other Inhumane Acts (Inhumane Treatment)

394. Koas Krala Security Centre was established after Southwest Zone cadres arrived in the district and arrests had increased.<sup>1364</sup> The security centre held at least 200 to 300 prisoners during one witness’s imprisonment.<sup>1365</sup> Prisoners came from various locations in the district<sup>1366</sup> – one witness knew 30 to 50 people from just his own village who were

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Pagoda. [...] The persons I had to transport had already been told to wait at the ox-cart. The village chief told me to transport those persons to Doun Ban Pagoda and said when I arrived others would be waiting for me there to continue transporting those persons onward.”]; **D219/513** Sien Soem WRI, A45, EN 01167957-58 [“On the second occasion, the same village chief [...] assigned me to transport [...] [I]ike the first event”], A42, EN 01167957; **D118/5** Tum Pheuy WRI, A10, EN 00935593 [Prey Phnheas Village deputy chief Am “ordered me to take an ox-cart to bring Ta Haul’s family [...] and another family [...] to Kos Krala pagoda.”]; **D118/4** Kan Choek WRI, A17, 23, EN 00935586.

<sup>1361</sup> **D219/514** Sien Soem WRI, A4, EN 01167963 [“the commune chief [...] was also Cooperative Committee. [...] When I transported prisoners [to Koas Krala Security Centre], the [Khvaeng] village chief reported to the commune chief who was also a Southwest cadre”].

<sup>1362</sup> **D219/236** Lek Phiv WRI, A4, EN 01092931 [“I reported to Brother Yeun, a Koas Krala District Secretary who reported to Ta Pet.”] (*Note* the witness stated Ta Pet was secretary of Sector 1 at **D219/210** Lek Phiv WRI, A1, EN 01088521); **D219/292** Lek Phiv WRI, A32, EN 01111810.

<sup>1363</sup> **D219/292** Lek Phiv WRI, A16, EN 01111808.

<sup>1364</sup> **D118/294** Lay Eng WRI, A2, EN 01037355 [“Koas Krala Security Office was established at the time the Southeast cadres arrived because during that time they arrested many people.”]; **D118/6** Lay Eng WRI, A12, EN 00937026; **D118/4** Kan Choek WRI, A16, EN 00935586 [Witness lived in Koas Krala Village: “arrests intensified. The Southwest people began arresting LON Nol soldiers and Northwest cadres. Before the arrival of the Southwest, only senior officers of the LON Nol soldiers had been arrested.”]; **D118/3** Pek Em WRI, A16, EN 00978796.

<sup>1365</sup> **D219/625** Pei Poeut WRI, A28, EN 01187733 [“Q: How many people were kept in Wat Koas Krala Pagoda when you were detained there? A28: [...] based on my estimate that there were at least 200 to 300.”]. *See also* **D118/5** Tum Pheuy WRI, A19, EN 00935594 [“When I looked inside the center I saw prisoners [...] about 100 of them.”]; **D118/4** Kan Choek WRI, A30, EN 00935587 [“40 men from the rice threshing field [...] were walked to the Kos Krala security center. [...] I learned from Ta Keung that upon arriving at the pagoda [...] there were other people [...], totalling 75 people.”]; **D219/550** Pek Em WRI, A23, 25, 27, EN 01174599-600 [“My third oldest sister was arrested and put in Wat Koas Krala Pagoda. [...] When they arrested my older sister, they also arrested four other families, including my sister’s.”] (*Note* that although it is unclear if the name of the sister who was taken to the security centre was Ti or Soem, both sisters had a husband and eight children that were also killed with them, *see* **D219/550** Pek Em WRI, A26, EN 01174599 and **D118/3** Pek Em WRI, A2, EN 00978793).

<sup>1366</sup> **D118/5** Tum Pheuy WRI, A10-11, EN 00935593; **D118/4** Kan Choek WRI, A30-31, EN 00935587-88; **D219/513** Sien Soem WRI, A42, EN 01167957; **D219/550** Pek Em WRI, A23, 25, 27, EN 01174599-600; **D118/3** Pek Em WRI, A30, EN 00978798 and *elaborated upon* at **D219/550** Pek Em WRI, A21, EN

detained at the security centre.<sup>1367</sup>

395. Men, women, and children were arbitrarily deprived of their liberty in the security centre.<sup>1368</sup> The CPK's policy to remove all those it suspected of lacking political loyalty – the “bad rice seeds” – was implemented at the security centre through the detention of Northwest Zone cadres and their families and subordinates,<sup>1369</sup> members of the former Lon Nol regime and their families,<sup>1370</sup> teachers, people who had committed moral misconduct, labourers from Anlong Vil Breng Worksite, “new people”, and “veteran liberators”.<sup>1371</sup>

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01174598-99; **D118/294** Lay Eng WRI, A7, EN 01037355-56; **D118/6** Lay Eng WRI, A26, EN 00937028; **D219/547** Chhan Laung WRI, A35, EN 01174576.

<sup>1367</sup> **D219/547** Chhan Laung WRI, A36-37, EN 01174576 [Witness lived next to the security centre: “Q: Could you estimate how many people [...] were arrested and detained in the pagoda after the southwest cadres arrived? A36: As far as I know, there were about 30 or 50, but there were other people that I did not know. I knew those arrested from my village. A37: However, I did not know who was arrested in other villages.”].

<sup>1368</sup> Men: **D219/625** Pei Poeut WRI, A32, EN 01187735 [“At the Pali language hall, most of the prisoners were male”]; **D219/624** Pei Poeut WRI, A1, 15, EN 01187716, 20; **D118/5** Tum Pheuy WRI, A10, EN 00935593, A19, EN 00935594; **D118/4** Kan Choek WRI, A30-31, EN 00935587-88; **D219/550** Pek Em WRI, A11, EN 00978795; **D118/5** Tum Pheuy WRI, A19, EN 00935594. Women: **D219/625** Pei Poeut WRI, A32, EN 01187735 [“at the rice mill, they detained [...] women.”], A17, 19, EN 01187730-31; **D219/624** Pei Poeut WRI, A9, EN 01187717; **D219/547** Chhan Laung WRI, A22, EN 01174574 [“wives [...] of the former LON Nol soldiers [...] were arrested.”]; **D118/5** Tum Pheuy WRI, A10, EN 00935593; **D219/513** Sien Soem WRI, A42, 45, EN 01167957-58; **D219/550** Pek Em WRI, A23, EN 01174599. Children: **D219/625** Pei Poeut WRI, A32, EN 01187735 [“at the rice mill, they detained [...] children”]; **D219/547** Chhan Laung WRI, A22, EN 01174574 [“children of the former LON Nol soldiers [...] were arrested.”]; **D118/5** Tum Pheuy WRI, A10, EN 00935593; **D219/513** Sien Soem WRI, A42, EN 01167957 and *elaborated upon* at **D219/514** Sien Soem WRI, A7, EN 01167964; **D118/294** Lay Eng WRI, A5, EN 01037355; **D219/550** Pek Em WRI, A27, EN 01174600. *See also* **D219/550** Pek Em WRI, A27, EN 01174600 [Southwest Zone cadres “arrested all of the family members including [...] the elderly.”].

<sup>1369</sup> **D219/625** Pei Poeut WRI, A6, EN 01187728 [“they accused my father, who was in charge of domestic commerce, of being a traitor. So they accused all of my relatives”], A17, 19, EN 01187730-31 [The prisoners included the “former district governor[’s] [...] daughter. His wife had been taken to be killed before”]; **D219/624** Pei Poeut WRI, A15, EN 01187720 [“not only my father but also my mother’s grandfather, aunts and uncles were arrested”]; **D118/4** Kan Choek WRI, A13, EN 00935585 [“Kos Krala [...] where Khmer Rouge cadres were detained.”]; **D219/513** Sien Soem WRI, A42, 44, EN 01167957; **D118/5** Tum Pheuy WRI, A10, EN 00935593; **D219/547** Chhan Laung WRI, A18, 20-21, EN 01174574. *See also* **D118/294** Lay Eng WRI, A5, EN 01037355; **D118/3** Pek Em WRI, A17, EN 00978796; **D118/5** Tum Pheuy WRI, A31, EN 00935596.

<sup>1370</sup> **D118/4** Kan Choek WRI, A16, 30, EN 00935586-87 [“The Southwest people began arresting LON Nol soldiers [...] Ta Keung was a former LON Nol soldier [...] walked to Kos Krala security center.”]; **D118/5** Tum Pheuy WRI, A22, EN 00935595 [“Q: [...] what kind of prisoners were [...] detained at Kos Krala security center? A22: [...] former LON Nol soldiers”], A19, EN 00935594; **D219/547** Chhan Laung WRI, A22, EN 01174574 [“the wives and children of the former LON Nol soldiers who escaped from Koas Krala Village were arrested.”], A18, 20-21, EN 01174574.

<sup>1371</sup> Teachers: **D118/5** Tum Pheuy WRI, A22, EN 00935595. Moral misconduct offenders: **D219/313** Sek Chaot WRI, A12-13, EN 01111959 [“prisoners of serious offences [...] detained at Wat Koas Krala Pagoda [...] were those who committed moral misconducts.”]. Anlong Vil Breng worksite labourers: **D118/3** Pek Em WRI, A30, EN 00978798 and *elaborated upon* at **D219/550** Pek Em WRI, A21-22, EN 01174598-99; **D118/6** Lay Eng WRI, A26, EN 00937028. Anlong Vil Breng Worksite was situated 6 kilometres south of Koas Krala security centre, *see* **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900761. New people: **D118/4** Kan Choek WRI, A24, EN 00935587 [“The family whom I transported to the security center were evacuees from Pailin to Kos Krala village”] (*Note* that the family was living in Koas Krala at the time, *see* **D118/37** Koas Krala Security Centre and Execution

396. One witness learned from his village chief who had attended a district-led meeting that “those who were arrested were sent to the security office in Wat Koas Krala, and once they were there they would never be released.”<sup>1372</sup>
397. A number of prisoners at Koas Krala Security Centre were shackled by the ankle in rows to prohibit their freedom of movement.<sup>1373</sup> The effects of the shackles on one prisoner were swollen ankles, wounds, and pain.<sup>1374</sup>
398. According to Pei Poeut, who was approximately 14 years old when imprisoned, she and other prisoners were forced to thresh rice and dig earth in the presence of armed supervision and with insufficient food rations.<sup>1375</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

399. People inside and outside Koas Krala Security Centre knew that anyone detained at the security centre would most likely be killed.<sup>1376</sup> Witness Pei Poeut, who survived a mass

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Site Site Identification Report, EN 00900764.). Veteran liberators: **D219/513** Sien Soem WRI, A42, 44-47, EN 01167957-58 [Witness was assigned to transport Aunts Socum and Chat to Koas Krala Pagoda because they were “veteran liberator[s]. Not all veteran liberators were Northwest cadres; however, veteran liberators had to be taken to be killed by the Southwest cadres even if those veteran liberators were not Northwest cadres. [...] Aunt Chat was not a Northwest cadre.”].

<sup>1372</sup> **D118/294** Lay Eng WRI, A5-6, EN 01037355.

<sup>1373</sup> **D118/5** Tum Pheuy WRI, A19, EN 00935594 [“When I looked inside the center I saw prisoners who were shackled in three rows. There were about 100 of them. They were all male.”]; **D219/625** Pei Poeut WRI, A32, EN 01187735 [“At the Pali language hall, most of the prisoners were male and those prisoners had their feet shackled with wooden shackles”]; **D219/517** Soy Chhoeun WRI, A105, EN 01166186 [“In 1979, when I went to Koas Krala Pagoda, I saw a lot of shackles in the two-storey Bali language study building.”].

<sup>1374</sup> **D219/624** Pei Poeut WRI, A18, EN 01187721-22 [“I went into the Pali language hall to meet my father [...] he was shackled and his ankles were swollen. He hurt so much. [...] I helped clean the wound on his ankles.”].

<sup>1375</sup> **D219/624** Pei Poeut WRI, A13, EN 01187718-20 [“at Wat Koas Krala Pagoda [...] in the daytime they sent me to thresh rice [...] They ordered a child to keep an eye on us while we were threshing rice, and that child held a grenade [...] The next morning, they counted our heads again before they ejected us to thresh rice. At that time they distributed only a little gruel for us to eat with salted Pra fish. [...] we worked for about three or four days [...] The next day, they no longer sent us to thresh rice, but instead they sent us to dig earth near that pagoda.”].

<sup>1376</sup> **D219/514** Sien Soem WRI, A22, EN 01167967 [“All persons sent to Koas Krala Pagoda were killed.”]; **D219/513** Sien Soem WRI, A44, EN 01167957; **D118/4** Kan Choek WRI, A26, EN 00935587 [Witness transported a family to the security centre: “They knew that they would not survive when they were taken to the pagoda, however, they had no choice.”]; **D219/624** Pei Poeut WRI, A18, EN 01187722 [“a woman who always distributed rice to the prisoners in the Pali language hall [...] told me that she would not distribute rice again because there would be no more prisoners at the Pali language hall.”]. *See also* **D219/763** Sao Chobb WRI, A33-34, EN 01337021 [Witness observed that Southwest Zone cadres arrived in Koas Krala District “in 1977” and the “killings started in ’78.”]; **D219/513** Sien Soem WRI, A16, EN 01167952 [Witness lived in Khvaeng Village, Koas Krala District: “Upon their [Southwest Zone cadres’] arrival, [...] two or three months later, people were [...] taken to be killed.”]; **D118/4** Kan Choek WRI, A17, 31, EN 00935586, 88 [Witness heard from Ta Chheun Keung who had escaped an execution at the security centre “before the fall of Phnom Penh in 1979” “that the Southwest would kill more people in Kos Krala village.”]; **D219/547** Chhan Laung WRI, A18-21, EN 01174574; **D118/6** Lay Eng WRI, A18-19, EN 00937027; **D118/5** Tum Pheuy WRI, A33, EN 00935596 [Witness lived in Koas Krala District



execution at the security centre, overheard that Southwest Zone cadres had ordered “all the Northwest groups” detained at Koas Krala Security Centre to be killed within seven days.<sup>1377</sup> The prisoners executed were not just Northwest Zone cadres, but all categories from the Northwest Zone as detailed above in the *Imprisonment and Other Inhumane Acts (Inhumane Treatment)* sub-section.<sup>1378</sup>

400. Although the exact number cannot be determined, it is clear that a massive number, at least hundreds and probably thousands, of prisoners at Koas Krala Security Centre were killed. A plethora of burial pits existed inside and outside the security centre compound, and there was a nearby execution site. A minimum of three mass killings took place involving at least 75 prisoners on each occasion.<sup>1379</sup> Survivor Pei Poet recalled the odour of rotting corpses at the execution site and stated that there was at least one burial pit measuring approximately three metres wide, five metres long, and two metres deep.<sup>1380</sup> Shortly after the DK regime, witnesses observed the security centre also had: (i) 10 pits,

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throughout the DK regime: “Under the control of the Northwest, most people died due to starvation. Under the control of the Southwest they died because they were killed.”]

<sup>1377</sup> **D219/625** Pei Poet WRI, A11, EN 01187729. *See also* **D219/625** Pei Poet WRI, A9, EN 01187729 [“During the killing, the soldiers mocked at the victims saying that, ‘You people have to be killed at this time because in the past you people killed [...]’; so it is your turn to be killed now; these people have been sent to kill you in return.”], A30, EN 01187734 [“when I gained consciousness, I heard the soldiers tell their friends to guard the hole and some of them went to take more prisoners to the killing place.”], A15, EN 01187730.

<sup>1378</sup> *See* **V.B.2.a.iv.** Crimes – Northwest Zone – Sector 1 – Koas Krala Security Centre – Crimes – Imprisonment and Other Inhumane Acts (Inhumane Treatment). *See, e.g.* **D118/4** Kan Choek WRI, A30, EN 00935587 [“men from the rice threshing field [...] were walked to the Kos Krala security center. [...] I learned from Ta Keung that upon arriving at the pagoda [...] arrested and walked in line to the killing site”]; **D219/625** Pei Poet WRI, A4, EN 01187728 [“many of my relatives including my cousins, second cousins, and other relatives or approximately almost half of the 100 people who were taken to be killed at that time.”], A10, EN 01187729 [“Q: Were there any former Northwest soldiers among the victims? A10: No”].

<sup>1379</sup> **D219/624** Pei Poet WRI, A17, EN 01187721 [“Q: Who was with you when they took you to the forest behind the pagoda to be killed? A17: [...] There were about 100 prisoners in total on that day.”]; **D219/625** Pei Poet WRI, A14-16, 30, EN 01187730, 34 [Whilst “pretend[ing] to be dead” the witness “could hear them saying that they were going to return to take more prisoners to the killing place.” “However, some soldiers said they did not want to be at the killing place because the Vietnamese had already arrived in Battambang.” She estimated that “the least number” of more prisoners brought “were about 100”], A4, EN 01187728; **D118/4** Kan Choek WRI, A30-31, EN 00935587-88 [“I learned from Ta Keung that upon arriving at the pagoda [...] there were other people coming from other areas, totalling 75 people. [...] They were then arrested and walked in line to the killing site at the west of the pagoda [...] before the fall of Phnom Penh in 1979.”]. *See also* **D118/5** Tum Pheuy WRI, A17, EN 00935594.

<sup>1380</sup> **D219/625** Pei Poet WRI, A21, 25, EN 01187731-33 [“There was a newly-dug hole at the place where they took me to be killed [...]. (The witness pointed to a pond behind our backs on her land so that we could compare the size of that pit, whose depth was two metres.) [...] When I arrived at that killing place, I observed that some clothes and dead bodies had already been there; [...] that place was very stinky. Then I was taken to that newly-dug hole (the analyst PHANN Sokchea went to visit the pond on her land and estimated that the hole was three metres wide, five metres long, and two metres deep). [...] I saw only one hole because I did not dare to look around at that time.”]. *See also* **D118/5** Tum Pheuy WRI, A17, EN 00935594.

measuring three metres wide, four metres long, and one and a half metres deep, containing in each 20 to 30 corpses of Northwest Zone cadres;<sup>1381</sup> (ii) two pits inside the compound, measuring approximately five metres wide and six metres long, containing four to 10 protruding skulls amidst bones;<sup>1382</sup> and (iii) an undisclosed number of pits in the compound containing “hundreds of bodies”.<sup>1383</sup> There was also a burial pit located next to the west side of the Pali study building where prisoners were detained,<sup>1384</sup> and two burial pits west of the compound *en route* to the execution site.<sup>1385</sup> Witness evidence indicates that all of the human remains discovered were deposited in these burial pits during the period Koas Krala Security Centre was operating.<sup>1386</sup>

401. Soldiers “mocked” their victims as they were being killed, saying: “You people have to be killed at this time because in the past you people killed [...]; so it is your turn to be killed now; these people have been sent to kill you in return.”<sup>1387</sup> Premeditated measures were used to ensure orders to kill were successfully implemented. Detainee Pei Poeut witnessed executioners secure cooperation from prisoners by having them believe that

<sup>1381</sup> **D219/514** Sien Soem WRI, A12-14, EN 01167965 [“in 1979, [...] immediately after the Khmer New Year”, the witness went to Koas Krala Security Centre and saw about 10 burial pits measuring each “about three metres wide, four metres long and one and a half metres deep” and containing approximately 20 to 30 dead bodies in each pit. “Those bodies were decomposing. I saw human bones and saw clothing on the bodies” including black clothing worn by Northwest cadres.] *reiterating* **D219/456** WRIA, Account of Sien Soem, EN 01129829.

<sup>1382</sup> **D219/547** Chhan Laung WRI, A47, 49-52, EN 01174578 [Approximately one year after the end of the DK regime, the witness saw “two large graves” “in the eastern compound of Koas Krala Pagoda” near the fence. “Each grave was about five meters in width and six meters in length.” He “saw a mix of bones and skulls of old and young people. [...] the bones and the graves were partly filled with earth. There was water in the graves and I saw about four to ten skulls sticking out.”].

<sup>1383</sup> **D219/517** Soy Chhoeun WRI, A105, EN 01166186 [Witness visited the security centre in 1979: “People who went to dig ponds around the pagoda to find treasure found many bones. I estimate that each pond contained hundreds of bodies. I saw people piling up the bones near the ponds. There were three to four piles.”].

<sup>1384</sup> **D118/5** Tum Pheuy WRI, EN 00935597 [Witness transported prisoners to the security centre and drew a sketch that situated a pit on the west side of the Pali building], A19-20, EN 00935594-95; **D118/4** Kan Choek WRI, A32, EN 00935588.

<sup>1385</sup> **D118/5** Tum Pheuy WRI, A19-21, EN 00935594-95, EN 00935597 [Witness transported prisoners to the security centre and noted there was a pit west of the Pali building outside the compound] (*Note* that the original sketch indicated two pits instead of one located west of the compound, *see* **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900769); **D118/4** Kan Choek WRI, A32, EN 00935588 [Witness was ordered once to transport prisoners to the security centre and confirms he identified two pits situated outside the pagoda compound during a site identification]; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900765-66.

<sup>1386</sup> **D118/5** Tum Pheuy WRI, A8, EN 00935592; **D219/547** Chhan Laung WRI, A33, EN 01174576; **D219/625** Pei Poeut WRI, A27, EN 01187733; **D118/4** Kan Choek WRI, A28, EN 00935587; **D118/37** Koas Krala Security Centre and Execution Site Site Identification Report, EN 00900758. *See contra* **D118/3** Pek Em WRI, A10, EN 00978795.

<sup>1387</sup> **D219/625** Pei Poeut WRI, A9, EN 01187729.

they would be returning to their respective homelands.<sup>1388</sup> Where people were uncooperative, she said violence and threats to kill were used.<sup>1389</sup> To prevent escapes, prisoners were walked to their death by tightly tying their hands and tightly tying their bodies together in lines.<sup>1390</sup> Finally, to swiftly process mass killings, executioners used sticks to beat their naked victims to death and/or knives to slit their throats before tossing them into freshly pre-dug holes.<sup>1391</sup>

402. Former Northwest Zone cadre Touch Pei was detained with his daughter at Koas Krala Security Centre in late 1978 and never seen again by her.<sup>1392</sup>

### Persecution

403. Southwest Zone cadres committed many of the crimes described above with the intent to target specific groups, namely Northwest Zone cadres and their families and subordinates,<sup>1393</sup> members of the former Lon Nol regime and their families, and “new

<sup>1388</sup> **D219/624** Pei Poet WRI, A13, EN 01187719 [“the soldiers came to the detention building and took some prisoners out and told us that they were taking them back to their hometowns, but after that, I saw the soldiers come back with bloody hands. At that time, they called me to help bring water for them to wash their hands.”].

<sup>1389</sup> **D219/625** Pei Poet WRI, A3, EN 01187727 [“First, they came to open the door of the detention building. Then they started to tie up the prisoners. [...] suddenly I saw a soldier arrive and kick my buttocks and order me to stand up and join the prisoners who were being tied up; otherwise, they would shoot me to death right there.”], A9, EN 01187729 [“At the killing place, [...] a soldier pointed his gun at me and said, ‘How dare you say these words to me girl! I will shoot you to death at this place.’ But he did not shoot me and I was still among the other victims.”]; **D219/624** Pei Poet WRI, A18, EN 01187721 [“The person who brought us to the killing place was Dan [...] Dan beat my ribs with his rifle butt.”].

<sup>1390</sup> **D219/624** Pei Poet WRI, A17-18, EN 01187721 [“They tied us together in lines and there were ten prisoners in a line. [...] after they tied my hand with Nylon string, suddenly my hands became swollen. [...] I saw them tying the children up with scarves. [...] they said that they had to tie the children up tightly because the children had ran so fast the other day.”], A9, EN 01187729; **D219/625** Pei Poet WRI, A3, EN 01187727; **D118/4** Kan Choek WRI, A30, EN 00935587-88 [“I learned from Ta Keung that [...] [t]hey were then arrested and walked in line to the killing site at the west of the pagoda. [...] He tried to untie himself.”]; **D118/5** Tum Pheuy WRI, A17, EN 00935594.

<sup>1391</sup> **D219/625** Pei Poet WRI, A9, EN 01187729 [“At the killing place, they ordered the victims to take off their clothes one by one before they were [...] one by one to be killed by beating them and cutting their throats after the beating.”], A13-14, EN 01187730 [“I took a glance and saw a stick, which looked like a stamper beating on the back of my head. [...] I pretended to be dead.”], A21, EN 01187731 [“There was a newly-dug hole at the place where they took me to be killed; the hole seemed to have been dug a few days earlier.”]; **D219/624** Pei Poet WRI, A18, EN 01187722; **D118/4** Kan Choek WRI, A30, EN 00935587-88 [“I learned from Ta Keung that upon arriving at the pagoda [...] 75 people [...] walked in line to the killing site at the west of the pagoda. Ta Keung also said that Paong killed people by slashing their throat. He saw Paong leaning his knee against the prisoner’s back and then slashing his throat. Ta Keung was shocked and terrified.”]; **D118/5** Tum Pheuy WRI, A17, EN 00935594.

<sup>1392</sup> **D219/624** Pei Poet WRI, A18, EN 01187721-22 [Witness was detained at the security centre with her Northwest Zone cadre father during harvest season towards the end of the DK regime: “I went into the Pali language hall to meet my father who was shackled inside. [...] I met a woman who always distributed rice to the prisoners in the Pali language hall [...] That woman told me that she would not distribute rice again because there would be no more prisoners at the Pali language hall [...] my father went missing.”].

<sup>1393</sup> Generally, see **D219/763** Sao Chobb WRI, A64, 106, EN 01337026, 31; **D219/983** Sao Chobb WRI, A59, 62, EN 01519565-66; **D118/5** Tum Pheuy WRI, A31, EN 00935596; **D219/513** Sien Soem WRI, A18, 20, EN 01167953; **D118/6** Lay Eng WRI, A17-19, EN 00937027; **D118/3** Pek Em WRI, A18, EN 00978796.

people” at Koas Krala Security Centre. These groups were specifically targeted because of their actual or perceived membership of a political group.

v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

404. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes against humanity in relation to Koas Krala Security Centre:<sup>1394</sup> murder; extermination;<sup>1395</sup> imprisonment; persecution on political grounds against Northwest Zone cadres and their families and subordinates, members of the former Lon Nol regime and their families, and “new people”; and other inhumane acts (inhumane treatment and enforced disappearance).

b. THIPAKDEI COOPERATIVE

i. INTRODUCTION

405. Thipakdei Cooperative was located in Koas Krala District of Sector 1 during the DK regime. It contained several security centres and forced labour sites. As detailed in the *Koas Krala Security Centre* section of this Submission,<sup>1396</sup> **Yim Tith** exercised influence and power over officials in Koas Krala District even prior to the arrival of Southwest Zone cadres. This included inspecting the cooperative.
406. Southwest Zone cadres began contributing to crimes in the cooperative from early 1977, with the arrest, imprisonment, and enslavement of Northwest Zone cadres in Tuol Mtes Village, which was a tempering site for demoted Northwest Zone cadres across Sector 1. Thousands of labourers lived and toiled in conditions of enslavement as they endured inhumane living and working conditions that caused a significant number of deaths. Prisoners also died from starvation, inadequate medical treatment, and executions. Those

<sup>1394</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of persecution on political grounds against members of the former Lon Nol regime and their families and “new people”; and the other inhumane acts of inhumane treatment and enforced disappearance. The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 58-59 (including fn. 223), 118b; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 5, 7-8, 22iii; **D196/1** Response to Forwarding Order D196, 23 Jun 2014, para. 2c.

<sup>1395</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Koas Krala Security Centre alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Koas Krala Security Centre, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>1396</sup> See **V.B.2.a.iii.** Crimes – Northwest Zone – Sector 1 – Koas Krala Security Centre – Authority Structure and Communication.

imprisoned or immediately killed upon arrest were not accorded any legal process and, in some cases, were also tortured. Others simply disappeared.

407. The ICIJ charged **Yim Tith** with the following crimes in relation to Thipakdei Cooperative: the crimes against humanity of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds against Northwest Zone cadres and their families and subordinates, other inhumane acts (confinement/working in inhumane conditions); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>1397</sup>

ii. OPERATION AND LOCATION

408. Thipakdei Cooperative existed at the beginning of the DK regime.<sup>1398</sup> Southwest Zone cadres arrived at the cooperative in early 1977 around the same time they began implementing the JCE at the site.<sup>1399</sup> They controlled the cooperative until the end of the DK regime.<sup>1400</sup> Thipakdei Cooperative was located in Thipakdei Commune, Koas Krala

<sup>1397</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426071, 77.

<sup>1398</sup> **D6.1.895** Kong Vach WRI, A9, 22-23, 28, 31, EN 00426475-78; **D219/142** Tep Sarun WRI, A57, EN 01063714; **D219/388** Roeung Sopheap WRI, A27, EN 01123456 (*Note* that the civil party arrived in 1976, *see* **D118/196** Roeung Sopheap WRI, A8, 44, EN 00986407, 13.); **D118/221** Phan Yim WRI, A25, 131, EN 00987744, 59; **D219/410** Hoem Chhongly WRI, A3, EN 01142889; **D219/368** Chhoeung Bean WRI, A6, EN 01117715. *See contra* **D219/517** Soy Chhoeun WRI, A4, EN 01166164 [Thipakdei commune was established “[i]n 1979 after the liberation.”].

<sup>1399</sup> **D118/69** Nuon Muon WRI, A6-7, EN 00950726 [Witness was a Northwest Zone cadre in charge of a cooperative in Battambang District when in “January 1977, I was arrested and put at Tuol M’tes Education/Correction Facility. The arrest occurred when the Southwest[er]ners had arrived [...]. At that time they arrested Northwest cadres and took them to Tuol M’tes.”] (*Note* **D1.3.11.36** Nuon Muon OCP Statement, EN 00210530, 32 [At the time of the witness’s arrest, Southwest Zone cadres were purging Northwest Zone cadres and the witness “belonged to network of SAY”. Ta Say was Secretary of Sector 1 before Ta Vanh replaced him.]; **D219/85** Vy Phann WRI, A3, EN 01061169; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77]); **D219/11** Penh Nhanh WRI, A3, EN 01047034 [“Southwest group arrived in Thipakdei Commune in early 1977.”]; **D118/280** Sang Say WRI, A4, EN 01044666 [“As far as I remember, the Southwest group arrived roughly two years before the Vietnamese liberated us -- approximately in 1977, [...] the Southwest cadres did not arrive in late 1978.”]; **D219/50** Uy Chinda WRI, A39, 41, EN 01056847 [At Phnum Thipakdei, Southwest Zone cadres arrived “[a]t the end of 1977.” “Those cadres told us that they came from the Southwest Zone.”]; **D219/517** Soy Chhoeun WRI, A7, EN 01166164 [At Thmei Village, “Southwest Zone cadres arrived probably in late 1977 or early 1978.”]; **D118/277** Sem Veung WRI, A93, EN 01025281 [Witness lived near Ra Village: “Southwest cadres arrived in my village in 1977 or 1978.”]; **D118/4** Kan Choek WRI, A15, EN 00935585 [“Based on my estimation, the Southwest group arrived in Kos Krala district in late 1977 during the harvest season.”]. *See also* **D219/14** Khin Khien WRI, A20, EN 01047704 [Southwest Zone cadres arrived in Thmei Village “I think it was in 1978”]; **D219/548** Ing Oeum WRI, A54, EN 01193242 [Witness worked at Tuol Mtes “[i]n 1978, after the arrival of the Southwest Zone group.”]; **D219/448** Yat Yoeun WRI, A5, 10-11, 13, EN 01149247-48 [Southwest Zone cadres were in control at Tuol Mtes forced labour site when witness arrived there between June and September 1978. “They arrived during the dry season of early 1978.”]; **D219/644** Yom Yeang WRI, A24-25, 30, EN 01207409-10 [Southwest Zone cadres controlled Thipakdei Cooperative “about three or four months” before the arrival of the Vietnamese “[i]n late 1978, after the harvesting season.”].

<sup>1400</sup> **D118/243** Chham Luy WRI, A6, 14, 18, EN 01029400, 02 [Two to three months before the Vietnamese arrived, the witness was arrested by Yim Tith’s subordinate Ta Nim and sent to Thipakdei mountain.];

District, Sector 1 of the Northwest Zone.<sup>1401</sup> The cooperative “covered hundred of hectares of land.”<sup>1402</sup> It included: (i) Phnum Ta Thok, Chhay Ballang Village, and Cheung Tinh Village, which all had forced labour sites, and a security centre at the foot of Phnum Ta Thok;<sup>1403</sup> (ii) Phnum Thipakdei, which had Thipakdei Security Centre;<sup>1404</sup> (iii) Tuol Mtes Village, which housed a security centre and a forced labour site that “stretch[ed] [...] about three kilometers”;<sup>1405</sup> (iv) Ra Village, which contained a detention

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- D219/644** Yom Yeang WRI, A24-25, 30, EN 01207409-10 [Southwest Zone cadres controlled Thipakdei Cooperative “about three or four months” before the arrival of the Vietnamese “[i]n late 1978, after the harvesting season.”]; **D118/196** Roeung Sopheap WRI, A73, EN 00986416 [Cadres at Tuol Mtes “were replaced by new people who led until the Vietnamese arrived”], A83-84, EN 00986418 [At Tuol Mtes, cadre “Rin [...] continued until the end of the regime.”]; **D219/548** Ing Oeum WRI, A55, EN 01193242 [Witness worked at Tuol Mtes from 1978 for eight and a half months: “During the last fortnight, I learnt that the Yuon was coming.”]; **D219/172** Toch Bunthy WRI, A2, EN 01076957 [“my family [...] worked in different [...] cooperatives on Phnum Thipakdei Mountain until the Vietnamese arrived.”].
- <sup>1401</sup> **D219/292** Lek Phiv WRI, A2, EN 01111806 [“Phnom Thipakdei Mountain Cooperative or Thipakdei Commune was located in Koas Krala, Sector 1, the Northwest Zone.”]; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088864; **D105/18** Tuol Mtes Work Site Site Identification Report, EN 00803785; **D219/20** Chhum Vanny WRI, A37, EN 01050469; **D118/19** Yoeng Yean WRI, A5, EN 00912315; **D219/263** Chham Luy WRI, A88, 107, EN 01097413-14. *See contra* **D118/286** Kheav Neap WRI, A76, EN 01044702 [“Thipakdei Mountain was in Mounng District”].
- <sup>1402</sup> **D219/292** Lek Phiv WRI, A8, EN 01111806. *See also* **D347/2.1.46** Cambodia Tile Maps, Tile 5634, EN 01045001.
- <sup>1403</sup> Phnum Ta Thok: **D219/292** Lek Phiv WRI, A13, EN 01111807 [“Phnom Ta Thok Mountain was located in Phnom Thipakdei Mountain Cooperative. Phnom Ta Thok Mountain was the place where the Southwest Zone cadres ordered me to work.”]; **D219/644** Yom Yeang WRI, A23, 25, EN 01207409 [Ta Thok in Thipakdei Cooperative]; **D6.1.895** Kong Vach WRI, A52, EN 00426480 [“there was a security centre located at the foot of Ta Thok Mountain.”]; **D219/432** Tha Nam WRI, A40, EN 01142948. *See also* **D219/432** Tha Nam WRI, A40, EN 01142948 [“Phnum Ta Thok Mountain [...] about one kilometre west of Phnum Thipakdei Mountain.”]; **D219/423** Yon Yoeun WRI, A43, EN 01135132. Chhay Ballang Village: **D219/644** Yom Yeang WRI, A23, 25, EN 01207409 [Chhay Balangk in Thipakdei Cooperative]. *See also* **D219/172** Toch Bunthy WRI, A4, EN 01076959 [“Chhay Balangk, west of Phnum Thipakdei Mountain.”]; **D219/142** Tep Sarun WRI, A65, EN 01063715; **D118/212** Meas Nakry WRI, EN 00985152 [“Chay Balangk worksite was at the foot of Thipadei Mountain.”]; **D219/644** Yom Yeang WRI, A104, EN 01207420. Cheung Tinh Village: **D219/313** Sek Chaot WRI, A2, EN 01111957 [“Cheung Tinh [...] is located in Thipakdei Commune [...]. During the Khmer Rouge regime, Cheung Tinh was a worksite”]; **D219/644** Yom Yeang WRI, A23, 25, EN 01207409. *See also* **D118/240** Hoey San WRI, A6, EN 01033032; **D219/408** Sek Chaot WRI, A4, EN 01142864; **D219/689** Sok Cheat WRI, A95, EN 01216255 [“Choeurng Tenh and Thipakdei are next to each other.”]; **D219/142** Tep Sarun WRI, A65, EN 01063715 [“West of Thipakdei Mountain [...] Cheung Tenh”]; **D219/239** Sorm Vanna WRI, A2, 6, EN 01092949-50.
- <sup>1404</sup> **D118/196** Roeung Sopheap WRI, A31, EN 00986411 [“There was a security office at Phnum Thipakdei”]; **D219/313** Sek Chaot WRI, A12, EN 01111959; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088864; **D219/64** Peou Koeun WRI, A14, EN 01053946.
- <sup>1405</sup> **D219/292** Lek Phiv WRI, A3, EN 01111806 [In Phnom Thipakdei Mountain Cooperative “[t]here was Tuol Mtes Worksite”]; **D105/18** Tuol Mtes Work Site Site Identification Report, EN 00803785 [“Tuol Mtes Work Site is located in the Tuol Mtes Village Phnom Thipakdei Commune [...]. It is a stretch of land of about three kilometers.”]; **D118/196** Roeung Sopheap WRI, A81, EN 00986418; **D219/448** Yat Yoeun WRI, A16, 43, EN 01149249, 54. Tuol Mtes Village was located west of Phnum Thipakdei and Phnum Cheung Tinh, and east of Kanghat Dam, *see* **D219/142** Tep Sarun WRI, A64-65, EN 01063715; **D118/102** Toat Thoeun WRI, A120, EN 00974038; **D219/448** Yat Yoeun WRI, A16, 43, EN 01149249, 54; **D219/423** Yon Yoeun WRI, A40, EN 01135132; **D219/117** Top Seung WRI, A117, EN 01067714; **D118/5** Tum Pheuy WRI, A25, EN 00935595; **D219/261** Khoeun Sngoeun WRI, A63, EN 01095845; **D219/90** Koch Rien WRI, A67, EN 01081754; **D1.3.11.36** Nuon Muon OCP Statement, EN 00210532; **D219/532** Lies Kung WRI, A6, EN 01180931; **D118/295** Sum Voeut WRI, A21, EN 01044714; **D219/68** Yoeun

office at the railway station;<sup>1406</sup> (v) Thmei Village, which is part of Ra Village today;<sup>1407</sup> and (vi) Kantuot Village.<sup>1408</sup>

409. Southwest Zone cadres established Thipakdei Security Centre<sup>1409</sup> and operated it until the end of the DK regime.<sup>1410</sup> It included two detention buildings that were approximately 500 metres apart: the upper warehouse was approximately 50 metres west of Wat Thipakdei on the top of Phnum Thipakdei, and the lower warehouse was a former monks'

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- Chanthou WRI, A80, EN 01054018. *See also* **D219/172** Toch Bunthy WRI, A34, EN 01076966; **D118/196** Roeung Sopheap WRI, A31, EN 00986411; **D219/388** Roeung Sopheap WRI, A22, EN 01123456; **D219/464** Tiep Tith WRI, A49, EN 01151251; **D118/18** Nuon Muon WRI, EN 00912311; **D219/408** Sek Chaot WRI, A11, EN 01142865; **D118/212** Meas Nakry WRI, A9, 17, EN 00985150-51; **D219/423** Yon Yoeun WRI, A43, EN 01135132; **D219/388** Roeung Sopheap, A14, EN 01123455; **D219/272** Kang Hort Dam Site Identification Report, EN 01088887; **D118/221** Phan Yim WRI, A24, EN 00987744.
- <sup>1406</sup> **D219/11** Penh Nhanh WRI, A1-2, EN 01047034 ["Ra Village, Thipakdei Commune [...] during the Khmer Rouge regime."]; **D118/277** Sem Veung WRI, A4, 39, EN 01025267, 71; **D219/644** Yom Yeang WRI, A39-40, 44, EN 01207411-12 ["[T]he railway was situated in Ra Village." When Southwest Zone cadres took control, "[t]he railway station was used as a re-education office." Security offices or prisons "were called re-education offices.]; **D219/517** Soy Chhoeun WRI, A10, EN 01166165 ["In Ra Village, there was a train station"]; **D219/172** Toch Bunthy WRI, A25, EN 01076964. *See also* **D219/50** Uy Chinda WRI, A140, EN 01056860; **D219/68** Yoeun Chanthou WRI, A65, EN 01054016; **D219/388** Roeung Sopheap WRI, A27, EN 01123456. *See contra* **D219/517** Soy Chhoeun WRI, A55, EN 01166173 [The train station in Ra Village "was used as a warehouse to store rice" by Southwest Zone cadres.].
- <sup>1407</sup> **D219/20** Chhum Vanny WRI, A26, EN 01050467 ["Thmei Village was also in Thipakdei Commune, east of Phnum Thipakdei Mountain."]; **D219/517** Soy Chhoeun WRI, A9-10, EN 01166165 ["Q: Were Thmei Village and Ra Village the same village? A9: In the Khmer Rouge regime, there were two different villages, but after 1979, these two villages became one: Ra Village. [...] A10: These two villages were next to each other [...] Thmei Village was about 200 metres away."]; **D219/50** Uy Chinda WRI, A6-7, EN 01056842; **D118/290** Kong Vach WRI, A10-11, 13, EN 01066768-69; **D219/644** Yom Yeang WRI, A3, 5, EN 01207406-07; **D118/221** Phan Yim WRI, A7, 11, EN 00987741-42.
- <sup>1408</sup> **D219/644** Yom Yeang WRI, A23, 25, EN 01207409 [Boeng Kantuot in Thipakdei Cooperative]; **D219/517** Soy Chhoeun WRI, A33, EN 01166169 [Kantuot Village at the foot of Phnum Thipakdei]. *See also* **D219/172** Toch Bunthy WRI, A25, EN 01076964 ["Boeng Kantuot [...] between Phnum Thipakdei Mountain and the railway."]. *See contra* **D105/7** Kim Heng WRI, A14, EN 00919417 ["Kantuot commune, Koas Krala district"].
- <sup>1409</sup> **D219/50** Uy Chinda WRI, A47-48, EN 01056848 ["During the period when the Northwest group was in power, there was no detention office. However, after the arrival of the Southwest cadres, they established a detention office [...] at Wat Phnum Thipakdei Pagoda."]; **D118/19** Yoeng Yean WRI, A30-31, EN 00912317 ["A30: I knew about that [security centre on Thipakdei Mountain] only after Southwest cadres came in. Q: Do you mean that the prison was created by Southwest cadres? A31: Yes."]; **D219/644** Yom Yeang WRI, A56-57, 59, EN 01207414; **D219/236** Lek Phiv WRI, A13, EN 01092932. Although Soy Chhoeun and Chea Chanty said Northwest Zone cadres followed by Southwest Zone cadres were present at a security centre at Phnom Thipakdei, they told OCIJ investigators that they were at the security centre in early and mid-1978 respectively. Soy Chhoeun also stated that Southwest Zone cadres had already arrived in the area prior to his imprisonment. *See* **D118/7** Chea Chanty WRI, A9-10, EN 00889574; **D5/1097** Chea Chanty CPA, EN 01176413-14; **D219/517** Soy Chhoeun WRI, A7, 22, 41, EN 01166164, 67, 70-71.
- <sup>1410</sup> **D219/33** Khin Khien WRI, A9, EN 01040543 ["guards [...] were the Southwest Zone cadres. They left here when the Khmer Rouge regime collapsed."]. *See also* **D219/14** Khin Khien WRI, A104, EN 01047715-16 ["Q: Was Phnum Thipakdei Mountain used by the Khmer Rouge to detain people until the end of the Khmer Rouge regime? A104: Yes, until liberation."]; **D118/196** Roeung Sopheap WRI, A60, EN 00986415; **D219/447** Uy Chinda WRI, A18, EN 01149237. *See contra* **D219/517** Soy Chhoeun WRI, A99, EN 01166184 ["Q: Was the Phnum Thipakdei Prison still in operation when the Vietnamese soldiers fought in Battambang Province? A99: No. The Southwest Zone cadres fled nearly one month ahead of the people."].

dining hall that was half a kilometre east of the Wat at the foot of Phnum Thipakdei.<sup>1411</sup>

There were execution sites for the prisoners: (i) approximately half a kilometre northeast of the lower warehouse; (ii) east of Kantuot Village, behind Thmei Village, near Andoung Thei Luy; and (iii) elsewhere in the vicinity.<sup>1412</sup>

410. A witness recalled that other execution sites in Thipakdei Cooperative were located east and south of the railway, west of Dangkao Kamnob, and east of Andoung Thei Luy.<sup>1413</sup>

<sup>1411</sup> **D219/14** Khin Khien WRI, A51, EN 01047708 [“two warehouses there; one was located at the foot of Phnum Thipakdei Mountain and the other was 500 metres away, above the first warehouse [...]. Both warehouses were used as prisons.”]; **D219/512** Khin Khien WRI, A11, EN 01167937; **D219/517** Soy Chhoeun WRI, EN 01166174; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088864, 67. Upper warehouse: **D219/14** Khin Khien WRI, A105, EN 01047716 [“the upper warehouse [...] was about 50 metres from the [Phnum Thipakdei] pagoda.”]; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088867 [“The Upper Warehouse detention building was situated on an area of higher ground [...] and on the west side of the Pagoda.”]; **D118/7** Chea Chanty WRI, A8, EN 00889573 [“The Phnom Thippadei Mountain Security Center located at the middle level of the Mountain, and there was a Buddhist temple on the top of the Mountain.”]; **D118/19** Yoeng Yean WRI, A32-33, EN 00912317; **D118/286** Kheav Neap WRI, A29, EN 01044697; **D219/50** Uy Chinda WRI, A74, EN 01056852; **D219/20** Chhum Vanny WRI, A123, EN 01050482; **D219/117** Top Seung WRI, A166, EN 01067721. Lower warehouse: **D219/14** Khin Khien WRI, A105, EN 01047716 [“The lower warehouse [...] was half a kilometre from the [Phnum Thipakdei] pagoda.”]; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088867-68 [“The Lower Warehouse was located east of the pagoda at the foot of the mountain [...] below the Wat Thipidai”]; **D219/50** Uy Chinda WRI, A71, 75, EN 01056851-52 [“detention office was a large monks’ dining hall [...] at the foot of the mountain.”]; **D219/517** Soy Chhoeun WRI, A25, EN 01166167 [Phnum Thipakdei prison “was at the foot of Phnum Thipakdei Mountain.”]; **D219/11** Penh Nhanh WRI, A12, EN 01047036. *See contra* **D219/517** Soy Chhoeun WRI, A21, EN 01166167 [“prison in Wat Phnum Thipakdei”]; **D5/1097** Chea Chanty CPA, EN 01174613; **D219/50** Uy Chinda WRI, A50, EN 01056848 (*Note* that the witness later stated: “The temple was on top of the mountain, and the detention office was on the lower part”, *see* **D219/50** Uy Chinda WRI, A74, EN 01056852.); **D219/644** Yom Yeang WRI, A56, EN 01207414 [“pagoda [...] was not located on the mountain top, but at the mountain foot.”]; **D118/290** Kong Vach WRI, A66, EN 01066776.

<sup>1412</sup> Approximately half a kilometre northeast of the lower warehouse: **D219/14** Khin Khien WRI, A94, EN 01047714 [“Khmer Rouge [...] ordered them to dig their own graves. [...] The distance from those graves to that [lower] warehouse was about half a kilometre.”]; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088867. *See also* **D219/172** Toch Bunthy WRI, A20, EN 01076962 [“about half a kilometre from the foot of Phnum Thipakdei Mountain [...] killing site was a canal [...] and it stretched to the railway.”]. East of Kantuot Village, behind Thmei Village, near Andoung Thei Luy: **D219/50** Uy Chinda WRI, A112, 152, EN 01056857, 62 [“next to the foot of the mountain [...] prisoners were taken to be killed behind Thmei Village. [...] ‘Below that [Thei Luy] well was the canal [...] to bury the bodies.’”] and *reiterated* at **D219/447** Uy Chinda WRI, A37, EN 01149241; **D118/19** Yoeng Yean WRI, A38-39, EN 00912318 [“detainees were transported out of Thipakdei prison for execution [...] east of Thipakdei Mountain, east of Boeng Kan Tuot Village, west of the railway station, near a ditch.”]. *See also* **D219/517** Soy Chhoeun WRI, A45, 47, EN 01166172 [“at Andoung Thae Luy behind Thmei Village near the foot of Phnum Thipakdei Mountain [...] I saw those bodies”]; **D219/644** Yom Yeang WRI, A86, 104, EN 01207418, 20 [Andoung Thai Luy “was the name of a [...] huge well [...] situated to the southeast [of Boeng Chhay Balangk], close to the [Thipakdei] mountain.”]. Elsewhere: **D219/644** Yom Yeang WRI, A90, EN 01207418 [“Another site was downhill from the prison in the pagoda, north of Boeng Pech Changvar”]. The witness later confirmed that Southwest Zone cadres killed detainees from Phnum Thipakdei near Boeng Pech Changvar, *see* **D219/644** Yom Yeang WRI, A121, EN 01207423.

<sup>1413</sup> **D219/644** Yom Yeang WRI, A48, EN 01207412 [“The killings took place sometimes to the east of the railway, sometimes to the south of the railway. To the south of the railway, there was a place called Boeng Chen where killings also took place.”], A53-55, EN 01207413-14 [“I saw the corpses [...] in the west of Dangkao Kamnob” in Thipakdei Cooperative.], A90, EN 01207418 [“I saw other killing sites to the east of Andoung Thai Luy”]. *See also* **D219/172** Toch Bunthy WRI, A3, EN 01076958 [“The killing site was about 50 or 100 metres east of the railway station.”].



Other witnesses mentioned execution sites “[e]ast of Phnum Thipakdei” and “at the foot of Phnum Thipakdei Mountain in Kantuot Village”, about 50 to 60 metres from the Andoung Thei Luy area.<sup>1414</sup>

iii. AUTHORITY STRUCTURE AND COMMUNICATION

411. Thipakdei Cooperative was under the authority of Koas Krala District.<sup>1415</sup> The CPK classified Tuol Mtes forced labour site as a sector worksite,<sup>1416</sup> which utilised mobile unit workers from Sectors 1 and 4, including Kanghat Dam forced labour site.<sup>1417</sup> Canals were dug in order to use the waters of Sangkae River for irrigation.<sup>1418</sup> One canal connected Thipakdei Cooperative with Kanghat Dam<sup>1419</sup> – a forced labour site that **Yim Tith** visited and controlled.
412. As detailed in the *Authority Structure and Communication* sub-section for Koas Krala Security Centre,<sup>1420</sup> **Yim Tith** exercised influence and power over officials in Koas Krala

<sup>1414</sup> **D219/20** Chhum Vanny WRI, A122, EN 01050482; **D219/517** Soy Chhoeun WRI, A33, EN 01166169.

<sup>1415</sup> **D219/142** Tep Sarun WRI, A60, EN 01063715 [“the cooperative was under the authority of the [...] district.”]. *See contra* **D219/233** Chhean Hea WRI, A41, EN 01090011 [“Q: As far as you knew, was Phnom Thipakdei Cooperative under the direct control of Sector 1? A41: Yes”].

<sup>1416</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13326, EN 01222874 [“Sector 1 Worksite [...] Tuol Mtes Worksite in Sector 1”]; **D219/292** Lek Phiv WRI, A38, EN 01111811 [Witness was a former chief of Thipakdei Cooperative: “this worksite was part of the sector worksites.”]; **D219/142** Tep Sarun WRI, A60, EN 01063715 [“Tuol Mtes worksite was under the authority of Sector 1”]. *See contra* **D118/249** Son Em WRI, A79, EN 01034095 [“According to my knowledge, Tuol Mtes worksite was a district level cooperative.”]; **D219/233** Chhean Hea WRI, A39, EN 01090010 [“Tuol Mtes was [...] under the administration of the district.”].

<sup>1417</sup> **D219/448** Yat Yoeun WRI, A14, EN 01149249 [“I guess Tuol Mtes was a sector worksite, because I noticed that they sent workforces from Sector 1 and Sector 4 to work there.”]; **D219/689** Sok Cheat WRI, A85-86, EN 01216253 [At Tuol Mtes, “people in the mobile units were under the sector. [...] They mobilized some labour forces from Kanghat Dam to dig the canal. [...] mobile units were controlled by the sector because they mobilized people in the whole sector.”]. *See also* **D219/388** Roeung Sopheap WRI, A31, EN 01123457 [“Q: [...] you stated that Tuol Ma’tes Worksite was a worksite of the state. Can you explain? A31: That’s because prisoners were taken from other sectors to be detained in that place.”]; **D118/18** Nuon Muon WRI, A15, EN 00912311 [“conclusively, they brought prisoners from all cooperatives in Sector 1 to work at Tuol M-tes.”].

<sup>1418</sup> **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237 [“Kanghat’ dam [...] contains the Sangke River, which is channeled into a 10-km main ditch and brought to the large reservoir at Mount Thipadei to irrigate land in these four [Sangkae, Battambang, Samlout, and Koas Krala] districts.”].

<sup>1419</sup> **D219/292** Lek Phiv WRI, A4, EN 01111806 [“in 1977 [...] the canal we built stretched from Kanghat rice paddy dike to Tuol Mtes, Cheung Tenh, Phnom Ta Thok Mountain, and Phnom Thipakdei Mountain”]; **D219/50** Uy Chinda WRI, A13, EN 01056843; **D219/313** Sek Chaot WRI, A2, EN 01111957; **D219/654** Sok Cheat WRI, A11, EN 01207506; **D219/448** Yat Yoeun WRI, A3, EN 01149247; **D118/281** Keo Sokha WRI, A2, EN 01040511-12; **D219/117** Top Seung WRI, A70, EN 01067708; **D219/410** Hoem Chhongly WRI, A18, EN 01142894; **D219/367** Reach Saran WRI, A46, EN 01128251; **D219/272** Kang Hort Dam Site Identification Report, EN 01088879-80. *See also* **D118/212** Meas Nakry WRI, EN 00985152 [“Witness stated that they had a plan to build a dam from Chay Balangk worksite to Cheung Tinh Mountain.”]; **D118/240** Hoey San WRI, A7, EN 01033032 [“Q: Did you ever know about the project of digging a huge canal stretching from Cheung Tenh to Chhay Balangk? A7: Yes”].

<sup>1420</sup> *See V.B.2.a.iii. Crimes – Northwest Zone – Sector 1 – Koas Krala Security Centre – Authority Structure and Communication.*

District even prior to the arrival of Southwest Zone cadres. Additionally, in 1976 and 1977, witness Sao Chobb said that he accompanied **Yim Tith** and Ta Mok to inspect Thipakdei Cooperative<sup>1421</sup> and that **Yim Tith** “came to inspect the people who worked on the paddy rice fields, farming and dam construction” at Tuol Mtes forced labour site.<sup>1422</sup>

413. Following the purge of Northwest Zone cadres on the committees for Koas Krala District,<sup>1423</sup> Thipakdei Cooperative,<sup>1424</sup> Thipakdei Security Centre,<sup>1425</sup> and Tuol Mtes

<sup>1421</sup> **D219/763** Sao Chobb WRI, A139, 141, EN 01337035 [“Q: When Ta Mok inspected [...] Phnum Thipakdei Cooperative, did Ta Tit go with Ta Mok? A139: We went together after the meetings. They inspected the sites. [...] Q: [...] did Ta Tit inspect Thipakdei Cooperative? A141: He inspected every cooperative.”], A138, EN 01337035.

<sup>1422</sup> **D219/763** Sao Chobb WRI, A146-147, 149, EN 01337036 [“Q: Did you see Ta Tit inspecting Tuol Mtes construction site? A146: Yes [...] A147: In ’76-’77. [...] A149: They came to inspect the people who worked on the paddy rice fields, farming and dam construction.”].

<sup>1423</sup> **D219/983** Sao Chobb WRI, A59, EN 01519565 [“The Southwest Zone group came in mid-[19]77 to embed among the local people. At the end of [19]77 their troops arrived. When they arrived, they started removing cadres of the Northwest Zone group including district committees. They then arrested and killed them.”]. *See also* **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11668, EN 01222811 [Thoeun Leng, 18-Oct-77 or 12-Oct-77]; **D219/763** Sao Chobb WRI, A29-31, EN 01337021 [“Leng, Chhoeung, and Yeun [...] died in 1978. They were taken to be executed. They were killed at Tracheak Chet Canal.”]; **D219/983** Sao Chobb WRI, A60, EN 01519565-66; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/294** Lay Eng WRI, A9, EN 01037356 [“Ta Yoeun, Ta Leng, and Ta Pey [...] arrested by the Southwest cadres.”]; **D219/624** Pei Poet WRI, EN 01187714, A1, 3-4, EN 01187716; **D219/142** Tep Sarun WRI, A38, 92, EN 01063711, 20; **D219/210** Lek Phiv WRI, A6, EN 01088522. Secretary Yeun: **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Number 1, EN 01149128; **D219/236** Lek Phiv WRI, A4, EN 01092931; **D219/292** Lek Phiv WRI, A14-15, EN 01111807-08; **D219/210** Lek Phiv WRI, A3, EN 01088522; **D219/624** Pei Poet WRI, A7, EN 01187717; **D219/625** Pei Poet WRI, A19, EN 01187731; **D118/4** Kan Choek WRI, A3, EN 00935584; **D219/514** Sien Soem WRI, A24, EN 01167968; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356; **D118/3** Pek Em WRI, A4, EN 00978794; **D219/763** Sao Chobb WRI, A29, EN 01337021. Deputy Secretary Leng, in charge of military: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11668, EN 01222811; **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Number 2, EN 01149128; **D219/292** Lek Phiv WRI, A14-15, EN 01111808; **D219/210** Lek Phiv WRI, A3, EN 01088522; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/6** Lay Eng WRI, A14, EN 00937027; **D118/294** Lay Eng WRI, A9, EN 01037356; **D219/763** Sao Chobb WRI, A29, EN 01337021. Member Chheut: **D118/4** Kan Choek WRI, A3, EN 00935584. Touch Pei, in charge of district commerce: **D219/624** Pei Poet WRI, EN 01187714; **D219/625** Pei Poet WRI, EN 01187725; **D131/2.1.86** Name List of Commerce Ministry and Office of Koas Krala District, Number 1, EN 01149146; **D118/4** Kan Choek WRI, A3, EN 00935584; **D118/294** Lay Eng WRI, A9, EN 01037356; **D118/5** Tum Pheuy WRI, A10, EN 00935592.

<sup>1424</sup> **D219/210** Lek Phiv WRI, A2, EN 01088522 [“Ta Son, a cadre from the Southwest Zone, tried many times to find an excuse to demote me from the cooperative committee [...] at the end of 1977, they removed me from Thipakdei Cooperative.”]; **D219/236** Lek Phiv WRI, A11, EN 01092932. *See also* **D219/236** Lek Phiv WRI, A1, EN 01092930; **D219/210** Lek Phiv WRI, A2, EN 01088522. *Note* that witness Chhean Hea stated that he “knew Yoeun [...] [who] supervised Phnum Thipakdei Cooperative as a whole”, which would have been in Yoeun’s capacity as Koas Krala District Secretary as evidenced by former Thipakdei Cooperative Chief Lek Phiv and a surviving S-21 record, *see* **D118/271** Chhean Hea WRI, A50, 54, EN 01029425; **D131/2.1.85** Name List of Cadres and People of Koas Krala District, Sector 1, Number 1, EN 01149128; **D219/236** Lek Phiv WRI, A4, EN 01092931.

<sup>1425</sup> **D219/517** Soy Chhoeun WRI, A41, EN 01166171 [“During the period of the Northwest Zone supervision [...] Ta Chev” was the prison chief.]. *See also* **D219/64** Peou Koeun WRI, A14, EN 01053946 [“The Phnum Thipakdei Security Office chairman was Thoeun, and another one was Ta Vanh. Later Thoeun and Ta Vanh were taken to be killed”].

forced labour site,<sup>1426</sup> **Yim Tith** continued to implement CPK policies in the cooperative with the assistance of “Ta Nen and Ta Thon, who were on the District Committee”,<sup>1427</sup> Southwest Zone cadre Son and his deputy, Yan, on the Thipakdei Cooperative Committee,<sup>1428</sup> Southwest Zone cadre Phoeuk, who was chief of Thipakdei Security Centre,<sup>1429</sup> and Rin, who “continued until the end of the regime” at Tuol Mtes.<sup>1430</sup>

414. **Yim Tith** chaired meetings previously chaired by the district secretary. Former Northwest Zone cadre and Thipakdei Cooperative chief Lek Phiv stated: “Generally, when there was a meeting, Ta Yeun, who was on the district committee of Koas Krala District, conducted it. However, after Yeun and Ta Pet disappeared, Ta Tith chaired the meetings instead.”<sup>1431</sup> There was “a meeting [...] every ten days [...] led by Ta Tith.”<sup>1432</sup> **Yim Tith** talked about “policies related to cultivation” and the need to strengthen people’s loyalty to the Party.<sup>1433</sup> **Yim Tith** also delivered a three-day training session to

<sup>1426</sup> **D219/388** Roeung Sopheap WRI, A40, EN 01123458 [“At the beginning, Vun was the Secretary and Von was the Deputy. Later, Vun disappeared; he was probably taken to be killed. Therefore, Von became his successor.”]; **D118/196** Roeung Sopheap WRI, A84, EN 00986418 [“Von [...] was arrested, accused of being a traitor. Then Vun and his wife were arrested.”]. Vuon: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13326, EN 01222874 [Ven Voeun (Ven Roeun) alias Vuon (Raon), Chief of Sector 1 Worksite (Chief of Tuol Mtes Worksite in Sector 1), 29-Oct-77, executed on 16-Feb-78]; **D219/142** Tep Sarun WRI, A78, EN 01063717. Vo(r)n: **D118/196** Roeung Sopheap WRI, A49, EN 00986413 [“Von was arrested in 1977.”]; **D105/3** Nuon Muon WRI, A26-27, EN 00787176 [At Tuol Mtes, the chief was “Von. [...] [H]e was from the Northwest Zone, but later, about the end of that year [1977], Von was also arrested and killed by the Southwest Zone cadres.”]; **D219/292** Lek Phiv WRI, A36, EN 01111811; **D118/221** Phan Yim WRI, A21, EN 00987743. *See contra* **D118/221** Phan Yim WRI, A20, EN 00987743 [“The chairman of Tuol Mtes Cooperative was Ta Yan”].

<sup>1427</sup> **D219/236** Lek Phiv WRI, A9, EN 01092931. *See contra* **D118/290** Kong Vach WRI, A64, EN 01066775 [“Q: Can you reconfirm that the District Committee members who came to your [Thmei] village were the same cadres throughout the entire Khmer Rouge regime? A64: Yes, they were the same people.”].

<sup>1428</sup> **D219/236** Lek Phiv WRI, A9, EN 01092931 [“Ta Son came to replace me.”]; **D219/517** Soy Chhoeun WRI, A75, EN 01166178 [At Tuol Mtes, “I once attended a meeting with the deputy chief of the cooperative, Ta Yan [...] [A]t Phnum Thipakdei Mountain [...] cooperative chief, Ta Son”]; **D219/172** Toch Bunthy WRI, A10, EN 01076960; **D219/644** Yom Yeang WRI, A29, EN 01207410 [“Ta Son was one of the Southwest Zone people”]; **D118/19** Yoeng Yean WRI, A22, EN 00912317 [Thipakdei “commune military chief, Ta Yan.”]. *See contra* **D118/19** Yoeng Yean WRI, A22, EN 00912317 [“chief of Thipakdei Commune, Ta Khloeb”].

<sup>1429</sup> **D219/517** Soy Chhoeun WRI, A95, EN 01166183 [“Ta Phoeuk, the [Phnum Thipakdei] prison chief”]; **D219/644** Yom Yeang WRI, A62-63, EN 01207414-15 [“the site at the mountain [...] was supervised by Ta Phoeuk. Ta Phoeuk was from the Southwest Zone.”]. *See contra* **D219/50** Uy Chinda WRI, A93-94, EN 01056855 [“The cooperative chief was the prison chief. That cooperative was called Phnum Thipakdei Cooperative.”].

<sup>1430</sup> **D118/196** Roeung Sopheap WRI, A84, EN 00986418 [“In 1977, Rin took the place and continued until the end of the regime.”]; **D219/388** Roeung Sopheap WRI, A43, EN 01123458 [“When Von disappeared, Rin came to replace Von.”].

<sup>1431</sup> **D219/210** Lek Phiv WRI, A6, EN 01088522. *See also* **D219/292** Lek Phiv WRI, A21, EN 01111809.

<sup>1432</sup> **D219/210** Lek Phiv WRI, A4, EN 01088522.

<sup>1433</sup> **D219/210** Lek Phiv WRI, A8, EN 01088523 [“Mainly he talked about strengthening the spirit of the people so that they would believe in the Party and [he talked about] policies related to cultivation.”].

Son and other cooperative chairs “about their policies and farming.”<sup>1434</sup> At Tuol Mtes forced labour site, worker Sok Cheat “thought that Angkar was Ta Tith and Ta Tith’s men who were in charge.”<sup>1435</sup> Sok Cheat had the responsibility of compiling reports on “the number of those who were sick and the number of labourers in Tuol M’tes and Thipakdei” and said that it was his superior, Comrade Khen, who reported to the Sector and “who issued the orders to the militiamen to take people” “to be re-educated [...] when Ta Tith was in charge.”<sup>1436</sup> Former Northwest Zone cadre Nuon Muon, who was arrested by Southwest Zone cadres and imprisoned in Tuol Mtes, said that he saw Southwest Zone “cadres in black uniform” visit Tuol Mtes and “heard that Angkar had come”.<sup>1437</sup> In late 1978, Nuon Muon learned that “Ta Tith was called ‘Angkar’.”<sup>1438</sup> “Occasionally”, Ta Mok and other cadres at the district and sector level, with whom **Yim Tith** worked closely as Sector 1 Secretary and Deputy Secretary of the Northwest Zone, were seen inspecting Tuol Mtes and “set[ting] plans [...] to encourage us to work harder.”<sup>1439</sup>

415. Thipakdei Cooperative chief Son “followed the orders of Ta Nen and Ta Thon [...] on the District Committee”.<sup>1440</sup> He gave “instruction[s]” to Thipakdei prison chief Ta

<sup>1434</sup> **D219/292** Lek Phiv WRI, A35, EN 01111811 [“I was called by Ta Pet and Ta Tith to Chramak Lake [...] they started to train me about their policies and farming. Ta Son, who replaced me at Phnom Thipakdei Mountain Cooperative, and other cooperative chairpersons attended the training. The training lasted for three days. It was held shortly before the fall of the Khmer Rouge regime and before the Vietnamese entered Battambang.”].

<sup>1435</sup> **D219/689** Sok Cheat WRI, A23, 47, EN 01216245, 48 [“When Comrade Khen came for a meeting, she used the word Angkar. I thought that Angkar was Ta Tith and Ta Tith’s men who were in charge. [...] I was in Tuol M’tes.”].

<sup>1436</sup> **D219/689** Sok Cheat WRI, A55, 84, 90, EN 01216248, 53-54 [“Comrade Khen took people to be re-educated [...] when Ta Tith was in charge.” “Comrade Khen was the one who issued the orders to the militiamen to take people [...]. I prepared the list.” “I just listed the number of those who were sick and the number of labourers in Tuol M’tes and Thipakdei”]. It is highly likely that at Tuol Mtes forced labour site Comrade Khen received instructions from and reported to the sector since such communications between her and the sector existed at Kanghat Dam forced labour site and because Tuol Mtes was also a sector-level forced labour site overseen by Yim Tith. *See* **D219/654** Sok Cheat WRI, A31-32, EN 01207510; **D219/689** Sok Cheat WRI, A21, 23, EN 01216245.

<sup>1437</sup> **D105/3** Nuon Muon WRI, A29-31, EN 00787176 [“Q: While you were detained, did any Southwest Zone cadres visit that [Tuol Mtes] site? A29: They visited [...] A30: [...] I just saw cadres in black uniform. [...] A31: I just heard that Angkar had come”].

<sup>1438</sup> **D118/69** Nuon Muon WRI, A22, EN 00950728 [“In late 1978, [...] I used to see Ta Tith when I was called to a meeting in [...] Battambang district [...]. Ta Tith had a large physique, bald-headed. [...] In short, during that period Ta Tith was called ‘Angkar’.”].

<sup>1439</sup> **D219/423** Yon Yoeun WRI, A45, EN 01135133 [“Occasionally, Ta Mok and Ta Pet came for a tour of Tuol Mtes worksite.”]; **D118/290** Kong Vach WRI, A57, 59-60, 62, EN 01066774-75 [At Phnum Thipakdei, “very often” Southwest Zone “district-level cadres came to my village to set plans for the base-level cadres [...] in order to encourage us to work harder.”]; **D219/448** Yat Yoeun WRI, A46, EN 01149255 [“one male Southwest cadre named Chuong who was Sangkae District Committee came to look at Tuol Mtes Canal. I saw him twice while I was working there for a month.”].

<sup>1440</sup> **D219/236** Lek Phiv WRI, A9, EN 01092931. *See also* **D219/236** Lek Phiv WRI, A4, EN 01092931.

Phoeuk, and “ordered” his deputy, Ta Yan, and others to kill prisoners.<sup>1441</sup>

416. In Thipakdei Cooperative, a witness stated that he heard that his village chief, who was a Southwest Zone cadre, “went to attend the meetings at the district level [...] about once every fortnight [...] to receive plans”, including about enemies, which his chief then disseminated to labourers.<sup>1442</sup> At Tuol Mtes, each mobile unit chief and commander “worked under one Southwest Zone cadre” and “major meetings [...] were held at Kanghat Worksite”,<sup>1443</sup> which **Yim Tith** frequented.

#### iv. CRIMES

##### Enslavement and Other Inhumane Acts (Inhumane Treatment)

417. In Thipakdei Cooperative, Southwest Zone cadres utilised thousands of workers, particularly at Tuol Mtes,<sup>1444</sup> to undertake tasks that included digging canals, cultivating

<sup>1441</sup> **D219/517** Soy Chhoeun WRI, A95, EN 01166183 [“Ta Phoeuk, the [Phnum Thipakdei] prison chief, worked under the instruction of the cooperative chief, Ta Son.”], A75, EN 01166178 [“at Phnum Thipakdei Mountain [...] Ta Son [...] ordered the waiting shooters, including Ta Yan, to shoot and kill prisoners.”]. Witness Toch Bunthy attributed killings at an execution site to Ta Son that “was about half a kilometre from the foot of Phnum Thipakdei”, which is a similar distance to where witness Khin Khien said prisoners were killed, *see* **D219/172** Toch Bunthy WRI, A20-21, EN 01076962-63; **D219/14** Khin Khien WRI, A94, EN 01047714. The degree of control that Son had over Thipakdei Security Centre had one former detainee think that “[t]he cooperative chief was the prison chief”, *see* **D219/50** Uy Chinda WRI, A93-94, EN 01056855.

<sup>1442</sup> **D118/290** Kong Vach WRI, A29, EN 01066771 [“Q: In your previous interview, you mentioned that your [...] village chief [...] Chhan was a cadre from the Southwest Zone. Is this correct? A29: Yes”], A117-120, EN 01066783 [“I only heard that Chhan went to attend the meetings at the district level [...] about once every fortnight [...] to receive plans.” Afterwards, Chhan held meetings to tell the people about the plans and talked about traitorous enemies.]. *See also* **D219/517** Soy Chhoeun WRI, A33, 61, 63-64, 72, EN 01166169, 75-76, 78 [A “unit chief from the Southwest Zone” chaired “many meetings held [...] after work”, during which “[t]he Southwest Zone cadres told the people that they were ‘screening out rice fragments.’ [...] they were eating svay [...] (meaning that they were killing those from Svay Rieng Province first), and would eat bamboo shoots later (meaning they would kill those from Kampuchea Krom later).” “All of the villagers in Thmei Village had ancestors from Preah Trapeang Province.” They also “considered the feudalists, the capitalists, the CIA, and the KGB as enemies. They arrested anyone related to these groups. They shouted in the meetings, saying that they had plans to smash and get rid of all the enemies.” They “considered the Yuon as a hereditary enemy. Whenever they heard there were Yuon anywhere, they would kill them all. The KGB and CIA were those who used to work as soldiers or officials of the previous regime.”].

<sup>1443</sup> **D219/689** Sok Cheat WRI, A75, EN 01216251 [“Q: Were the mobile unit chiefs, commanders of company and platoon, replaced when Ta Tith came? [...] A75: The elements remained the same, but each of them worked under one Southwest Zone cadre. For example, the commanders of companies, platoons, and regiments, each had one Southwest Zone cadre holding a senior position above the commanders. In a regiment, one chief from Ta Tith’s place took overall charge.”]; **D219/549** Ing Oeum WRI, A28, EN 01178543 [“The major meetings were not held at the [Tuol Mtes] worksite. They were held at Kanghat Worksite.”].

<sup>1444</sup> **Tuol Mtes: D219/292** Lek Phiv WRI, A36, EN 01111811 [“There were over 1,000 people working there”]; **D118/196** Roeung Sopheap WRI, A14, EN 00986408 [“Tuol Mtes [...] thousands of workers”], A15, EN 00986409; **D219/689** Sok Cheat WRI, A100, EN 01216256. *See also* **D118/102** Toat Thoeun WRI, A120, EN 00974038; **D219/654** Sok Cheat WRI, A47, EN 01207513; **D219/448** Yat Yoeun WRI, A10, EN 01149248; **D118/69** Nuon Muon WRI, A27, EN 00950729; **D118/18** Nuon Muon WRI, A8, EN 00912310; **D219/548** Ing Oeum WRI, A59, EN 01193243; **D118/290** Kong Vach WRI, A39, EN 01066772.

rice, and burying the bodies of those executed.<sup>1445</sup> From Sectors 1 and 4 and the Southwest Zone, the labour force was comprised of people of all ages and genders<sup>1446</sup> who were mobile unit workers, former Northwest Zone cadres and their families, prisoners, Khmer Krom, and “17 April people”.<sup>1447</sup>

- Elsewhere in Thipakdei Cooperative: **D118/240** Hoey San WRI, A23, 36, EN 01033034, 36 [At Cheung Tinh “were thousands of people building the dam. [...] There were ten people in a team and 100 people in a unit.”]. *See also* **D219/263** Chham Luy WRI, A89, EN 01097413 [“There were approximately hundreds of people in that [Thipakdei] cooperative.”]; **D219/50** Uy Chinda WRI, A16, EN 01056844; **D118/277** Sem Veung WRI, A39, EN 01025271-72; **D219/292** Lek Phiv WRI, A13, EN 01111807; **D118/212** Meas Nakry WRI, A28, EN 00985153; **D219/644** Yom Yeang WRI, A10, EN 01207407.
- <sup>1445</sup> Canals: **D219/172** Toch Bunthy WRI, A3, EN 01076958 [in Thipakdei Cooperative]; **D219/313** Sek Chaot WRI, A2, EN 01111957 [at Cheung Tinh worksite]; **D105/3** Nuon Muon WRI, A19, EN 00787175 [at Tuol Mtes]; **D219/448** Yat Yoeun WRI, A3, EN 01149247 [at Tuol Mtes]; **D219/832** Loem Saloeum WRI, A71, EN 01391242 [in the general area of Phnum Thipakdei]; **D118/196** Roeung Sopheap WRI, A13, EN 00986408 [at Tuol Mtes worksite]; **D219/50** Uy Chinda WRI, A13, EN 01056843; **D219/654** Sok Cheat WRI, A11, EN 01207506 [at Tuol Mtes dam]; **D118/277** Sem Veung WRI, A39, EN 01025271-72. Rice: **D219/292** Lek Phiv WRI, A13, EN 01111807 [at Ta Thok mountain], A36, EN 01111811 [at Tuol Mtes worksite]; **D118/196** Roeung Sopheap WRI, A13, EN 00986408 [at Tuol Mtes worksite]; **D105/3** Nuon Muon WRI, A19, EN 00787175 [at Tuol Mtes]; **D118/243** Chham Luy WRI, A21, EN 01029403 [at Phnum Thipakdei]; **D118/286** Kheav Neap WRI, A32, EN 01044697 [at Phnum Thipakdei]; **D219/233** Chhean Hea WRI, A39, EN 01090010 [at Tuol Mtes worksite]. Burying bodies: **D219/172** Toch Bunthy WRI, A3, EN 01076958 [east of the Phnum Thipakdei railway station]; **D219/447** Uy Chinda WRI, A24, EN 01149238 [at Andoung Thei Luy]; **D219/20** Chhum Vanny WRI, A115, EN 01050481. Other tasks: **D219/388** Roeung Sopheap WRI, A65, EN 01123460 [at Tuol Mtes]; **D118/231** Haury Buoy WRI, A36, EN 01033020 [near Phnum Thipakdei]; **D219/644** Yom Yeang WRI, A66, EN 01207415; **D219/447** Uy Chinda WRI, A8, EN 01149235 [Thmei and Tuol Mtes villages].
- <sup>1446</sup> **D219/292** Lek Phiv WRI, A36, EN 01111811 [“the Khmer Rouge used all their forces to work there [in Thipakdei Cooperative]; adults, [...] youths, and children.”]; **D118/18** Nuon Muon WRI, A9-10, EN 00912310; **D118/196** Roeung Sopheap WRI, A13, 18, EN 00986408-09; **D219/548** Ing Oeum WRI, A49, 59, EN 01193241, 43; **D219/172** Toch Bunthy WRI, A3, EN 01076958; **D219/313** Sek Chaot WRI, A16, EN 01111959; **D219/644** Yom Yeang WRI, A8, EN 01207407; **D219/448** Yat Yoeun WRI, A19, EN 01149249.
- <sup>1447</sup> Mobile unit workers: **D219/172** Toch Bunthy WRI, A3, EN 01076958 [in Thipakdei Cooperative]; **D219/689** Sok Cheat WRI, A85-86, EN 01216253 [At Tuol Mtes, “people in the mobile units were under the sector. [...] They mobilized some labour forces from Kanghat Dam to dig the canal. [...] mobile units were controlled by the sector because they mobilized people in the whole sector.”]; **D219/408** Sek Chaot WRI, A15, EN 01142866 [“people from Commune 60 and Commune 40 (present-day Reang Kesi Commune) [...] Sector 4 were sent to work there” at Cheung Tinh worksite]; **D219/448** Yat Yoeun WRI, A14, EN 01149249 [“they sent workforces from Sector 1 and Sector 4 to work there [Tuol Mtes].”]; A10, EN 01149248 [“people sent from Kampong Kou Cooperative [in Sector 4] to Tuol Mtes Worksite. [...] In addition, people from Sector 1 were sent to work at Tuol Mtes Worksite.”]; **D219/233** Chhean Hea WRI, A39, EN 01090010 [at Tuol Mtes worksite]. Northwest Zone cadres and prisoners: **D219/292** Lek Phiv WRI, A13, EN 01111807 [at Ta Thok mountain]; **D118/7** Chea Chanty WRI, A10, EN 00889574 [“When the Southwest arrived, they sent the remaining people inside the [Thipakdei] Security Center to live and work in the cooperatives.”]; **D219/313** Sek Chaot WRI, A13, EN 01111959 [“prisoners [...] were sent to the [Cheung Tinh] worksite after they were ‘educated’ at Phnom Thipakdei”]; **D118/18** Nuon Muon WRI, A15, EN 00912311 [“they brought prisoners from all cooperatives in Sector 1 to work at Tuol M-tes.”]; A9, EN 00912310 [“Some prisoners were brought in there with their spouses and children.”]; **D13.11.26** Nuon Muon WRI, EN 00210532; **D118/69** Nuon Muon WRI, A27, EN 00950729; **D219/388** Roeung Sopheap WRI, A31, EN 01123457 [at Tuol Mtes]; **D118/102** Toat Thoeun WRI, A120, EN 00974038 [at Tuol Mtes worksite]; **D219/448** Yat Yoeun WRI, A22, EN 01149250 [at Cheung Tinh mountain], A19, 35, EN 01149249, 52; **D219/644** Yom Yeang WRI, A66, EN 01207415; **D219/689** Sok Cheat WRI, A92, EN 01216254 [at Tuol Mtes]. Khmer Krom: **D219/50** Uy Chinda WRI, A154, EN 01056863 [“most of the base people in Thmei Village were Khmer Krom people.”]; **D219/313** Sek Chaot WRI, A1, EN 01111957 [at Cheung Tinh worksite]; **D219/644** Yom Yeang WRI, A114, EN 01207422, A8, 23, EN 01207407, 09

418. “When Ta Tith came [...] we worked day and night.”<sup>1448</sup> At Tuol Mtes forced labour site, the working day was as long as 5 a.m. until 1 a.m. with two breaks.<sup>1449</sup> Elsewhere in the cooperative, people worked from as early as 5 a.m. until 6 p.m. with one break, and in the evening they attended meetings.<sup>1450</sup> “We worked the whole week without a day off.”<sup>1451</sup> Quotas were imposed, which people “had to work extremely hard to achieve”.<sup>1452</sup> Armed surveillance was used to compel people to work and to prohibit free movement.<sup>1453</sup> “Under Ta Tith, when we were working, there were always militiamen

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- [in a children’s unit in Thipakdei Cooperative]; **D219/20** Chhum Vanny WRI, A86, 157, EN 01050476, 88 [around Phnum Thipakdei]; **D118/240** Hoey San WRI, A1, 27, 65, EN 01033031, 35, 40-41 [at Cheung Tinh]. “17 April people”: **D219/292** Lek Phiv WRI, A36, EN 01111811 [in Thipakdei Cooperative]; **D219/50** Uy Chinda WRI, A8, EN 01056842 [In Thmei Village, “they sent many people from Phnom Penh to that place.”]; **D118/212** Meas Nakry WRI, A29, EN 00985153 [At Cheung Tinh Village, workers “came from different provinces. Some came from Kandal Province”]; **D118/136** Chhean Hea WRI, A58, EN 00969646 [“people were sent from Takeo Province to do farming in [...] Phnum Thipdei.”].
- 1448 **D219/689** Sok Cheat WRI, A74, EN 01216251 [at Tuol Mtes]. *See also* **D219/388** Roeung Sopheap WRI, A65, EN 01123460 [at Tuol Mtes]; **D219/292** Lek Phiv WRI, A34, EN 01111810-11 [in Thipakdei Cooperative]; **D219/50** Uy Chinda WRI, A20, EN 01056844 [in Thipakdei Cooperative], A46, EN 01056848; **D219/517** Soy Chhoeun WRI, A89, EN 01166182 [at Thmei Village]; **D118/212** Meas Nakry WRI, A23, EN 00985153 [at Cheung Tinh Village].
- 1449 **D118/18** Nuon Muon WRI, A5, 7, EN 00912310 [“We had to wake up at 5am to go to work. At 11am, the militias marched us from the worksite [...] for lunch. [...] After lunch they sent us back to work from 1pm to 5pm. [...] After dinner [...] thresh rice until 1am.”]; **D219/689** Sok Cheat WRI, A77, EN 01216252; **D118/196** Roeung Sopheap WRI, A19, EN 00986409; **D219/548** Ing Oeum WRI, A61, EN 01193243; **D219/448** Yat Yoeun WRI, A18, EN 01149249.
- 1450 **D219/517** Soy Chhoeun WRI, A89, EN 01166182 [at Thmei Village], A71, EN 01166177 [“Q: In Thmei Village, how many times per week did you have to attend meetings with the Southwest Zone cadres? A71: Almost every day, in the evening after work.”]; **D219/313** Sek Chaot WRI, A8, EN 01111958 [at Cheung Tinh worksite]; **D118/240** Hoey San WRI, A13, EN 01033033 [at Cheung Tinh]; **D219/50** Uy Chinda WRI, A20, 46, EN 01056844, 48 [in Thipakdei Cooperative]; **D118/243** Chhum Vanny WRI, A22-23, EN 01029403-04 [at Phnum Thipakdei]. *See also* **D118/290** Kong Vach WRI, A56, EN 01066774 [at Tuol Mtes].
- 1451 **D219/408** Sek Chaot WRI, A9, EN 01142865 [at Cheung Tinh forced labour site]. *See also* **D118/243** Chham Luy WRI, A23, EN 01029404 [in Thipakdei Cooperative]; **D219/20** Chhum Vanny WRI, A151, EN 01050487 [around Phnum Thipakdei]; **D5/1097** Chea Chanty CPA, EN 01174615; **D118/212** Meas Nakry WRI, A22, 25, EN 00985152-53 [At Cheung Tinh Village, “there were no rest days on Saturdays and Sundays. [...] There were not enough rest”].
- 1452 **D219/20** Chhum Vanny WRI, A151, EN 01050487 [Around Phnum Thipakdei: “They [...] set work quotas for us. For example, 30 people had to finish digging one hectare of rice field per day. Therefore we had to work extremely hard to achieve the assigned quotas.”]; **D118/18** Nuon Muon WRI, A5, EN 00912310 [at Tuol Mtes]; **D219/11** Penh Nhan WRI, A4, EN 01047035 [in Thipakdei cooperative]; **D219/172** Toch Bunthy WRI, A20, 25, EN 01076962, 64 [“sometimes the 30 members of my group were requested to help bury bodies [...] about ten times a month. [...] There were at least 200 bodies. [...] my group buried bodies without a break.”].
- 1453 **D118/18** Nuon Muon WRI, A5, EN 00912310 [At Tuol Mtes: “There were militias carrying guns and ordering us to work.”]; **D118/277** Sem Veung WRI, A63-64, EN 01025276 [Approximately one kilometre from Phnum Thipakdei: “They did not allow people to go anywhere. People had to remain at places they were assigned to do work. [...] they had soldiers or militiamen watch people performing labour [...] until the end of the Khmer Rouge era.”]; **D219/388** Roeung Sopheap WRI, A56-57, EN 01123459 [at Tuol Mtes worksite]; **D118/196** Roeung Sopheap WRI, A20, EN 00986409 [at Tuol Mtes worksite]; **D118/290** Kong Vach WRI, A40-41, EN 01066772-73 [at Tuol Mtes]; **D219/263** Chham Luy WRI, A95, EN 01097414 [at Phnum Thipakdei]; **D219/448** Yat Yoeun WRI, A39, EN 01149253 [at Tuol Mtes]; **D118/240** Hoey San WRI, A22, EN 01033034 [at Cheung Tinh]; **D118/212** Meas Nakry WRI, A38, EN 00985155 [At Chhay

inspecting our work. [...] We all just kept working hard.”<sup>1454</sup> “[I]f any person refused to work as ordered, they would be [...] whipped.”<sup>1455</sup>

419. Labourers “were [...] forced to work to exhaustion.”<sup>1456</sup> “[S]ome women went to urinate but there was no urine because they [were] overworked and exhausted.”<sup>1457</sup> Those who could not finish their designated tasks for whatever reason “were punished by being made to work twice as hard”, “accused of being the enem[y]”, “whipped”, and/or “called to be re-educated two or three times.”<sup>1458</sup> “If they still did not reform themselves, they would be [...] taken to be killed.”<sup>1459</sup> Workers who “pretended to be sick” or were “still able to sit, stand, or walk with difficulty [...] had an emotional illness” and were “re-fashioned.”<sup>1460</sup> “If the person did not improve after being reformed once or twice, they would be sent to a detention office.”<sup>1461</sup> Workers were required to regularly attend meetings, during which workers who had broken tools “or made small complaints” were accused of being an enemy.<sup>1462</sup>

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Ballang worksite, guards “used their guns to threaten me because I was scared of leeches while rice farming. They threatened me to make me go back to the rice fields”].

<sup>1454</sup> **D219/689** Sok Cheat WRI, A74, 78, EN 01216251-52 [at Tuol Mtes]. See also **D219/20** Chhum Vanny WRI, A149-150, EN 01050486-87 [Around Phnum Thipakdei: “They monitored us to see if we were active at work or not. They were soldiers and had weapons with them.”].

<sup>1455</sup> **D118/231** Hauy Buoy WRI, A49, EN 01033022 [near Phnum Thipakdei].

<sup>1456</sup> **D219/448** Yat Yoeun WRI, A35, EN 01149252 [At Tuol Mtes worksite: “They passed out when they were carrying earth to the top of the dam, which was about 7 metres high. [...] However, they were still forced to work to exhaustion.”]. See also **D219/20** Chhum Vanny WRI, A137, EN 01050484 [At Phnum Thipakdei: “We were [...] exhausted, and almost could not walk because we were constantly forced to do hard labour”]; **D118/231** Hauy Buoy WRI, A58, EN 01033023 [near Phnum Thipakdei]. The exploitation of labourers allowed Northwest Zone Secretary Ros Nhim to inform Office 870 on 11 May 1978 that in the Northwest Zone “the work has been done not only better but more speedy as well. More attention has also been paid [...] on [...] digging canals [...] and putting fertilizers in rice fields.” See **D1.3.30.19** Telegram 242 from Nhim to Angkar 870, 11 May 1978, EN 00185217.

<sup>1457</sup> **D219/689** Sok Cheat WRI, A78, EN 01216252 [at Tuol Mtes].

<sup>1458</sup> **D219/448** Yat Yoeun WRI, A35, EN 01149252 [At Tuol Mtes worksite, “I heard about workers being disciplined when they could not finish their designated tasks. Those workers were punished by being made to work twice as hard.”]; **D219/689** Sok Cheat WRI, A54, 78, EN 01216248, 52 [At Tuol Mtes, those who “broke yokes, tore their earth buckets, broke hoe handles or made small complaints [...] were accused of being the enemies and the[re]fore taken to be re-educated for such small things.” “If we did not work, Comrade Khen would accuse us of being connected to the capitalists.”]; **D219/50** Uy Chinda WRI, A32, EN 01056846 [In Thipakdei Cooperative, “I saw some people frequently stop work to rest, and they were called to be re-educated two or three times.”], A46, EN 01056848. See *contra* **D118/290** Kong Vach WRI, A47, EN 01066773 [At Tuol Mtes, “they only scolded us when we did not do the work well.”].

<sup>1459</sup> **D219/50** Uy Chinda WRI, A32, EN 01056846 [in Thipakdei Cooperative], A46, EN 01056848.

<sup>1460</sup> **D219/20** Chhum Vanny WRI, A138-139, EN 01050484-85 [around Phnum Thipakdei]. See also **D118/290** Kong Vach WRI, A52, EN 01066774 [at Tuol Mtes]; **D118/231** Hauy Buoy WRI, A43, EN 01033021 [near Phnum Thipakdei]; **D219/548** Ing Oeum WRI, A62, EN 01193243 [at Tuol Mtes].

<sup>1461</sup> **D219/20** Chhum Vanny WRI, A140, EN 01050485 [around Phnum Thipakdei].

<sup>1462</sup> **D219/689** Sok Cheat WRI, A50, 54, EN 01216248 [At Tuol Mtes: “During the daily livelihood meetings, around 10 people were taken [...] because they broke yokes, tore their earth buckets, broke hoe handles or made small complaints. They were accused of being the enemies”]; **D105/3** Nuon Muon WRI, A25, EN 00787176 [At Tuol Mtes, “I broke a digging hoe when I was digging the ground, and I was accused in a meeting: they said that persons who broke hoes were enemies. They said that anyone who broke even a



420. Whilst suffering from overwork, labourers received one or two meals each day that witnesses and civil parties said were insufficient.<sup>1463</sup> Some scavenged for food, which resulted in “many people suffer[ing] from diarrhoea”.<sup>1464</sup> Food rations were withheld or halved if people did not work, including those who were sick and those who “moved from one place to another”.<sup>1465</sup> People “did not dare say anything” because they were afraid.<sup>1466</sup>

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spoon was an enemy.”] (Note: “They held the self-criticism meeting once every week”, see **D118/18** Nuon Muon WRI, A11, EN 00912310). See also **D118/290** Kong Vach WRI, A53-54, EN 01066774 [Witness worked at Tuol Mtes: “self-criticism meetings were also held by the new cadres from the Southwest Zone [...] [o]nce every ten days” in Thmei Village.]; **D219/408** Sek Chaot WRI, A9, EN 01142865 [At Cheung Tinh worksite: “We also had to attend meetings every single night for one or two hours to ‘strengthen our stances’.”].

- <sup>1463</sup> **D219/689** Sok Cheat WRI, A77, 89, EN 01216252, 54 [In Tuol Mtes: “too little food was given. [...] we had only two meals a day. [...] under Ta Tith’s control, we [...] had three cans of rice for 10 people.”]; **D219/292** Lek Phiv WRI, A34, EN 01111811 [at Thipakdei Cooperative]; **D118/196** Roeung Sopheap WRI, A21-22, EN 00986409 [At Tuol Mtes worksite: “For the food rations, we were given a bowl of watery porridge a day.” It was not enough.]; **D219/549** Ing Oeum WRI, A8-10, EN 01178540 [at Tuol Mtes]; **D118/240** Hoey San WRI, A14, 44, EN 01033033, 37 [at Cheung Tinh worksite]; **D219/313** Sek Chaot WRI, A8, EN 01111958 [At Cheung Tinh worksite, “two times a day [...] [a]t each meal we were given a cup of rice porridge. We were never given enough to eat.”]; **D219/408** Sek Chaot WRI, A8, EN 01142865; **D118/277** Sem Veung WRI, A51-52, 56, EN 01025274 [approximately one kilometre from Thipakdei mountain]; **D219/50** Uy Chinda WRI, A21-22, 31, 103, EN 01056844, 46, 56; **D219/644** Yom Yeang WRI, A78-79, EN 01207417 [in Thipakdei Cooperative]; **D118/290** Kong Vach WRI, A45, EN 01066773 [at Tuol Mtes]; **D219/448** Yat Yoeun WRI, A35, 44, EN 01149252, 54 [at Tuol Mtes worksite]; **D118/231** Haury Buoy WRI, A38-39, 57, EN 01033021, 23 [near Phnum Thipakdei]; **D118/286** Kheav Neap WRI, A44-45, EN 01044698-99 [at Phnum Thipakdei]; **D219/20** Chhum Vanny WRI, A135-137, EN 01050484 [at Phnum Thipakdei]; **D118/243** Chham Luy WRI, A23, EN 01029404 [at Phnum Thipakdei]; **D118/18** Nuon Muon WRI, A6-7, EN 00912310 [at Tuol Mtes]; **D5/1097** Chea Chanty CPA, EN 01174615; **D118/212** Meas Nakry WRI, A25, 44-45, EN 00985153, 56 [at Cheung Tinh Village]. On 11 May 1978, Northwest Zone Secretary Ros Nhim reported to Office 870 as follows: “People’s living conditions: In the zone, shortage occurred in Regions 1, 4 and 5, of which the most shortage-hit was Region 5, then Region 1 [...] Region 1: In the [...] immediate future, there will [have to] be one and a half cans of rice a day [to be provided to one person]. [We found out that] in some places [the rice given by Angkar] will be running out by mid-June and some others after the end of June.” See **D1.3.30.19** Telegram 242 from Nhim to Angkar 870, 11 May 1978, EN 00185216.

- <sup>1464</sup> **D219/689** Sok Cheat WRI, A104, EN 01216256 [At Tuol Mtes, “many people suffered from diarrhoea because they were given too little gruel, so they caught crabs and snails to eat [...] undercooked”]. See also **D118/277** Sem Veung WRI, A52, EN 01025274 [“We did not receive enough food. [...] people secretly caught crabs or snail to eat.”]; **D118/240** Hoey San WRI, A15, EN 01033033 [At Cheung Tinh worksite: “When I was not full, I picked vegetables in the jungle, and mixed it with rice.”]; **D5/1097** Chea Chanty CPA, EN 01174615 [“I ate tadpoles, baby frogs and tree leaves to keep my stomach full.”]; **D118/212** Meas Nakry WRI, A43, EN 00985156 [At Cheung Tinh Village, “sometimes, we went to pick more leaves to eat to fill our stomachs.”].

- <sup>1465</sup> **D219/50** Uy Chinda WRI, A31, EN 01056845-46 [“if we did not go to work, we would not receive our food rations. [...] The sick people received only half of the food provided to the healthy people.”], A46, EN 01056848; **D118/196** Roeung Sopheap WRI, A21, 23, EN 00986409-10 [At Tuol Mtes worksite: “Those who did not work were given half a bowl of the porridge. [...] [The sick] did not go to work, so they were given only half a bowl of porridge.”]; **D219/388** Roeung Sopheap WRI, A24, EN 01123456 [“If the Khmer Rouge found out that we had moved from one place to another, they would punish us by not providing food for us to eat.”]; **D118/212** Meas Nakry WRI, A25, EN 00985153 [at Cheung Tinh Village].
- <sup>1466</sup> **D118/286** Kheav Neap WRI, A46, EN 01044699 [At Phnum Thipakdei, “we were afraid of them. They were very cruel, and we did not dare say anything.”]. See also **D118/212** Meas Nakry WRI, A47-49, EN 00985156 [At Cheung Tinh Village, “I did not dare complain. [...] other people did not dare to complain as well. [...] I was afraid.”].

421. Due to the working conditions and insufficient food, labourers had “very poor” health, which rendered them “often [...] sick” and emaciated.<sup>1467</sup> One witness estimated that every week “[a]t least [...] 50 to 60 people” were sick in Tuol Mtes and around Phnum Thipakdei.<sup>1468</sup> Labourers were visibly “pale” and “skinny” with “arms and legs as thin as the rice ladles” and “could be blown away by wind.”<sup>1469</sup> Although there was a “hospital [...] about a kilometre away from Tuol Ma’tes”, workers received no appropriate medical attention.<sup>1470</sup> A Civil Party witnessed a unit chief being “beaten because she gave rabbit-dropping medicine to another woman to take and accidentally said [...] she did not know whether it would make her recover.”<sup>1471</sup>
422. At Tuol Mtes forced labour site, “[t]housands” slept along the canal and were required to build their own accommodation.<sup>1472</sup> Some lived in portable “poorly built halls with [...] roofs [that] could not protect against the dew, let alone the rain” whilst others “slept

<sup>1467</sup> **D219/689** Sok Cheat WRI, A78, EN 01216252 [At Tuol Mtes: “Our health was very poor. People became weak.”]; **D219/50** Uy Chinda WRI, A24-25, EN 01056845 [“I became exhausted and weak, and I often got sick. [...] Some people even fell seriously sick”]; A46, EN 01056848; **D118/290** Kong Vach WRI, A46, EN 01066773 [In Tuol Mtes: “Some people [...] became weak and emaciated because they did not eat enough.”]; **D219/644** Yom Yeang WRI, A80, EN 01207417 [In Thipakdei Cooperative: “Many of them [children] were sick. Countless numbers”]; **D219/549** Ing Oeum WRI, A12, EN 01178541 [at Tuol Mtes]; **D219/448** Yat Yoeun WRI, A35, EN 01149252 [at Tuol Mtes worksite]; **D219/263** Chham Luy WRI, A92, EN 01097414 [at Phnum Thipakdei].

<sup>1468</sup> **D219/689** Sok Cheat WRI, A82, EN 01216253.

<sup>1469</sup> **D219/689** Sok Cheat WRI, A78, 88, EN 01216252, 54 [At Tuol Mtes: “Our arms and legs were as thin as the rice ladles. [...] The labourers in the mobile units were pale, while the cadres had healthy faces. The labourers were skinny, while the cadres were strong. The labourers [...] could be blown away by wind.”]; **D219/20** Chhum Vanny WRI, A137, EN 01050484 [At Phnum Thipakdei: “We were skinny [...] and almost could not walk”]. *See also* **D5/1097** Chea Chanty CPA, EN 01174615 [“I became much thinner. Whilst walking, I almost fell over when the wind blew.”].

<sup>1470</sup> **D219/388** Roeung Sopheap WRI, A90, EN 01123462 [at Tuol Mtes worksite]; **D219/689** Sok Cheat WRI, A82, 104, EN 01216253, 56 [In Tuol Mtes: “The medicine they gave them was nothing but the rabbit dropping pills mixed with rice dust and palm sugar. This kind of medicine was used to treat all kinds of illnesses. [...] There were no doctors”]; **D118/196** Roeung Sopheap WRI, A80, EN 00986417 [at Tuol Mtes]; **D118/240** Hoey San WRI, A20-21, EN 01033034 [At Cheung Tinh, “Khmer Rouge offered us mouse dung medicine. When taking the medicine, we did not recover.”]; **D219/644** Yom Yeang WRI, A81, EN 01207417 [“Once a patient was sent to the hospital, I seldom saw him or her return.”]; **D118/277** Sem Veung WRI, A73, EN 0105277 [Approximately one kilometre from Thipakdei mountain, “hospital staff members [near the foot of the mountain] there were all ignorant and had no medical skills. They always gave rabbit dung-like medicine to any other patient regardless of their illness”]; **D6.1.895** Kong Vach WRI, A35, EN 00426478; **D118/231** Haay Buoy WRI, A75, EN 01033026 [near Phnum Thipakdei]; **D118/286** Kheav Neap WRI, A55, EN 01044700 [at Phnum Thipakdei]; **D118/212** Meas Nakry WRI, A57, EN 00985157 [at Cheung Tinh Village]. *See contra* **D219/448** Yat Yoeun WRI, A37, EN 01149253 [“soldiers were treated by medical staff at the [Tuol Mtes] worksite.”].

<sup>1471</sup> **D219/388** Roeung Sopheap WRI, A95, EN 01123462 [at Tuol Mtes worksite].

<sup>1472</sup> **D219/689** Sok Cheat WRI, A100, EN 01216255-56 [“Some built separate halls with thatch or tree leaves as a roof for three, five, or 10 people. [...] There were thousands of people in the mobile labour force sleeping along the canal.”].

in the open air [...] in hammocks”.<sup>1473</sup> “There were no mosquito nets”.<sup>1474</sup> Elsewhere in the cooperative, a witness said that “they took us to sleep in rice fields [...] around a termite mound”.<sup>1475</sup>

423. Even when not working, labourers were not allowed to move freely.<sup>1476</sup> “[W]e had to get permission even if we wanted to urinate.”<sup>1477</sup> “[S]ome people who walked freely were arrested and mistreated”.<sup>1478</sup> At night, members of the militia spied on people.<sup>1479</sup>

#### Imprisonment and Other Inhumane Acts (Inhumane Treatment)

424. After Southwest Zone cadres took control of Thipakdei Security Centre, the number of prisoners increased.<sup>1480</sup> “[T]here were [...] new prisoners coming in continuously.”<sup>1481</sup> The lower warehouse was approximately six to seven metres wide and 40 metres long and contained approximately 100 prisoners.<sup>1482</sup> Former detainee Khin Khien said it operated at full capacity, which resulted in her being transferred to the upper

<sup>1473</sup> **D219/689** Sok Cheat WRI, A98-99, 102, EN 01216255-56 [“People in the mobile units lived in a hall built along the edge of the canal that they dug from Kanghat. In [...] Tuol M’tes, there were poorly built halls with thatched roofs for us to live in. [...] There were no walls. They were portable halls. The roofs could not protect against the dew, let alone the rain.”], A100, EN 01216255-56 [“The mobile workforce [...] slept in the open air. [...] Some slept in hammocks made of sacks without strings.”]; **D219/548** Ing Oeum WRI, A60, EN 01193243. *See also* **D219/388** Roeung Sopheap WRI, A10, EN 01123455; **D219/423** Yon Yoeun WRI, A41, EN 01135132.

<sup>1474</sup> **D219/689** Sok Cheat WRI, A103, EN 01216256.

<sup>1475</sup> **D118/243** Chham Luy WRI, A23, EN 01029404 [at Phnum Thipakdei].

<sup>1476</sup> **D118/196** Roeung Sopheap WRI, A79, EN 00986417 [At Tuol Mtes worksite, “I could not go anywhere.”]; **D219/263** Chham Luy WRI, A97, EN 01097414 [At Phnum Thipakdei: “We were not allowed to walk freely.”]; **D118/286** Kheav Neap WRI, A37, EN 01044698 [at Phnum Thipakdei]; **D118/212** Meas Nakry WRI, A35, EN 00985154 [at Chhay Ballang worksite].

<sup>1477</sup> **D118/290** Kong Vach WRI, A42, EN 01066773 [at Tuol Mtes].

<sup>1478</sup> **D118/286** Kheav Neap WRI, A37, EN 01044698 [at Phnum Thipakdei].

<sup>1479</sup> **D219/644** Yom Yeang WRI, A98, 100, EN 01207420 [“At night, they [militiamen] roamed about, spying on us, at every house. [...] During the night, we heard footsteps before we fell asleep.”]; **D118/243** Chham Luy WRI, A23, EN 01029404 [At Phnum Thipakdei: “At night [...] there were soldiers holding guns to guard us constantly.”]; **D118/277** Sem Veung WRI, A61, EN 01025275 [Approximately one kilometre from Phnum Thipakdei, “they constantly watched us. Militiamen were on guard regularly at night. [...] Everyone was afraid of them, so they went to sleep early.”]; **D118/231** Haury Buoy WRI, A55, EN 01033023 [near Phnum Thipakdei].

<sup>1480</sup> **D219/14** Khin Khien WRI, A52, EN 01047708 [“in the first warehouse [...] as there were too many prisoners detained there, they sent me to the upper warehouse”]; **D219/512** Khin Khien WRI, A5, EN 01167936 [“when the Southwest cadres arrived, they were always arresting people.”]; **D219/50** Uy Chinda WRI, A49, EN 01056848 [“I could only see that the number of prisoners in the [Wat Phnum Thipakdei] detention office kept increasing.”].

<sup>1481</sup> **D219/50** Uy Chinda WRI, A92, EN 01056854. *See also* **D219/14** Khin Khien WRI, A98, EN 01047715 [“they killed two or three prisoners at a time, and they replaced those executed prisoners with two or three new prisoners.”].

<sup>1482</sup> **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088867 [“The Lower Warehouse [...] detention building was 6-7 m. wide and 40 m. long”]; **D219/512** Khin Khien WRI, A33-34, EN 01167941-42 [Approximately 100 prisoners from the lower prison were killed.]; **D219/50** Uy Chinda WRI, A77, EN 01056853 [In the monks’ dining hall: “About 100 people were detained”].

warehouse.<sup>1483</sup> The upper warehouse was approximately 30 square metres and Khin Khien said it contained 60 to 80 prisoners.<sup>1484</sup> Detainees at the security centre included Northwest Zone cadres and their families,<sup>1485</sup> women, children,<sup>1486</sup> “17 April people” including those from Phnom Penh and who were Khmer Krom,<sup>1487</sup> base people,<sup>1488</sup> and people who were accused of minor offences.<sup>1489</sup>

425. In both the lower and upper warehouses, prisoners slept on the unfinished ground, using “earth-carrying baskets as pillows.”<sup>1490</sup> At night, male prisoners’ legs were shackled in rows.<sup>1491</sup> In the lower warehouse, prisoners were detained in a “hot and suffocating”

<sup>1483</sup> **D219/14** Khin Khien WRI, A52, 131, EN 01047708, 20 [“in the first warehouse [...] as there were too many prisoners detained there, they sent me to the upper warehouse”. The lower warehouse “was full.”].

<sup>1484</sup> **D219/14** Khin Khien WRI, A72, EN 01047711 [“There were about 80 prisoners.”]; **D219/517** Soy Chhoeun WRI, A25-26, EN 01166167 [“About 60 to 70 persons.”], EN 01166174 [“Note from the investigating official: [...] The witness stated that the place he was detained [...] called Kleang Leu.”]; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088867 [“The Upper Warehouse [...] measured about 30 sq.m.”].

<sup>1485</sup> **D219/512** Khin Khien WRI, A7, EN 01167936 [“Northwest cadres [...] arrested and imprisoned at Phnum Thipakdei Prison, but also all the members of their families were arrested and imprisoned.”]; **D219/517** Soy Chhoeun WRI, A21, 44, EN 01166167, 71 [“cadres with positions [...] from deputy chief of cooperative and below were sent to prison in Wat Phnum Thipakdei Pagoda. [...] They were imprisoned with their wives and children.”]; **D219/50** Uy Chinda WRI, A79-80, EN 01056853; **D118/19** Yoeng Yean WRI, A43, EN 00912318.

<sup>1486</sup> **D219/14** Khin Khien WRI, A25, 51, 108, EN 01047704, 08, 17; **D219/50** Uy Chinda WRI, A78, EN 01056853; **D219/517** Soy Chhoeun WRI, A25, 27, EN 01166167; **D219/11** Penh Nanh WRI, A12, EN 01047036; **D219/3** Keu Seung WRI, A77, EN 01047107. *See contra* **D219/14** Khin Khien WRI, A127, EN 01047720 [“Q: [...] Did the Khmer Rouge soldiers detain children in the Phnum Thipakdei Mountain Prison? A127: No”].

<sup>1487</sup> **D219/512** Khin Khien WRI, A37, EN 01167942 [“prisoners were ordinary people from Phnom Penh.”], A9, 11, EN 01167937 [Witness was a “17 April” prisoner.]; **D219/517** Soy Chhoeun WRI, A17, 21-22, 61, EN 01166166-67, 75 [“I was classified as a 17 April person. [...] I was also imprisoned [...] [a]round July 1978.” The witness had “ancestors from Preah Trapeang Province.”]; **D118/19** Yoeng Yean WRI, A43, EN 00912318; **D219/11** Penh Nanh WRI, A12, EN 01047036.

<sup>1488</sup> **D219/14** Khin Khien WRI, A63, EN 01047710 [“The prisoners were [...] base people”]; **D118/19** Yoeng Yean WRI, A43, EN 00912318 [“Some of them were local villagers”].

<sup>1489</sup> **D219/313** Sek Chaot WRI, A12-13, EN 01111959 [“prison at Phnom Thipakdei Mountain where prisoners [...] accused of having committed the minor offences. [...] I saw three soldiers walking a worker to Phnom Thipakdei Mountain to be educated. The prisoners of the minor offences were those who pretended to be sick and did not work, and those who made complaints about the unit chiefs.”]; **D219/517** Soy Chhoeun WRI, A24, EN 01166167 [“Q: Why were you arrested and imprisoned there? A24: Because the buffaloes ate rice.”]; **D219/512** Khin Khien WRI, A6, EN 01167936 [“Southwest cadres arrested [...] people who picked vegetables growing along fences, those who killed the ducks raised by themselves for food, and those who travelled from one unit to another. Most of them arrested were from Phnom Penh. I was arrested because I gave two cans of husked rice to Neang Ang, who came from Phnom Penh.”].

<sup>1490</sup> **D219/512** Khin Khien WRI, A9, EN 01167937; **D219/50** Uy Chinda WRI, A89, EN 01056854 [In the lower warehouse, “I slept on the ground.”]; **D219/517** Soy Chhoeun WRI, A25, EN 01166167 [“The prison was made from earth and had no concrete or brick floor. The prisoners had to sleep directly on the laterite.”], EN 01166174 [“Note from the investigating official: [...] The witness stated that the place he was detained [...] called Kleang Leu.”]; **D219/14** Khin Khien WRI, A54, EN 01047709 [The first “warehouse had [...] a sand floor.”].

<sup>1491</sup> **D219/512** Khin Khien WRI, A16, EN 01167938 [In the lower warehouse: “At night, only the male prisoners had their legs shackled, but their hands were not shackled. A long piece of wood was used to lock the legs”]; **D219/447** Uy Chinda WRI, A26, EN 01149239 [“I was detained in the dining hall of Wat Thipakdei Pagoda [...] and those whose legs were shackled were kept in a slightly higher section”], A3,

environment with “no sanitation.”<sup>1492</sup> That building had no windows and Khin Khien stated that there was insufficient space to sleep.<sup>1493</sup> In the absence of toilets, prisoners “buried their excrement in the sand” floor of the lower warehouse or relieved themselves outside in the bushes while under armed surveillance.<sup>1494</sup>

426. At the security centre, prisoners were underfed and dehydrated.<sup>1495</sup> Those who stole were severely beaten – one was rendered unconscious and another “still ha[s] scars on my head.”<sup>1496</sup> Prisoners who fell sick received either insufficient medical treatment or none at all.<sup>1497</sup>

427. Under armed surveillance, prisoners were forced to undertake various tasks, including

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- EN 01149234 [“During working hours, no prisoners were shackled.”]; **D219/517** Soy Chhoeun WRI, A25-26, EN 01166167 [In the upper warehouse: “Prisoners were leg-shackled in four or five rows. [...] During the day, they had the prisoners pull carts transporting rocks, and they were not shackled at all.”].
- <sup>1492</sup> **D219/14** Khin Khien WRI, A129, EN 01047720 [“At night they closed the door, and the weather was hot and suffocating.”], A90, EN 01047713-14 [“Q: Was the warehouse where they detained you clean? A90: No”]; **D219/50** Uy Chinda WRI, A89, EN 01056854 [“There was no sanitation.”].
- <sup>1493</sup> **D219/14** Khin Khien WRI, A130-131, EN 01047720 [“A130: That prison did not have windows [...] Q: [...] Did the lower warehouse have space for the prisoners to sleep comfortably? A131: No, it did not [...] it was full.”]; **D219/50** Uy Chinda WRI, A83, EN 01056853 [“there was no window.”].
- <sup>1494</sup> **D219/14** Khin Khien WRI, A58, 91, EN 01047709, 14 [“Khmer Rouge permitted only two people to go to the toilet at any one time, and only under armed guard. [...] Some prisoners defecated inside the warehouse and buried their excrement in the sand.”]; **D219/512** Khin Khien WRI, A18, EN 01167938; **D219/50** Uy Chinda WRI, A87-88, EN 01056854 [“Q: Was there was a toilet inside that building? A87: No [...] A88: [...] The prisoners would be taken outside the building to defecate.”].
- <sup>1495</sup> **D219/512** Khin Khien WRI, A20, 25, EN 01167939-40 [“Prisoners were not given water to drink. [...] only one can of husked rice per day was provided to ten prisoners to cook porridge.”]; **D219/14** Khin Khien WRI, A59-60, EN 01047709 [“They gave one banana to be shared between 10 people once a week. They permitted us to eat twice a day”]; **D219/50** Uy Chinda WRI, A90, EN 01056854; **D219/517** Soy Chhoeun WRI, A38, EN 01166170 [Prisoners “were given a cup of porridge per meal per person. They ate it with fish sauce on a plate for ten people. The prisoners there were skinny; they were just skin and bone.”]; **D118/280** Sang Say WRI, A19, EN 01044669 [“They gave watery rice gruel to the prisoners to eat twice a day.”].
- <sup>1496</sup> **D219/14** Khin Khien WRI, A95, EN 01047714 [“When the prisoner regained consciousness he asked, ‘Why did you beat me?’ The Khmer Rouge soldier replied ‘You snuck out to cook rice privately and [...] to kill chickens to make food.’”], A75, EN 01047711 [Guards “beat me, and I still have scars on my head today.”]; **D219/512** Khin Khien WRI, A29, EN 01167941 [“one of my children stole some sweet corn; they were about to beat my child [...], I told them to punish me instead”]. Regarding punishment for stealing food elsewhere in Thipakdei Cooperative, see **D219/430** Chhoeung Bean WRI, A77, EN 01128718 [“I learnt [...] at Tuol M’tes and Cheung Toeng [...] [s]ome people had to steal rice to eat at night. When the Khmer Rouge militiamen found out[,] those people were arrested.”].
- <sup>1497</sup> **D219/50** Uy Chinda WRI, A92, EN 01056854 [“some prisoners fell sick”], A135, EN 01056860 [“Q: Did the Khmer Rouge cadres send any medics to treat the sick prisoners? A135: No.”]; **D219/14** Khin Khien WRI, A93, EN 01047714 [“Q: Did the Khmer Rouge give medication to the prisoners? A93: No”]. Although former detainees Uy Chinda and Khin Khien differ on whether Southwest Zone cadres used a hospital near the security centre when Southwest Zone cadres controlled the prison, these two witnesses provided evidence of inadequate medical treatment at the hospital. See **D219/447** Uy Chinda WRI, A30, EN 01149239; **D219/512** Khin Khien WRI, A23-24, EN 01167939-40. Other witnesses and a civil party also referred to the use of a hospital during the Southwest Zone’s control of Thipakdei Cooperative, see **D219/388** Roeung Sopheap WRI, A90, EN 01123462; **D219/644** Yom Yeang WRI, A81, EN 01207417; **D118/277** Sem Veung WRI, A73, EN 0105277.

“dig[ging] their own graves” and “fill[ing] the grave pits.”<sup>1498</sup> Khin Khien said that meeting the increasing quotas assigned to her became “extremely difficult” to achieve.<sup>1499</sup> “If we failed to achieve the quota assigned, they would increase the quota of hats for us to complete the next day.”<sup>1500</sup> The women in her sewing unit could not take a break “because we were afraid of not being able to reach the required quota.”<sup>1501</sup> Another witness told an OCIJ investigator that after prisoners were educated at the security centre, they were sent to work at Cheung Tinh forced labour site.<sup>1502</sup> Khin Khien said that imprisoned Northwest Zone cadres were treated the same as other detainees, but “they were not allowed to return to their cooperatives” to visit.<sup>1503</sup>

428. Tuol Mtes Security Centre was part of a “reeducation camp” for “prisoners from all cooperatives in Sector 1” who were Northwest Zone cadres.<sup>1504</sup> Nuon Muon, who was secretary of a cooperative in Battambang District, said that he was arrested because he

<sup>1498</sup> **D219/14** Khin Khien WRI, A94, 99, EN 01047714-15 [“Khmer Rouge [...] ordered them to dig their own graves. [...] Sometimes, the Khmer Rouge used other prisoners to go to fill the grave pits.”], A61-62, EN 01047709-10 [“prisoners were forced to work under the supervision of five or six armed Khmer Rouge soldiers [...] from the Southwest Zone.”], A55, 79, EN 01047709, 12 [“leg shackles were made by the prisoners themselves. [...] In the detention office, they had me sew military caps.”]; **D219/447** Uy Chinda WRI, A6-7, 10-12, EN 01149234-35 [“We had to follow their orders. If we resisted when assigned work, we would certainly have been killed. I was assigned to build paddy dykes and construct a road from Phnum Thipakdei to Koas Krala Commune. [...] we started working at sunrise and took lunch break at noon. [...] we resumed our work [...] until sunset. [...] We were under surveillance all the time. [...] Some guards were armed with rifles, and some were armed with knives.”]; **D118/280** Sang Say WRI, A19, EN 01044669 [“The guards forced the prisoners to work in the morning from 7 a.m. to 11 a.m. and from 1 p.m. to 5 p.m. in the afternoon.”]; **D219/517** Soy Chhoeun WRI, A26, 36, EN 01166167, 70 [“During the day, they had the prisoners pull carts transporting rocks [...] They had me go sift/screen sand alone”]; **D219/512** Khin Khien WRI, A46, EN 01167943 [“I started work at 7.00 a.m. until 12.00 noon [...]. I started again at 1.00 p.m. and continued until 5.00 p.m.”].

<sup>1499</sup> **D219/14** Khin Khien WRI, A79, EN 01047712 [“At first, they ordered me to sew five military caps a day. Next, they ordered me to sew 10 military caps a day”]; **D219/512** Khin Khien WRI, A44-45, 56, EN 01167943, 45 [“Our female group consisted of 12 members [...] they [guards] set a quota of hats for us to complete. [...] It was fine if we were asked to sew five hats a day. However, if we were asked to sew ten hats a day; it was extremely difficult.”].

<sup>1500</sup> **D219/512** Khin Khien WRI, A50, EN 01167944.

<sup>1501</sup> **D219/512** Khin Khien WRI, A49, EN 01167944.

<sup>1502</sup> **D219/313** Sek Chaot WRI, A13, EN 01111959 [“prisoners [...] were sent to the [Cheung Tinh] worksite after they were ‘educated’ at Phnom Thipakdei”].

<sup>1503</sup> **D219/512** Khin Khien WRI, A9-10, EN 01167937 [“Northwest cadres received the same treatment as other prisoners. We received the same food. We used earth-carrying baskets as pillows. As 17 April people, we were allowed to go outside. However, those Northwest cadres were not allowed to go outside. I mean to say that when I requested to return to see my children at the cooperative, I was allowed to go. However, two military men accompanied me. As for the Northwest Zone cadres, they were not allowed to return to their cooperatives.”].

<sup>1504</sup> **D118/18** Nuon Muon WRI, A13-15, EN 00912311 [“Southwest Zone group [...] arrested the Northwest Zone cadres and took them to [...] Tuol M-tes reeducation camp which included a worksite and a security center. [...] [T]hey brought prisoners from all cooperatives in Sector 1 to work at Tuol M-tes.”]. *See also* **D219/689** Sok Cheat WRI, A92, EN 01216254-55 [“The Northwest Zone cadres were taken to be re-educated.”].

was thought to have “belonged to [the] network of SAY who was Sector” 1 Secretary.<sup>1505</sup> He stated: “They just accuse us, all Northwest Zone cadre was KGB agent and Vietnamese agent.”<sup>1506</sup> Prisoners were detained in a “very strong” building with “over 20” “Chhlorps guarding from outside”.<sup>1507</sup> Nuon Muon said they were fed “two meals of gruel per day” and “not allowed to make contact with each other.”<sup>1508</sup> As part of their tempering, the imprisoned Northwest Zone cadres were made to toil in conditions of enslavement in Tuol Mtes Village as they endured inhumane living and working conditions, which are detailed in the *Enslavement and Other Inhumane Acts (Inhumane Treatment)* sub-section above.<sup>1509</sup>

429. Other people arrested in Thipakdei Cooperative were imprisoned at security centres on-site at Phnum Thok and in Ra Village, and off-site at Chak-Kakoh Security Centre, Khnang Kou Security Centre, and Koas Krala Security Centre.<sup>1510</sup>

<sup>1505</sup> **D1.3.11.36** Nuon Muon OCP Statement, EN 00210530 [“Southwest come here from January 1977 to arrest Northwest cadre. They arrest people by line of delegation. The interviewee belonged to network of SAY who was Sector [Secretary] [...], when they arrest SAY, the[y] arrest all SAY delegation. SAY was arrested and was replaced by VANH was also Northwest cadre.”].

<sup>1506</sup> **D1.3.11.36** Nuon Muon OCP Statement, EN 00210532.

<sup>1507</sup> **D118/18** Nuon Muon WRI, A20-21, EN 00912311 [“They did not shackle the prisoners because the wooden walls were already very strong, and there were Chhlorps guarding from outside [...] there were over 20 guards.”].

<sup>1508</sup> **D118/18** Nuon Muon WRI, A17, EN 00912311; **D105/3** Nuon Muon WRI, A24, EN 00787175 [Guards “fed us with two meals of gruel per day; they gave each person one mug full of rice gruel per meal.”].

<sup>1509</sup> **V.B.2.b.iv.** Crimes – Northwest Zone – Sector 1 – Thipakdei Cooperative – Crimes – Enslavement and Other Inhumane Acts (Inhumane Treatment). *See also* **D1.3.11.36** Nuon Muon OCP Statement, EN 00210532 [“they sent me to Tuol Mtes, a tempering place. [...] Tuol Mtes was a work site, there were three group of people, 2 of the group were not prisoner [...] [M]y unit was the prisoner[s] [...], they were called ‘Special Unit’”]; **D118/69** Nuon Muon WRI, A6, EN 00950726 [“I was arrested and put at Tuol M’tes Education/Correctional Facility.”].

<sup>1510</sup> **D6.1.895** Kong Vach WRI, A52-53, EN 00426480 [“there was a security centre located at the foot of Ta Thok Mountain. They arrested those who stole corns [and/or] rice and these people would be sent to this centre.”]; **D219/644** Yom Yeang WRI, A40, 44-45, EN 01207411-12 [“near Themí Village, [...] in Ra Village [...] [t]he railway station was used as a re-education office.” Prisoners were “detained there”]; **D219/292** Lek Phiv WRI, A16, 34, EN 01111808, 10-11 [“After the arrival of the Southwest Zone cadres, many people were arrested and taken to Kakoh Security Office. [...] Seng was taken from Phnom Thipakdei Mountain Cooperative to be detained in the Kakaoh Security Office.”]; **D219/85** Vy Phann WRI, A14, EN 01061174 [“Shortly before the Vietnamese arrived, [...] prisoners from Khnang Kou [...] one man [...] told me he [...] was originally from Tuol Mtes Village”]; **D219/408** Sek Chaot WRI, A6-7, EN 01142865 [“I heard that wrongdoers were taken to Wat Koas Krala [...] about 10 to 12 kilometres south of Cheung Ting Worksite. What I heard was further confirmed by Sieb, who said that anyone who committed wrongdoing would be sent to Wat Koas Krala”]. Regarding Chak-Kakoh Security Centre in Moung Ruessei District, *see also* **D1.3.11.36** Nuon Muon OCP Statement, EN 00210532 [“another place of tempering at Kakoh in Maong Russei District.”]; **D118/18** Nuon Muon WRI, A26, EN 00912312 [“Kakaoh Security Center in Moung Ruessei district [...] was the Zone’s security center.”]; **D219/983** Sao Chobb WRI, A19, 21, 47, 49, 51, 53, EN 01519558-59, 63-64 [Witness supervised soldiers in a platoon in Koas Krala District from mid-1976 until he supervised farming labourers, and then fled to the jungle in mid- or late 1978: “They [Ta Mok and Ta Tith] went to Chak-Kakoh” Security Centre. “They had taken them [prisoners] first to be kept at Kos Krala for 1 or 2 days, and then sent them on to Chak-Kakoh.” “At

### Torture

430. At Thipakdei Security Centre, some prisoners were interrogated and tortured.<sup>1511</sup> “[E]very night”, prisoners in the lower prison were beaten, causing Khin Khien to “hid[e] behind the door.”<sup>1512</sup> “When they tortured the prisoners, the guards used sacks to cover the prisoners [...] so that the prisoners would not bleed” when beaten.<sup>1513</sup> Former detainee Uy Chinda was “beaten every single day for about 10 consecutive days.”<sup>1514</sup> He told an OCIJ investigator that he was “tortured” “four [...] to ten times per day [...] when [...] shackled.”<sup>1515</sup> “They just beat me whenever they wanted.”<sup>1516</sup> “They also stuck pins in my ears.”<sup>1517</sup> He said that prison personnel inflicted physical violence on him that seemed to be “some form of entertainment for them.”<sup>1518</sup>
431. In an incident at the security centre, “hundreds” of detainees were escorted by 10 prison guards to an execution site to watch 37 or 38 of their fellow prisoners being executed. Survivor Khin Khien said she was “absolutely terrified” and “horrificed”. She said she lost her concentration counting the number of prisoners that were being executed “[w]hen they were about to kill a woman with a baby”. As the prisoners were being killed, “[t]hey told us to watch and not follow the example of those male prisoners.”<sup>1519</sup>

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that time I worked on a rice paddy near Chak-Kakoh.” The Security Centre “was big, and there were many prisoners inside that place.”].

- <sup>1511</sup> **D219/14** Khin Khien WRI, A102, EN 01047715 [“Q: During interrogation, did the Khmer Rouge torture prisoners? A102: Some prisoners were beaten then interrogated; some others were just interrogated.”], A94-95, EN 01047714 [“The Khmer Rouge tortured inside the prison [...] When they beat one prisoner they asked, ‘Next time, will you stop cooking rice to eat by yourself?’”]. *See contra* **D219/517** Soy Chhoeun WRI, A28, EN 01166168 [“When the Southwest group first arrived, those [Phnum Thipakdei] prisoners were no longer tortured”].
- <sup>1512</sup> **D219/14** Khin Khien WRI, A74, EN 01047711; **D219/512** Khin Khien WRI, A31, EN 01167941. *See also* **D219/644** Yom Yeang WRI, A75-76, EN 01207416 [Witness’s uncle “was beaten” during his detention upon the arrival of Southwest Zone people].
- <sup>1513</sup> **D219/14** Khin Khien WRI, A76, EN 01047711. *See also* **D118/7** Chea Chanty WRI, A9, EN 00889574 [“saw the Khmer Rouge torturing prisoners by covering the prisoners’ face with a plastic bag until they choked and convulsed.”].
- <sup>1514</sup> **D219/447** Uy Chinda WRI, A22, EN 01149238. *See also* **D219/50** Uy Chinda WRI, A126-127, EN 01056859 [“They used clubs. [...] They beat me on the back.”].
- <sup>1515</sup> **D219/50** Uy Chinda WRI, A123, EN 01056859 [“Q: How many times per day did they torture you? A123: About four to five times per day. Sometimes they tortured me up to ten times per day. They tortured me when I was shackled.”].
- <sup>1516</sup> **D219/50** Uy Chinda WRI, A121, EN 01056858.
- <sup>1517</sup> **D219/50** Uy Chinda WRI, A126, EN 01056859.
- <sup>1518</sup> **D219/447** Uy Chinda WRI, A25, 28, EN 01149238-39 [“They just came and beat me as if it was some form of entertainment for them. [...] Their facial expressions were normal [...] Sometimes they walked up to me and pricked my ears with needles just for the fun of it. [...] they did not ask me any questions. They just beat me as if that was a game. They did not accuse me of [...] anything at all.”].
- <sup>1519</sup> **D219/33** Khin Khien WRI, A4-7, 9, EN 01040542-43 [“They took all the prisoners out from the detention centre [...], but they did not kill all of them at that execution site. There were hundreds of people including men, women, children and babies; [...] I was very frightened. All the prisoners were ordered to sit in the rice fields; and the guards took the male prisoners one by one to kill and dropped them onto the pits. I



432. Elsewhere in the cooperative, witnesses said that members of the militia raped several women before execution.<sup>1520</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

433. As a result of exhaustion, starvation, sickness, and inadequate medical treatment, many workers and prisoners died in Thipakdei Cooperative from 1977 until the end of the DK regime.<sup>1521</sup> At Thipakdei Security Centre, “[a]lmost every single day [...] one or two prisoners died”.<sup>1522</sup> “Very few of them survived; most of them died.”<sup>1523</sup> At Tuol Mtes, “[a]bout 10 to 20 people died each month.”<sup>1524</sup>
434. Under the Southwest Zone’s leadership, witnesses and civil parties noticed an increase in the number of extrajudicial killings in the cooperative.<sup>1525</sup> One person said that when

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covered my face with a scarf and sneaked a look at the prisoners who were taken to be killed. They only killed all the male prisoners first. [...] there were about 37 to 38 persons. When they were about to kill a woman with a baby whom they took to the edge of the pit, I was absolutely terrified and could no longer continue counting. [...] I felt horrified, losing my concentration, and could not count any more. They brought us back to the detention centre [...] There were about ten guards who took the prisoners out.”]; **D219/512** Khin Khien WRI, A35, EN 01167942 [“both male and female prisoners were taken to the rice fields. They told us to watch and not follow the example of those male prisoners. Then they began to kill those male prisoners and sent the female prisoners back to the prison.”].

- <sup>1520</sup> **D118/290** Kong Vach WRI, A104-107, 111, 113, EN 01066781-82 [“I just heard that women were raped before they were killed in the forest. [...] A beautiful woman in my village was arrested and taken away to be raped and killed. [...] I knew that they [village or unit chief] definitely knew about this rape. They ordered a militiamen to take her be killed, but the militiamen raped her before killing her. It happened after the Southwest Zone group arrived. [...] The village chief, Chhan [...] I never saw him punish anyone.”]; **D219/644** Yom Yeang WRI, A91-92, EN 01207419 [At Andoung Thei Luy, “I heard that from a young man who was a cook [...] militia came to borrow a sack from the cook [...] When the young man went to collect the sack, he found a dead woman who had been raped. [...] He found the naked body of the woman.”].

- <sup>1521</sup> **D219/292** Lek Phiv WRI, A36, EN 01111811 [“Many people died from malnourishment and extreme forced labour.”]; **D118/286** Kheav Neap WRI, A52, 54, EN 01044699 [“about ten to 20 children died of food shortages. [...] some adults died of starvation”]; **D219/50** Uy Chinda WRI, A105, EN 01056856 [In Thipakdei Cooperative, “most of the people died of starvation.”]; **D219/549** Ing Oeum WRI, A12, EN 01178541 [In Tuol Mtes: “Many people died of starvation, because [...] they fell sick.”]; **D118/290** Kong Vach WRI, A46, EN 01066773 [in Tuol Mtes]; **D219/644** Yom Yeang WRI, A80, EN 01207417 [in the children’s unit]; **D219/388** Roeung Sopheap WRI, A76, EN 01123461 [at Tuol Mtes worksite]; **D118/277** Sem Veung WRI, A58, EN 01025275; **D219/20** Chhum Vanny WRI, A143, EN 01050485; **D118/231** Haay Buoy WRI, A37, 75, EN 01033020, 26 [near Phnum Thipakdei]; **D118/240** Hoey San WRI, A30, EN 01033035-36 [Civil party confirming that at Cheung Tinh he saw a great number of dead bodies as a result of starvation; most were people from Phnom Penh.], A11, EN 01033033 [“I heard that there were many evacuees from Phnom Penh who died of starvation at Tuol Mtes.”].

- <sup>1522</sup> **D219/512** Khin Khien WRI, A22, 25, EN 01167939-40 [“Q: How often did you see prisoners die due to illness and carelessness from the prison guards? A22: Almost every single day. Sometimes one or two prisoners died in a single day. [...] Q: As for the prisoners you saw die while sleeping or sitting, what disease did they have? A25: They died due to starvation”].

- <sup>1523</sup> **D219/14** Khin Khien WRI, A92, EN 01047714.

- <sup>1524</sup> **D219/689** Sok Cheat WRI, A83, 104, EN 01216253, 56 [“About 10 to 20 people died each month. Some were walking and dropped dead; some died while relieving themselves because they were so exhausted and sick. Because of overwork, they died. [...] Some of them died of diarrhoea.”].

- <sup>1525</sup> **D219/50** Uy Chinda WRI, A47, EN 01056848 [After the arrival of the Southwest group, “there were more killings than before.”]; **D219/512** Khin Khien WRI, A4, EN 01167935 [at Thipakdei Security Centre]; **D219/388** Roeung Sopheap WRI, A76, EN 01123461 [at Tuol Mtes worksite]; **D219/517** Soy Chhoeun

he visited Thmei Village, he saw Southwest Zone cadres arrest “countless” Northwest Zone cadres whose corpses he then saw “west of Dangkao Kamnob”, and that he also “saw a number of skulls” at locations near to where cadres were known to be reeducated.<sup>1526</sup> Witnesses also described a canal at the foot of Phnum Thipakdei, behind Thmei Village, that contained “hundreds” of corpses, including those of Northwest Zone cadres and their families, and prisoners from Thipakdei Security Centre.<sup>1527</sup> The large number of executions required Toch Bunthy and 30 other people to bury corpses “about ten times each month” in the 400-metre long canal.<sup>1528</sup>

435. At Thipakdei Security Centre, prison guards “killed two or three prisoners at a time”.<sup>1529</sup> Former detainee Khin Khien noticed that “over four months about 100 prisoners were killed by the Khmer Rouge.”<sup>1530</sup> She also witnessed a mass execution of at least 37 male prisoners from Phnom Penh.<sup>1531</sup> Another survivor observed that imprisoned Northwest

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WRI, A51, EN 01166172 [At Andoung Thei Luy, 150 metres from Thmei Village: “Cadres from the Southwest Zone continued killing people there and expanded the killing to other places [...]. I saw many bodies swarming with flies”]; **D118/240** Hoey San WRI, A48, EN 01033038 [at Cheung Tinh]; **D118/286** Kheav Neap WRI, A65, EN 01044701 [“I heard that they took people to be killed at Thipakdei Mountain every single night”].

<sup>1526</sup> **D219/644** Yom Yeang WRI, A32-33, 36, 53-54, 60, EN 01207410-11, 13-14 [“The Southwest Zone killed the Northwest Zone people. I saw them when I visited home [in Thmei Village]. [...] Countless people [were killed]. [...] I saw the arrests and I saw the corpses afterwards [...] in the west of Dangkao Kamnob [...] At that time, the cadres were brought to be re-educated to the east of Kandaol Kamnob. When I worked near the site, I saw a number of skulls at one place and at another place there.”].

<sup>1527</sup> **D219/447** Uy Chinda WRI, A23, EN 01149238 [“I heard that the Northwest cadres and their family members were taken to be killed at Andong Thei Luy, at the foot of Phnum Thipakdei Mountain.”], A36-37, EN 01149241 [“the bodies of the prisoners who had been detained and those of the former Northwest cadres who had been arrested, killed, and buried” were in “a canal near Phnum Thipakdei.” This killing site “was the same place” as the one where prisoners were killed behind Thmei Village. “[H]undreds of bodies were buried there.”]; **D219/172** Toch Bunthy WRI, A20, EN 01076962-63 [“about half a kilometre from the foot of Phnum Thipakdei Mountain [...] killing site was a canal [...]. The bottom was about 1.5 metres, and at the edge, it was about three metres wide. The depth was about 1.6 metres. [...] the canal was about 400 metres long, and it had been used to bury bodies for a while, so the number of dead could have been in the hundreds.”]; **D219/517** Soy Chhoeun WRI, A33, EN 01166169 [Witness’s cousin saw “truck-loads of people were transported from other places to be killed at the foot of Phnum Thipakdei Mountain”], A94, EN 01166183 [The wife of Northwest Zone cadre Ta Chev, chief of Thipakdei prison, “was killed at Andoung Thae Luy”], A49, EN 01166172 [At Andoung Thei Luy: “There were hundreds [of bodies], including the young, the old, and children, both male and female.”]. See also **D219/644** Yom Yeang WRI, A90, EN 01207418 [“I saw other killing sites to the east of Andoung Thai Luy, along a long canal. People were killed and dumped into the canal. They included the corpses of women and the old woman [...]. They also included a number of children and defectors.”].

<sup>1528</sup> **D219/172** Toch Bunthy WRI, A20, EN 01076962-63 [“the 30 members of my group were requested to help bury bodies at that canal. I went there about ten times a month. [...] the canal was about 400 metres long”].

<sup>1529</sup> **D219/14** Khin Khien WRI, A98, EN 01047715.

<sup>1530</sup> **D219/14** Khin Khien WRI, A98, EN 01047715.

<sup>1531</sup> **D219/33** Khin Khien WRI, A5, EN 01040542 [“the guards took the male prisoners one by one to kill and dropped them onto the pits. I covered my face with a scarf and sneaked a look at the prisoners who were taken to be killed. They only killed all the male prisoners first. [...] there were about 37 to 38 persons.”]; **D219/512** Khin Khien WRI, A37, EN 01167942 [“Those prisoners were ordinary people from Phnom Penh.”].

Zone cadres and their wives who had been detained with him “all disappeared; they were probably taken to be killed because I did not see them again.”<sup>1532</sup> Towards the end of the DK regime, Southwest Zone cadres killed all remaining prisoners at Thipakdei Security Centre, including women and babies.<sup>1533</sup> Witnesses identified other sites where prisoners were executed, including one where “many corpses [were] lying on top of one another”.<sup>1534</sup>

436. Nuon Muon, who was an imprisoned Northwest Zone cadre at Tuol Mtes Security Centre, said: “The Khmer Rouge called it the reeducation center, but I never saw them educating any person there. I only saw them taking people to be killed” “every single night”.<sup>1535</sup> He worked in a unit for imprisoned Northwest Zone cadres at Tuol Mtes forced labour site and observed that “two or three of the Northwest cadres working with me would disappear daily. At that time more than 100 Northwest Zone cadres worked with me, and later on, only 30 of them remained there”.<sup>1536</sup> “[M]ilitiapersons told me that they took those people to meet with the Organization/Angkar.”<sup>1537</sup> Other witnesses told OCIJ investigators that two to ten ordinary labourers were taken from Tuol Mtes forced labour site every few days, including those sent for “re-education”.<sup>1538</sup>

<sup>1532</sup> **D219/517** Soy Chhoeun WRI, A44, EN 01166171.

<sup>1533</sup> **D219/50** Uy Chinda WRI, A151, EN 01056862 [“Before the Vietnamese soldiers arrived, all the prisoners in that detention office were killed.”]; **D219/517** Soy Chhoeun WRI, A33, EN 01166169 [“after I was released [...] all the prisoners in the [Phnum Thipakdei] prison were killed.”]; **D118/280** Sang Say WRI, A5, EN 01044666 [“I learned that all the other prisoners in that warehouse had been taken to be killed.”]; **D118/19** Yoeng Yean WRI, A36, EN 00912318 [“My elder sister-in-law and her three-month-old baby were executed there only a few days before the Vietnamese came in.”].

<sup>1534</sup> **D118/19** Yoeng Yean WRI, A38-40, 43, EN 00912318 [“I only heard [...] that detainees were transported out of Thipakdei prison for execution [...] east of Thipakdei Mountain, east of Boeng Kan Tuot Village, west of the railway station, near a ditch. [...] I [...] saw many corpses lying on top of one another [there]. [...] Some of them [detainees] were local villagers; some were Northwest cadres, and some others were from Phnom Penh.”]; **D219/14** Khin Khien WRI, A94, EN 01047714 [“Khmer Rouge [...] ordered them to dig their own graves. [...] The distance from those graves to that [lower] warehouse was about half a kilometre.”]; **D219/271** Thipakdei Security Centre Site Identification Report, EN 01088867 [“the site of a mass execution of detainees [...] a few hundred meters north east of the Lower Warehouse.”]; **D219/644** Yom Yeang WRI, A90, EN 01207418 [“Another site was downhill from the prison in the pagoda, north of Boeng Pech Changvar”] (Note that the witness later confirmed that Southwest Zone cadres killed detainees from Phnum Thipakdei near Boeng Pech Changvar, see **D219/644** Yom Yeang WRI, A121, EN 01207423).

<sup>1535</sup> **D118/18** Nuon Muon WRI, A21, EN 00912311; **D105/3** Nuon Muon WRI, A20, EN 00787175.

<sup>1536</sup> **D118/69** Nuon Muon WRI, A27, EN 00950729. In a prior interview, the witness said: “When I fled, there were only about 10 prisoners left; [...] I just knew that they disappeared.” See **D105/3** Nuon Muon WRI, A22-23, EN 00787175. See also **D219/689** Sok Cheat WRI, A92, EN 01216254-55 [“The Northwest Zone cadres were taken to be re-educated.”] (Note **D219/654** Sok Cheat WRI, A47, EN 01207513 [“Those who were taken to be re-educated disappeared.”]).

<sup>1537</sup> **D118/69** Nuon Muon WRI, A27, EN 00950729.

<sup>1538</sup> **D219/689** Sok Cheat WRI, A50-51, 91, EN 01216248, 54 [“During the daily livelihood meetings, around 10 people were taken [...] once every two or three days for re-education, and they went missing. [...] They were ordinary people.”]; **D118/196** Roeung Sopheap WRI, A34, 89, EN 00986411, 19 [“I only heard from

437. At the railway station in Ra Village, detainees “were transferred to be killed.”<sup>1539</sup> At the end of September or early October 1978, Toch Bunthy buried “at least 200 bodies” of soldiers near the station.<sup>1540</sup>
438. Elsewhere in Thipakdei Cooperative, killings included seven Northwest Zone cadres and family members “behind Phnum Ta Tok Village” in late 1978,<sup>1541</sup> a “man who [...] had a Vietnamese accent”,<sup>1542</sup> people who “walked freely”,<sup>1543</sup> and women in a witness’s group.<sup>1544</sup> In some cases, Southwest Zone cadres immediately killed their victims.<sup>1545</sup> Under their leadership, death was inevitable in the cooperative: “I saw a woman hang herself to commit suicide [...] because that woman knew that even if she lived, she would not be able to escape death.”<sup>1546</sup>
439. In addition to the above, Northwest Zone cadres, sick people, and others disappeared in the cooperative.<sup>1547</sup> At the security centre located at the foot of Ta Thok Mountain: “Most [...] disappeared forever”.<sup>1548</sup>

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my friend that some people disappeared. And I saw they [the Khmer Rouge] tied two to five people each time including children and took them away. [...] People disappeared [...] day and night”]; **D118/290** Kong Vach WRI, A49, EN 01066773 [“Sometimes, two people were taken away.”].

<sup>1539</sup> **D219/644** Yom Yeang WRI, A45, EN 01207412.

<sup>1540</sup> **D219/172** Toch Bunthy WRI, A3, 25, EN 01076958, 64 [“At the end of September or early October 1978, [...] soldiers [...] in lines of five, ten, or twenty [...] were shot to death. [...] in the morning they pointed out to us and told us how many bodies were where for us to take to bury. The killing site was about 50 or 100 metres east of the railway station. [...] There were at least 200 bodies. Khmer Rouge spent about half a month killing those soldiers.”]. *See also* **D219/644** Yom Yeang WRI, A48, EN 01207412 [“killings took place sometimes to the east of the railway, sometimes to the south of the railway.”].

<sup>1541</sup> **D219/20** Chhum Vanny WRI, A104-107, EN 01050479-80 [“The Southwest group” “killed [...] the Northwest group and their families” “[i]n late 1978. The seven people [...] were killed behind Phnum Ta Thok Village.”].

<sup>1542</sup> **D219/517** Soy Chhoeun WRI, A32, EN 01166168-69 [“A man who [...] had a Vietnamese accent was also taken to be killed [...] when the Southwest Zone cadres arrived [...] at Andoung Thae Luy”].

<sup>1543</sup> **D118/286** Kheav Neap WRI, A40, EN 01044698 [“men about 20 years old walked freely and they were arrested and beaten about ten metres away from me. I saw blood covering their faces. The next day, I saw the Khmer Rouge carrying hoes, and people told me that those three young men had been [...] killed.”].

<sup>1544</sup> **D118/290** Kong Vach WRI, A74-76, EN 01066777 [“after the arrivals of the Southwest Zone cadres [...] three women were in my group, and [...] I heard that they had been taken to be killed. They worked in the village near Thipakdei Mountain.”].

<sup>1545</sup> **D219/517** Soy Chhoeun WRI, A69, 96, EN 01166177, 83 [“Under the control of the Southwest group, [...] targeted persons were arrested and taken to be killed immediately.” When a person made a serious mistake, “[t]hat person would be taken to be killed immediately without imprisonment, especially if they were Vietnamese”]; **D219/50** Uy Chinda WRI, A107, EN 01056856 [“When they accused someone of being the enemy, they would take that person to be killed straightaway.”], A151, EN 01056862 [“When they arrested a new prisoner, they would just kill that prisoner immediately.”].

<sup>1546</sup> **D118/286** Kheav Neap WRI, A64, EN 01044701.

<sup>1547</sup> **D118/286** Kheav Neap WRI, A67, EN 01044701 [“Q: Did you notice if any people at your place disappeared? A67: Yes”]; **D219/11** Penh Nhan WRI, A8, EN 01047035 [Northwest Zone cadres “all suddenly disappeared.”]; **D118/231** Hauy Buoy WRI, A39, EN 01033021 [Near Phnum Thipakdei, “sick people were sent to other locations and disappeared.”].

<sup>1548</sup> **D6.1.895** Kong Vach WRI, A54, EN 00426480 [“Most of them [detainees] disappeared forever, while a few could return back.”].

### Persecution

440. Southwest Zone cadres committed many of the crimes described above with the intent to target a specific group, namely Northwest Zone cadres and their families and subordinates at Thipakdei Cooperative.<sup>1549</sup> This group was specifically targeted because of its actual or perceived membership of a political group.

#### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

441. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes against humanity in relation to Thipakdei Cooperative:<sup>1550</sup> murder, extermination,<sup>1551</sup> enslavement, imprisonment, torture, persecution on political grounds against Northwest Zone cadres and their families and subordinates, and other inhumane acts (inhumane treatment and enforced disappearance).

#### c. KANGHAT DAM FORCED LABOUR SITE

##### i. INTRODUCTION

442. Kanghat Dam was a sector-level forced labour site located in Sangkae District of Sector 1 during the DK regime. Southwest Zone cadres started contributing to crimes at the site from around mid-1977, at about the same time that former Sector 1 Secretary Ta Vanh was arrested and Kanghat Dam broke. **Yim Tith** and other representatives of the Sector 1 Committee inspected the site.
443. **Yim Tith** exercised influence and power over officials at the site before and after he was formally appointed Sector 1 Secretary. He worked with Northwest Zone cadres on the Sector 1 Committee before they were arrested, imprisoned, and/or killed. He also chose

<sup>1549</sup> See also **D219/548** Ing Oeum WRI, A45-46, 48, EN 01193240-41 [“In 1978, [...] the Southwest Zone group [...] asked [...] the Northwest Zone military [...] to the meeting [...] at Tuol Mtes. They arranged a party with Cambodian noodles. [...] They planned to kill the people who attended the meeting. [...] The grave had already been dug”]; **D219/172** Toch Bunthy WRI, A21, EN 01076963 [“kinds of victims [...] killed [...] [included] Ta Vanh traitor network and his family.”].

<sup>1550</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of other inhumane acts (inhumane treatment and enforced disappearance). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 58-59, 118b; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 5-8, 22iii.

<sup>1551</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Thipakdei Cooperative alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Thipakdei Cooperative, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

the Northwest Zone cadres to be in charge at the dam site. As early as late 1976, **Yim Tith** was at the dam site lecturing to Northwest Zone soldiers and providing a guided tour of the worksite to showcase what was and was not working in accordance with CPK plans. He instructed officials to defend against internal and external enemies, and encouraged labourers to work hard despite the patently inhumane conditions under which they laboured. From mid-1977 until the end of the DK regime, hundreds and possibly thousands of labourers lived and toiled in conditions of enslavement as they endured inhumane living and working conditions that caused a significant number of deaths. Perceived CPK enemies such as underperforming labourers, “dishonest” workers, and “treacherous” Northwest Zone cadres were arrested, imprisoned, and/or killed. Arrests and disappearances of people coincided with **Yim Tith**’s visits to the site.

444. The ICIJ charged **Yim Tith** with the following crimes in relation to Kanhath Dam forced labour site: the crimes against humanity of murder, extermination, enslavement, imprisonment, persecution on political grounds against Northwest Zone cadres and their families and subordinates, other inhumane acts (confinement/working in inhumane conditions); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>1552</sup>

ii. OPERATION AND LOCATION

445. The Kanhath Dam forced labour site was established early in the DK regime, before the dry season of 1977.<sup>1553</sup> Southwest Zone cadres started contributing to crimes at the site from mid-1977 around the time Sector 1 Secretary Ta Vanh was arrested and Kanhath

<sup>1552</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426071-72, 77.

<sup>1553</sup> **D219/430** Chhoeung Bean WRI, A52, EN 01128716; **D219/411** Chhorn Chhoeun WRI, A1, EN 01142909-10; **D219/237** Chhorn Vorn WRI, A1, EN 01092935; **D219/548** Ing Oeum WRI, A9, EN 01193232; **D219/310** Voin Samut WRI, A1, EN 01111937; **D219/954** Chhoeung Chhoeuth WRI, A27, EN 01451520; **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237 [“Kanhath’ dam, built since the dry season of 1977”].

Dam broke in July 1977.<sup>1554</sup> They controlled the site until the end of the DK regime.<sup>1555</sup> Kanghat Dam forced labour site was located in Sangkhae District of Sector 1 during the DK regime.<sup>1556</sup>

446. Described as a “large” site, it included Kanghat Dam, which was built on Sangkhae River, at least one rice field, accommodation for workers on-site, and a 40-pillar house to accommodate soldiers, weapons, and meetings.<sup>1557</sup> Sector 1 Committee members worked

<sup>1554</sup> Arrest of Ta Vanh: Although it is not known when Ta Vanh was arrested, he entered S-21 on 20 June 1977. See **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369; **D118/77** Nang Ny WRI, A1, EN 00970451 [“Ta Vanh [...] to lead the Mobile Unit to oppose Angkar. However, when the Southwest group realized this, they arrested [...] Ta Vanh.”]; **D219/689** Sok Cheat WRI, A20, EN 01216244 [“when the Southwest Zone cadres arrived, they arrested the [...] Sector 1 Committee, namely [...] Vanh”]; **D123/1/1.3a** Huon Choeum DC-Cam Statement, EN 01549762-64; **D118/106** Huon Choeum WRI, A25, EN 00978421-22. Breakage of dam: **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237 [“During the recent rainy season, floods inundated this dam and caused some damage. [...]”]; **D219/239** Sorm Vanna WRI, A2, EN 01092950 [Civil party at Kanghat Dam “in about July 1977, because it was the rainy season. We were sent [...] after Kanghat Dam collapsed.”]; **D219/409** Ang Sar WRI, A27-28, EN 01142878; **D219/310** Voin Samut WRI, A5, EN 01111937 [“the dam collapsed in an evening in July 1977.”]; **D219/721** Suom Bao WRI, A19, EN 01216213. Arrival of Southwest Zone cadres: **D118/63** Han Thy WRI, A11, EN 00945850 [“They arrived about one month after the completion of the Kahat dam.”]; **D118/77** Nang Ny WRI, A1, EN 00970451 [Witness worked at Kanghat Dam and recalled that “the Southwest group [...] arrested [...] Ta Vanh [...] [m]y fellow worker [...] and I”] (see contra **D219/430** Chhoeung Bean WRI, A59, EN 01128715 [“Prior to Ta Vanh’s arrest, there were no Southwest Zone cadres.”]); **D118/281** Keo Sokha WRI, A11, EN 01040513 [“Kanghort dam broke [...] when the Southwest cadres arrived.”]; **D219/689** Sok Cheat WRI, A17-19, EN 01216244 [“The Southwest Zone cadres came in 1977 [...] when I was at Kanghat [...] after the dam broke.”]; **D219/538** Soeun Mat WRI, A11, 16, 25, 36, 40, EN 01173574-76, 79-80; **D219/367** Reach Saran WRI, A1, EN 01128245-46. See also **D219/721** Suom Bao WRI, A6, 13, EN 01216212-13; **D219/374** Khin Khim WRI, A188-189, EN 01120054; **D219/117** Top Seung WRI, A33, 56, 60, 83-84, EN 01067703, 06, 10; **D219/928** Nhem Hean WRI, A21-22, EN 01451499; **D219/85** Vy Phann WRI, A3, EN 01061169; **D219/411** Chhorn Chhoeun WRI, A18, 21, EN 01142914-15.

<sup>1555</sup> **D219/117** Top Seung WRI, A157, EN 01067720; **D118/136** Chhean Hea WRI, A43, EN 00969644; **D219/928** Nhem Hean WRI, A53, EN 01451502; **D219/948** Pich Vannak WRI, A41-42, EN 01502679-80; **D219/425** Van Chea WRI, A36, EN 01135156; **D219/430** Chhoeung Bean WRI, A70, EN 01128717.

<sup>1556</sup> See, e.g. **D118/138** Tiep Tith WRI, A8, EN 00970093; **D219/464** Tiep Tith WRI, A24, EN 01151248; **D219/268** Nom Phoun WRI, A10, 22, 30, EN 01098482-84 (Note Kanghat and Krahhat were the same dam, see **D219/373** Nom Phoun WRI, A14-15, EN 01128267 and **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237); **D219/451** Yon Han WRI, A13, EN 01149263 (see contra **D219/516** Yon Han WRI, A7, EN 01166153); **D118/102** Toat Thoeun WRI, A71, EN 00974028; **D219/310** Voin Samut WRI, A1-2, EN 01111936; **D219/272** Kang Hort Dam Site Identification Report, EN 01088875.

<sup>1557</sup> **D219/452** Thy Chea WRI, A20, EN 01149279; **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237; **D219/410.1** Hoem Chhongly Sketch, EN 01238090; **D219/465.1** Chhoeung Bean Sketch, EN 01132067. Rice field: **D219/46** Sorm Vanna WRI, A32, EN 01050673; **D219/538** Soeun Mat WRI, A21, 30, EN 01173576, 78; **D219/928** Nhem Hean WRI, A19, EN 01451499; **D219/292** Lek Phiv WRI, A4, EN 01111806. Accommodation along the river: **D219/373** Nom Phoun WRI, A19, EN 01128267; **D219/943** Lam Lin WRI, A19, 21, EN 01523945; **D219/933** Prin An WRI, A39, EN 01492962. When Kanghat dam was under the control of Northwest Zone cadres, similar accommodation was provided, see **D219/981** Sao Chobb WRI, A53, EN 01502689. 40-pillar house: **D219/928** Nhem Hean WRI, A25, EN 01451500; **D219/464** Tiep Tith WRI, A127-128, EN 01151262; **D219/984** Sao Chobb WRI, A5, EN 01517557; **D219/117** Top Seung WRI, A175, EN 01067722. When Kanghat Dam was under the control of Northwest Zone cadres, the 40-pillar house accommodated senior cadres and food. See **D219/368** Chhoeung Bean WRI, A100, EN 01117724, A75, EN 01117721; **D118/281** Keo Sokha WRI, A11, EN 01040513; **D118/271** Chhean Hea WRI, A17, EN 01029418; **D219/272** Kang Hort Dam Site Identification Report, EN 01088883.

and/or lived approximately one kilometre from the forced labour site at Tuol Andaet.<sup>1558</sup>

iii. AUTHORITY STRUCTURE AND COMMUNICATION

447. Southwest Zone cadres operated Kanghat Dam forced labour site at the sector level. Members of the Sector 1 Committee regularly inspected the site, leaders at the site reported to the sector committee, and the mobile units at the site in which the labourers worked came from across the sector.<sup>1559</sup> In pursuit of CPK agrarian and economic policies, the site worked towards having Kanghat Dam channel the Sangkae River to irrigate the entire sector through canals that stretched to the east, past Tuol Mtes forced labour site, to Thipakdei Mountain in Koas Krala District<sup>1560</sup> – areas which **Yim Tith** supervised.

<sup>1558</sup> Location: **D219/272** Kang Hort Dam Site Identification Report, EN 01088879; **D219/368** Chhoeung Bean WRI, A43, EN 01117718 [Tuol Andaet “was less than 1.5 kilometres from the sluice.”]; **D219/464** Tiep Tith WRI, A46, EN 01151251 [Tuol Andaet “was approximately 500 metres from Kanghat Dam.”]; **D219/263** Chham Luy WRI, A85, EN 01097413 [Tuol Andaet Pagoda “was about 300 to 400 metres away” from Kanghat Dam worksite.]. *See also* **D219/410.1** Hoem Chhongly Sketch, EN 01238090; **D219/430.1** Chhoeung Bean Sketch, EN 01122392. Ta Pet: **D219/430** Chhoeung Bean WRI, A104, EN 01128721 [“Ta Pet stayed at Tuol Andaet with his wife and children.”]; **D219/465** Chhoeung Bean WRI, A40, EN 01139590; **D219/367** Reach Saran WRI, A2, EN 01128246; **D219/928** Nhem Hean WRI, A67, EN 01451503; **D219/236** Lek Phiv WRI, A16, EN 01092932 [“Kanghat Dam [...] Ta Pet had an office over there.”]. Yim Tith: **D219/368** Chhoeung Bean WRI, A33, EN 01117717 [“When Ta Tith first arrived, he worked at Tuol Andaet”]; **D219/465** Chhoeung Bean WRI, A40, EN 01139590.

<sup>1559</sup> *See, e.g.* **D219/368** Chhoeung Bean WRI, A24, EN 01117717 [Yim Tith “inspected the worksite on [...] countless occasions. He came to inspect it on a daily basis.”]; **D219/117** Top Seung WRI, A75, 88, EN 01067708, 10 [Yim Tith “came to inspect” Kang Hort Dam Worksite [...] approximately twice a month. [...] Kang Hort Dam was under Sector 1.”], A143, 147, 153, EN 01067718-19 [“I saw Ta Tith talking to unit chiefs there; for example, Ye.” Regarding enemies, Yim Tith “discussed this issue only with my upper-level cadres”. “[E]very time after Ta Tith came to meet Ye, she always called a meeting to urge us to work harder.”]; **D219/654** Sok Cheat WRI, A64, EN 01207516 [“The sector committee issued the orders. And the commanders followed the orders from the upper echelon.”]; **D219/428** Van Chea WRI, A2, EN 01137614 [“mobile units working at Kanghat Dam were from different communes and districts.”]. *See also* **D219/928** Nhem Hean WRI, A18, 21, EN 01451499 [At Kanghat Dam “[r]ice produced by my children’s unit was supplied to the Sector Committee Office.”]. The site also operated at the sector-level under the leadership of Northwest Zone cadres. *See, e.g.* **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237; **D219/368** Chhoeung Bean WRI, A66-67, 75, 132, EN 01117720-21, 29; **D219/292** Lek Phiv WRI, A3-4, EN 01111806; **D219/981** Sao Chobb WRI, A43, EN 01502688; **D219/721** Suom Bao WRI, A20, EN 01216213. Some witnesses and a Civil Party stated workers came from across the Northwest Zone. *See* **D219/373** Nom Phoun WRI, A16, 25, EN 01128267-68 [“I worked at Kanghat Dam until 1978. [...] People were brought to work at Kanghat Dam from seven sectors”]; **D219/654** Sok Cheat WRI, A66, EN 01207516; **D219/46** Sorm Vanna WRI, A9, 14, 24, EN 01050670, 72; **D219/464** Tiep Tith WRI, A25-28, EN 01151248; **D219/410** Hoem Chhongly WRI, A12, EN 01142892.

<sup>1560</sup> **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237 [“Kanghat’ dam [...] contains the Sangke River, which is channeled into a 10-km main ditch and brought to the large reservoir at Mount Thipadei to irrigate land in these four [Sangkae, Battambang, Samlout, and Koas Krala] districts.”]; **D219/368** Chhoeung Bean WRI, A100, EN 01117724; **D219/117** Top Seung WRI, A70, EN 01067708; **D219/292** Lek Phiv WRI, A4, EN 01111806; **D219/50** Uy Chinda WRI, A13, EN 01056843; **D219/313** Sek Chaot WRI, A2, EN 01111957; **D219/310** Voin Samut WRI, A4, EN 01111937; **D118/281** Keo Sokha WRI, A2, EN 01040511-12; **D219/409** Ang Sar WRI, A10, EN 01142875; **D219/272** Kang Hort Dam Site Identification Report, EN 01088879, 87.



448. Prior to his formal appointment as secretary of Sector 1, **Yim Tith** exercised influence and power over officials at the site and contributed to the implementation of CPK policies there. As detailed below, he worked with Sector 1 Secretary Ta Vanh, Ta Vanh's deputy Ta Prum, and Ta Vanh's replacement Ta Pet before they were removed from their posts.<sup>1561</sup> One worker stated that **Yim Tith** was more senior than Ta Vanh because **Yim Tith** was introduced as deputy secretary of the Northwest Zone at a meeting led by both cadres near Kanghat Dam.<sup>1562</sup>
449. Witnesses who had been Northwest Zone cadres or had worked closely with CPK leaders provided evidence to OCIJ investigators that after Ta Pet replaced Ta Vanh at the worksite in 1977, **Yim Tith** held similar power to Ta Pet or more over those at the site. Sao Chobb, who was chief of a platoon, said **Yim Tith** and Ta Pet "took control of the region until the Southwest Zone cadres came", including at Kanghat Dam.<sup>1563</sup> Ta Pet's bodyguard and messenger, Chhean Hea, stated "Ta Pet was in charge for six months" at Kanghat Dam until he was succeeded by **Yim Tith**.<sup>1564</sup> He stated Ta Pet was demoted when Southwest Zone cadres arrived in the Northwest Zone and provided a detailed account of Ta Pet's restricted movement during the months leading up to Ta Pet's

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<sup>1561</sup> **Vanh**: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1]. *See contra* **D219/430** Chhoeung Bean WRI, A59, EN 01128715 ["I had never seen him [Yim Tith] before Ta Vanh was arrested. Prior to Ta Vanh's arrest, there were no Southwest Zone cadres."]; **Prum**: **D219/430** Chhoeung Bean WRI, A6, EN 01128709 ["Ta Prum [...] was the Deputy Secretary of Sector 1."]; **D118/102** Toat Thoeun WRI, A20, EN 00974016 ["Ta Prum was Ta Vanh's deputy."]; *See contra* **D219/464** Tiep Tith WRI, A28, EN 01151248 ["Ta Prum [was] District Committee."]; **Pet**: **D118/19** Yoeng Yean WRI, A14, EN 00912316 ["Ta Pet was the Secretary of Sector 1."]; **D219/430** Chhoeung Bean WRI, A50, EN 01128714 ["Ta Vanh was arrested [...] Ta Pet became his successor."]; **D219/85** Vy Phann WRI, A3, EN 01061169; **D118/149** Ham Saom WRI, A29, EN 00974996.

<sup>1562</sup> **D219/373** Nom Phoun WRI, A117, EN 01128275-76 ["the battlefield committee read and announced the presence of Ta Vanh, the sector committee, Ta Tith, the zone committee, and Ta Nhim, the Northwest Zone Secretary. They announced that Ta Tith was the Zone Deputy Secretary."]; **D219/268** Nom Phoun WRI, A43, EN 01098485. The witness was initially confused about Yim Tith and Ta Pet being the same person, but the use of photographs by an OCIJ investigator resolved some of that confusion. The witness recognised Yim Tith in the photographs and confirmed it was the same person who he saw at the meeting speaking as the Deputy Secretary of the Northwest Zone. *See* **D219/373** Nom Phoun WRI, A54, 118, EN 01128270, 76. *See also* at a forced labour site inter-connected to Kanghat Dam **D219/689** Sok Cheat WRI, A23, 47, EN 01216245, 48 ["When Comrade Khen came from a meeting, she used the word Angkar. I thought that Angkar was Ta Tith and Ta Tith's men who were in charge. [...] I was in Tuol M'tes"].

<sup>1563</sup> **D219/763** Sao Chobb WRI, A51, 60, EN 01337024-25. *See also* **D219/374** Khin Khim WRI, A48-50, EN 01120044 [Witness was deputy chief of a mobile unit at Kanghat Dam: "Ta Pet [...] was assigned to control" Kanghat Dam project. "He was not the only person who was in charge." "Q: Was he the most senior administrator? A50: I do not know. There was a unit run by three persons. I heard people saying he was known as Ta Pet and he was on the sector committee."].

<sup>1564</sup> **D118/136** Chhean Hea WRI, A43, EN 00969644. *See contra* **D219/233** Chhean Hea WRI, A32, EN 01090010 ["Q: After Ta Pet had been arrested, who was put in charge of the construction of Kanghat Dam? A32: I don't know."]; *See also* **D219/233** Chhean Hea WRI, A49, EN 01090011 ["after YIM Tith arrived, he [Ta Pet] fell from power."].

arrest.<sup>1565</sup> He was certain that Ta Tith had higher authority than Ta Pet.<sup>1566</sup> Chhoeung Bean, who cooked at the 40-pillar house, stated that in 1977 **Yim Tith** “transferred his subordinates [...] to th[e] dam site”.<sup>1567</sup> Additionally, he said “Ta Pet [...] was powerless” before “Ta Tith totally controlled” Kanghat Dam.<sup>1568</sup> Before 1978, cooperative chief Lek Phiv attended meetings at Kanghat Dam where he sometimes listened to **Yim Tith** speak.<sup>1569</sup> He knew **Yim Tith** “was on the committee of Sector 1” but was “not certain of the roles of Ta Pet and Ta Tith.”<sup>1570</sup>

450. Other witnesses observed an increase in **Yim Tith**’s power after Ta Vanh’s arrest.<sup>1571</sup> In 1978, Ta Pet publicly announced at the forced labour site that “Ta Tith, who was from

<sup>1565</sup> See **D118/136** Chhean Hea WRI, A2, EN 00969636-37 [“Southwest cadres came to the Northwest Zone in early 1977. [...] When the Southwest cadres came [...] Ta Nhim sent Ta Pet back to Battambang provincial town, but he did not hold any position at the time. [...] Five months later, Ta Nhim assigned him to be responsible for the cotton plantation in Phlov Meas. Therefore, Ta Pet had to go back and forth from the cotton plantation to Battambang provincial town because Ta Nhim wanted Ta Pet to stay close to him. Two months later, perhaps in mid-1978 when more Southwest military officers and cadres came to the Northwest Zone, Ta Nhim did not assign Ta Pet to the cotton plantation anymore and instead asked Ta Pet to stay with him in Battambang provincial town. Ta Pet did not hold any position at the time. He was ordered to stay indoors only and could not go anywhere. Around six months later, Ta Mok’s messenger came to tell Ta Pet to prepare his belongings to move to another location. As soon as I heard that, I escaped”], A42, EN 00969644 [“In Sector 1, he worked [...] with occasional visit to Kang Hort dam.”]. The witness later stated that Yim Tith officially “took over Sector 1 [...] after Ta Pet had been arrested”, see **D219/233** Chhean Hea WRI, A21, EN 01090009. See also **D219/896** Chuong Luom WRI, A12, EN 01421349 [Witness worked for the commerce unit next to Yim Tith’s house in Ampil Prahaong, Battambang Province and transported goods to Kanghat Dam: “When the Southwest Zone cadres arrived, he [Ta Pet] was demoted and sent to work at Kanghath Dam.”].

<sup>1566</sup> **D219/233** Chhean Hea WRI, A16, EN 01090008.

<sup>1567</sup> **D219/368** Chhoeung Bean WRI, A114, EN 01117726 [“It was in 1977. I saw Ta Tith going back and forth to Kanghat Dam in March or April. He [...] transferred his subordinates – Tem, Vat, Ran, Rom and Chhea, amongst others – to this dam site in April or May 1977.”]. In a subsequent interview, the witness said that he did not see Yim Tith at the dam until after Ta Vanh and Ta Prum had been arrested. He stated that he first saw Yim Tith visiting the dam in April or May 1978 and that after three visits Yim Tith was appointed to the sector. See **D219/430** Chhoeung Bean WRI, A59, 84-85, 87-88, EN 01128715, 19.

<sup>1568</sup> **D219/465** Chhoeung Bean WRI, A31, EN 01139587 [“Ta Tith arrived [...] Ta Pet [...] was powerless. Later Ta Tith totally controlled this area.”]. See also **D219/430** Chhoeung Bean WRI, A64, EN 01128716 [“when Ta Pet was in charge [...] we could enjoy our freedom *only for a few months* before the arrival of Ta Tith.”] (emphasis added); **D219/368** Chhoeung Bean WRI, A116, EN 01117726 [“Ta Tith took partial control of Kanghat Dam in November or December 1977, and he took complete control of it in 1978.”], A33, EN 01117717 [“Ta Tith [...] replaced Ta Prum.”]; **D118/137** Chhorn Vorn WRI, A24, EN 00970082 [Witness drove Ta Nhim to Kanghat Dam until Ta Nhim was arrested: “Q: Who replaced [...] Ta Pet [...]?” A24: No one [...] because the Southwest cadres had already taken control”]. See *contra* **D219/430** Chhoeung Bean WRI, A94, EN 01128720 [“Ta Pet had a more senior rank than Ta Tith.”].

<sup>1569</sup> **D219/236** Lek Phiv WRI, A16, 18, EN 01092932; **D219/210** Lek Phiv WRI, A2, EN 01088522.

<sup>1570</sup> **D219/236** Lek Phiv WRI, A17-18, EN 01092932. See also **D219/292** Lek Phiv WRI, A28, EN 0111809-10 [“While Ta Tith, Ta Pet, and others did not speak about their positions during the meetings, we knew that they served at the sector level and Ta Mok served at the zone level.”]; **D219/654** Sok Cheat WRI, A6, EN 01207506; **D118/108** Loem Tim WRI, A32, EN 00976926.

<sup>1571</sup> **D219/464** Tiep Tith WRI, A40, EN 01151250 [“Ta Vanh was arrested before Ta Tith rose to power.”]; **D219/538** Soeun Mat WRI, A35, 40, EN 01173579-80 [“Ta Pet seemed to have more power than the Southwest cadres, but later that changed.”]; **D20** Han Thy WRI, EN 00710286 [“Upon Ta Tith’s arrival, Ta Pet still controlled all the tasks. Ta Tith and Ta Pet worked together, but I thought that Ta Tith was the Chief as Ta Pet had been removed.”].

the Southwest Zone, had come to help govern Sector 1.”<sup>1572</sup> Where witnesses thought Ta Pet was the only cadre in charge of the site after Ta Vanh’s arrest, they demonstrated very little or no knowledge of **Yim Tith**.<sup>1573</sup>

451. It was not until Northwest Zone Secretary Ta Nhim had been arrested by 14 June 1978<sup>1574</sup> that **Yim Tith** became *de jure* secretary of Sector 1 and Ta Pet was officially **Yim Tith**’s deputy.<sup>1575</sup> However, several witnesses at Kanghat Dam forced labour site did not learn of **Yim Tith**’s appointment until Ta Pet was demoted then arrested after Ta Nhim’s arrest.<sup>1576</sup>
452. From approximately 1976, **Yim Tith** led meetings at the forced labour site or near it about the CPK’s perceived enemies and instructed attendees on what actions to undertake. During a three-day study session at the 40-pillar house, Northwest Zone soldier Sao Chobb listened to **Yim Tith** discuss the activities of internal and external enemies, emphasising the need to defend against “enemies in all forms”.<sup>1577</sup> During

<sup>1572</sup> **D219/85** Vy Phann WRI, A3, 9, EN 01061168, 72; **D219/245** WRIA, Account of Vy Phann, EN 01080973. <sup>1573</sup> See, e.g. **D219/367** Reach Saran WRI, A4, EN 01128246 [“When I was at Kanghat worksite, there was no one from the Southwest Zone replacing his position.”], A7-8, EN 01128246 [“Q: [...] who held the more senior position than HEN Teav, and came to inspect the work at Kanghat Dam worksite? A7: [...] I do not know [...] Q: Had you ever heard of a name called Ta Tith or YIM Tith? A8: No”]; **D118/135** Chhom Youn WRI, A4, EN 00970435 [“Ta Pet [...] was in charge of Kang Hat dam.”], A5, 22, EN 00970435, 37 [“Q: Did Ta Pet remain the sector committee until the end of the Khmer Rouge regime? A5: It seemed there was no change as he continued working there. [...] A22: I never heard of Ta Tit.”]; **D219/548** Ing Oeum WRI, A26-28, EN 01193237 [Ta Pet “was on the sector committee [...] until the end of the Khmer Rouge. Soon after the Southwest Zone group arrived [...] I knew Ta Pet was still on the sector committee.”]; **D219/549** Ing Oeum WRI, A50, EN 01178547 [“I do not know Ta Tith.”]; **D219/423** Yon Yoeun WRI, A35, EN 01135131 [“Ta Pet [...] was responsible for the dam construction worksite.”], A36, EN 01135131 [“Q: Have you ever heard of Ta Tith since then? A36: No.”]; **D118/102** Toat Thoeun WRI, A44, EN 00974023-24 [“Ta Pet was in charge of dam and dike construction at Kanghat Dam.”], A185, EN 00974051 [“Q: [...] did you ever heard of Ta Tit? A185: I used to hear of his name, but I did not know what his position was.”].

<sup>1574</sup> **D1.3.18.2** Muol Sambath alias Ros Nhim S-21 Confession, EN 00780859 [Secretary of Northwest Zone, dated 14 June 1978].

<sup>1575</sup> **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181114 [“Initially, I was assigned as Sector 1 Deputy Secretary. After they had arrested Ta Nhim [...], they assigned A Tith, who was with [...] Mok, as secretary and me as his deputy.”].

<sup>1576</sup> See, e.g. **D219/117** Top Seung WRI, A68-69, 79, 99, EN 01067707-09, 12 [“Around mid-1978, [...] after Ta Paet’s disappearance, [...] my unit chairperson told me that Ta Tith came to replace Ta Paet and was [...] Sector 1 Committee.”]; **D219/515** Chheun Chhuoy WRI, A30, 33, EN 01156944 [“After Ta Pet disappeared, [...] master of ceremonies introduced Ta Tith to the attendees as being Zone Committee or possibly the Sector Committee, [...] All unit members from throughout Sangkae District were invited to the meeting.”]; **D219/953** Chhoeng Chhoeuth WRI, A16, 19-21, 57, 62, 66, EN 01451712, 16-17; **D118/149** Ham Saom WRI, A15, 17-18, 21, EN 00974995. According to Ta Pet, he was arrested one or two months after Ta Nhim’s arrest, although he recalled Ta Nhim being arrested later than the date of Ta Nhim’s S-21 confession, see **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181152-53 [When Ta Nhim was arrested, his son made phone calls to Phnom Penh “around the same month—August”], EN 01181104 [“Around September or October 1978, I was arrested and imprisoned”]. See also **D1.3.11.36** Nuon Moun OCP Statement, EN 00210530.

<sup>1577</sup> **D219/981** Sao Chobb WRI, A25, EN 01502687 [“Q: Did they [Yim Tith and Ta Mok] speak about internal or external enemies? A25: They spoke all about that. For the military, they spoke about defending against

regular meetings at Kanghat Dam, **Yim Tith** “commanded and assigned” Sao Chobb to carry out investigations, to report on any “mistake[s]”, and told him that if the mistake “was serious enough [...] then a permission to kill was issued.”<sup>1578</sup> Sao Chobb stated that **Yim Tith** told him that he assigned killers to execute the people.<sup>1579</sup> In another study session, witness Top Seung, who chaired a mobile unit at the forced labour site, learned from **Yim Tith** that the enemies included those who “deprive us of rice”.<sup>1580</sup> At a meeting at the forced labour site, a third witness listened to **Yim Tith** speak and, similar to Sao Chobb’s experience, said **Yim Tith**:

talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.<sup>1581</sup>

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enemies in all forms. They spoke about the existence and non-existence of enemy’s activities.”], A18, EN 01502686 [The meeting was chaired by “the Sector Committee [...] Ta Vanh”], A5, 11, 13, 20, EN 01502685-86; **D219/956** Sao Chobb WRI, A14-15, 22, 55, 61, 63, EN 01456265-66, 69-70 [Witness was wounded in mid-1976 and, after a three-month treatment, he met Yim Tith at a study session at Kanghat Dam forced labour site.]; **D219/984** Sao Chobb WRI, A5, EN 01517557; **D219/763** Sao Chobb WRI, A65, 68-71, EN 01337026; **D219/980** Sao Chobb WRI, A20, EN 01517545. *See also* **III.D.3.a.** Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Other Acts and Conduct in the Northwest Zone – Yim Tith’s Earliest Appearance in the Northwest Zone

<sup>1578</sup> **D219/763** Sao Chobb WRI, A121, EN 01337033 [Yim Tith “commanded and assigned the people or soldiers to perform their tasks and to do the investigations. If a mistake was found, a report was made. If it was serious enough to be killed, then a permission to kill was issued.”], A114, 116, 118, 120, 123, EN 01337032-33.

<sup>1579</sup> **D219/763** Sao Chobb WRI, A114, EN 01337032 [“Q: Who told you that Ta Tit assigned the killers to execute the people? A114: He told me about this.”]. *See contra* **D219/981** Sao Chobb WRI, A67, EN 01502690 [“I did not know about any violence. [...] At the upper level, they led us well and they did not do anything bad or resort to violence.”].

<sup>1580</sup> **D219/117** Top Seung WRI, A100, EN 01067712 [Yim Tith said “not to let enemies attack us or deprive us of rice.”], A92-94, 96-97, 99, EN 01067711-12 [The witness attended approximately two or three study sessions at Anlong Vil in Battambang Town before the arrival of the Vietnamese with approximately 20 to 30 Northwest and Southwest Zone cadres. Her unit chair told her that “Ta Tith was Sector 1 Committee.”].

<sup>1581</sup> **D219/85** Vy Phann WRI, A3, 5, EN 01061168-69; **D219/245** WRIA, Account of Vy Phann, EN 01080973 [“Vy stated that [...] he was called to the 1978 group meeting at Kang Hort dam”]. *See contra* **D219/85** Vy Phann WRI, A11, EN 01061173 [Yim Tith “was a gentle person.”]. According to Vy Phann, Yim Tith arrived at the site around November 1978. However, this cannot be correct for three reasons. First, Ta Pet was at the meeting and he was arrested one or two months after Ta Nhim’s arrest. Second, Ta Pet stated that Yim Tith was appointed Secretary of Sector 1 after Ta Nhim’s arrest. Third, the witness also said that Yim Tith came with other Southwest cadres to take over and replace the Northwest group one year before the Vietnamese arrived and that Yim Tith did not replace Ta Pet until approximately one year after Ta Pet succeeded Ta Vanh. *See* **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181152-53 [When Ta Nhim was arrested, his son made phone calls to Phnom Penh “around the same month—August”], EN 01181104 [“Around September or October 1978, I was arrested and imprisoned”], EN 01181114 [“After they had arrested Ta Nhim [...] they assigned A Tith [...] as secretary.”]; **D219/85** Vy Phann WRI, A3, EN 01061169. Yim Tith’s discussions concerning Vietnamese enemies at or near Kanghat Dam were also heard by Lek Phiv and Chhoeng Chhoeuth. *See* **D219/236** Lek Phiv WRI, A19, EN 01092933; **D219/954** Chhoeng Chhoeuth WRI, A7, EN 01451518; **D219/953** Chhoeng Chhoeuth WRI,

453. From about 1976, **Yim Tith** was also leading meetings regarding agricultural and construction work, emphasising the need to work hard and to cooperate in pursuit of CPK goals. Sao Chobb said he was taken on a guided tour of Kanhath Dam along with other Northwest Zone military unit chiefs in Sector 1, during which **Yim Tith** gave instructions to them on what to do in relation to the dam and showed them what was and was not being done “according to the plan.”<sup>1582</sup> Additionally, Sao Chobb saw **Yim Tith** encourage the labourers at the dam to work hard even though it was visible to Sao Chobb that “[t]he people there were not happy since [...] they were forced [...] to work when they did not have enough to eat.”<sup>1583</sup> During the two months after Kanhath Dam broke, Civil Party Sorm Vanna was regularly told by his unit chief before any expected visit from **Yim Tith** “not to stop working.”<sup>1584</sup> One witness noticed that “every time after Ta Tith came to meet Ye”, who was the Regiment chair of the witness’s mobile unit at the forced labour site, “she always called a meeting to urge us to work harder.”<sup>1585</sup> At a study session, **Yim Tith** encouraged another mobile unit chair from the site “to work hard to build dams and canals in order to supply enough food to people” and “to develop the country rapidly.”<sup>1586</sup> On another occasion, **Yim Tith** ordered unit members throughout

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A70-73, 82, 84, EN 01451718-19 (*see contra* **D219/953** Chhoeng Chhoeuth WRI, A78, EN 01451718). *See also* **D219/515** Chheun Chhuoy WRI, A30, 33, EN 01156944 [“All unit members from throughout Sangkae District were invited to the meeting” at Wat Banan Krom Pagoda for “one week, and it was chaired by Ta Tith.” It “mentioned secret agents and those who were connected with Yuon networks.”].

<sup>1582</sup> **D219/981** Sao Chobb WRI, A60, 65, EN 01502689-90 [“unit leaders were tasked to organize how and where the water at the dam should be stopped to narrow down or to enlarge part of the dam and to assign people to where they were supposed to work. [...] Simply speaking they wanted to show us those areas that [...] were done according to the plan. They also wanted to show us where short-comings and areas which were not progressed well were. When we returned to our respective district we should follow those models and do the same.”], A66, EN 01502690 [“Q: Did you speak with Ta Mok and Ta Tith? A66: I did when they walked around showing us how to do it. At the time Ta Mok and Ta Tith told us what we should do.”], A36, 38, 41, EN 01502687-88; **D219/980** Sao Chobb WRI, A21, EN 01517545; **D219/763** Sao Chobb WRI, A139, EN 01337035. *See also* **III.D.3.a.** Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Other Acts and Conduct in the Northwest Zone – Yim Tith’s Earliest Appearance in the Northwest Zone; **D219/698** Dos Doeun WRI, A49-50, EN 01213451; **D219/797** Dos Doeun WRI, A206, 217-218, EN 01337080-81. Although Dos Doeun stated Ta Tith was a district chief, he described Ta Tith as “balding” and “in charge of those who were building Kanhath Dam”, *see* **D219/797** Dos Doeun WRI, A201, 208, 217, EN 01337079-81.

<sup>1583</sup> **D219/981** Sao Chobb WRI, A55, 58, EN 01502689 [“A55: They spoke to the people saying: ‘Comrades since our country is still poor, please try to engage in the struggle. [...]’ [...] Q: Who spoke to the people telling them they had to strive to work since we were still poor? A58: It was Ta Vanh, Ta Tith, the District Committee and my group.”], A56, EN 01502689 [“Q: From your observation of the people who were working there did they show that they were enthusiastic and happy? A56: The people there were not happy since they did not have enough to eat. They had to work because they were forced to. It was difficult to work when they did not have enough to eat.”].

<sup>1584</sup> **D219/239** Sorm Vanna WRI, A5, EN 01092950.

<sup>1585</sup> **D219/117** Top Seung WRI, A153, EN 01067719.

<sup>1586</sup> **D219/117** Top Seung WRI, A98, 100, EN 01067711-12, A92-94, 96-97, 99, EN 01067711-12 [The witness attended approximately two or three study sessions at Anlong Vil in Battambang Town before the arrival

Sangkae District “to work harder while farming in pursuance of the yield of five or six tons of rice”.<sup>1587</sup> At a meeting near Kanhath Dam, **Yim Tith** instructed attendees “to work together” and “not to rebel against the Southwest Zone cadres.”<sup>1588</sup> **Yim Tith** also held meetings to discuss farming, building dams, and digging canals,<sup>1589</sup> and to receive verbal reports on crop yields.<sup>1590</sup>

454. In addition to lecturing at momentous events on-site,<sup>1591</sup> **Yim Tith** inspected the forced labour site on “countless occasions”, sometimes in the company of Ta Mok, Ta Pet, and Ta Vanh.<sup>1592</sup> He oversaw the dam work, including its construction, breakage, and farming intensification programme.<sup>1593</sup> He spoke with labourers on-site and monitored their

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of the Vietnamese with approximately 20 to 30 Northwest and Southwest Zone cadres. Her unit chair told her that “Ta Tith was Sector 1 Committee.”]. *See also* **D219/374** Khin Khim WRI, A56, EN 01120044.

<sup>1587</sup> **D219/515** Chheun Chhuoy WRI, A30, 33, EN 01156944.

<sup>1588</sup> **D219/953** Chhoeung Chhoeuth WRI, A82, EN 01451718. *See contra* **D219/953** Chhoeung Chhoeuth WRI, A78, EN 01451718 [“He spoke about good things only.”].

<sup>1589</sup> **D118/149** Ham Saom WRI, A17-19, 23-25, EN 00974995-96 [At Sangkae District office near Kanhath Bridge “[p]robably in late 1978”, “Ta Tit was the chairman” and “[a]ll they talked about was farming” and “building the Kang Hat dikes.”]; **D219/464** Tiep Tith WRI, A35, 38, 55, EN 01151249, 52 [At Kanhath forced labour site with Ta Prum, Yim Tith “spoke about building dams and digging canals.”]; **D118/138** Tiep Tith WRI, A39, EN 00970098.

<sup>1590</sup> **D219/85** Vy Phann WRI, A7, EN 01061170 [“Ta Tith and Ta Pet were [...] taking notes. Then all four cooperative/commune chairpersons were called to report crop yields in villages in each commune. [...] Reports were made by the cooperative/commune chairman of Prayuth, now called Kanhath Village”].

<sup>1591</sup> **D219/268** Nom Phoun WRI, A43, EN 01098485 [“I once saw him in a big meeting near the dam to break the ground for the dam construction at Krahath Dam. His name and position were announced by the committee”] (*Note* that the meeting occurred before Ta Vanh was sent to S-21, *see* **D219/373** Nom Phoun WRI, A117, EN 01128275-76); **D219/464** Tiep Tith WRI, A33, 35-37, EN 01151249 [“I saw Ta Tith. [...] The meeting was held at Kanhath Worksite. [...] the meeting was held to open the worksite, and Ta Tith was invited to give his impressions. [...] By that time, Ta Vanh, who was Sector 1 Committee, had been arrested.”], A28, 38, EN 01151248-49 [Ta Yan was on the district committee and Ta Prum attended the meeting.] (*Note* Ta Yan was sent to S-21 on 12/09/77, *see* **D6.1.553** S-21 Report from Mam Nai alias Chann to Brother Duch, 12 Sep 1977, EN 00143314 and **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11667, EN 01222811.), A55, EN 01151252; **D118/138** Tiep Tith WRI, A39, EN 00970098.

<sup>1592</sup> **D219/368** Chhoeung Bean WRI, A24, EN 01117717 [Yim Tith “inspected the worksite on [...] countless occasions. He came to inspect it on a daily basis.”], A16, EN 01117716 [“Sometimes he inspected the worksite with Ta Mok, who came to inspect the worksite once in a while.”]. *See also* **D219/117** Top Seung WRI, A72, 75, 90, EN 01067708, 10 [Yim Tith “came to inspect” Kang Hort Dam Worksite [...] approximately twice a month. [...] I saw Ta Mok come to see the worksite only once. Ta Tith came often.”]; **D118/149** Ham Saom WRI, A53, EN 00974999 [Ta Mok “came with Ta Tit to check the construction of the Kang Hat dikes.”]; **D219/928** Nhem Hean WRI, A14, 21, EN 01451499 [Whilst Southwest Zone cadres were in charge of Kanhath Dam, Yim Tith came “once in a while.”]; **D219/430** Chhoeung Bean WRI, A86, 88, EN 01128719 [Yim Tith and Ta Pet “they were inspecting the sluices [...] three times before he served on the sector committee.”]; **D219/373** Nom Phoun WRI, A55-56, 88, 92, EN 01128270, 73 [“Q: [...] Did the person whom you had identified as YIM Tith go to Kanhath Dam until you left? A55: Yes [...] Q: Had you seen the person in this photo coming with Ta Vanh? A88: Yes [...] A92: I saw them coming together on only two or three occasions.”].

<sup>1593</sup> **D219/928** Nhem Hean WRI, A11, 21, EN 01451498-99; **D219/117** Top Seung WRI, A145, EN 01067718; **D219/368** Chhoeung Bean WRI, A24, EN 01117717, A58, EN 01117720 [“The word ‘intensive farming’ refers to our model rice paddies, in which the grass was cut. This type of farming produced high yields.”].

work.<sup>1594</sup> He was assisted by supervisors of Kanghat Dam and Regiment chairs of mobile units.<sup>1595</sup> In particular, **Yim Tith** put Ta Saman in charge of the economy, food supplies, members of the militia, and soldiers at the dam.<sup>1596</sup> **Yim Tith** issued work plans to his subordinates.<sup>1597</sup>

455. **Yim Tith** was “in charge of the military” and known to be “a strong military leader”.<sup>1598</sup> Sorm Vanna told OCIJ investigators that when he worked at Kanghat Dam around July 1977, “the military was responsible for taking [...] people away” including those “who were dishonest with Angkar.”<sup>1599</sup> Another witness, whose unit reported directly to the sector, said that soldiers and members of the militia carried out arrest orders.<sup>1600</sup> **Yim Tith** visited the 40-pillar house where soldiers were stationed,<sup>1601</sup> and he discussed enemies with upper-level cadres at the forced labour site who then instructed the workers “to be vigilant about enemies in the workplace.”<sup>1602</sup> He also determined which cadres to

<sup>1594</sup> **D219/928** Nhem Hean WRI, A15, 21, EN 01451499 [Whilst Southwest Zone cadres were in charge of Kanghat Dam, “[o]nce in a while, I saw him [Yim Tith] coming to supervise my group who were working there.]; **D219/117** Top Seung WRI, A144, EN 01067718 [“When he [Yim Tith] met me, he said hello to me and asked me how my work was.”].

<sup>1595</sup> See, e.g. Kanghat Dam supervisor Yaun: **D219/368** Chhoeung Bean WRI, A143, EN 01117731; **D219/465** Chhoeung Bean WRI, A21, 40, EN 01139585, 90-91 (Note that the meeting occurred between June and August 1978, shortly before Yaun and Chhoeung Bean fled Kanghat Dam, see **D219/368** Chhoeung Bean WRI, A65, 144, EN 01117720, 31; **D219/430** Chhoeung Bean WRI, A35, 71, EN 01128713, 17; **D219/465** Chhoeung Bean WRI, A37, EN 01139589); **D219/430** Chhoeung Bean WRI, A49, EN 01128714. Regiment chair Ye: **D219/117** Top Seung WRI, A143, EN 01067718. Regiment chair Khen: **D219/689** Sok Cheat WRI, A21, 23, EN 01216245.

<sup>1596</sup> **D219/368** Chhoeung Bean WRI, A141, EN 01117730. See also **D219/928** Nhem Hean WRI, A44, EN 01451501.

<sup>1597</sup> **D219/465** Chhoeung Bean WRI, A21, 40, 44, EN 01139585, 90-92 [“Ta Yaun was the controller of the Kanghat Dam construction project. [...] Ta Yaun attended a meeting with Ta Tith and Ta Pet at their place at Tuol Andaet to receive work plans from them. [...] Ta Yaun left the meeting first, while Ta Saman was still waiting to receive the work plans from Ta Tith and Ta Pet.”]. The meeting occurred between June and August 1978, shortly before Yaun and Chhoeung Bean fled Kanghat Dam. See **D219/368** Chhoeung Bean WRI, A65, 144, EN 01117720, 31; **D219/430** Chhoeung Bean WRI, A35, 71, EN 01128713, 17; **D219/465** Chhoeung Bean WRI, A37, EN 01139589. See also **D219/943** Lam Lin WRI, A12, 14, EN 01523945.

<sup>1598</sup> **D219/538** Soeun Mat WRI, A20, 38, EN 01173576, 80 [“Ta Tith was in charge of the military. [...] Everyone knew Ta Tith, because they heard that Ta Tith was a strong military leader.”]. See also **D219/538** Soeun Mat WRI, A56, EN 01173583 [“The village chief and the unit chief mentioned Ta Tith’s soldiers. Therefore, I knew that he was a military commander.”].

<sup>1599</sup> **D219/239** Sorm Vanna WRI, A4, EN 01092950. See also **D118/138** Tiep Tith WRI, A7, EN 00970093 [“Sangkae District Military [...] were all over Kanghat Dam. [...] Ta Prum [...] ordered the military to send me to Banan Prison”].

<sup>1600</sup> **D219/654** Sok Cheat WRI, A64, EN 01207516 [“The sector committee issued the orders. And the commanders followed the orders”], A63, EN 01207516 [“for the arrests, the commanders and deputy commanders ordered the arrests. They ordered soldiers and militia to arrest people”].

<sup>1601</sup> **D219/928** Nhem Hean WRI, A15, EN 01451499 [Witness was in a children’s protection unit and helped guard the forced labour site with adult soldiers at the 40-pillar house: “Once in a while, I saw him [Yim Tith] coming to supervise my group”]. Yim Tith also held meetings at the 40-pillar house that were attended by soldiers from Sector 1. See **D219/980** Sao Chobb WRI, A20-21, EN 01517545; **D219/981** Sao Chobb WRI, A37, EN 01502688; **D219/984** Sao Chobb WRI, A5, EN 01517557.

<sup>1602</sup> **D219/117** Top Seung WRI, A143, 147-150, EN 01067718-19 [“A143: I saw Ta Tith talking to unit chiefs there; for example, Ye. [...] Q: Did Ta Tith ever tell the people to be vigilant about enemies at the worksite?

promote and demote at Kanghat Dam forced labour site. Witness Chhoeung Bean stated that when Ta Vanh's subordinates were being taken to be killed, it was "Ta Saman, whom Ta Tith decided to keep alive".<sup>1603</sup> He noted that Ta Saman had been demoted when Ta Vanh was arrested but, "[u]pon Ta Tith's arrival, Ta Saman was made a controller of Kanghat Battlefield."<sup>1604</sup> Chhoeung Bean attributed Ta Saman's promotion to **Yim Tith**.<sup>1605</sup> He described Ta Saman as "infamous for mistreating people and reporting to Ta Tith about the Northwest Zone cadres."<sup>1606</sup> The witness also learned from a cadre named Yaun that sometime between June and August 1978 at a meeting at Ta Pet's office in Tuol Andaet, **Yim Tith** told Yaun that he would be demoted.<sup>1607</sup>

456. **Yim Tith** issued orders to and received reports from officials at the labour site.<sup>1608</sup> Witness Top Seung, who chaired a mobile unit at the site until the end of the DK regime and submitted reports to her superior, stated that within each mobile unit a group reported to its platoon, which reported to its company, which reported to its battalion, which reported to its regiment.<sup>1609</sup> Witness Sok Cheat said that companies in his mobile unit

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A147: He discussed this issue only with my upper-level cadres [...] A148: [...] we received instructions from the upper echelon to be vigilant about enemies at the workplace. Q: Which level did you receive those instructions from? A149: From the battalion. [...] A150: From Sister Ye."], A115, EN 01067714 ["Ye was the Regiment Chairperson."].

<sup>1603</sup> **D219/430** Chhoeung Bean WRI, A21, EN 01128710. *See also* **D219/373** Nom Phoun WRI, A32, EN 01128268 ["Ta Vanh disappeared, but Saman remained [...] and when the Southwest Zone cadres arrived, they kept him."].

<sup>1604</sup> **D219/368** Chhoeung Bean WRI, A141, EN 01117730. *See also* **D219/373** Nom Phoun WRI, A31, EN 01128268 ["Saman [...] controlled Kanghat Dam."]; **D118/138** Tiep Tith WRI, A11, EN 00970094 [In 1978 "the Sector 1 Military Chairman was Ta Saman."].

<sup>1605</sup> **D219/465** Chhoeung Bean WRI, A35, EN 01139588. Chhoeung Bean made this conclusion on the basis that "Ta Saman was alive [...] after 1979, whilst many of his colleagues had been taken to be killed", *see* **D219/430** Chhoeung Bean WRI, A21, EN 01128711. *See also* **D219/689** Sok Cheat WRI, A72, EN 01216251 [Ta Saman "was under Ta Tith."]; **D219/533** Chhoeung Bean WRI, A220, EN 01178510 ["Ta Saman served and pleased Ta Tith [...] he was infamous for [...] reporting to Ta Tith"].

<sup>1606</sup> **D219/533** Chhoeung Bean WRI, A220, EN 01178510.

<sup>1607</sup> **D219/465** Chhoeung Bean WRI, A21, 40, 44, 46, EN 01139585, 90-93 ["Ta Yaun was the controller of the Kanghat Dam construction project. [...] Ta Yaun attended a meeting with Ta Tith and Ta Pet at their place at Tuol Andaet". After the meeting, Ta Yaun told "me that we no longer had any duties at the 40-pillared house. [...] He meant that his position no longer existed."], A33, EN 01139588 ["it was Ta Yaun who had me work as a cook"]; **D219/430** Chhoeung Bean WRI, A49, EN 01128714 ["Ta Yaun became the District Secretary after Ta Vanh was arrested."]; **D219/368** Chhoeung Bean WRI, A143, EN 01117731. The meeting occurred between June and August 1978, shortly before Yaun and Chhoeung Bean fled Kanghat Dam. *See* **D219/368** Chhoeung Bean WRI, A65, 144, EN 01117720, 31; **D219/430** Chhoeung Bean WRI, A35, 71, EN 01128713, 17; **D219/465** Chhoeung Bean WRI, A37, EN 01139589.

<sup>1608</sup> Regiment chair Ye: **D219/117** Top Seung WRI, A115, 143, 147-50, 153, EN 01067714, 18-19. Regiment chair Khen: **D219/654** Sok Cheat WRI, A64-65, EN 01207516. Regiment chair Ta Saman: **D219/368** Chhoeung Bean WRI, A1, 141-42, EN 01117715, 30; **D219/465** Chhoeung Bean WRI, A44, EN 01139592. *See also* **D219/368** Chhoeung Bean WRI, A143, EN 01117731; **D219/465** Chhoeung Bean WRI, A38, EN 01139589.

<sup>1609</sup> **D219/117** Top Seung WRI, A118, 120, 124, EN 01067714-15. *See also* **D219/373** Nom Phoun WRI, A24, EN 01128268.



reported to him and he provided written reports to the sector on behalf of his illiterate commanders a few times each month.<sup>1610</sup> Otherwise, he said it was his commander who reported to the sector.<sup>1611</sup> Meetings were held at various levels in the CPK echelon, on- and off-site, to disseminate information to and receive reports from officials at the forced labour site.<sup>1612</sup>

#### iv. CRIMES

##### Enslavement and Other Inhumane Acts (Inhumane Treatment)

457. From mid-1977 until the end of the DK regime, hundreds and possibly thousands of civilians worked at the Kanghat Dam forced labour site. Two witnesses, who commenced work at the site when Ta Vanh was on the sector committee and worked there until approximately July 1978, estimated that there were several thousand workers.<sup>1613</sup> Top Seung, who was sent from the Southwest Zone to chair a mobile unit at the forced labour site until the end of the DK regime, recalled that there were “approximately 700-800 people” in her mobile unit working at the site.<sup>1614</sup> Van Chea, who worked at Kanghat Dam in late 1978 until the end of the DK regime, gave an estimate of “about 1,000 people” and stated that his mobile unit alone had “over 100 people”.<sup>1615</sup>
458. The Kanghat Dam workforce was comprised of men, women, children, and the elderly who predominantly came from Sector 1 in the Northwest Zone.<sup>1616</sup> It also consisted of

<sup>1610</sup> **D219/654** Sok Cheat WRI, A19, 31, 44, EN 01207508-09, 12.

<sup>1611</sup> **D219/654** Sok Cheat WRI, A31-32, EN 01207510.

<sup>1612</sup> See, e.g. Sector-level meetings: **D219/117** Top Seung WRI, A92-94, 96-97, 99, EN 01067711-12; **D219/85** Vy Phann WRI, A3, 5, EN 01061168-69; **D219/763** Sao Chobb WRI, A114, 116, 118, 120, EN 01337032-33. District-level meetings: **D219/428** Van Chea WRI, A24, EN 01137618.

<sup>1613</sup> **D219/373** Nom Phoun WRI, A29, EN 01128268 [“Many thousands of people worked there each day”]; **D219/654** Sok Cheat WRI, A42, EN 01207512 [“The total number of workers was 6000.”]. See also **D219/933** Prin An WRI, A34, EN 01492961 [Witness worked at Kanghat Dam when Ta Pet was in charge for three months: “Thousands of people.”]. See contra **D219/430** Chhoeung Bean WRI, A67, 70, EN 01128716-17 [“The number of people who worked at the sluices and Kanghat Dam were fewer than before”. After construction of the dam was completed, “the number of workers decreased to approximately 200 people and approximately 100 people in May or June 1978.”].

<sup>1614</sup> **D219/117** Top Seung WRI, A111, 140, EN 01067713, 18.

<sup>1615</sup> **D219/428** Van Chea WRI, A2, EN 01137614 [“In my mobile unit, [...] there were over 100 people. [...] I did not know how many mobile units there were. I estimated about 1,000 people in total worked at the dam site, but I am not very sure.”].

<sup>1616</sup> **D219/117** Top Seung WRI, A140, EN 01067718; **D219/423** Yon Yoeun WRI, A4, EN 01135123; **D219/928** Nhem Hean WRI, A9, EN 01451498; **D219/425** Van Chea WRI, A31, 35, EN 01135156; **D219/428** Van Chea WRI, A2, EN 01137614; **D219/367** Reach Saran WRI, A9, EN 01128246; **D219/373** Nom Phoun WRI, A16, 25, EN 01128267-68; **D219/654** Sok Cheat WRI, A66, EN 01207516. See also **D219/981** Sao Chobb WRI, A59, EN 01502689. See contra **D219/425** Van Chea WRI, A35, EN 01135156 [“No children worked there.”].

demoted Northwest Zone cadres.<sup>1617</sup> Their work included using hoes to dig soil, carrying two earth-moving baskets on their shoulders, collecting cow dung, and carrying bunches of rice seedlings.<sup>1618</sup> The only mechanical equipment that witnesses mentioned to OCIJ investigators was excavators and a crane.<sup>1619</sup>

459. A survivor described the working conditions as “miserable” and told OCIJ that the site operated with workers “24 hours a day, non-stop.”<sup>1620</sup> Most witnesses and one civil party worked from 7 a.m. to 11 p.m. with only two breaks.<sup>1621</sup> One witness stated: “I started working at 7 a.m. After lunch, we continued working [...]. After a rest break, I started working again from 5 p.m. until 5 a.m.; I worked the whole night.”<sup>1622</sup> Another witness stated that in “urgent cases [...] we had to work the entire night until the next day.”<sup>1623</sup>

<sup>1617</sup> Prum, deputy secretary of Sector 1: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6273, EN 01222575 [Mol Sot alias Prum, Construction of Water Gate in Sector 1]; **D219/465** Chhoeung Bean WRI, A5, EN 01139579 [“Ta Prum [...] had become a construction worker dealing with the floodgate.”]; **D219/368** Chhoeung Bean WRI, A33, EN 01117717 [After “Ta Prum was removed from his position; he came to work [...] along with me.”]. *See also* **D219/430** Chhoeung Bean WRI, A6, EN 01128709 [“Ta Prum [...] was the Deputy Secretary of Sector 1.”]; **D118/102** Toat Thoeun WRI, A20, EN 00974016. Yan, Sangkae District committee member: **D219/825.1.2** OCIJ S-21 Prisoner List, Number 11667, EN 01222811 [Tep Rom alias Yan, Cadre of Tractor Responsibility and Sector 1 Dam Bar (Chief of Sector 1 Dam)]; **D219/430** Chhoeung Bean WRI, A20, EN 01128710 [“Ta Yan who used to be on the District Committee [...] expelled [...] and assigned to build the sluice with me.”].

<sup>1618</sup> **D219/367** Reach Saran WRI, A9, EN 01128247; **D219/425** Van Chea WRI, A33, EN 01135156; **D219/373** Nom Phoun WRI, A62, EN 01128271; **D219/928** Nhem Hean WRI, A18-19, 21, EN 01451499; **D219/654** Sok Cheat WRI, A35, EN 01207511; **D219/747** Say Em WRI, A16, EN 01248103. *See also* **D219/981** Sao Chobb WRI, A59, EN 01502689.

<sup>1619</sup> **D219/367** Reach Saran WRI, A9, EN 01128247 [“they also had excavators”]; **D219/425** Van Chea WRI, A37, EN 01135157 [“they used a crane to lift a column”]. *See also* **D219/263** Chham Luy WRI, A115, EN 01097415.

<sup>1620</sup> **D219/933** Prin An WRI, A21, EN 01492960; **D219/423** Yon Yoeun WRI, A11, EN 01135125 [“There were people working 24 hours a day, non-stop.”]. *See also* **D219/933** Prin An WRI, A22, EN 01492960; **D118/281** Keo Sokha WRI, A12, EN 01040513; **D219/367** Reach Saran WRI, A9, EN 01128246; **D118/295** Sum Voet WRI, A19, EN 01044713; **D219/747** Say Em WRI, A16, 26, EN 01248103-04.

<sup>1621</sup> **D219/117** Top Seung WRI, A127, EN 01067716 [“from 7 a.m. until 11 a.m. Then we had lunch break. [...] we resumed work from 1 p.m. until 5 p.m. [...] At night, we did extra work from 7.30 p.m. until 10 p.m. or sometimes until 11 p.m.”]; **D219/425** Van Chea WRI, A33, EN 01135156 [“7.00 a.m. to 11.00 a.m.; from 2.00 p.m. to 5.00 p.m.; and from 5.00 p.m. to 10.00 p.m. I worked three shifts at that time.”]; **D219/538** Soeun Mat WRI, A23, EN 01173576 [“At Kanghat Dam, we worked three times a day. We worked until 11.00 p.m.”]; **D219/373** Nom Phoun WRI, A61, EN 01128271; **D219/928** Nhem Hean WRI, A19, EN 01451499; **D219/423** Yon Yoeun WRI, A11, EN 01135124-25. *See also* **D219/367** Reach Saran WRI, A9, EN 01128246-47; **D219/239** Sorm Vanna WRI, A9, EN 01092951; **D219/933** Prin An WRI, A24-25, EN 01492960; **D219/430** Chhoeung Bean WRI, A20, EN 01128710. *See contra* **D219/430** Chhoeung Bean WRI, A61, EN 01128716 [“working conditions were better when Ta Pet was on the Sector 1 committee. We worked from 1100 to 2200. However, we worked until 2300 before Ta Pet was in charge.”].

<sup>1622</sup> **D118/295** Sum Voet WRI, A19, EN 01044713. *See also* **D219/689** Sok Cheat WRI, A77, EN 01216252 [“We worked [...] from 7.00 to 12.00 p.m. [...] from 1.00 p.m. to 5.00 p.m.” and, after dinner, “worked again until 1.00 a.m.”].

<sup>1623</sup> **D219/367** Reach Saran WRI, A9, EN 01128247 [“in any urgent cases, [...] if they said that the dam would collapse at a certain time, we had to continue working. We had to work the entire night until the next day. But such cases happened only once in a while.”].

Workers “did not have sufficient time to sleep.”<sup>1624</sup> One worker lived off-site and said he was awakened at 3 a.m. to start his work shift at 6 a.m.<sup>1625</sup> To facilitate the long work days, generators were used at night to illuminate the forced labour site and most workers slept on-site.<sup>1626</sup>

460. A regimented work schedule was imposed on labourers, including what time they woke up.<sup>1627</sup> The breaks between work shifts were short, and rest during a work shift, including during the rainy season, was prohibited.<sup>1628</sup>
461. “Each person had their individual work quota to fulfill”<sup>1629</sup> and labourers were monitored.<sup>1630</sup> If they walked away from their designated work spot, were not working, or not working hard enough, they were taken away, imprisoned, and/or killed.<sup>1631</sup> One

<sup>1624</sup> **D219/430** Chhoeung Bean WRI, A20, EN 01128710.

<sup>1625</sup> **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1626</sup> **D219/117** Top Seung WRI, A128, EN 01067716; **D219/423** Yon Yoeun WRI, A11, EN 01135125; **D118/295** Sum Voet WRI, A19, EN 01044713; **D219/425** Van Chea WRI, A32, EN 01135156; **D219/373** Nom Phoun WRI, A19, EN 01128267; **D219/654** Sok Cheat WRI, A50, EN 01207514; **D219/933** Prin An WRI, A38, EN 01492962.

<sup>1627</sup> **D219/373** Nom Phoun WRI, A61, EN 01128271 [“At 0500 the bell rang to wake us up. At 0530 we had to queue and at 0600 we left for work.”]; **D219/928** Nhem Hean WRI, A19, EN 01451499 [“In the mornings, they woke us up to do exercise and at 6:30 a.m. they distributed work to us.”]; **D219/239** Sorm Vanna WRI, A6, EN 01092950 [“every morning at 3, they rang the bell to wake the people up in order to work at Kanghat Dam.”].

<sup>1628</sup> **D219/425** Van Chea WRI, A33, EN 01135156; **D219/538** Soeun Mat WRI, A23, EN 01173576; **D219/373** Nom Phoun WRI, A61, 65, EN 01128271 [“A61: [...] At 1830 after a short break, we began to work again [...] Q: [...] if someday you wanted to rest at home whilst you were working could you ask for their permission? A65: No, I couldn’t.”]; **D219/654** Sok Cheat WRI, A72, EN 01207518; **D118/281** Keo Sokha WRI, A12, EN 01040513 [“They used loudspeakers at all times and appealed to the people to work hard without take a rest or being lazy.”].

<sup>1629</sup> **D118/271** Chhean Hea WRI, A9, EN 01029419.

<sup>1630</sup> **D219/423** Yon Yoeun WRI, A13, EN 01135125 [“Female Comrade Kea carried an AK-47 rifle and a pen, and was constantly noting down the details of any wrongdoer. She had a whistle [...] to give the signal for the workers to start or break from work.”]; **D219/928** Nhem Hean WRI, A25, EN 01451500 [At the 40-pillar house “[t]hey had me guard during the day time and the adult soldiers during the night time.”]; **D219/368** Chhoeung Bean WRI, A137, EN 01117729 [Armed guards controlled the witness’s movement whilst Yim Tith was in control at Kanghat Dam.]; **D219/428** Van Chea WRI, A12, EN 01137616; **D219/373** Nom Phoun WRI, A64, 69, EN 01128271; **D219/239** Sorm Vanna WRI, A4, EN 01092950; **D219/117** Top Seung WRI, A164-165, EN 01067721; **D219/946** Lao Kang WRI, A29, EN 01502654. *See contra* **D118/281** Keo Sokha WRI, A12, EN 01040513 [“Even though the cadres staying at the 40-pillar house were armed, no guards kept watching the people working.”].

<sup>1631</sup> **D219/428** Van Chea WRI, A13, EN 01137616 [“We were not permitted to walk out of the place where they assigned us to work. If someone were seen moving freely or not working, that person would be detained in prison.”]; **D219/425** Van Chea WRI, A42-43, EN 01135157-58 [“near the foot of the dam [...], the unit chairperson came and accused them of working slowly. Then the unit chairperson [...] hit the two people [...] Then I saw them [...] carry the two dead bodies”]; **D219/239** Sorm Vanna WRI, A4, EN 01092950 [“lazy people [...] military subsequently took them away.”]; **D219/933** Prin An WRI, A28, EN 01492961 [Lazy workers “[s]ometimes they were shot.”]; **D118/138** Tiep Tith WRI, A7, EN 00970093 [“A militiaman had heard me complaining about the work there. Then he reported to Ta Prum. [...] Ta Prum [...] said I opposed the Party, and he ordered the military to send me to Banan Prison straight away.”]; **D118/295** Sum Voet WRI, A19, EN 01044713; **D219/429** WRIA, Account of Van Chea, EN 01121867 [“when workers were slow or if work was not committed, they would be clubbed to death. These incidents

witness stated: “I was forced to work; I did not volunteer.”<sup>1632</sup> Cadres, including the military, also “force[d]” sick people to work, telling them “to reform and work hard for Angkar.”<sup>1633</sup> Self-criticism meetings were held.<sup>1634</sup> “We were compelled by fear to keeping working.”<sup>1635</sup> “No one could negotiate their work load”.<sup>1636</sup> “Sometimes we slept straight away with our wet clothes on. [...] It was very hard work.”<sup>1637</sup>

462. When witnesses compared the work conditions at Kanhath Dam during the period of **Yim Tith**’s leadership with those that existed under his predecessors, they reported that it “became harder and harder” and “went from bad to worse.”<sup>1638</sup> On 11 May 1978, Ros Nhim informed Office 870 that in the Northwest Zone “the work has been done not only better but more speedy as well. More attention has also been paid [...] on [...] digging canals [...] and putting fertilizers in rice fields.”<sup>1639</sup> The continued exploitation of human labour helped **Yim Tith** to have the forced labour site portrayed as a model example of the CPK’s agrarian policy to foreign visitors on 17 December 1978.<sup>1640</sup>

463. While suffering from overwork, workers were also underfed. They received two meals each day, usually consisting of rice gruel, which witnesses said was insufficient.<sup>1641</sup>

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occurred daily [...] in late 1978 in the dry season.”]. See also **D219/748** Srey Soeurn WRI, A85, 90, EN 01251813-14.

<sup>1632</sup> **D219/933** Prin An WRI, A26, EN 01492960.

<sup>1633</sup> **D219/423** Yon Yoeun WRI, A11, 16, EN 01135124, 26 [If Comrade Kea “happened to see anyone sick [...] she would accuse that person of pretending to be sick and force that person off to work. [...] When the sick suffered from protracted illnesses, the military would come and force them out to work”]; **D219/117** Top Seung WRI, A154-155, EN 01067719 [“Q: If someone was frequently sick and was considered an enemy, what measures would be taken against that person? A154: They instructed that person to reform and work hard for Angkar. [...] A155: Sometimes that person was really sick, so we continued to refashion her.”], reiterating **D123/2/1.1a** Top Seung DC-Cam Statement, EN 01069523. See contra **D219/430** Chhoeung Bean WRI, A61, EN 01128716 [“working conditions were better when Ta Pet was on the Sector 1 committee. [...] When he was in charge, people could ask for a half day off when they were sick.”].

<sup>1634</sup> **D219/928** Nhem Hean WRI, A78, 80, EN 01451504; **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1635</sup> **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1636</sup> **D219/747** Say Em WRI, A16, EN 01248103.

<sup>1637</sup> **D219/373** Nom Phoun WRI, A61-62, EN 01128271. See also **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1638</sup> **D219/368** Chhoeung Bean WRI, A141, EN 01117730; **D118/271** Chhean Hea WRI, A9, EN 01029417.

<sup>1639</sup> **D1.3.30.19** Telegram 242 from Nhim to Angkar 870, 11 May 1978, EN 00185217.

<sup>1640</sup> **D6.1.828** FBIS, *Details of Tour by UK Professor, U.S. Journalists*, 29 Dec 78, EN 00169169. Kanhath dam was renamed Prayuth dam, see **D6.1.819** FBIS, *Peasants’ Production Efforts in Northwest Region Cited*, 13 Feb 1978, EN 00169237.

<sup>1641</sup> **D219/368** Chhoeung Bean WRI, A117, EN 01117727 [“Ta Tith rationed us only to the rice porridge with salt.”]; **D219/430** Chhoeung Bean WRI, A20, EN 01128710 [“food rations provided were insufficient. [...] Two meals were served per day – breakfast and dinner. That was after the control of Ta Vanh”]; **D219/928** Nhem Hean WRI, A19, EN 01451499 [“Sometimes, they gave us steamed rice or rice gruel. Sometimes, they gave us rice gruel in the morning and steamed rice in the evening, but the rice was distributed in a rationed amount.”]; **D219/428** Van Chea WRI, A8-9, EN 01137615; **D219/654** Sok Cheat WRI, A72, EN 01207518; **D219/373** Nom Phoun WRI, A60, 97, EN 01128271, 73; **D219/465** Chhoeung Bean WRI, A52, EN 01139594; **D219/423** Yon Yoeun WRI, A11, EN 01135124; **D219/933** Prin An WRI, A35-37, EN

“[A]ll of us were emaciated.”<sup>1642</sup> Ros Nhim informed Office 870 on 11 May 1978 as follows:

People’s living conditions: In the zone, shortage occurred in Regions 1, 4 and 5, of which the most shortage-hit was Region 5, then Region 1 [...] Region 1: In the [...] immediate future, there will [have to] be one and a half cans of rice a day [to be provided to one person]. [We found out that] in some places [the rice given by Angkar] will be running out by mid-June and some others after the end of June.<sup>1643</sup>

464. Witness Chhoeung Bean, who worked at the forced labour site from mid-May 1976 to mid-1978 under different Sector 1 leaders, experienced the dire situation detailed by Ta Nhim, stating: “The food rations were worse under Ta Tith’s command.”<sup>1644</sup> Workers were left tired, starving, and/or sick.<sup>1645</sup> Those who stole food were punished with manual labour, “cursed and beaten”, or “taken for re-education” or killed.<sup>1646</sup> Those too sick to work had their food ration reduced by half.<sup>1647</sup> This reduction “contributed to the general

01492961; **D118/295** Sum Voet WRI, A19, EN 01044713; **D118/281** Keo Sokha WRI, A12, EN 01040513. *See also* **D219/239** Sorm Vanna WRI, A9, EN 01092951; **D219/748** Srey Soeurn WRI, A90, EN 01251814. *See contra* **D219/117** Top Seung WRI, A129-130, EN 01067716 [Witness transferred from Southwest Zone to chair a mobile unit at Kanghat Dam: “the food ration at the worksite was enough. To my knowledge, nobody complained about not having enough food to eat.”]; **D219/367** Reach Saran WRI, A9, EN 01128246 [“Those who were working there had enough food to eat. We got three meals a day.”]; **D219/430** Chhoeung Bean WRI, A22, EN 01128711 [“after Ta Vanh left, his successors provided desserts such as sticky rice and durians and cigarettes once or twice every week or two.”], A61, EN 01128716 [“when Ta Pet was on the Sector 1 committee [...] food rations were similar to what we had received previously. However, we could look for fish or pick up vegetables in addition to the food rations provided.”].

<sup>1642</sup> **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1643</sup> **D1.3.30.19** Telegram 242 from Nhim to Angkar 870, 11 May 1978, EN 00185216.

<sup>1644</sup> **D219/368** Chhoeung Bean WRI, A123, EN 01117728. *See also* **D219/368** Chhoeung Bean WRI, A131, EN 01117729 [“I received less food under Ta Tith than under Ta Vanh.”].

<sup>1645</sup> **D219/423** Yon Yoeun WRI, A11, EN 01135124 [“It was not enough, so we had to pick leaves off trees to mix with our rice.”]; **D118/221** Phan Yim WRI, A56, EN 00987748 [“we were tired, because we did not have enough to eat”]; **D219/368** Chhoeung Bean WRI, A125, EN 01117728 [“Q: Under Ta Tith’s control, how many people died of starvation? I saw three children [...] falling sick.”].

<sup>1646</sup> **D219/373** Nom Phoun WRI, A67-68, 97, EN 01128271, 73 [“I was arrested whilst I was picking up oranges. [...] They pointed a gun at me and had me dig 30 holes to plant trees, and they took the oranges away. [...] Sometimes the people who were working there could not eat sufficiently, so they stole a little food to eat. So, they were cursed and beaten, but they were not killed on the spot.”]; **D219/430** Chhoeung Bean WRI, A41, 43, EN 01128713-14 [“Ta Saman saw them carrying oranges and accused them of oppressing and betraying the collective. They were taken for re-education for a week before returning to the unit. [...] This incident took place five or six months after Ta Vanh was arrested.”]; **D219/368** Chhoeung Bean WRI, A108, EN 01117725 [“man who stole three bunches of bananas because he was very hungry [...] was arrested and pushed into the stream [to be drowned] three times; because he kept getting out of the stream, he was walked away to be killed. This happened [...] sometime in July 1977. [...] Ta Saman and his subordinates were laughing.”] (*Note* **D219/465** Chhoeung Bean WRI, A25-26, EN 01139586 [“It happened perhaps one month after Ta Vanh’s arrest. [...] I saw it first-hand.”]); **D219/239** Sorm Vanna WRI, A4, EN 01092950 [people “who were dishonest with Angkar [...] military subsequently took them away.”]. *See also* **D219/533** Chhoeung Bean WRI, A220, EN 01178510. *See contra* **D219/430** Chhoeung Bean WRI, A63, EN 01128716 [“When Ta Pet was in charge, people were forgiven whenever they committed any minor offences; for example, stealing potatoes, or extra food to eat.”].

<sup>1647</sup> **D219/423** Yon Yoeun WRI, A14, EN 01135125; **D219/368** Chhoeung Bean WRI, A126, EN 01117728.

deterioration of their health.”<sup>1648</sup>

465. Sick people received insufficient medical attention because “[t]here was no experienced medical staff.”<sup>1649</sup> Some workers never saw any medicine being administered on-site.<sup>1650</sup> Others reported that the sick were administered “coconut juice as serums” or “pills made of rice bran and red sugar.”<sup>1651</sup> Sometimes the medicine was simply “for treating fever and headaches”,<sup>1652</sup> and a witness reported “the patients’ temperature become immediately high.”<sup>1653</sup>
466. Workers were not allowed to return home to visit their families.<sup>1654</sup> In one instance, when a worker’s request was denied, he was told “Angkar had liberated us and so everyone was safe. We did not need to visit our parents as they were fine.”<sup>1655</sup>
467. Summarising his overall experience as a worker at Kanghat Dam, Chhoeung Bean stated: “Under the control of Ta Tith, or to be honest, even before his arrival, by the time his subordinates had arrived in this area, the people’s freedom of movement was restricted. The rules imposed on us were very strict.”<sup>1656</sup>
468. **Yim Tith**, his subordinates, and those with whom he cooperated exercised rights of ownership over the massive involuntary and uncompensated workforce. The authorities restricted all fundamental freedoms for the workers at the site and forced them to labour under harsh conditions for the benefit of the regime.

<sup>1648</sup> **D219/423** Yon Yoeun WRI, A14, EN 01135125.

<sup>1649</sup> **D219/430** Chhoeung Bean WRI, A75, EN 01128717.

<sup>1650</sup> **D219/428** Van Chea WRI, A9-11, EN 01137615-16; **D219/368** Chhoeung Bean WRI, A125, EN 01117728.

<sup>1651</sup> **D219/430** Chhoeung Bean WRI, A75, EN 01128717; **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1652</sup> **D219/423** Yon Yoeun WRI, A15, EN 01135125-26.

<sup>1653</sup> **D219/430** Chhoeung Bean WRI, A75, EN 01128717.

<sup>1654</sup> **D219/654** Sok Cheat WRI, A21, EN 01207508 [“During the POL Pot regime, they did not allow us to go anywhere. They did not allow us to go back home. They had us stay at one place.”]; **D219/465** Chhoeung Bean WRI, A52, EN 01139594 [“Under the control of Ta Tith, or to be honest, even before his arrival, by the time his subordinates had arrived in this area, the people’s freedom of movement was restricted. The rules imposed on us were very strict.”] (Note that the witness says that initially when Ta Pet was in charge he could visit his cooperative, see **D219/430** Chhoeung Bean WRI, A64, EN 01128716); **D219/928** Nhem Hean WRI, A20, EN 01451499 [“Q: [...] were you allowed to [...] visit home [...]? A20: I asked them for such permission, but it was denied.”]. See contra **D219/373** Nom Phoun WRI, A66, EN 01128271 [Witness commenced working at Kanghat Dam when Vanh on sector committee until approximately six months before the end of the DK regime: “Q: Did you ever see people going back home? A66: Yes, I did.”]; **D219/367** Reach Saran WRI, A1, EN 01128245 [Witness was allowed to go home for Khmer New Year in 1978.].

<sup>1655</sup> **D219/928** Nhem Hean WRI, A20, EN 01451499.

<sup>1656</sup> **D219/465** Chhoeung Bean WRI, A52, EN 01139594. See also **D219/368** Chhoeung Bean WRI, A136, 139, EN 01117729-30 [“Under Ta Tith’s control, our freedom of movement was tightly restricted because they feared that we would work together to plan to usurp them.” Under Ta Vanh’s control “they [...] allowed us to move.”]; **D219/654** Sok Cheat WRI, A21, EN 01207508.

### Imprisonment

469. From mid-1977 until the end of the DK regime, Northwest Zone cadres and labourers at the site were arrested and imprisoned off-site. Ta Vanh, his deputy Ta Prum, Ta Yan, and Ta Pet were Northwest Zone cadres on the committees of Sector 1 or Sangkae District who worked at Kanghat Dam. Witnesses told OCIJ investigators that Southwest Zone cadres arrested Ta Vanh when he was working at the site.<sup>1657</sup> Regarding Ta Prum, witness Chhoeung Bean heard five soldiers tell Ta Prum that “the higher-level Angkar wanted to have him re-educated” and saw them transport him away.<sup>1658</sup> Ta Prum was initially demoted to work at the sluice alongside Chhoeung Bean.<sup>1659</sup> Similar to Ta Prum, Chhoeung Bean stated that Ta Yan, who was on the Sangkae District Committee, was “expelled [...] and assigned to build the sluice with me.”<sup>1660</sup> Surviving documents from S-21 record the entry date for Ta Vanh, Ta Prum, and Ta Yan as 20 June 1977, 29 October 1977, and 12 September 1977 respectively.<sup>1661</sup> Ta Pet, who survived the DK regime, stated: “I was removed from my work [...] arrested and imprisoned at Kampong Speu.”<sup>1662</sup> He said that approximately one or two months after Ta Nhim’s arrest it was Ta Mok and his subordinates who arrested and detained him and his wife there until the Vietnamese arrived.<sup>1663</sup> Witness Soeun Mat heard **Yim Tith** and/or his subordinates publicly announce at Kanghat Dam in mid- to late 1978 that Ta Vanh and Ta Pet were “traitors” and said they discussed the arrests.<sup>1664</sup>

<sup>1657</sup> **D118/77** Nang Ny WRI, A1, EN 00970451 [“Ta Vanh [...] to lead the Mobile Unit to oppose Angkar. However, when the Southwest group realized this, they arrested [...] Ta Vanh.”]; **D123/1/1.3a** Huon Choeum DC-Cam Statement, EN 01549762-64; **D118/106** Huon Choeum WRI, A25, EN 00978421-22. *See also* **D219/689** Sok Cheat WRI, A20, EN 01216244 [“when the Southwest Zone cadres arrived, they arrested the [...] Sector 1 Committee, namely [...] Vanh”]; **D1.3.11.55** Han Thy OCP Statement, EN 00221582 [“PHET arrested Vanh”].

<sup>1658</sup> **D219/368** Chhoeung Bean WRI, A27, 30, EN 01117717.

<sup>1659</sup> **D219/368** Chhoeung Bean WRI, A33, EN 01117717; **D219/465** Chhoeung Bean WRI, A5, EN 01139579; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6273, EN 01222575.

<sup>1660</sup> **D219/430** Chhoeung Bean WRI, A20, EN 01128710.

<sup>1661</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77], Number 6273, EN 01222575 [Mol Sot alias Prum, Construction of Water Gate in Sector 1, 29-Oct-77], Number 11667, EN 01222811 [Tep Rom alias Yan, Cadre of Tractor Responsibility and Sector 1 Dam Bar (Chief of Sector 1 Dam), 12-Sep-77].

<sup>1662</sup> **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181104.

<sup>1663</sup> **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181115 [“Mok, his bodyguards, and a lorry of his soldiers came to drag my wife and pull me by the arm onto their vehicle. [...] We were unarmed so we had no choice but to ride on the vehicle with them.”], EN 01181113 [“Both my wife and I were detained there. Then the Vietnamese came.”], EN 01181152-53 [When Ta Nhim was arrested, his son made phone calls to Phnom Penh “around the same month—August”], EN 01181104 [“Around September or October 1978, I was arrested and imprisoned”] (*Note* Ta Pet recalled Ta Nhim being arrested later than the date of Ta Nhim’s S-21 confession.). *See also* **D118/136** Chhean Hea WRI, A2, EN 00969637.

<sup>1664</sup> **D219/538** Soeun Mat WRI, A17, 44, 49, EN 01173575, 80-81 [“Ta Tith’s group [...] accused Ta Vanh, Ta Pet, and Ta Kao of being traitors because they thought that Ta Vanh, Ta Pet and Ta Kao were about to

470. Sok Cheat, who worked at the dam until it had been repaired, stated: “At least 40 people were arrested per day”.<sup>1665</sup> This included minor offenders who broke work tools, witness Nang Ny who engaged in “irresponsible speech against Angkar”, and witness Tiep Tith who “opposed the Party” because he complained about the work.<sup>1666</sup> Arrestees “were accused of being the enemy.”<sup>1667</sup> Nom Phoun, who worked at the site until mid-1978, observed that “[p]eople were arrested a few days before or after” **Yim Tith** came.<sup>1668</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

471. As a result of exhaustion, starvation, sickness, and inadequate medical treatment, many workers died at Kanghat Dam forced labour site from mid-1977 until the end of the DK regime.<sup>1669</sup> In some cases, those sent to the hospital were never seen again.<sup>1670</sup> Although the precise number of deaths is not ascertainable, evidence on the Case File suggests it is a significant number. Yon Yoeun, who was sent by Southwest Zone cadres to the site, estimated “hundreds of people died”.<sup>1671</sup> Nom Phoun, who worked there when Ta Vanh was on the sector committee until approximately July 1978, said “[f]ive to ten dead

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transform the mobile unit forces into an army. [...] I learned about this because [...] announced [...] publicly in a meeting. [...] I only know that the meeting was conducted under Ta Tith’s management. I did not see the speaker, because thousands of people joined the meeting”, A63, EN 01173584 [“they spoke about the arrest of cadres”], A21-22, EN 01173576. *See also* **D118/77** Nang Ny WRI, A30, EN 00970456.

<sup>1665</sup>

<sup>1666</sup>

**D219/654** Sok Cheat WRI, A35, EN 01207510.  
**D219/654** Sok Cheat WRI, A35, EN 01207511 [“I saw people being arrested, even if they made minor mistakes, such as breaking a hoe handle or yoke”]; **D118/77** Nang Ny WRI, A1, EN 00970451 [“the Southwest group arrived, and they accused me of irresponsible speech against Angkar. [...] My fellow worker named Phan [...] and I were arrested”]; **D118/138** Tiep Tith WRI, A7, EN 00970093 [“A militiaman had heard me complaining about the work there. [...] Ta Prum [...] said I opposed the Party”]; **D219/464** Tiep Tith WRI, A12, 41, EN 01151246, 50. *See also* **D219/748** Srey Soeurn WRI, A85, 90, EN 01251813-14.

<sup>1667</sup>

<sup>1668</sup>

**D219/654** Sok Cheat WRI, A35, EN 01207511.  
**D219/373** Nom Phoun WRI, A115, EN 01128275 [“Q: Did you ever see people being arrested after YIM Tith’s inspection? A115: Yes, I did. People were arrested a few days before or after he came. It is difficult for me to say if he ordered the arrests”].

<sup>1669</sup>

*See, e.g.* **D219/423** Yon Yoeun WRI, A14, 16, EN 01135125-26 [“only porridge would be provided, which contributed to [...] their death. [...] people died of starvation, sickness and overwork at Kanghat Dam.”]; **D219/368** Chhoeung Bean WRI, A124, EN 01117728 [“there were people who [...] died of starvation.”], A125, EN 01117728 [“I saw three children, two boys and one girl aged between 10 and 15 years, falling sick. They then died from having no medicine for treatment.”]. *See also* **D219/368** Chhoeung Bean WRI, A108, 127-128, EN 01117725, 28. *See contra* **D219/367** Reach Saran WRI, A1, EN 01128246 [Witness did not notice any dying of starvation at Kanghat Dam].

<sup>1670</sup>

**D219/373** Nom Phoun WRI, A70-71, EN 01128271-72 [“People [...] physically ill [...] were carried to a hospital which was far away from my place. I did not see them returning.”]. *See contra* **D219/423** Yon Yoeun WRI, A15, EN 01135125 [“There was no hospital”].

<sup>1671</sup>

**D219/423** Yon Yoeun WRI, A16, EN 01135126 [“I estimate that hundreds of people died of starvation, sickness and overwork at Kanghat Dam.”]. The witness’s estimate might apply to a time period when she was at the dam prior to Ta Vanh’s arrest until shortly after the dam burst, or it might apply to some time after 1 February 1978 when she was 18 years of age. *See* **D219/423** Yon Yoeun WRI, EN 01135121, A4-7, 35, EN 01135123-24, 31.



people were carried away every day.”<sup>1672</sup> Sorm Vanna, who worked at Kanghat Dam from approximately July 1977 for two months, said “[a]most every day, people who did not eat enough and tried to work hard fell unconscious and died at the worksite.”<sup>1673</sup> Van Chea, who was at the site from mid- to late-1978 until the end of the DK regime, stated his mobile unit had “over 100 people” and “one or two people in my unit died every week because of insufficient amount of food.”<sup>1674</sup> The evidence shows that **Yim Tith** accepted the risk that these deaths would occur. From his frequent visits to the site, it is clear he was aware of the unhealthy conditions and the language he used to describe the site – “hot battlefield” – connotes an acceptance of casualties as a necessary sacrifice.<sup>1675</sup>

472. Underperforming workers were intentionally killed at the site. Civil Party Van Chea said he regularly saw this happening in late 1978, including two men from his unit who were killed by their unit chairperson at the foot of Kanghat Dam.<sup>1676</sup>
473. Southwest Zone cadres and their subordinates killed women, including some who were pregnant, at the site. One night, Yon Yoeun witnessed eight women, two of whom were pregnant, killed and buried under the pillars of the 40-pillar house.<sup>1677</sup> She told an OCIJ investigator that under the Southwest Zone’s leadership, a Northwest Zone “soldier who knew me well told me about the plan to kill people that evening” and not to go near the 40-pillar house.<sup>1678</sup> Van Chea saw in broad daylight the public killing of a pregnant woman, who was pushed alive into a pit by three Southwest Zone soldiers followed by a crane dropping a column on top of the victim at the Kanghat Dam floodgate.<sup>1679</sup>
474. Other civilians killed included three to five people from Tuol Mtes and Cheung Tinh in

<sup>1672</sup> **D219/373** Nom Phoun WRI, A72, EN 01128272.

<sup>1673</sup> **D219/239** Sorm Vanna WRI, A9, EN 01092951.

<sup>1674</sup> **D219/428** Van Chea WRI, A2, 9, EN 01137614-15.

<sup>1675</sup> **D219/747** Say Em WRI, A59, EN 01248106. *See also* **D219/410** Hoem Chhongly WRI, A14, EN 01142893; **D219/538** Soeun Mat WRI, A35, EN 01173579; **D219/368** Chhoeung Bean WRI, A141, EN 01117730.

<sup>1676</sup> **D219/425** Van Chea WRI, A41-43, EN 01135157-58; **D219/429** WRIA, Account of Van Chea, EN 01121867. *See also* **D219/933** Prin An WRI, A28, EN 01492961.

<sup>1677</sup> **D219/423** Yon Yoeun WRI, A17, EN 01135126.

<sup>1678</sup> **D219/423** Yon Yoeun WRI, A18-19, EN 01135127.

<sup>1679</sup> **D219/425** Van Chea WRI, A36-39, EN 01135156-57 [“I saw them take a pregnant woman and put her under a column of the Kanghat Dam floodgate [...]. I saw it first-hand. It happened at about 10.00 a.m. or 11.00 a.m. at the floodgate. I saw only one pregnant woman at that time [...]. Three soldiers armed with AK-47 [rifles] pushed the live pregnant woman into the pit. Then they used a crane to lift a column and dropped into the pit on top of the woman. [...] I was about 30 metres away from the scene. When they dropped the woman into the pit, they did it openly. [...] Therefore, all the mobile unit members working there saw the incident. [...] They were Southwest soldiers.”].

August or September 1977.<sup>1680</sup> Chhoeung Bean saw Ta Saman escort these people from the 40-pillar house to Veal Spung Field, one kilometre east of Kanghat Dam.<sup>1681</sup> He then saw Ta Saman return with gallbladders.<sup>1682</sup> Chhoeung Bean told an OCIJ investigator that when he went to Veal Spung Field he “saw human bones and bodies that had recently been buried there.”<sup>1683</sup>

475. **Yim Tith** and his subordinates targeted Northwest Zone cadres and their subordinates who worked at the site, as well as their families, and many of them were killed. Ta Vanh, Ta Prum, and Ta Yan were arrested and sent to S-21 according to surviving prison records, with no evidence they survived.<sup>1684</sup> Ta Pet’s subordinates at the site were also “smashed to bits” according to information Ta Pet received from Ta Mok.<sup>1685</sup> Nang Ny stated that “[s]ome Northwest cadres [...] were taken for execution at Baydamram” Village after Southwest Zone cadres had complete control of Sector 1.<sup>1686</sup>
476. “People were arrested [...] in a well organised manner” and “secretly”.<sup>1687</sup> Civil Party Sorm Vanna attributed responsibility for the “[m]any people” who disappeared<sup>1688</sup> to **Yim Tith**. During the two months he worked at the site after the dam broke: “Whenever we saw Ta Tith coming, we knew people would definitely disappear.”<sup>1689</sup> A Civil Party

<sup>1680</sup> **D219/430** Chhoeung Bean WRI, A76-77, EN 01128718 [“A76: [...] The incident took place in August or September 1977 during the rainy season. [...] Q: How did you know that those people were from Tuol M’tes or Cheung Toeng? A77: [...] I learnt about this incident from a woman who served in the women’s unit.”]; **D219/368** Chhoeung Bean WRI, A108, EN 01117725 [“people were arrested and sent from Cheung Tinh and Tuol Mtes to the ‘40-pillar house’ [...]. There were three to five detainees [...] This event took place in late 1977.”].

<sup>1681</sup> **D219/430** Chhoeung Bean WRI, A76, EN 01128718 [“I saw Ta Saman marching people to be killed. The sector militiamen took those people to Ta Saman. [...] they were taking people to be killed at Veal Spung Field [...] about one kilometre to the East of Kanghat Dam.”]; **D219/368** Chhoeung Bean WRI, A108, EN 01117725; **D219/465** Chhoeung Bean WRI, A62, EN 01139598 [“The distance from the 40-pillared house and Spung is about 15 minutes’ walk.”].

<sup>1682</sup> **D219/368** Chhoeung Bean WRI, A108, EN 01117725 [“I did not know whether he or another person killed them. I only saw him returning holding their gallbladders.”].

<sup>1683</sup> **D219/465** Chhoeung Bean WRI, A62, EN 01139598.

<sup>1684</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369, Number 6273, EN 01222575, Number 11667, EN 01222811.

<sup>1685</sup> **D1.3.11.15** Heng Teav alias Ta Pet Interview by Steve Heder, EN 00426119 [“Ta Mok told me that those several people there at Kanghat, my people, now had all been smashed to bits. That’s what he told me. [...] I asked if he was talking for real or if he was joking. [...] he was not joking. The next day someone came to report to me that he had seen that they had all been killed [...] at Damnak Reang near Pailin.”].

<sup>1686</sup> **D118/77** Nang Ny WRI, A4, 30, EN 00970452, 56.

<sup>1687</sup> **D219/239** Sorm Vanna WRI, A14, EN 01092952. *See also* **D219/946** Lao Kang WRI, A28, EN 01502654.

<sup>1688</sup> **D219/46** Sorm Vanna WRI, A4, EN 01092950.

<sup>1689</sup> **D219/46** Sorm Vanna WRI, A44, EN 01050675. *See also* **D219/46** Sorm Vanna WRI, A41, EN 01050674 [“if we saw Ta Tith during daytime, people would disappear that night.”]; **D219/367** Reach Saran WRI, A1, EN 01128246 [Young people who worked at Kanghat Dam were called to a meeting and never seen again]; **D219/423** Yon Yoeun WRI, A38, EN 01135131 [“those arrested were never seen to return.”]; **D219/747** Say Em WRI, A59, EN 01248106 [“at Kanghort [...] [p]eople disappeared at that place. But I did not know where they were taken to.”].

and a witness who were interviewed remembered that colleagues in their units disappeared. Van Chea stated that “[t]en or twenty people in my unit [...] disappeared for good.”<sup>1690</sup> Reach Saran knew a person in his mobile unit who was accused of being the daughter of a capitalist and sent to “a study session” from which she never returned.<sup>1691</sup> Self-criticism meetings were held and, according to Sorm Vanna, “if they still continued to be criti[c]ized two or three more times, they would [...] never be seen again.”<sup>1692</sup>

### Persecution

477. Southwest Zone cadres committed many of the crimes described above with the intent to target specific groups, namely Northwest Zone cadres and their families and subordinates at Kanghat Dam forced labour site. This group was specifically targeted because of its actual or perceived membership of a political group.

### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

478. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes against humanity in relation to Kanghat Dam forced labour site:<sup>1693</sup> murder, extermination,<sup>1694</sup> enslavement, imprisonment, persecution on political grounds against Northwest Zone cadres and their families and subordinates, and other inhumane acts (inhumane treatment and enforced disappearance).

<sup>1690</sup> **D219/428** Van Chea WRI, A15, EN 01137616 [“People in my unit were arrested and taken away. Then some of them returned, but others disappeared. I do not remember their names. Ten or twenty people in my unit were arrested and then disappeared for good.”].

<sup>1691</sup> **D219/367** Reach Saran WRI, A1, EN 01128246. *See also* **D219/654** Sok Cheat WRI, A63, EN 01207516.

<sup>1692</sup> **D219/239** Sorm Vanna WRI, A9, EN 01092951. *See also* **D219/928** Nhem Hean WRI, A79, EN 01451504 [“After the self-criticism meetings, nothing happened. I knew that sometimes there were people who were transferred to work in other places, but I did not know what happened to them.”].

<sup>1693</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of other inhumane acts (inhumane treatment and enforced disappearance). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 59, 118b; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 6, 22iii; **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 12, 13b.

<sup>1694</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Kanghat Dam forced labour site alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Kanghat Dam, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

d. KAMPONG KOL SUGAR FACTORY

i. INTRODUCTION

479. Kampong Kol Sugar Factory worksite was located in Sangkae District of Sector 1 during the DK regime. Throughout this period, it was a zone-level site that was inspected by representatives of the Northwest Zone Committee. **Yim Tith** personally led his forces to take over the factory. By 11 November 1977, Northwest Zone cadres on the factory committee had been purged. **Yim Tith** then appointed Yan from the Southwest Zone, as the chief of the sugar factory. In early to mid-1978, **Yim Tith** presided over a meeting in Battambang Town with the Kampong Kol Sugar Factory security guards at which he discussed protecting the site from Vietnamese sabotage or attack. Significantly, **Yim Tith** was introduced at this meeting as the Chairman of the Northwest Zone, a reflection of his political power and the fact that **Yim Tith** was the top authority in the zone when Ta Mok was absent.
480. During the time that **Yim Tith** was responsible for Kampong Kol Sugar Factory, Yan presided over at least three forced marriage ceremonies involving 10 to 20 couples each. In late 1978, a minimum of 30 Khmer Krom and Vietnamese workers were imprisoned at the factory and later transported away to be killed – an incident reflecting the broader extermination and genocide policy implemented in the area.<sup>1695</sup>
481. The ICIJ charged **Yim Tith** with the following crimes in relation to Kampong Kol Sugar Factory: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, persecution on political and racial grounds against the Vietnamese and Khmer Krom; and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>1696</sup>

ii. OPERATION AND LOCATION

482. Kampong Kol Sugar Factory was in operation prior to the arrival of Southwest Zone cadres. One of the last two Northwest Zone members on the factory committee was arrested and sent to S-21 on 11 November 1977,<sup>1697</sup> at which point Southwest Zone

<sup>1695</sup> The targeting of people with perceived connections to the Vietnamese under Yim Tith's authority was also occurring in Boh Khnor Village, two kilometres north of the sugar factory. See **D118/243** Chham Luy WRI, A14-15, EN 01029402; **D219/274** Kampong Kol Sugar Factory Site Identification Report, EN 01088907; **D118/297** WRIA, EN 01023846. See also **D219/796** Khay Chhaury WRI, A119, EN 01485096.

<sup>1696</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069, 72, 78.

<sup>1697</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597 [Ya Seng Hieng (Ya Seng Heang) alias Nop, Member of Zone Sugar Factory in Kampong Kul (Member of Sugar Factory), 11-Nov-77].

cadres were already in charge of the sugar factory.<sup>1698</sup> They continued to control the site until the end of the DK regime.<sup>1699</sup> The factory was located in Ta Miek Village, Kampong Kol Commune, Sangkae District, Sector 1 of the Northwest Zone.<sup>1700</sup> The site is approximately 37 kilometres south of Battambang Town, along the same road as Banan and Khnang Kou Security Centres, and Wat Tuol Andaet, and past the road to Kanghat Dam<sup>1701</sup> – all locations that **Yim Tith** regularly inspected.

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

483. The sugar factory was a zone-level facility under Ta Mok's and **Yim Tith**'s authority in their respective capacities as secretary and deputy secretary of the Northwest Zone.<sup>1702</sup>

Loem Tim describes the sequence of purges on the committee with Nop and another committee member being the last ones to be arrested. *See* **D118/108** Loem Tim WRI, A8, EN 00976922-23.

<sup>1698</sup> **D219/656** Pol Sot WRI, A3, EN 01207534 [At the factory “Southwest Zone cadres had already arrived [...] in 1977”]; **D118/108** Loem Tim WRI, A6, EN 00976922 [“Probably at the end of 1977” Yan and Sari from the Southwest Zone became chiefs of the sugar factory.]; **D219/157** Khay Chhauy WRI, A11, EN 01066846 [“Southwest cadres arrived in two stages. The first stage included [...] Ri, alias Sari [...] and Yan”]; **D219/917** Chey Touch WRI, A9, 22, 34, 41-42, EN 01519526-28 [In 1977 or 1978, some workers from the Southwest Zone were sent to work at the sugar factory when “the Zone Secretary was Ta Nhim.”]. *See also* **D219/88** Pol Sot WRI, A13, EN 01077051 [“Southwest group probably came in the first stage during 1977 or 1978. One year later, the second Southwest group arrived.”]; **D118/108** Loem Tim WRI, A17-18, EN 00976924 [Yim Tith spoke to soldiers from the sugar factory “[p]robably in mid-1978”, when Ta Pet on the Sector 1 committee had been arrested and Ta Nhim had yet to be arrested.], *elaborated upon at* **D219/649** Loem Tim WRI, A40, EN 01207436 [The meeting “was probably in March 1978; early 1978.”]; **D219/796** Khay Chhauy WRI, A21, 24-25, EN 01485083 [“[I]n 1977”, Sari “from the Southwest” Zone was on the sugar factory committee “around July or August” during “the rainy season.”]; **D219/157** Khay Chhauy WRI, A11, EN 01066846 [“Southwest cadres arrived in two stages. [...] A man named Eung was a leader who arrived in the second batch.”]; **D219/655** Khay Chhauy WRI, A4, 9, EN 01207525-26; **D219/931** Prak Soeun WRI, A10, 12, EN 01492929 [Witness was recruited “in early 1978” “to work at the sugar factory at Kampong Kul.”]; **D118/60** Long Sokhy WRI, A7, EN 00943607 [“In 1978, I was recruited to greet guests at Kampong Kol”].

<sup>1699</sup> **D118/108** Loem Tim WRI, A20-21, EN 00976925; **D118/60** Long Sokhy WRI, A7, 15, EN 00943607-08. *See also* **D219/157** Khay Chhauy WRI, A2, EN 01066844; **D219/652** Luom Nhanh WRI, A6, EN 01207481; **D219/88** Pol Sot WRI, A2, EN 01077048; **D118/271** Chhean Hea WRI, A61, EN 01029427.

<sup>1700</sup> **D1.3.22.2** *Revolutionary Youth*, Apr 1976, EN 00392458; **D118/106** Huon Choeum WRI, A12, EN 00978419; **D118/108** Loem Tim WRI, A2, EN 00976921; **D219/904** Yoem Kuonh WRI, A72, EN 01517500; **D219/274** Kampong Kol Sugar Factory Site Identification Report, EN 01088905; **D118/271** Chhean Hea WRI, A61, EN 01029427; **D219/649** Loem Tim WRI, A8, EN 01207430. Today, the location of the Kampong Kol Sugar Factory site is Chaeng Mean Chey Commune, Banan District, Battambang Province. *See* **D118/106** Huon Choeum WRI, A12, EN 00978419; **D5/640** Sam Leng CPA, EN 01063898; **D219/274** Kampong Kol Sugar Factory Site Identification Report, EN 01088905; **D118/297** WRIA, EN 01023846; **D347/2.1.44** Cambodian Route Network Battambang Map, EN 00327754; **D347/2.1.52** UNTAC Banan District, Battambang Province Map, EN 01485874.

<sup>1701</sup> **D219/274** Kampong Kol Sugar Factory Site Identification Report, EN 01088907.

<sup>1702</sup> **D118/106** Huon Choeum WRI, A12, EN 00978419 [“A Zone soldier told me that Ta Tit had personally led his forces to see the situation at the Kampong Kul white sugar refinery”]; **D118/108** Loem Tim WRI, A7, EN 00976922 [“I think that sugar factory was probably under the control of the Center [...] because during each meeting, Ta Mok, from the Centre, would attend the meeting [at the factory]. Ta Sien, from the Zone, also attended the meeting. I did not see anyone from the sector level attending the meeting.”], A17, EN 00976924 [“when our security guards were sent to attend an assembly at Battambang University [...] Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone.”]; **D219/649** Loem Tim WRI, A19-20, EN 01207432 [A Northwest Zone cadre on the sugar factory committee “disappeared when he was called to the meeting” by “[t]he upper echelon Angkar from the zone level”], A13, EN 01207431.

In early to mid-1978, **Yim Tith** and Ta Mok spoke at meetings in Battambang Town to workers and personnel at the factory on the security situation in the area. According to one attendee, **Yim Tith** instructed security guards about the importance of protecting the sugar factory from the Vietnamese.<sup>1703</sup> In another meeting, a witness heard Ta Mok discuss with factory workers the alleged “betrayal” of Northwest Zone cadres.<sup>1704</sup> Loem Tim, who had been chief of the security guards at the sugar factory, recalled in the zone-level meeting at which **Yim Tith** spoke that he was introduced as the chairman of the Northwest Zone.<sup>1705</sup>

484. A witness who worked for the Northwest Zone military was told that **Yim Tith** “personally led his forces” to take control of the sugar factory and appointed Southwest Zone cadre Yan as chief of the factory.<sup>1706</sup> Loem Tim, Khay Chhauy, Pol Sot, and Prak

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During the factory’s leadership by Northwest Zone cadres, the factory operated at the zone level. See **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597; **D219/796** Khay Chhauy WRI, A58-59, EN 01485087. See also **III.D.1.a**. Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Positions in the Northwest Zone – Formal Positions.

<sup>1703</sup> **D118/108** Loem Tim WRI, A18, 22, EN 00976924-25 [Around mid-1978, Yim Tith “told us to protect the factory from the Vietnamese in case they came to rob or set fire to the factory.”]; **D219/649** Loem Tim WRI, A40, 68, EN 01207436, 41 [The meeting “was probably in March 1978; early 1978.” Yim Tith spoke “[f]or about one hour.”], A62, 64, 69, EN 01207436, 40-41.

<sup>1704</sup> **D219/931** Prak Soeun WRI, A19, 21, 26-28, EN 01492930-31 [In early 1978, “during a meeting there was an announcement that the previous zone secretary had betrayed Angkar”. Ta Mok “said that all the Northwest Zone cadres had betrayed Angkar. [...] He also said that, in that zone, there were many bandits.”].

<sup>1705</sup> **D118/108** Loem Tim WRI, A17-18, 56, EN 00976924, 29 [In 1978 “when our security guards were sent to attend an assembly at Battambang University [...] Ta Tit was introduced in the meeting as the Chairman of the Northwest Zone. [...] Ta Tit was bald, short, fair, and not fat.”], *elaborated upon* at **D219/649** Loem Tim WRI, A37, 40, EN 01207436. The zone-level meeting was attended by security guards and soldiers from various sectors in the Northwest Zone. See **D219/649** Loem Tim WRI, A43, EN 01207437; **D118/108** Loem Tim WRI, A24, EN 00976925. See also **D219/931** Prak Soeun WRI, A66, EN 01492936. See also **III.D.1.b**. Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Positions in the Northwest Zone – Position as De Facto Leader Prior to Formal Appointment.

<sup>1706</sup> **D118/106** Huon Choeum WRI, A12, EN 00978419 [“A Zone soldier told me that Ta Tit had personally led his forces to see the situation at the Kampong Kul white sugar refinery [...] Ta Tit assigned female Yan from the Southwest to control that sugar refinery instead.”]. Note Huon Choeum, who heard of Yan’s appointment from a Northwest Zone soldier and did not personally know Yan, appears to be mistaken about Yan’s gender. However, a number of workers at the sugar factory identified Yan as chief of Kampong Kol Sugar Factory. See **D118/108** Loem Tim WRI, A5, EN 00976922, A10, EN 00976923 [Witness identified Yan as a male]; **D219/88** Pol Sot WRI, A16, EN 01077052; **D219/656** Pol Sot WRI, A20, EN 01207537 [Witness identified Yan as a male]; **D219/157** Khay Chhauy WRI, A11, EN 01066846. The forces, cadres, and workers at Kampong Kol Sugar Factory continued to be subordinate to Yim Tith towards the end of the DK regime when they were transferred to Samlout District. See **D219/931** Prak Soeun WRI, A67, 69-71, EN 01492936-37; **D123/1/5.41** Long Sokhy alias Long Ratha DC-Cam Statement, EN 01082053; **D123/2/1.27a** Tim Phuon DC-Cam Statement, EN 01531278; **D219/844.1.4** DC-Cam’s Promoting Accountability Project: Yim Tith aka Ta Tith, EN 01336628; **D219/952** Hem Em WRI, A85-86, 101, 106, EN 01485131, 33-34; **D219/665** Norng Sophang WRI, A18, EN 01204276; **D219/380** Pok Sophat WRI, A30, EN 01123451; **D219/117** Top Seung WRI, A195, 197, 200, EN 01067725; **D219/294** Moul En WRI, A106, EN 01111837.

Soeun all worked at the factory and witnessed what ensued after the change of factory leadership. Southwest Zone cadres Yan and Sari *alias* Ry<sup>1707</sup> replaced Northwest Zone cadres Met, Nop, and Bav who had previously served on the committee.<sup>1708</sup> Met, Nop, and Bav “were traitors” with “Vietnamese links”.<sup>1709</sup> Witnesses stated these cadres disappeared or were arrested, along with their families in the cases of Nop and Bav.<sup>1710</sup> Surviving documents from S-21 record Nop’s entry date as 11 November 1977.<sup>1711</sup> Other factory personnel were also purged.<sup>1712</sup> Yan appointed Loem Tim as chief of the security guards and messengers until the end of the DK regime.<sup>1713</sup> Ta Mok also exercised authority over the sugar factory. He frequently visited, made inspections, met with senior cadres, gave direct orders and assignments, and observed meetings with non-senior cadres.<sup>1714</sup> Arrests at the factory occurred in close temporal proximity to Ta Mok’s

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- <sup>1707</sup> **D219/157** Khay Chhauy WRI, A11, EN 01066846; **D219/580** WRIA, Account of Pol Sot, EN 01166386.
- <sup>1708</sup> **D118/108** Loem Tim WRI, A8, EN 00976922 [“Ta Met [...], Ta Nob [...] and Ta Bav [...] were all cadres of the Northwest Zone” on the factory committee. “When Ta Yan and Yeay Sari took over the factory at the end of 1977, Ta Met, Ta Nob, and Ta Bav were not yet arrested” but “were removed from their positions”], A5, EN 00976922 [Witness protected “Factory Chairman Ta Yan, who was from Kampot province, and the Deputy Chairman, Yeay Sari who came from Srae Ambel, Kampot province.”]; **D219/649** Loem Tim WRI, A35, EN 01207435; **D219/796** Khay Chhauy WRI, A16-19, 21, 24-25, EN 01485082-83 [“Nob and Met [...] were leaders in that factory. [...] [T]hey were from Northwest [...]. Sari came to replace them [...] from the Southwest. [...] It could be in 1977 [...] around July or August; it was the rainy season.”]; **D219/157** Khay Chhauy WRI, A9, EN 01066846; **D219/88** Pol Sot WRI, A16-17, EN 01077052 [“Southwest leaders at the factory at the top were Yan, Neari, Ri and another one [...] they took the power and positions of the Northwest group.”]; **D219/656** Pol Sot WRI, A20, EN 01207537 [“persons in charge of the factory [...] were Brother Yan and Sister Ri.”]. *See also* **D219/931** Prak Soeun WRI, A17, 27, 76, EN 01492930-31, 37.
- <sup>1709</sup> **D118/108** Loem Tim WRI, A37, 42, EN 00976927 [“they tell us that those three arrestees [Met, Nop, and Bav] were traitors, [with] Vietnamese links [...] and enemies.”].
- <sup>1710</sup> Met: **D118/108** Loem Tim WRI, A8, EN 00976922 [“Ta Met was called to Battambang town for a meeting, and he disappeared after that.”], *elaborated upon at* **D219/649** Loem Tim WRI, A19-20, EN 01207432; **D219/88** Pol Sot WRI, A17, EN 01077052; **D219/796** Khay Chhauy WRI, A23, 26, EN 01485083. Ya Seng Hieng alias Nop and Bav: **D118/108** Loem Tim WRI, A8-11, EN 00976922-23 [Three months after Met disappeared, the witness saw “some Southwest Zone cadres arresting Ta Bav and Ta Nob”. They “were arrested together with their families” by Eung and Phin and “about 20 security guards from the Southwest Zone with them.”]; **D219/88** Pol Sot WRI, A17, EN 01077052; **D219/796** Khay Chhauy WRI, A23, 26, 78, EN 01485083, 90.
- <sup>1711</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597.
- <sup>1712</sup> Soldiers guarding entrance to compound: **D219/157** Khay Chhauy WRI, A9, EN 01066846; **D219/796** Khay Chhauy WRI, A41, 44-46, EN 01485085-86; **D118/106** Huon Choeum WRI, A12, EN 00978419. Battalion Chair Horn: **D118/106** Huon Choeum WRI, A12, EN 00978419. Chair of messengers Van alias Han: **D219/649** Loem Tim WRI, A34, EN 01207435; **D118/108** Loem Tim WRI, A13, EN 00976923.
- <sup>1713</sup> **D118/108** Loem Tim WRI, A4, EN 00976921 [“in around May or June 1978, the Factory Chairman, Ta Yan, appointed me as a soldier [...] as the Chief of Security Guards”], A13, EN 00976923-24; **D219/649** Loem Tim WRI, A10, EN 01207431. Loem Tim’s responsibilities included protecting Yan and Sari on the factory committee and overseeing the protection of Chinese workers at the factory, *see* **D118/108** Loem Tim WRI, A4-5, EN 00976921-22.
- <sup>1714</sup> **D219/649** Loem Tim WRI, A12, 14-15, EN 01207431-32 [Ta Mok “only came to do inspections. [...] He never attended the meetings” that the witness attended at the factory; “he only came to cast an eye at the meetings. [...] He went to meet the senior leaders from the Southwest Zone” at the factory], A30-31, EN 01207434-35; **D118/108** Loem Tim WRI, A4, 7, EN 00976922; **D219/931** Prak Soeun WRI, A21, 40-41,

visits.<sup>1715</sup>

485. Sometime after May or June 1978, two cadres from Ta Mok's Southwest Zone, Eung and Phin,<sup>1716</sup> arrested Yan for alleged treachery.<sup>1717</sup> Following Yan's arrest, Eung supervised the factory including its mobile unit of workers,<sup>1718</sup> and he carried out additional arrests using approximately 20 soldiers under his and Phin's command.<sup>1719</sup>

#### iv. CRIMES

##### Imprisonment

486. According to surviving prison records, Ya Seng Hieng *alias* Nop, a member of the factory

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- EN 01492930, 33 [At the sugar factory "in early 1978 [...] I saw him [Ta Mok] there all the time. [...] he went there frequently. He came to inspect, to give assignments and to give orders directly."].
- <sup>1715</sup> **D219/649** Loem Tim WRI, A18, EN 01207432 [Arrests occurred "sometimes before and other times after the meetings" when Ta Mok met with other senior cadres.], A104, EN 01207446 [Regarding the workers' arrest, "I saw him [Ta Mok] walking around to oversee the factory about one month prior to that incident."]; **D118/108** Loem Tim WRI, A8, EN 00976923 ["I saw Ta Mok going in and out of the factory. A few days later, Ta Yan was arrested"].
- <sup>1716</sup> **D219/931** Prak Soeun WRI, A38-39, 51, EN 01492933-34 ["Eung was close to Ta Mok. [...] Eung was from the Southwest Zone too. Ta Mok sent him to the Northwest Zone."]; **D219/649** Loem Tim WRI, A24, EN 01207433 ["Eung and Phin had come here first, and Ta Mok came later to meet them. Therefore, I assumed that they must have worked with Ta Mok, or at least from the same group."], A30, EN 01207434 ["Ta Eung kept coming and going, accompanying Ta Mok."]; **D219/796** Khay Chhauy WRI, A31, 37, EN 01485084-85. *See contra* **D219/796** Khay Chhauy WRI, A39, EN 01485085 ["Phim? There was no such name there."].
- <sup>1717</sup> **D118/108** Loem Tim WRI, A8, 10, 21, 50, EN 00976923, 25, 28 [Witness was appointed chief of the security guards and messengers at sugar factory by Yan in May or June 1978: "I saw Ta Mok going in and out of the factory. A few days later [...] Eung and Phin arrested Ta Yan [...] A few months later, the Vietnamese arrived", which the witness says occurred "[p]robably in February 1979."]; **D219/649** Loem Tim WRI, A26-27, EN 01207434 ["I heard it from [...] Eung and Phin [...] saying that Ta Yan was arrested under accusation of being a traitor. Yeay Sary [...] told me that Ta Yan was a traitor."]. Sari remained at Kampong Kol Sugar Factory until the end of the DK regime. *See* **D118/108** Loem Tim WRI, A20-21, EN 00976925; **D219/580** WRIA, Account of Pol Sot, EN 01166386. *See contra* **D219/796** Khay Chhauy WRI, A34, 36, EN 01485084-85; **D219/580** WRIA, Account of Khay Chhauy, EN 01166385.
- <sup>1718</sup> **D219/649** Loem Tim WRI, A30, EN 01207434 ["Phin was on standby there while Ta Eung kept coming and going [...]. In Ta Mok's absence, Eung would come to oversee the factory on his behalf. Sometimes, Eung slept there for several nights, and then he went away."]; **D118/108** Loem Tim WRI, A21, EN 00976925 ["Eung and Phin replaced Ta Yan."]; **D219/796** Khay Chhauy WRI, A31-32, EN 01485084 ["Eung [...] came to supervise the factory."], A99, EN 01485093; **D219/796** Khay Chhauy WRI, A27, 34, EN 01485084 [The leader of the factory "was demoted, and Eung was there."]; **D219/580** WRIA, Account of Khay Chhauy, EN 01166385; **D219/931** Prak Soeun WRI, A38, 51, EN 01492933 ["The factory chief was Eung."]. *See also* **D219/88** Pol Sot WRI, A15, EN 01077051-52.
- <sup>1719</sup> **D118/108** Loem Tim WRI, A47, 49-50, EN 00976928 ["I saw the arrests with my own eyes. Eung's and Phin's guards collected the Khmer Krom and Vietnamese [...] [a]round three months before the arrival [of the Vietnamese]."] The Vietnamese arrived "[p]robably in February 1979.", *elaborated upon at* **D219/649** Loem Tim WRI, A79, 85, EN 01207443-44; **D219/796** Khay Chhauy WRI, A104, 106, EN 01485094 [The soldiers brought in by Eung "were all under the head of the factory."]. *See also* **D219/157** Khay Chhauy WRI, A8, EN 01066845; **D219/796** Khay Chhauy WRI, A69, 74, EN 01485089. The soldiers came from the Southwest Zone with Eung and Phin to Kampong Kol Sugar Factory. *See* **D219/796** Khay Chhauy WRI, A41, 47, EN 01485085-86; **D118/108** Loem Tim WRI, A11, EN 00976923, *elaborated upon at* **D219/649** Loem Tim WRI, A32-33, EN 01207435.



committee, was arrested and transferred to S-21 on 11 November 1977.<sup>1720</sup> Additionally, after Eung arrested Southwest Zone cadre and chief of the sugar factory, Yan, in approximately mid-1978, “they started arresting workers in the sugar factory.”<sup>1721</sup> Arrests increased to as often as “every two or three days.”<sup>1722</sup> “Sometimes because the number of people arrested was so high they could not transport them all, they temporarily locked them inside the administration office.”<sup>1723</sup> Witness Loem Tim observed that in late 1978, Eung’s and Phin’s subordinates detained Khmer Krom and Vietnamese workers for one or two nights on-site under false pretext before they were taken to be killed.<sup>1724</sup>

#### Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

487. While killings were generally conducted secretly, workers heard about them and about killing sites.<sup>1725</sup> Ya Seng Hieng *alias* Nop on the factory committee was arrested and sent to S-21 according to surviving prison records and there is no evidence that he survived.<sup>1726</sup> Near the end of the DK regime, Loem Tim witnessed Khmer Krom and

<sup>1720</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597 [Ya Seng Hieng (Ya Seng Heang) *alias* Nop, Member of Zone Sugar Factory in Kampong Kul (Member of Sugar Factory), 11-Nov-77].

<sup>1721</sup> **D118/108** Loem Tim WRI, A19, EN 00976925. *See also* **D219/157** Khay Chhauy WRI, A8, EN 01066845; **D219/796** Khay Chhauy WRI, A107-108, EN 01485094.

<sup>1722</sup> **D219/157** Khay Chhauy WRI, A8, EN 01066845 [“Before 1978, they [Messengers from Battambang Province] arrested people occasionally, but after 1978, they arrested people very frequently [...] and we regularly saw them taking people every two or three days.”]. *See contra* **D219/796** Khay Chhauy WRI, A111-112, EN 01485095 [The arrests “was not so often. I saw it between two and three times.” “Sometimes, there were two or one” people arrested.].

<sup>1723</sup> **D219/157** Khay Chhauy WRI, A8, EN 01066845. In one interview, Loem Tim stated workers at the sugar factory were not detained and that there was no security office, but in the same interview he also described witnessing the detention of Khmer Krom workers in a house inside the compound. *See* **D219/649** Loem Tim WRI, A89, EN 01207444, A83, 99, EN 01207443, 46; **D118/108** Loem Tim WRI, A51, EN 00976929. The house was opposite the factory and one which Loem Tim protected. *See* **D219/649** Loem Tim WRI, A22, 83, EN 01207433, 43; **D118/108** Loem Tim WRI, A47, EN 00976928.

<sup>1724</sup> **D118/108** Loem Tim WRI, A47-51, EN 00976928-29 [“Around three months before the arrival” of the Vietnamese, which was “[p]robably in February 1979”, “I saw the arrests with my own eyes. Eung’s and Phin’s guards collected the Khmer Krom and Vietnamese and put them in an eight by thirty meter hall which was located in the house I protected.” “[T]hey said that those Khmer Krom people would be sent to do rice farming at Boeng Trav. After one or two nights, those Khmer Krom people were all taken to be killed.”]; **D219/649** Loem Tim WRI, A99-100, EN 01207446. For how Loem Tim knew the detainees were Vietnamese and Khmer Krom people, *see* **D219/649** Loem Tim WRI, A76, 82, EN 01207442-43 [“A76: They were light-skinned and spoke Khmer using the Kampuchea Krom dialect with a Vietnamese accent [...] Because they spoke Khmer with Vietnamese accent, I thought they were Khmer Kampuchea Krom. [...] Q: [...] [H]ow did you infer that they were Vietnamese? A82: I saw that they had light skin and they spoke broken Khmer.”]; **D118/108** Loem Tim WRI, A54, EN 00976929 [“Q: How did you know that they were Khmer Krom people? A54: Because they did not speak Khmer clearly, just like people from Preah Trapeng province. Also they had fair complexions.”]. *See also* **D219/157** Khay Chhauy WRI, A16, EN 01066847 [“When anyone spoke Khmer with a Khmer Krom accent, they would arrest that person.”]; **D219/796** Khay Chhauy WRI, A82, EN 01485090 [“During the Khmer Rouge regime, [...] they even arrested the Kampuchea Krom people who spoke with Vietnamese accent.”].

<sup>1725</sup> **D219/931** Prak Soeun WRI, A46, EN 01492933; **D219/649** Loem Tim WRI, A88, EN 01207444.

<sup>1726</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597.

Vietnamese workers being trucked away and, approximately five hours later, saw the trucks return with only clothes inside.<sup>1727</sup> Soldiers then told Loem Tim that the group had been killed.<sup>1728</sup>

488. People disappeared from the sugar factory.<sup>1729</sup> This included Northwest Zone cadre and chair of the sugar factory committee, Met. Loem Tim, who lived with Met as Met's messenger and worked at the factory until the end of the DK regime, recalled that before 11 November 1977, Met was summoned to attend a zone-level meeting in Battambang Town after which he disappeared.<sup>1730</sup>

### Persecution

#### *Political Persecution of the Vietnamese and Khmer Krom*

489. Vietnamese and Khmer Krom were persecuted through the crimes described above. Hostility toward anyone perceived to be linked to Vietnam existed from the highest to the lowest levels of the factory administration. Factory chief Eung and his assistant Phin said that Khmer Krom people had been arrested because they were "in Vietnamese networks".<sup>1731</sup> Eung's messengers and their fellow soldiers at the factory accused those

<sup>1727</sup> **D118/108** Loem Tim WRI, A47, 49-50, 52, EN 00976928-29 ["Around three months before the arrival" of the Vietnamese, which was "[p]robably in February 1979", "I saw [...] Eung's and Phin's guards collected the Khmer Krom and Vietnamese [...]. At night, trucks took those people away. In the morning, the trucks came back without anybody, only clothes." "I think there were around 30 people in each truck. There were both young people and the elderly. There were two trucks. I only saw them taking those Khmer Krom people away once, as it was already nearly the end of the Khmer Rouge Regime."], *elaborated on* at **D219/649** Loem Tim WRI, A79-80, 86-87, 102, EN 01207443-44, 46 [The witness saw "a large number of them were transported away in CMC-truckloads. There were maybe 50 people or more; the truck was fully loaded." The trucks left "at about 12.00 a.m. [...] They returned at about 5.00 a.m. and the trucks parked in front of my house." "There were two trucks: one truck loaded with workers; another trucked loaded with soldiers."]. For how Loem Tim knew the victims were Vietnamese and Khmer Krom, *see* **D219/649** Loem Tim WRI, A76, 82, EN 01207442-43; **D118/108** Loem Tim WRI, A54, EN 00976929. *See also* **D219/649** Loem Tim WRI, A104, EN 01207446; **D219/157** Khay Chhauy WRI, A8, EN 01066845; **D219/796** Khay Chhauy WRI, A66, 69, 74, EN 01485088-89.

<sup>1728</sup> **D219/649** Loem Tim WRI, A100-101, EN 01207446 ["Q: How did you know that they transferred them to be killed? A100: I knew this from a group of young soldiers [...] A101: [...] After those people had disappeared, they told me that those people had been taken to be killed."], A97-99, EN 01207445-46; **D118/108** Loem Tim WRI, A51, EN 00976929.

<sup>1729</sup> *See, e.g.* **D219/796** Khay Chhauy WRI, A108-109, 116, 122, EN 01485094-96; **D219/157** Khay Chhauy WRI, A8, EN 01066845; **D219/88** Pol Sot WRI, A7, EN 01077050.

<sup>1730</sup> **D118/108** Loem Tim WRI, A8, EN 00976922; **D219/649** Loem Tim WRI, A19-21, EN 01207432. The incident occurred three months before Southwest Zone cadres arrested Ta Nob on the sugar factory committee. *See* **D118/108** Loem Tim WRI, A8, EN 00976922-23; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597 [Ya Seng Hieng (Ya Seng Heang) alias Nop, Member of Zone Sugar Factory in Kampong Kul (Member of Sugar Factory), 11-Nov-77]. *See also* **D219/88** Pol Sot WRI, A17, EN 01077052; **D219/796** Khay Chhauy WRI, A23, 26, EN 01485083.

<sup>1731</sup> **D118/108** Loem Tim WRI, A53, EN 00976929 [Eung and Phin "said that those Khmer Krom people [were] in Vietnamese networks."].

people arrested of having “Yuon connections”.<sup>1732</sup> As discussed in the *Crimes Against the Vietnamese* section of this Submission,<sup>1733</sup> anyone perceived to have any connection to Vietnam, whether it be political, national, racial, or ethnical, was deemed to be a traitor. As a result, cadres at the factory sought to identify and arrest all Vietnamese and Khmer Krom workers.<sup>1734</sup> Those who were suspected because of their accents and/or fair complexions were arrested.<sup>1735</sup> From approximately mid-1978 onwards, “they started arresting workers [...] of Vietnamese and Khmer Krom nationality.”<sup>1736</sup> At least 30 workers suspected of being Vietnamese were imprisoned, murdered, and exterminated by those working under Eung and Phin. In another instance, a man of Vietnamese ancestry was arrested along with his two children.<sup>1737</sup> They were taken away in a vehicle that came from Battambang Town.<sup>1738</sup> Afterwards, no Khmer Krom or Vietnamese people were seen at the sugar factory.<sup>1739</sup>

<sup>1732</sup> **D219/649** Loem Tim WRI, A129-130, 132, EN 01207451 [“[I]n 1978” Eung’s messengers and “soldiers said that those people [arrested] had Yuon connections. It simply means that they had Vietnamese or Chinese relations or they were related to the Vietnamese by blood, ethnicity, origin, or descendent”. “The young messengers talked about it [Vietnamese connections]” “frequently” “when they hung around with their fellow contemporaries and me.”].

<sup>1733</sup> See **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>1734</sup> **D118/108** Loem Tim WRI, A19, EN 00976925 [“After Ta Yan’s arrest, they started arresting workers in the sugar factory, in particular those workers who were of Vietnamese and Khmer Krom nationality.”].

<sup>1735</sup> **D219/649** Loem Tim WRI, A76, 82, EN 01207442-43 [“Q: How did you know that the arrestees were Vietnamese and Khmer Kampuchea Krom? A76: They were light-skinned and spoke Khmer using the Kampuchea Krom dialect with a Vietnamese accent. [...] Because they spoke Khmer with Vietnamese accent, I thought they were Khmer Kampuchea Krom. [...] Q: When you mentioned the Vietnamese people, how did you infer that they were Vietnamese? A82: I saw that they had light skin and they spoke broken Khmer.”]; **D118/108** Loem Tim WRI, A54, EN 00976929 [“Q: How did you know that they were Khmer Krom people? A54: Because they did not speak Khmer clearly, just like people from Preah Trapeng province. Also, they had fair complexions.”]; **D219/796** Khay Chhauy WRI, A82, EN 01485090 [“they even arrested the Kampuchea Krom people who spoke with Vietnamese accent.”]; **D219/157** Khay Chhauy WRI, A16, EN 01066847 [“When anyone spoke Khmer with a Khmer Krom accent, they would arrest that person.”]. See *contra* **D219/796** Khay Chhauy WRI, A180, EN 01485103 [“Q: Besides speaking unclearly, were there any other characteristics that we could identify that person was Khmer Krom? A180: No.”].

<sup>1736</sup> **D118/108** Loem Tim WRI, A19, EN 00976925. Loem Tim was appointed chief of the security guards and messengers at sugar factory by Yan in May or June 1978.

<sup>1737</sup> **D219/796** Khay Chhauy WRI, A66-67, 70, 74, 80, 83, 85, 127, 130, 178, EN 01485088-91, 97, 103 [When the factory “was under the supervision of Sari”, “from the inside of the factory” the witness saw armed messengers “with five people” arrest “Ta Kuon’s family who had a Vietnamese line” according to what others told the witness. Arrested were “about three people: two children and one father” who “were in mobile unit.”].

<sup>1738</sup> **D219/796** Khay Chhauy WRI, A72, EN 01485089 [They were transported away by a car that “must have come from Battambang. Only Battambang had cars.”].

<sup>1739</sup> **D219/649** Loem Tim WRI, A84, EN 01207443 [“Q: After those people were transported away, were they any remaining Vietnamese and Khmer Kampuchea Krom people in the factory? A84: I don’t think any of them remained in the factory, but some of them may have remained in the mobile work units. [I was not sure] because I was not allowed to walk outside.”].

*Political Persecution of Northwest Zone Cadres and Their Families and Subordinates*

490. Deemed to be a traitor with “Vietnamese links”, Northwest Zone cadre Ya Seng Hieng *alias* Nop on the factory committee was specifically targeted and sent to S-21 because of his actual or perceived membership of a political group (Northwest Zone cadres and their families and subordinates).<sup>1740</sup>

V. CRIMES FOR WHICH INDICTMENT IS SOUGHT

491. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Kampong Kol Sugar Factory:<sup>1741</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>1742</sup> and the crimes against humanity of murder; extermination;<sup>1743</sup> imprisonment; persecution on political grounds against Northwest Zone cadres and their families and subordinates, Khmer Krom, and Vietnamese; and other inhumane acts (forced marriage<sup>1744</sup> and enforced disappearance).

<sup>1740</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6835, EN 01222597; **D118/108** Loem Tim WRI, A37, 42, EN 00976927 [“they tell us that those three arrestees [including Nop] were traitors, Vietnamese links [...] and enemies.”].

<sup>1741</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of imprisonment, persecution on political grounds against Northwest Zone cadres and their families and subordinates, and other inhumane acts (forced marriage and enforced disappearance). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 58, 118b; **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 4-6, 8, 13b.

<sup>1742</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>1743</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Kampong Kol Sugar Factory alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Kampong Kol Sugar Factory, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>1744</sup> See **V.B.7.** Crimes – Northwest Zone – Forced Marriage and Rape. The ICP seised the CIJs with forced marriages in Sangkae District at **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 4-6. In that submission at para. 8, he stated with supporting evidence that Kampong Kol Sugar Factory was “part of Sangkae District, Sector 1 during the DK regime”. The boundaries of Sangkae District were also discussed in: **D272/1** Response to Forwarding Order Dated 5 November 2015 and Supplementary Submission Regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4, 20 Nov 2015, paras 4-6; **D344/1/3** International Co-Prosecutor’s Response to Yim Tith’s Application to Annul the Investigation into Forced Marriage in Sangkae District, 6 Mar 2017, paras 15-19. Judges of the PTC have opined that the sugar factory was located in the boundaries of Sangkae District of which the CIJs were seised, see **D344/1/6** Considerations on Yim Tith’s Application to Annul the Investigation into Forced Marriage in Sangkae District (Sector 1), 25 Jul 2017, para. 42.

e. BANAN SECURITY CENTRE

i. INTRODUCTION

492. Banan Security Centre was located in Sangkae District of Sector 1 during the DK regime. During this period, it transitioned from being controlled by district-level to sector-level military officials. In early 1977, two months after **Yim Tith** had visited the site, Southwest Zone cadres took control of the security centre. **Yim Tith** held meetings near the security centre both before and after he was formally appointed secretary of Sector 1. He also ordered the re-arrest of individuals that had been released from the security centre by Ta Pet.
493. From approximately mid-1977 until six months before the Vietnamese arrived, the security centre held as many as 500 prisoners. Up to 40 prisoners were taken into the security centre on a single day, and five to 10 prisoners were executed daily. Some prisoners died as a result of malnourishment and/or inadequate medical treatment. Prisoners were tortured during interrogations. The security centre operated at full capacity, which resulted in Southwest Zone cadres later transferring all surviving prisoners at Banan Security Centre to a larger and nearby site called Khnang Kou Security Centre.
494. The ICIJ charged **Yim Tith** with the following crimes in relation to Banan Security Centre: the crimes against humanity of murder, extermination, imprisonment, torture, persecution on political grounds against Northwest Zone cadres and their families and subordinates, other inhumane acts (confinement in inhumane conditions); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>1745</sup>

ii. OPERATION AND LOCATION

495. Banan Security Centre was established by Northwest Zone cadres at the beginning of the

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<sup>1745</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426072, 77.

DK regime.<sup>1746</sup> In early 1977, Southwest Zone cadres took over its operation.<sup>1747</sup> After controlling it for a period of time, they transferred all surviving prisoners from Banan Security Centre to Khnang Kou Security Centre.<sup>1748</sup> Banan Security Centre was in Banan

<sup>1746</sup> **D118/77** Nang Ny WRI, A13, EN 00970454; **D219/68** Yoeun Chanthou WRI, A104, EN 01054021; **D219/390** Hang Suom WRI, A1, EN 01130574; **D118/295** Sum Voet WRI, A3, EN 01044708; **D219/85** Vy Phann WRI, A1, EN 01061167; **D219/698** Dos Doeun WRI, A22, EN 01213448; **D219/830** Seng Reut WRI, A98, EN 01390114; **D118/296** Hoem Chhongly WRI, A3, EN 01044721; **D219/545** Phar Pet WRI, A20, EN 01178530; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133057, 53; **D118/135** Chhom Youn WRI, A28, EN 00970438; **D219/533** Chhoeung Bean WRI, A186-187, EN 01178504. Some witnesses had been imprisoned at Banan Security Centre as early as 1976, see **D118/144** Koet Chuoen WRI, A1, EN 00962224; **D219/549** Ing Oeum WRI, A35, EN 01178544; **D219/68** Yoeun Chanthou WRI, A2-3, 118, EN 01054008-09, 23; **D219/390** Hang Suom WRI, A3, EN 01130574; **D219/783** Hem Preng WRI, A25, 27, EN 01485048-49. Prior to the DK regime, the site was a Lon Nol military base, see **D118/77** Nang Ny WRI, A1, EN 00970451; **D118/138** Tiep Tith WRI, A43, EN 00970099; **D219/944** Vor Ruom WRI, A11, EN 01502644; **D118/296** Hoem Chhongly WRI, A3, EN 01044720; **D219/85** Vy Phann WRI, A1, EN 01061167; **D219/545** Phar Pet WRI, A29, EN 01178532; **D118/144** Koet Chuoen WRI, A4, EN 00962225.

<sup>1747</sup> **D219/751** Vor Ruom WRI, A12-13, EN 01305920 [“In 1977, the Southwest group took control” of Banan Security Centre. “[P]robably in early 1977”]; **D118/69** Nuon Muon WRI, A6-7, 45, EN 00950726, 31 [“January 1977, I was arrested [...] when the Southwestners had arrived [...] because they understood that I was a [...] cadre of the Northwest. At that time they arrested Northwest cadres [...] I was taken to detention at the security office of Banan district”]; **D1.3.11.36** Nuon Muon OCP Statement, EN 00210530, 32 [Witness was arrested in “January 1977” and “put in Banan Prison.” At the time, Southwest Zone cadres were purging Northwest Zone cadres and the witness “belonged to network of SAY”. Ta Say was Secretary of Sector 1 before Ta Vanh replaced him.] (Note **D219/85** Vy Phann WRI, A3, EN 01061169; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77]); **D118/77** Nang Ny WRI, A1, EN 00970451 [At Kanhgath Dam, the Southwest group accused the witness of wrongdoing when Ta Vanh was in charge of the dam. They arrested Ta Vanh, the witness, and fellow worker Phan. The witness and Phan were put in Banan prison.] (Note Witness Tiep Tith said he was arrested and imprisoned with Nang Ny, and that his arrest was ordered by Ta Prum. Tiep Tith would have therefore been arrested by Southwest Zone cadres before Ta Prum was demoted from being Deputy Secretary of Sector 1 to a labourer at Kanhgath Dam. See **D118/138** Tiep Tith WRI, A4, 7, EN 00970092-93; **D219/430** Chhoeung Bean WRI, A6, EN 01128709; **D219/368** Chhoeung Bean WRI, A27, 33, EN 01117717; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 6273, EN 01222575 [Mol Sot alias Prum, Construction of Water Gate in Sector 1, 29-Oct-77]); **D219/654** Sok Cheat WRI, A35, EN 01207510 [At Kanhgath Dam, the “deputy commander ordered the militia to arrest people and send them to Banan Prison [...] per day”] (Note Witness worked at Kanhgath Dam before and after Southwest Zone cadres arrived after the dam broke in 1977, and once it was repaired the witness left the dam, see **D219/689** Sok Cheat WRI, A17-19, EN 01216244; **D219/654** Sok Cheat WRI, A70, EN 01207517); **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079-80; **D219/428** Van Chea WRI, A14, EN 01137616. See also **D219/390** Hang Suom WRI, A17, EN 01130577; **D219/654** Sok Cheat WRI, A75, EN 01207519 (Note **D219/689** Sok Cheat WRI, A40, EN 01216247); **D219/960** Sar Chuon WRI, A6, 8, 10, 12-14, EN 01456298; **D118/63** Han Thy WRI, A39-40, EN 00945853.

<sup>1748</sup> Although witnesses vary as to when the prisoners were relocated, the majority said it occurred mid- to late 1978, see **D118/77** Nang Ny WRI, A11, 13, EN 00970453-54 [“After I was released, I heard that the prison was moved [...] by the Southwest group about half a year before the Vietnamese came.”], A45, EN 00970458 [“During my prison term at Banan, I heard the soldiers say Ta Tit was Sector Committee.”] (Note Witness Tiep Tith said he was arrested and imprisoned with Nang Ny. Whilst at Banan Security Centre, Tiep Tith saw the roof of the new prison being built. After he was released, he heard about the transfer of prisoners to Tuol Kour. See **D118/138** Tiep Tith WRI, A4, 16, EN 00970092, 95; **D219/464** Tiep Tith WRI, A61, 73, EN 01151253, 55; **D118/136** Chhean Hea WRI, A60, EN 00969647 [In July or August 1978, “When I escaped to Sang Rang cooperative, I realised that Banan security office was relocated to Khnang Kou”] (Note Witness said he fled to Sang Rang cooperative when Ta Mok’s messenger told Ta Pet to pack his belongings to move to another location. Ta Pet said that he was taken away by Ta Mok and his bodyguards one or two months after Ros Nhim’s arrest. Ros Nhim was in S-21 by 14 June 1978. See **D118/136** Chhean Hea WRI, A2, EN 00969637; **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181104, 15, 52-53; **D1.3.18.2** Muol Sambath alias Ros Nhim S-21 Confession, EN

Village, Kantueu Commune, Sangkae District of Sector 1 during the DK regime.<sup>1749</sup>

496. Banan Security Centre was situated south of Wat Banan Krom compound (lower Banan Pagoda), near Banan Mountain, and west of Sangkae River.<sup>1750</sup> The security centre's

00780859 [Northwest Zone Secretary, dated 14 Jun 1978]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133061 ["The prison [...] was dismantled [...] in late 1978 and replaced by [...] Kou Prison."]; **D219/390** Hang Suom WRI, A7, 27, EN 01130575, 78 ["About two or three months before the Khmer Rouge collapsed, they moved those prisoners to be detained [...] That prison was called Khnang Kou Prison."]. See also **D219/698** Dos Doeun WRI, A23, EN 01213448 ["When the Southwest Zone cadres came in, they moved the prison to a site near Khnang Ko"] (Note The witness suggested this occurred in late 1976 or late 1977, but when the interviewer clarified whether the prisoners were transferred across the river from late 1977 the witness said "That is correct", see **D219/797** Dos Doeun WRI, A26-27, 62, 87-88, EN 01337057, 62, 65.); **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133068-69 (Note **D219/390** Hang Suom WRI, A20, EN 01130577); **D219/545** Phar Pet WRI, A50, EN 01178535. See contra **D219/548** Ing Oem WRI, A20-23, 39, EN 01193235-36, 39 [After the witness was released from Banan Security Centre, the next day it was relocated to Khnang Kou. Southwest Zone cadres arrived later.]; **D118/296** Hoem Chhongly WRI, A4, 8, EN 01044721, 23 ["Khnang Kou Security Office was established circa mid-1976 when they moved the security office from nearby Wat Banan Pagoda [...] when it was under the control of Northwest group."]; **D219/515** Chheun Chhuoy WRI, A20, EN 01156941 ["in late 1976, prisoners were imprisoned on the east side of the river, and the prison was still in use upon the arrival of the Southwest group. The place was still called Khnang Kou."]; **D118/295** Sum Voet WRI, A8, EN 01044710 ["They moved the prison from Banan to Khnang Kou when the Northwest group was in power."].

<sup>1749</sup> **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482 ["Banan prison was located [...] in Banan village. At the time of the DK, Banan village was in Kantoeu commune, Sangkae district, Sector 1 [...] about 23 km southwest of Battambang town."]; **D219/390** Hang Suom WRI, A1, EN 01130574; **D219/533** Chhoeung Bean WRI, A186, 189, EN 01178504; **D118/77** Nang Ny WRI, A1, EN 00970451; **D118/136** Chhean Hea WRI, A62, EN 00969647. See also **D219/538** Soeun Mat WRI, A4, 6-7, EN 01173573; **D219/430** Chhoeung Bean WRI, A102, EN 01128721; **D219/452** Thy Chea WRI, A2, EN 01149275; **D219/410** Hoem Chhongly WRI, A4, EN 01142889; **D118/149** Ham Saom WRI, A3, EN 00974993. Today, the location of the Banan Security Centre site is Banan Village, Kantueu Pir Commune, Banan District, Battambang Province, see **D219/533** Chhoeung Bean WRI, A189, EN 01178504; **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482.

<sup>1750</sup> Wat Banan Krom: See, e.g. **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482 ["Banan prison was located just south of the lower Banan pagoda (Wat Banan krom [...]), outside the pagoda compound"]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133056 ["250 meters from the front of Banan Temple was used as a prison"]; **D118/138** Tiep Tith WRI, A45, EN 00970099 ["The prison was located between Voat Banan Kraom Pagoda and Voat Banan Leu Pagoda, but it was closer to Voat Banan Kraom Pagoda."]; **D219/68** Yoeun Chanthou WRI, A99, 106, EN 01054020, 22; **D219/751** Vor Ruom WRI, A2, EN 01305919; **D118/77** Nang Ny WRI, A6, EN 00970452 (see also witness's sketch at **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962485); **D219/390** Hang Suom WRI, A5, EN 01130575; **D219/783** Hem Preng WRI, A37, EN 01485050; **D219/410** Hoem Chhongly WRI, A31, EN 01142898 (see also witness's sketch at **D219/410.2** Hoem Chhongly Sketch, EN 01238091); **D219/954** Chhoeung Chhoeuth WRI, A3, 29, EN 01451518, 20; **D118/135** Chhom Youn WRI, A26, EN 00970437. See contra **D219/374** Khin Khim WRI, A220, EN 01120057 ["The pagoda was used to detain prisoners."]; **D118/69** Nuon Muon WRI, A46, EN 00950731 ["prison was exactly within Banan pagoda"]; **D219/946** Lao Kang WRI, A49, EN 01502657 ["Q: What did Mao tell you about the events at Banan Temple? A49: He told me that they arrested people [...] to be killed at that site."]; **D219/689** Sok Cheat WRI, A40, EN 01216247 ["prison was located to the south of the [Banan Loeur] Pagoda."]. Banan mountain: **D118/138** Tiep Tith WRI, A28, EN 00970097 ["foot of the mountain north of Banan Temple, 500 meters away from the prisoner building."]; **D118/144** Koet Chuoan WRI, A4, EN 00962225 [Banan Security Centre "was located at the foot of the Banan mountain."]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133057 ["Banan Mountain, 250 meters from behind the prison."]; **D118/63** Han Thy WRI, A2, 4, EN 00945850; **D118/149** Ham Saom WRI, A81, EN 00975002; **D219/68** Yoeun Chanthou WRI, A32, EN 01054012 ["about one kilometre from the security office to the foot of Banan Mountain."]. See also **D219/548** Ing Oeum WRI, A34, EN 01193238; **D219/374** Khin Khim WRI, A220, EN 01120057. Sangkae River: **D219/90** Koch Rien WRI, A56-57, EN 01081753 [Banan Security Centre "was about 300

compound was no less than 50 metres long and 30 metres wide.<sup>1751</sup> It was surrounded by barbed wire with one entrance at the front and another at the back.<sup>1752</sup> Three buildings were used to detain prisoners,<sup>1753</sup> which were located next to an interrogation site.<sup>1754</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

497. Witness Vor Ruom, who was a district soldier and prison guard there at the time, said that he saw **Yim Tith** “inspect the prison about two months before the arrival of the Southwest Zone group.”<sup>1755</sup> Vor Ruom said Southwest cadres “took control” of the security centre “probably in early 1977”.<sup>1756</sup> Saran, who was chief of the prison and Vor Ruom’s chief of a company, told him that “Ta Tith was a new committee member.”<sup>1757</sup> Vor Ruom knew “Ta Tith came from the Southwest Zone” and “was a high, provincial-level, Zone-level echelon.”<sup>1758</sup>

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- to 400 metres [...] west of Stueng Sangkae River.”]; **D219/464** Tiep Tith WRI, A57, EN 01151252 [“It was located west of Stueng Sangkae River.”]; **D219/515** Chheun Chhuoy WRI, A22, EN 01156942; **D219/538** Soeun Mat WRI, A90, EN 01173590; **D219/410.2** Hoem Chhongly Sketch, EN 01238091; **D219/68** Yoeun Chanthou WRI, A101, EN 01054021.
- <sup>1751</sup> **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962483 [“The compound [...] was about 30 meters wide and 60 meters long.”]; **D219/390** Hang Suom WRI, A8, EN 01130575 [“The complex of the prison [...] about 40 metres in width and 50 to 60 metres in length.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133056 [“The prison compound covered about two rai of land”].
- <sup>1752</sup> **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962483 [“The compound was secured with a front fence, and a back fence [...]. The back fence consisted in three rows of barbed wires.”]; **D219/390** Hang Suom WRI, A8, EN 01130575; **D219/698** Dos Doeun WRI, A22, EN 01213448; **D219/751** Vor Ruom WRI, A11, EN 01305920 [“electric wires with live current were spread around the place to shock any potential escapees.”]; **D219/68** Yoeun Chanthou WRI, A100, EN 01054020; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133063, Account of San Bun, EN 01133071.
- <sup>1753</sup> **D118/77** Nang Ny WRI, A8, EN 00970452 (*see also* the witness’s sketch at **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962485); **D118/138** Tiep Tith WRI, A21, EN 00970095-96; **D219/390** Hang Suom WRI, A5, 8, EN 01130575; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133060, Account of Mai Rong, EN 01133063, Account of San Bun, EN 01133071; **D219/68** Yoeun Chanthou WRI, A3, 100, EN 01054009, 21; **D118/144** Koet Chuoen WRI, A4, EN 00962225. *See contra* **D118/144** Koet Chuoen WRI, A4, EN 00962225 [“I was detained in the only building [...] There was no other building at the time.”].
- <sup>1754</sup> **D118/138** Tiep Tith WRI, A25, EN 00970096 [“There was only one interrogation site. It was a small 3x6-meter shelter enclosed by a zinc wall and zinc roof about 10 meters from the place where I was detained.”]; **D118/77** Nang Ny WRI, A11, EN 00970453 [“interrogation site 30 metres from [...] where prisoners were housed”]; **D219/68** Yoeun Chanthou WRI, A101-102, EN 01054021 [“The interrogation place was about 200 metres from [...] these buildings.”], A3, 20, EN 01054009, 11 [“The security office had [...] one section for interrogation. [...] a long building”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133057, Account of San Bun, EN 01133071.
- <sup>1755</sup> **D219/751** Vor Ruom WRI, A47, 49, EN 01305925-26 [“I saw him in a vehicle driven towards the prison [...]. I saw him walking upstairs briefly and then he disappeared. [...] He went to inspect the prison about two months before the arrival of the Southwest Zone group.”].
- <sup>1756</sup> **D219/751** Vor Ruom WRI, A12-13, EN 01305920 [“In 1977, the Southwest group took control. But I had left by that time. It was probably in early 1977, but I do not remember.”].
- <sup>1757</sup> **D219/751** Vor Ruom WRI, A47, 51, EN 01305925-26 [“A47: [...] I got to know him at that time because the chief told me that Ta Tith was a new committee member. The former chief there was ROS Nhim [...] Q: [...] Who told you that that man was on the new Zone committee? A51: Saran did.”].
- <sup>1758</sup> **D219/751** Vor Ruom WRI, A45-46, EN 01305925.



498. **Yim Tith**'s visit to Banan Security Centre in 1977 coincided with the time when **Yim Tith** was seen in other parts of Sector 1. At the same time, Southwest Zone cadres were arresting many people in Sector 1 and sending them to Banan Security Centre. Sao Chobb provided detailed evidence to OCIJ investigators of **Yim Tith**'s active presence at Kanghat Dam and in Koas Krala District in 1976 and 1977.<sup>1759</sup> Nuon Moun, who was a Northwest Zone cadre and secretary of a cooperative in Battambang District, said that in January or February 1977 he was arrested by Southwest Zone cadres and detained at the security centre "because they understood that I was a [...] cadre of the Northwest."<sup>1760</sup> He recalled: "At that time the Southwest Zone group had already arrived" and they were arresting Northwest Zone cadres.<sup>1761</sup> Nang Ny and Tiep Tith said they were detained at Banan Security Centre sometime between mid-1977 and November 1977, after Southwest Zone cadres had arrested Sector 1 Secretary Ta Vanh at Kanghat Dam but before they had demoted his deputy, Ta Prum.<sup>1762</sup>

<sup>1759</sup> Three-day study session and site visit at Kanghat Dam: **D219/956** Sao Chobb WRI, A14-15, 22, 55, 61, 63, EN 01456265-66, 69-70 [Witness was wounded in mid-1976 and, after a three-month treatment, he met Yim Tith at a study session at Kanghat Dam forced labour site.]; **D219/981** Sao Chobb WRI, A41, 66, EN 01502688, 90 ["A41: Before the study session started, they visited the Kanghat dam. [...] Q: Did you speak with Ta Mok and Ta Tith? A66: I did when they walked around showing us how to do it. At the time Ta Mok and Ta Tith told us what we should do."]; A5, 11, 13, 20, 37, EN 01502685-88 ["The session lasted for three days" "probably in the month of May, June or July when the [Kanghat] dam was being built" and before it collapsed. Attendees "came from all districts." "The Southwest group had not arrived."]; A16-18, 24, EN 01502686-87 [At the session, Yim Tith and Ta Mok "introduced themselves" and made presentations.]; **D219/763** Sao Chobb WRI, A65, 68-69, 71, 139, EN 01337026, 35; **D219/984** Sao Chobb WRI, A5, EN 01517557. *See also* **III.D.3.a.** Yim Tith's Positions, Acts, and Conduct – Yim Tith's Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith's Other Acts and Conduct in the Northwest Zone – Yim Tith's Earliest Appearance in the Northwest Zone. Meetings with Koas Krala District soldiers: **D219/982** Sao Chobb WRI, A28-30, 33, 44-47, EN 01517552-53 ["I saw [An] arresting and killing people [...] in Kos Krala." "I asked him who assigned him to be a killer like that. He said Tith did." "In 1976 and 1977, [...] arrests took place continuously until the arrival of the Southwest Zone cadres." "Ta Tith and Ta Mok [...] I saw them coming to hold the meetings" with "An, Pak, Thach". "They held their meetings in Kos Krala."]; **D219/983** Sao Chobb WRI, A13-14, 42, EN 01519557-58, 63; **D219/984** Sao Chobb WRI, A10, EN 01517558.

<sup>1760</sup> **D118/18** Nuon Muon WRI, A12-13, EN 00912310-11; **D118/69** Nuon Muon WRI, A6-7, 45, EN 00950726, 31. *See also* **D1.3.11.36** Nuon Muon OCP Statement, EN 00210530, 32.

<sup>1761</sup> **D118/18** Nuon Muon WRI, A13, EN 00912311. *See also* **D1.3.11.36** Nuon Muon OCP Statement, EN 00210530; **D118/69** Nuon Muon WRI, A7, EN 00950726; **D219/390** Hang Suom WRI, A17, EN 01130577 ["Southwest cadres arrived in Banan district in mid-1977."].

<sup>1762</sup> **D118/77** Nang Ny WRI, A1, EN 00970451 ["the Southwest group arrived, and they accused me [...] It was at this time [...] when the Southwest group [...] arrested and executed Ta Vanh. My fellow worker [...] and I were arrested and put in Banan Prison"]; **D118/138** Tiep Tith WRI, A7, EN 00970093 ["Ta Prum, who governed the Kanghat Dam, ordered [...] to arrest me [...] and he ordered the military to send me to Banan Prison straight away. Ni, who was my friend [...] was also arrested and sent to Banan Prison."]; **D219/430** Chhoeung Bean WRI, A6, EN 01128709 ["Ta Prum [...] was the Deputy Secretary of Sector 1."]; **D219/368** Chhoeung Bean WRI, A33, EN 01117717 ["Ta Prum was removed from his position; he came to work as the chief of the sluice worker along with me."]; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369 [Chea Huon alias Vanh, Secretary of Sector 1, 20-Jun-77], Number 6273, EN 01222575 [Mol Sot alias Prum, Construction of Water Gate in Sector 1, 29-Oct-77].

499. **Yim Tith** held meetings in the vicinity of the security centre and exercised power over prisoners' liberty at the site before and after he was formally appointed Sector 1 Secretary.<sup>1763</sup> In late 1977 and towards the end of the DK regime, witnesses observed **Yim Tith** lecture to a large number of attendees that included the district committee and several hundred soldiers.<sup>1764</sup> On one of these occasions, **Yim Tith** ordered attendees to "follow Angkar's orders."<sup>1765</sup> On another occasion, the topics of discussion were "former LON Nol commandos, [...] those in that category who were told to confess", "secret agents[,] and those who were connected with Yuon networks."<sup>1766</sup> When Ta Pet, who

<sup>1763</sup> During Nang Ny's imprisonment at the security centre from sometime between mid-1977 and November 1977 until six months before the Vietnamese arrived, he "heard the soldiers say Ta Tit was Sector Committee." See **D118/77** Nang Ny WRI, A45, EN 00970458.

<sup>1764</sup> 1976 or 1977: Witness Dos Doeun attended a meeting in Svay Bei Deum Village, Kanteu Commune, Banan District that was officiated by Ta Tith which "hundreds of people attended." See **D219/797** Dos Doeun WRI, A202-206, 228-230, EN 01337079-80, 82; **D219/698** Dos Doeun WRI, A52-56, EN 01213451. Although Dos Doeun said Ta Tith was a Northwest Zone cadre and district chief in charge of Kanteu Muoy Commune, Banan District, he also stated that the person "called people to attend meetings", "was in charge of those who were building Kanghat Dam", was seen as early as 1976 "observing those who were digging canal" at Kanghat, "was not removed from his position" when the Southwest Zone cadres were present, and "saw and heard of him during the regime, up until the Vietnamese arrived." He described Ta Tith as having "a large frame; he was balding. He had dark skin." See **D219/698** Dos Doeun WRI, A47-51, 58, EN 01213451; **D219/797** Dos Doeun WRI, A201, 207-209, 213-220, 224, EN 01337079-82. Late 1977: **D219/654** Sok Cheat WRI, A75-76, EN 01207519 ["Ta Tith came to attend a meeting in Banan. [...] The meeting was held during the harvest season in late 1977. It was nearly the end of 1977."]; **D219/689** Sok Cheat WRI, A40-41, EN 01216247 ["The meeting was held at Banan Loeur pagoda. The prison was located to the south of the Pagoda. [...] There were so many people, such as cadres, people from the cooperatives, people who were on the district committee, mobile unit representatives and youth representatives. There were hundreds of them."]. Late 1978: **D219/515** Chheun Chhuoy WRI, A30, 33, 44, EN 01156944, 47 ["The meeting was held in approximately November 1978" "[a]fter Ta Pet disappeared [...] at Wat Banan Krom Pagoda. The meeting took one week, and it was chaired by Ta Tith [...] as [...] Zone Committee or possibly the Sector Committee". "[A]bout 3,000 to 4,000" "unit members from throughout Sangkae District were invited"]. 1979: **D219/538** Soeun Mat WRI, A50, 72, 75, EN 01173581, 86 ["The meeting in Banan was held in 1979 [...] but the Khmer Rouge regime had not collapsed yet. [...] The meeting [...] was held in [...] Wat Banan Pagoda. [...] The people around me were all military. There were about 400 to 500 soldiers."].

<sup>1765</sup> **D219/689** Sok Cheat WRI, A43, EN 01216247. See also **D219/953** Chhoeng Chhoeuth WRI, A62, 82, EN 01451717-18 [Near Kanghat Dam, "long before the arrival of the Vietnamese troops [...] he told us not to rebel against the Southwest Zone cadres."]. In 1977 in Sangkae District, Yim Tith "commanded and assigned" Sao Chobb to carry out investigations, to report on any "mistake[s]", and told him that "[i]f a person committed a serious mistake, the person was to be executed". Sao Chobb stated that it was Yim Tith who "gave the permission to execute the person." See **D219/763** Sao Chobb WRI, A114, 116, 118, 120-121, 123, EN 01337032-33. See *contra* **D219/953** Chhoeng Chhoeuth WRI, A78, EN 01451718 ["He spoke about good things only."]; **D219/981** Sao Chobb WRI, A67, EN 01502690 ["I did not know about any violence. [...] At the upper level, they led us well and they did not do anything bad or resort to violence."].

<sup>1766</sup> **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 (Note **D219/515** Chheun Chhuoy WRI, A56, EN 01156949). In 1976 in Sangkae District, Sao Chobb listened to Yim Tith discuss the activities of internal and external enemies, emphasising the need to defend against "enemies in all forms." See **D219/981** Sao Chobb WRI, A25, EN 01502687 and A5, 11, 13, EN 01502685-86; **D219/763** Sao Chobb WRI, A70-71, EN 01337026; **D219/956** Sao Chobb WRI, A14-15, 22, 55, 61, 63, EN 01456265-66, 69-70. In 1978 in Sangkae District, Vy Phann listened to Yim Tith speak: he "talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us." See **D219/85** Vy Phann WRI, A3, 5, EN 01061168-69;

was a Northwest Zone Deputy Secretary and Sector 1 Secretary until he was demoted, instructed “soldiers [...] under my command” who were guarding the “only” prison in Banan to release approximately 40 prisoners, “they were released for three days and were later arrested” by **Yim Tith**.<sup>1767</sup>

500. Banan Security Centre transitioned from being controlled by district-level to sector-level military officials.<sup>1768</sup> Tiep Tith, who was imprisoned sometime between mid-1977 and November 1977 by Southwest Zone cadres and released six months before the Vietnamese arrived, said he “found out about the change when [...] detained at Banan Prison.”<sup>1769</sup> In early 1977, Northwest Zone cadre Saran was chief of a company and chief of the security centre.<sup>1770</sup> He reported to the district military, whose chief was Thav, a

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**D219/245** WRIA, Account of Vy Phann, EN 01080973. *See contra* **D219/85** Vy Phann WRI, A11, EN 01061173 [Yim Tith “was a gentle person.”].

<sup>1767</sup> **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079-80 [“soldiers [...] under my command [...] I instructed” to release “around forty citizens” at the “only” prison in Banan. “[T]hey were released for three days and were later arrested.” The arrester “was Ta Tit, the sector secretary.”]. *See also* **D1.3.11.15** Heng Teav alias Ta Pet Interview by Steve Heder, EN 00426118-19.

<sup>1768</sup> **D118/138** Tiep Tith WRI, A13, 15, EN 00970094 [“Initially Banan Prison had been governed by the District Military; but later it was governed by the Sector [...] Military.”]; **D219/546** Phar Pet WRI, A3, EN 01172549 [“Banan Prison was initially controlled by the district, but later on the sector took control.”]; **D118/136** Chhean Hea WRI, A62, EN 00969647 [“Initially, Banan prison was a district prison in Sangkae District but it later became the prison of Sector 1”]; **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482 [“It was first a district level prison, and at some point during the DK, it became a sector level prison.”]. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of San Bun, EN 01133070-71. District: **D219/751** Vor Ruom WRI, A2, EN 01305919 [“I was in the military in Sangkae District”. “1 January 1976 [...] I came to guard the prison at Banan.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of San Bun, EN 01133070 [“me as a district soldier [...] mid-1977, [...] assigned as a prison guard in Banan Prison.”]; **D118/135** Chhom Youn WRI, A31, EN 00970438; **D118/149** Ham Saom WRI, A82, EN 00975002. Sector: **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079 [“all soldiers were under my command. Some of them were guarding the prison. [...] There was only one prison, in Banan. There was no prison at other places.”]; **D118/77** Nang Ny WRI, A8, EN 00970452 [“I think the prison was Sector level, not District level, because [...] people arrested from various districts were detained there.”]; **D219/390** Hang Suom WRI, A9, 15, EN 01130576-77; **D118/63** Han Thy WRI, A46, EN 00945854; **D118/69** Nuon Muon WRI, A48, EN 00950732; **D219/410** Hoem Chhongly WRI, A33, EN 01142898; **D219/548** Ing Oem WRI, A38, 41, EN 01193239.

<sup>1769</sup> **D118/138** Tiep Tith WRI, A15, EN 00970094. Tiep Tith was arrested and released at the same time as Nang Ny. Nang Ny said he was arrested after Southwest Zone cadres arrested Sector 1 Secretary Ta Vanh, and Tiep Tith said Ta Vanh’s deputy Ta Prum ordered his arrest. Tiep Tith would therefore have been arrested by Southwest Zone cadres before Ta Prum was demoted to a labourer at Kanghat Dam. He also said he was released six months later and equated that to “around the middle of 1978”, saying “[s]ix months later, the Vietnamese arrived.” Nang Ny stated that upon release he returned to his home village for six months before fleeing when the Vietnamese arrived. Both witnesses are consistent in that they were released six months before the Vietnamese arrived. *See* **D118/77** Nang Ny WRI, A1, EN 00970451; **D118/138** Tiep Tith WRI, A2, 4, 7, EN 00970092-93; **D219/430** Chhoeung Bean WRI, A6, EN 01128709; **D219/368** Chhoeung Bean WRI, A27, 33, EN 01117717; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 913, EN 01222369, Number 6273, EN 01222575.

<sup>1770</sup> **D219/751** Vor Ruom WRI, A9, 14, EN 01305920-21 [Witness was a guard at Banan Security Centre and left when Southwest Zone cadres took control of the prison in early 1977: “A9: Saran was from Northwest Zone [...] Q: Do you know the prison chief’s name? A14: His name was Saran, he was a company commander.”]. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133063; **D219/548** Ing Oem WRI, A18, EN 01193234; **D219/545** Phar Pet WRI, A22, EN 01178531;

Northwest Zone cadre “responsible” for the security centre.<sup>1771</sup> Guards on site included witness Vor Ruom, who was a district platoon soldier.<sup>1772</sup> Other soldiers worked at the security centre, as well as interrogators.<sup>1773</sup> Vor Ruom told an OCIJ investigator that in 1977, two months after he saw **Yim Tith** visit the security centre, personnel at the site were replaced.<sup>1774</sup> Nang Ny and Tiep Tith were detained at the site from approximately mid-1977 until six months before the Vietnamese arrived. Nang Ny said that during his imprisonment he “heard the soldiers say Ta Tit was Sector Committee” and Tiep Tith told investigators that when he was detained, “prison guards were directly controlled by the Sector Military.”<sup>1775</sup>

501. A commune chief in the district stated that “[i]deas on all work had to be exchanged with him [Yim Tith]. If you did not report, it would not be alright”.<sup>1776</sup> Southwest Zone cadres on cooperative committees and unit chiefs directly communicated with the security

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**D219/698** Dos Doeun WRI, A24, EN 01213449; **D1.3.11.55** Han Thy OCP Statement, EN 00221580; **D219/751** Vor Ruom WRI, A12-13, 15, EN 01305920-21 [After “the Southwest Zone group took control [of the prison] [...] probably in early 1977,” “Saran was captured”]. *See contra* **D118/63** Han Thy WRI, A45, EN 00945854 [“The security chief was Vin”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Han Thy, EN 01133057 [“The Banan Prison Chief was Ta Nhin.”].

<sup>1771</sup> **D1.3.11.55** Han Thy OCP Statement, EN 00221580 [“Ta Ran reported to, the District army.”]; **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 90, EN 01149082 [Thav, Past: Chairperson of District Military, Present: Chairperson of Kantueu Commune Cooperative, Sangkae District, Sector 1]; **D118/296** Hoem Chhongly WRI, A3, EN 01044721 [“I learned from one Khmer Rouge soldier [...] that the person responsible for the Banan Security Office was Thav.”]. *See also* **D118/138** Tiep Tith WRI, A11, EN 00970094; **D118/135** Chhom Youn WRI, A33, EN 00970438.

<sup>1772</sup> **D219/751** Vor Ruom WRI, A2, 6-7, EN 01305919 [“I was in the military in Sangkae District [...] I came to guard the prison at Banan [...] worked in the platoon. [...] I was just a combatant.”]. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of San Bun, EN 01133070; **D219/783** Hem Preng WRI, A55, 61, 64, EN 01485052-54 (*Note* **D219/390** Hang Suom WRI, A16, EN 01130577); **D118/63** Han Thy WRI, A47, EN 00945854.

<sup>1773</sup> **D118/77** Nang Ny WRI, A16, EN 00970454 [“I heard soldiers say they killed [...] I saw the soldiers Von and Thim fry and eat human livers.”]; **D219/548** Ing Oem WRI, A15, 17, EN 01193234 [“I knew a military person [...] Vat.”]; **D118/138** Tiep Tith WRI, A33, EN 00970097 [“I only knew the interrogator Men and Thim.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133063 [“The prison was tightly guarded by soldiers. [...] there were 20 military prison guards”].

<sup>1774</sup> **D219/751** Vor Ruom WRI, A49, 52, EN 01305926 [“He went to inspect the prison about two months before the arrival of the Southwest Zone group. Afterwards, the Northwest Zone group was replaced by the Southwest Zone group. [...] it was probably in 1977. It happened when the Southwest Zone group came to power, and it was two months before the replacement at the detention office.”].

<sup>1775</sup> **D118/77** Nang Ny WRI, A45, EN 00970458; **D118/138** Tiep Tith WRI, A15, EN 00970094.

<sup>1776</sup> **D105/8** Han Thy WRI, A23, EN 00803457. *See also* **D219/654** Sok Cheat WRI, A19, 31-32, EN 01207508-10 [At Kanghai Dam forced labour site in Sangkae District “I reported to the sector committee [...] They told us to report a few times per month. [...] My commander [...] Comrade Khen also reported to the sector committee.”]; **D219/85** Vy Phann WRI, A7, EN 01061170 [At Kanghai Dam forced labour site: “Those who spoke were Ta Tith [...] Chheng reported activities that occurred in seven communes under his administration. [...] Ta Tith [...] [was] sitting, listening and taking notes. [...] Reports were made by the cooperative/commune chairmen of Kantueu Muoy and Kantueu Pir [...] by the cooperative/commune chairman of Prayuth, now called Kanghai Village, and Rung, now called Chaeng Meanchey Commune.”].

centre when seeking the release of prisoners.<sup>1777</sup>

502. **Yim Tith's** knowledge of the crimes at the extrajudicial security centre are established by his: (i) visit to the site before Southwest Zone cadres took control of it in early 1977; (ii) insistence on detailed reports in the commune; (iii) hosting of meetings near the site; (iv) order to re-arrest prisoners released at the site; and (iv) position of Sector 1 Secretary giving him authority over the site.

#### iv. CRIMES

##### Imprisonment and Other Inhumane Acts (Inhumane Treatment)

503. Due to the high volume of arrests, at times Banan Security Centre reached its full capacity.<sup>1778</sup> Some witnesses reported that 30 to 40 new prisoners entered the security centre each day.<sup>1779</sup> One witness estimated that just one detention building held about 50 prisoners.<sup>1780</sup> Another witness, Nang Ny, said that during his imprisonment by Southwest Zone cadres, from approximately mid-1977 until six months before the Vietnamese arrived, he saw 500 prisoners.<sup>1781</sup> Other witnesses, including former prisoners, encountered a smaller number of prisoners.<sup>1782</sup>

<sup>1777</sup> **D219/960** Sar Chuon WRI, A6, 8, 10, 12-14, EN 01456298 [In late 1978, the witness was a Southwest Zone cadre and cooperative committee member who got his Southwest Zone superiors on the committee to release people from the cooperative who were imprisoned at Banan Security Centre. Regarding prisoner Ta Punlork, the witness wrote a letter directly to Banan Security Centre to request his release, which was granted.]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133068 [“In early 1978, my unit chief, MAM Ni, sent the prison warden a letter to request him to release me. I was released at 7.00 a.m.”].

<sup>1778</sup> See **D219/548** Ing Oeum WRI, A37, EN 01193239 [Witness was released from Banan Security Centre one day before the prison was relocated to Khnang Kou Security Centre: “Sometimes, it was full and the previous prisoners were taken to be killed, so that there were spaces for new prisoners.”]; **D219/797** Dos Doeun WRI, A17, EN 01337055 [“At first they took them to a prison in the west of Banan. It seemed that they were killing too many so they took people to Khnong Kuo.”]; **D118/77** Nang Ny WRI, A16, EN 00970454 [“prison intakes [...] occurred every single day.”]; **D219/390** Hang Suom WRI, A12, EN 01130576 [“in mid-1978 [...] [s]ometimes they transported prisoners every day, and sometimes they transported prisoners every two or three days.”].

<sup>1779</sup> **D118/77** Nang Ny WRI, A16, EN 00970454 [“prison intakes [...] occurred every single day.”]; **D219/654** Sok Cheat WRI, A35, EN 01207510 [“At least 40 people were arrested per day and sent to be detained there.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of San Bun, EN 01133071 [“Approximately 30 to 40 prisoners were routinely imprisoned in the prison compound [...] New prisoners were brought to the prison every day.”], Account of Hem Preng, EN 01133067 [“I saw many prisoners brought in every day.”].

<sup>1780</sup> **D219/390** Hang Suom WRI, A5-6, EN 01130575 [“there were about 50 prisoners in that hall [...] I just estimated. I could see those prisoners because sometimes they permitted me to take food to my mother there.”].

<sup>1781</sup> **D118/77** Nang Ny WRI, A8, EN 00970542 [“When I was imprisoned there, there were 500 prisoners. I saw the prisoners enter and exit”].

<sup>1782</sup> **D118/63** Han Thy WRI, A39-40, EN 00945853 [“I [...] freed hundreds of prisoners. [...] It was towards the very end of the regime, probably it was about one or two months before the Vietnamese arrived.”]; **D105/8** Han Thy WRI, A25, EN 00803457 [“I released 30 to 40 prisoners.”]; **D118/138** Tiep Tith WRI, A16, EN 00970095 [“While I was detained at Banan Prison, there were around 50 detainees; however, I

504. The prisoners came from across the district, including Kanghat Dam forced labour site which **Yim Tith** visited and oversaw, and elsewhere in Sector 1.<sup>1783</sup> Men, women, some of whom were pregnant, and children were imprisoned at the site.<sup>1784</sup> “[A]ny person who stole or betrayed the nation” was considered by Southwest Zone cadres to be an “enemy” and detained at Banan Security Centre.<sup>1785</sup> The “minor” offenders included people who broke work tools, stole food to minimise starvation, and did not work hard enough.<sup>1786</sup> The “serious” offenders included former Lon Nol officials, Northwest cadres, who were considered “KGB agent and Vietnamese agent”, and those who engaged in “irresponsible

think there were many prisoners when they moved the prison”]; **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079-80 [“I instructed” to release “around forty prisoners” at the “only” prison in Banan. “[T]hey were released for three days and were later arrested.” The arrester “was Ta Tit, the sector secretary.”]; **D219/959** Sar Chuon WRI, A96-98, EN 01456291-93 [“[L]ess than three months” before “the Vietnamese army liberated the country [...] in 1979”, the witness had about 31 people released from Banan prison.]; **D219/783** Hem Preng WRI, A52, EN 01485052 [“There were about 20 prisoners.”].

<sup>1783</sup> **District:** **D118/77** Nang Ny WRI, A1, EN 00970451; **D118/138** Tiep Tith WRI, A2, EN 00970092; **D219/428** Van Chea WRI, A14, EN 01137616; **D219/654** Sok Cheat WRI, A35, EN 01207510; **D219/430** Chhoeung Bean WRI, A63, EN 01128716; **D219/783** Hem Preng WRI, A11, EN 01485045-46; **D219/548** Ing Oeum WRI, A7, 11, EN 01193232-33 (Note that the witness placed Banan District in Sector 3 and said Tuol Mtes was in Sector 3. See **D219/548** Ing Oeum WRI, A7, EN 01193232; **D219/549** Ing Oeum WRI, A17, EN 01178541). See also **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133058. Elsewhere in Sector 1: **D118/77** Nang Ny WRI, A8, EN 00970452; **D118/63** Han Thy WRI, A46, EN 00945854; **D219/548** Ing Oeum WRI, A38, EN 01193239; **D118/69** Nuon Moun WRI, A3, 6, 45, EN 00950725-26, 31; **D1.3.11.36** Nuon Moun OCP Statement, EN 00210530, 32; **D219/410** Hoem Chhongly WRI, A33, EN 01142898; **D219/698** Dos Doeun WRI, A14, EN 01213447.

<sup>1784</sup> **D118/77** Nang Ny WRI, A10, EN 00970453; **D219/390** Hang Suom WRI, A13, EN 01130577; **D219/548** Ing Oeum WRI, A32, EN 01193238; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133057.

<sup>1785</sup> **D118/77** Nang Ny WRI, A21, 41, EN 00970455, 58 [“During my detention, they called me ‘A’ or ‘Enemy’ [...] The word ‘enemy’ was used to describe any person who stole or betrayed the nation. Generally speaking, all arrestees were accused of being enemies.”]. See also **D118/138** Tiep Tith WRI, A7, 56, EN 00970093, 100 [“When I was arrested [...] Ta Prum [...] said I opposed the party, and he ordered the military to send me to Banan Prison straight away. [...] If we did something wrong against their Angkar, we were accused of being an enemy.”]; **D219/654** Sok Cheat WRI, A35, EN 01207510-11; **D219/959** Sar Chuon WRI, A98, EN 01456292 [In late 1978, the witness was a Southwest Zone cadre who got people released from Banan Security Centre: “I asked them what kind of mistake Ta Punlork had made. They said that he had opposed Angkar about growing rice.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133065 [“people were imprisoned because they were accused of being enemies.”], Account of Hem Preng, EN 01133067 [“They accused me of being Angkar’s enemy”], Account of Han Thy, EN 01133057; **D219/85** Vy Phann WRI, A9, EN 01061172 [“I had heard that if a dam worksite worker made a mistake, Khmer Rouge would arrest that worker to be detained at Banan Security Office.”]; **D1.3.11.55** Han Thy OCP Statement, EN 00221580 [“people arrested for misconduct were [...] taken to be detained [...] in front of the ruins at Banan.”].

<sup>1786</sup> **D118/138** Tiep Tith WRI, A27, EN 00970097 [“50 detainees were minor-offender prisoners.”]; **D219/654** Sok Cheat WRI, A35, EN 01207510-11 [Witness worked at Kanghat Dam Forced Labour Site before and after Southwest Zone cadres arrived there: “The deputy commander ordered [...] to arrest people and send them to Banan Prison [...] even if they made minor mistakes, such as breaking a hoe handle or yoke.”]; **D219/390** Hang Suom WRI, A1, EN 01130574 [“baby was crying loudly and my mother decided to steal some rice [...] to cook for him. At that time, the militiamen or soldiers accused her of stealing the rice [...]. My mother was arrested and taken to be detained in Wat Banan Prison.”] (Note the witness’ mother, Hem Preng, stated she stole rice, see **D219/783** Hem Preng WRI, A46-47, EN 01485051); **D219/959** Sar Chuon WRI, A98, EN 01456293; **D219/428** Van Chea WRI, A13-14, EN 01137616; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133057. See also **D219/90** Koch Rien WRI, A117, EN 01081760.

speech against Angkar.”<sup>1787</sup> One prisoner, Hem Preng, whose husband was a former Lon Nol soldier, said that she was “accused [...] of being Angkar’s enemy because I did not tell them my husband’s whereabouts or my siblings’ backgrounds during the LON Nol era.”<sup>1788</sup>

505. Prisoners had “their legs in wooden shackles; each shackle held six prisoners.”<sup>1789</sup> They remained shackled even when they had to defecate.<sup>1790</sup> As a result of the prolonged use of shackles, “[s]ome prisoners could not stand and they had to crawl” when released.<sup>1791</sup>
506. Living conditions were unhygienic.<sup>1792</sup> Tiep Tith said he was allowed “to bathe once

<sup>1787</sup> **D219/90** Koch Rien WRI, A117, 120, EN 01081760-61 [“The ‘serious offence prisoners’ were the prisoners who were affiliated with the enemy. [...] They were sent to Banan Detention Office”]; **D219/373** Nom Phoun WRI, A103, EN 01128274; **D118/138** Tiep Tith WRI, A21, EN 00970095-96; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of San Bun, EN 01133071. Lon Nol officials: **D118/77** Nang Ny WRI, A18, EN 00970454; **D118/138** Tiep Tith WRI, A16, EN 00970095; **D118/63** Han Thy WRI, A2, 4, EN 00945850; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133065. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133057. Northwest Zone cadres: **D1.3.11.36** Nuon Moun OCP Statement, EN 00210530, 32 [“January 1977, I was arrested and detained [...] because [...] Northwest cadre [...] purged by the Southwest Zone. [...] I was put in Banan Prison. [...] They just accuse us, all Northwest Zone cadre was KGB agent and Vietnamese agent.”]; **D118/69** Nuon Moun WRI, A6, 45, EN 00950726, 31; **D118/77** Nang Ny WRI, A4, EN 00970452. Irresponsible speech: **D118/77** Nang Ny WRI, A1, EN 00970451 [“the Southwest group [...] accused me of irresponsible speech against Angkar [...] arrested and put [me] in Banan Prison”]; **D118/138** Tiep Tith WRI, A6-7, EN 00970093 [“I was ordered to carry soil to block the Kanghat River, and I said, ‘No one could block the river water.’ [...] Ta Prum [...] said I opposed the Party, and he ordered the military to send me to Banan Prison [...]. Ni [...] warned me, ‘Do not say that, my friend, or you will be caught and sent to prison.’ For just saying that, he was also arrested and sent to Banan Prison.”].

<sup>1788</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133066-67. *See also* **D219/783** Hem Preng WRI, A43-45, EN 01485050-51.

<sup>1789</sup> **D118/77** Nang Ny WRI, A10, EN 00970453. *See also* **D118/138** Tiep Tith WRI, A22, EN 00970096 [“The prisoners were arranged in two rows with one of their legs placed in wooden shackles.”]; **D118/63** Han Thy WRI, A39-40, EN 00945853; **D219/548** Ing Oeum WRI, A36, EN 01193239; **D219/374** Khin Khim WRI, A221, EN 01120057; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133059, Account of Mai Rong, EN 01133063, Account of Hem Preng, EN 01133067 [“They took me and shackled my legs in a cell. They used a wooden shackle with round holes. The shackle was two metres long and had two parts. They used wooden fastening pins to hold the two parts together on both sides. The shackle could hold five prisoners.”] (*Note* **D219/390** Hang Suom WRI, A5, EN 01130575 [“Investigator’s comments: Yeay HEM Preng told us that, in that prison, the prisoners were shackled and placed to sit in rows.”]).

<sup>1790</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067 [“I had to pass the bowls to another prisoner to defecate and urinate. When the bowls were full of excrement, the Khmer Rouge ordered those ambulatory prisoners to dump the excrement out of the bowls. Their shackles were taken off to do so.”].

<sup>1791</sup> **D118/63** Han Thy WRI, A39-40, EN 00945853. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133060 [“Every day [...] they threw ropes and a hatchet to me to hit any loose shackle pegs”]. *See contra* **D219/783** Hem Preng WRI, A53-54, EN 01485052 [“prisoners [...] were shackled for about four to ten days. After that, they stopped shackling the prisoners. [...] All the prisoners were unshackled.”].

<sup>1792</sup> *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133060-61 [“I saw prisoners fall sick, suffer from dysentery [...] with their legs still in shackles. [...] Prisoners had to sleep, eat and defecate in their cells. They were indescribably filthy. [...] As for sleeping, I tore clothes from those who died [...] to roll into a pillow. The hut’s floor was covered with rice husk.”].

every two weeks or once a month.”<sup>1793</sup> Nang Ny said he “suffered from mosquito bites and there were many lice.”<sup>1794</sup> Prisoners shared a container to urinate and defecate.<sup>1795</sup>

507. Prisoners undertook labour, which included emptying containers of excrement and carrying dead bodies to the nearby mountain.<sup>1796</sup>
508. They were also underfed, receiving watery porridge with rotten vegetables twice a day and “about 350 millilitres of water [...] a day.”<sup>1797</sup> Hem Preng stated: “My health deteriorated, and I became emaciated.”<sup>1798</sup> Once, when she secretly ate some food: “prison guards [...] beat me [...] until I went unconscious.”<sup>1799</sup> Sick prisoners only received “pills to take for treatment.”<sup>1800</sup> Ill prisoners were not treated at the nearby

<sup>1793</sup> **D219/464** Tiep Tith WRI, A65, EN 01151254. *See also* **D219/390** Hang Suom WRI, A36, EN 01130579 [“I saw them by chance taking those prisoners to have a wash in Stung Sangkae River.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133068 [“By night, [...] resin to burn to illuminate the cell [...]. My face was covered in smoke every night”].

<sup>1794</sup> **D118/77** Nang Ny WRI, A10, EN 00970453.

<sup>1795</sup> **D219/783** Hem Preng WRI, A50, EN 01485051-52 [“We defecated into a box, and then dumped it into a nearby hole which was already dug up. The hole depth was equal to the length of an arm, and it was so smelly. [...] We defecated into a container and passed it on from one to another for about ten to twenty people.”]; **D219/390** Hang Suom WRI, EN 01130575; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067 [“There were a few bowls for me to defecate and urinate. I had to pass the bowls to another prisoner to defecate and urinate. When the bowls were full of excrement, the Khmer Rouge ordered those ambulatory prisoners to dump the excrement out of the bowls. [...] I smelled an extremely pungent odour.”], Account of Hem Hoeng, EN 01133060.

<sup>1796</sup> **D219/783** Hem Preng WRI, A52, 55, 57, EN 01485052-53 [“I was asked to work. [...] They took us out to pull grass and cut small trees. [...] I was asked to do small works in front of the temple.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067-68 [“When the bowls were full of excrement, the Khmer Rouge ordered those ambulatory prisoners to dump the excrement out of the bowls. [...] I was used to work in the prison as a cook for the prisoners”], Account of Mai Rong, EN 01133063 [“They had us work in the prison and had me do other tasks such as collecting water from the river, carrying dead bodies from the prison to be buried at the foot of the mountain in front of the temple, and cooking porridge for prisoners to eat.”], Account of Hem Hoeng, EN 01133060-61 [“I was assigned to move around to inspect the shackles of other prisoners. [...] They had me carry dead bodies for burial at the foot of the mountain in front of the temple.”].

<sup>1797</sup> **D118/77** Nang Ny WRI, A10, EN 00970453 [“As for food rations, prisoners were given two meals a day. I was among 500 prisoners, and the whole group was given 10 tins of milled rice. Initially, they cooked the rice in a large pan and then mixed it with water and rotten vegetables to produce ten large pans of food. My ration was only 7 grains of rice for a meal. The equivalent of only about 350 millilitres of water was provided once a day.”]; **D118/138** Tiep Tith WRI, A26, EN 00970096 [“I was given only two meals – morning and evening. Each meal consisted of two ladles of porridge cooked from 10 grain of rice with spoiled vegetables and maggots.”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067-68 [“I was rationed one plate of watery porridge per day. [...] A few cans of rice and sometimes five cans of rice mixed with vegetables were used to cook a huge pan of porridge. The pan was watery. I carried the porridge to distribute to the prisoners”], Account of Hem Hoeng, EN 01133060.

<sup>1798</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133068. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133060 [“I was emaciated, just skin and bones.”].

<sup>1799</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133068. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133064-65 [“I picked up all kinds of edible leaves or vines to eat to mitigate my hunger. I hid and brought the leaves to the prison.”].

<sup>1800</sup> **D219/390** Hang Suom WRI, A5, EN 01130575 [“For prisoners, they only gave them pills to take for treatment. They did not care if the prisoners lived or died.”]. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133068 [“Even though we got sick, we did not dare to say anything at all.”].



hospital.<sup>1801</sup>

509. Nang Ny told an OCIJ investigator that “anyone who refused to obey would be beaten with a club or a bicycle lock.”<sup>1802</sup> “[O]nce [...] I needed to urinate and I moved, so they hit me.”<sup>1803</sup> Hem Preng said “everyone kept silent in fear.”<sup>1804</sup> After the DK regime, a witness observed “bloodstains on the pagoda walls.”<sup>1805</sup>

### Torture

510. Soldiers at Banan Security Centre interrogated prisoners, accusing them of being an enemy.<sup>1806</sup> Prisoners were interrogated upon arrival at the security centre and then a further two times during a week or over two weeks.<sup>1807</sup> Interrogators placed plastic bags

<sup>1801</sup> **D219/390** Hang Suom WRI, A5, EN 01130575 [“Wat Banan Pagoda [...] was used as a hospital for people in general. [...] At that time, only the women who had had difficulty delivering their baby would be sent to that hospital.”]; **D219/545** Phar Pet WRI, A27, EN 01178532 [Banan prison “was about five metres” from Banan hospital.].

<sup>1802</sup> **D118/77** Nang Ny WRI, A19, EN 00970455. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133065 [“I was beaten only once when I got into the wrong queue. The soldiers used a stick to beat me violently, which made me swollen for several days.”].

<sup>1803</sup> **D118/77** Nang Ny WRI, A19, EN 00970455.

<sup>1804</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, EN 01133068.

<sup>1805</sup> **D219/374** Khin Khim WRI, A221, EN 01120057.

<sup>1806</sup> **D118/77** Nang Ny WRI, A12, EN 00970453 [“Those who interrogated the prisoners were all soldiers.”]; **D118/138** Tiep Tith WRI, A23, EN 00970096 [“they interrogated me, and they said I was an enemy.”]. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067 [“The prison military guards tortured me [...] during interrogation. [...] They accused me of being Angkar’s enemy”]; **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 [“After Ta Pet disappeared, [...] meeting [...] at Wat Banan Krom Pagoda [...] chaired by Ta Tith. [...] At the meeting, they mentioned a number of issues, one of which was related to former LON Nol commandos, and those in that category who were told to confess.”].

<sup>1807</sup> **D118/77** Nang Ny WRI, A11, EN 00970453 [“They interrogated me three times. They interrogated me the first week; later during approximately the second and third weeks, they interrogated me again.”]; **D118/138** Tiep Tith WRI, A23-24, EN 00970096-97 [“Immediately when I arrived at the prison, they interrogated me [...] In general, prisoners were taken to be interrogated once every three or four days. They interrogated prisoners three times, and then they stopped interrogating. I was interrogated three times”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067 [“they took prisoners to be interrogated every day.”]. *See also* **D118/138** Tiep Tith WRI, A24, 29, EN 00970096-97 [“During the interrogations my hands were tied behind my back because they were afraid I might fight back, but my legs were untied. [...] interrogations [...] were conducted at 7 a.m. and finished at 9 a.m.”]; **D118/77** Nang Ny WRI, A11, EN 00970453 [“Before interrogation, my hands were tied behind my back”]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133060 [“Several days later, although my wounds had not recovered, I was taken by prison guards to face the same torture and interrogation as the first one”], EN 01133064 [Account of Mai Rong: “prisoners were ordered to sit, their legs and arms were tied”].

over prisoners' heads during interrogations,<sup>1808</sup> beat them with clubs,<sup>1809</sup> and, in the case of Hem Preng, burned her until she lost consciousness.<sup>1810</sup> Hem Preng said her interrogation left her physically scarred.<sup>1811</sup> Prison personnel tortured women accused of having been prostitutes under the former regime by cutting their breasts and raping them with foreign objects.<sup>1812</sup>

### Murder and Extermination

511. Due to the high volume of detainees imprisoned at Banan Security Centre, "prisoners were [...] killed, so that there were spaces for new prisoners."<sup>1813</sup> Nang Ny and Tiep Tith,

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- <sup>1808</sup> **D118/77** Nang Ny WRI, A11, EN 00970453 ["they placed a plastic bag over my face. Then they began to interrogate me."]; **D118/138** Tiep Tith WRI, A23, EN 00970096 ["My face was covered with a plastic bag, so I would not be able to breathe [...] I saw other detainees also have their faces covered with plastic bags also."]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133064 ["The prisoners were tortured in many ways. For example, [...] their heads were covered with a plastic bag."], Account of San Bun, EN 01133071 ["They were [...] suffocated with a plastic bag."], EN 01133067 [Account of Hem Preng: "they used a plastic bag [...] until I almost suffocated."], Account of Hem Hoeng, EN 01133060 ["I had difficulty breathing and fainted three times when my face was covered with plastic."].
- <sup>1809</sup> **D118/77** Nang Ny WRI, A11, EN 00970453 ["When I repeated the same answer, they hit me with a club until I passed out."]; **D118/138** Tiep Tith WRI, A23-24, EN 00970096-97 ["They tortured me by beating my back with the side of a big hatchet or a bamboo club. [...] Then I was beaten with a bamboo stump again. [...] I was beaten very hard."]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133064 ["The prisoners were beaten with a bamboo club during interrogation."], Account of San Bun, EN 01133071 ["They were beaten with a club"], Account of Hem Preng, EN 01133067 ["They used a wrist-sized plank to beat me many times [...] tortured me by beating"], Account of Hem Hoeng, EN 01133059-60 ["they beat me with several full-strength strokes of a wooden club. Next they had me make confessions. [...] On the last occasion, I was beaten all over my body with a bamboo club to force me to confess"].
- <sup>1810</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067 ["They also used straw to burn my legs and back until I went unconscious."].
- <sup>1811</sup> **D219/783** Hem Preng WRI, A41-42, EN 01485050 ["They harmed me until my back became swollen. They hit me on the back. I did not think I would survive. They hit me once, and the scar remains."]. See also **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Preng, EN 01133067 ["They [...] beat me [...] until blood came out of my spine and ribs."], Account of Mai Rong, EN 01133064 ["After their heads were squeezed with an iron from the chin to the back of the skull, they were beaten during interrogation until they bled from their ears. When the plastic bag was removed from the heads, blood and broken teeth flowed and fell out of their mouths. Another form of torture was that the prisoners were laid down on a barbed-wire-wrapped wooden board one metre in width and almost three metres in length, and they were repeatedly rolled on it, which cut into their flesh and left bloodstains all over the board."].
- <sup>1812</sup> **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133064 ["As for those women who were identified as having worked as prostitutes during the LON Nol regime, the soldiers took them to cut off their breasts and put earth onto their breasts and forced them to laugh. The soldiers also inserted various things into the women's vaginas because the prostitutes had lived joyful lives, so they had to laugh and be happy."].
- <sup>1813</sup> **D219/548** Ing Oeum WRI, A37, EN 01193239 ["Sometimes, it was full and the previous prisoners were taken to be killed, so that there were spaces for new prisoners."]. See also **D118/149** Ham Saom WRI, A74, EN 00975001 ["After too many prisoners had been killed and buried there, the prison was relocated"]; **D219/515** Chheun Chhuoy WRI, A21, EN 01156941 ["The reason why the detention site was moved was that the compound on the west side of the river was smaller than the one on the east side of the river"]. Some prisoners were released by Ta Pet and others, see **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079; **D219/548** Ing Oeum WRI, A25, EN 01193237; **D118/77** Nang Ny WRI, A11-12, 21, EN 00970453, 55 (Note that witness Tiep Tith was imprisoned and released at the same time as Nang Ny, although he identifies another person responsible for their release, see **D118/138** Tiep Tith WRI, A4, EN 00970092); **D219/390** Hang Suom WRI, A1, EN 01130574; **D219/959** Sar Chuon WRI, A98, EN

who were imprisoned from approximately mid-1977 until six months before the Vietnamese arrived, said they saw this happen on a daily basis.<sup>1814</sup> “Some prisoners were brought in and held there for only one night and then were taken away to be killed.”<sup>1815</sup> Nang Ny also “heard soldiers say that they killed five to ten prisoners a day” and saw them “fry and eat human livers.”<sup>1816</sup> “[S]oldiers were ordered to dig the grave” in anticipation of executions.<sup>1817</sup> Hang Suom, who lived next to the road to the security centre, noticed “in mid-1978 [...] mass killings happened”.<sup>1818</sup>

512. In addition to the types of prisoners detailed above in the *Imprisonment and Other Inhumane Acts (Inhumane Treatment)* sub-section,<sup>1819</sup> executed victims included “former soldiers [...] detained for only one night”, those “tied up with red cotton [...] after [...] interrogation”, and the Vietnamese.<sup>1820</sup> They were killed at the foot of Banan Mountain and possibly elsewhere.<sup>1821</sup>

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01456292-93; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Hem Hoeng, EN 01133061, Account of Hem Preng, EN 01133068.

<sup>1814</sup> **D118/77** Nang Ny WRI, A16, EN 00970454 [“I saw prisoners dragged out in the morning and evening every single day”]; **D118/138** Tiep Tith WRI, A29, EN 00970097 [“I saw prisoners taken out every day, sometimes at 7 a.m. and sometimes at 4 or 5 p.m. Everyone knew those prisoners were taken to be killed”].

<sup>1815</sup> **D118/138** Tiep Tith WRI, A16, EN 00970095.

<sup>1816</sup> **D118/77** Nang Ny WRI, A16, EN 00970454. *See also* **D118/138** Tiep Tith WRI, A31, EN 00970097 [“I saw detainees taken out every day -- sometimes, one, two or three prisoners -- many prisoners were taken away.”].

<sup>1817</sup> **D219/548** Ing Oeum WRI, A33, EN 01193238 [“During the interrogation of the prisoners, some of the soldiers were ordered to dig the grave.”].

<sup>1818</sup> **D219/390** Hang Suom WRI, A12, EN 01130576. *See also* **D219/954** Chhoeng Chhoeuth WRI, A3, EN 01451518 [“Prasat Banan Temple’s area was a killing place.”].

<sup>1819</sup> **See V.B.2.e.iv.** Crimes – Northwest Zone – Sector 1 – Banan Security Centre – Crimes – Imprisonment and Other Inhumane Acts (Inhumane Treatment).

<sup>1820</sup> **D118/138** Tiep Tith WRI, A27, EN 00970097; **D219/548** Ing Oeum WRI, A33, EN 01193238; **D219/390** Hang Suom WRI, A9, 12, EN 01130576 [In mid-1978 “I saw them transporting people, such as the Vietnamese and so on, from other places by vehicles to be shot to death around that place [Wat Banan Prison]. [...] A few minutes later, I heard the sound of gunfire. Then, I saw those vehicles returning without the people. At that time, they accused some people of being part of the Vietnamese network.”]. *See also* **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of Mai Rong, EN 01133064 [“The prisoners injured by torture laying in the prison were marched in queues to be beaten to death”].

<sup>1821</sup> Banan Mountain: **D118/138** Tiep Tith WRI, A27-28, EN 00970097 [“prisoners who had been former soldiers [...] were taken to be killed at the foot of the mountain north of Banan Temple”]; **D219/548** Ing Oeum WRI, A33-34, EN 01193238 [“after the interrogation [...] [p]eople were taken to be killed at the foot of the Prasat Banan Mountain.”]; **D118/149** Ham Saom WRI, A81, EN 00975002 [“They were killed at the foot of Phnum Banan [...]. There were so many bones.”]; **D118/77** Nang Ny WRI, A17, EN 00970454; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, Account of San Bun, EN 01133071, Account of Mai Rong, EN 01133064; **D219/374** Khin Khim WRI, A220, EN 01120057. Elsewhere: **D219/390** Hang Suom WRI, A9, 12, EN 01130576 [In mid-1978 “I saw them transporting people, such as the Vietnamese and so on, from other places by vehicles to be shot to death around that place [Wat Banan Prison]. [...] A few minutes later, I heard the sound of gunfire. Then, I saw those vehicles returning without the people. At that time, they accused some people of being part of the Vietnamese network.”]; **D219/946** Lao Kang WRI, A52-53, EN 01502657 [“I came to live in front of Wat Banan Pagoda in 1979. [...] When I dug up the soil, [...] there were about ten bodies”]; **D219/545** Phar Pet WRI, A34, EN 01178533 [“Q: Previously, when you said that while working in Banan Prison and Prey Kbal, you saw hundreds of dead

513. Prisoners also died from starvation, sickness, and inadequate medical treatment.<sup>1822</sup>

### Persecution

514. Southwest Zone cadres committed many of the crimes described above with the intent to target specific groups, namely Northwest Zone cadres and their families and subordinates, and members of the former Lon Nol regime and their families at Banan Security Centre. These groups were specifically targeted because of their actual or perceived membership of a political group.

## v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

515. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes against humanity in relation to Banan Security Centre:<sup>1823</sup> murder; extermination;<sup>1824</sup> imprisonment; torture; persecution on political grounds against Northwest Zone cadres and their families and subordinates and former Lon Nol soldiers and their families; and other inhumane acts (inhumane treatment).

## f. KHNANG KOU SECURITY CENTRE

### i. INTRODUCTION

516. Khnang Kou Security Centre was located in Sangkae District, Sector 1 of the Northwest Zone during the DK regime. In 1978, Southwest Zone cadres transferred all the surviving prisoners from nearby Banan Security Centre to Khnang Kou Security Centre to take advantage of its greater capacity. Southwest Zone cadres at the sector level then controlled Khnang Kou Security Centre until the end of the DK regime. Before and after

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bodies. How do know that there were hundreds of them? [...] A34: I saw them while I was walking along the road [...] A35: [...] to Phnum Kul Mountain [...] A36: I saw them before the Vietnamese arrived.”] (*Note D118/135* Chhom Youn WRI, A26, EN 00970437 [“Kul mountain [...] was about five to six kilometers from Banan Krom pagoda.”]).

<sup>1822</sup> **D219/548** Ing Oeum WRI, A36, EN 01193239 [“Some of the prisoners died of starvation at the detention office.”]; **D219/783** Hem Preng WRI, A58, EN 01485053 [“Some were imprisoned for only one week and died because of starvation.”].

<sup>1823</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of persecution on political grounds against members of the former Lon Nol regime and their families, and other inhumane acts (inhumane treatment). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 59 (including fn. 223), 118b; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 9, 22iii; **D196/1** Response to Forwarding Order D196, 23 Jun 2014, para. 2d.

<sup>1824</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Banan Security Centre alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Banan Security Centre, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

**Yim Tith**'s formal appointment as secretary of Sector 1, he held meetings near the security centre and was responsible for the implementation of CPK policies at the security centre.

517. The prison received detainees from various locations in Sector 1. This included Northwest Zone cadres and their families and subordinates, former members of the Lon Nol regime, the Vietnamese, and "new people". Prisoners endured inhumane treatment and were tortured. None of the prisoners were accorded any legal process and most, if not all, were executed. Mass executions involving a minimum of 80 prisoners occurred immediately prior to the arrival of the Vietnamese.
518. The ICIJ charged **Yim Tith** with the following crimes in relation to Khnang Kou Security Centre: the crimes against humanity of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds against Northwest Zone cadres and their families and subordinates, other inhumane acts (confinement in inhumane conditions); and the crime of premeditated murder pursuant to Articles 501 and 506 of the 1956 Penal Code.<sup>1825</sup>

ii. OPERATION AND LOCATION

519. Khnang Kou Security Centre may have operated as early as 1976.<sup>1826</sup> In 1978, Southwest Zone cadres were in control of the site when they transferred all of the surviving prisoners at Banan Security Centre to Khnang Kou Security Centre.<sup>1827</sup> They operated the site until

<sup>1825</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426072, 78.

<sup>1826</sup> **D219/156** Kim Chat WRI, A4, 6, EN 01066835; **D219/410** Hoem Chhongly WRI, A26, EN 01142896; **D118/135** Chhom Youn WRI, A28, EN 00970438; **D219/533** Chhoeung Bean WRI, A155, EN 01178499. See also **D219/90** Koch Rien WRI, A52, EN 01081752.

<sup>1827</sup> **D118/77** Nang Ny WRI, A11, 13, EN 00970453-54 ["After I was released [from Banan Security Centre], I heard that the prison was moved [...] by the Southwest group about half a year before the Vietnamese came."], A45, EN 00970458 ["During my prison term at Banan, I heard the soldiers say Ta Tit was Sector Committee."]; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, 2012, Account of Hem Hoeng, EN 01133061; **D219/390** Hang Suom WRI, A7, 27, EN 01130575, 78 ["About two or three months before the Khmer Rouge collapsed, they moved those prisoners to be detained [...] That prison was called Khnang Kou Prison."], A17, EN 01130577; **D219/698** Dos Doeun WRI, A23, EN 01213448 ["When the Southwest Zone cadres came in, they moved the prison to a site near Khnang Ko"]. Witness Chea Hean realised that Banan security office had already been relocated to Khnang Kou when he fled to Sang Rang Cooperative, which was in July or August 1978, see **D118/136** Chhean Hea WRI, A60, EN 00969647 and A2, EN 00969637; **D34.1.9** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181104, 15, 52-53; **D1.3.18.2** Muol Sambath alias Ros Nhim S-21 Confession, EN 00780859 [dated 14 Jun 1978]. See also **D219/158** Phoeuk Lam WRI, A3-4, EN 01066852-53 (*Note D219/235* Phoeuk Lam WRI, EN 01092925); **D219/428** Van Chea WRI, A1, 13-14, EN 01137613, 16; **D219/960** Sar Chuon WRI, A6, 8, 10, 12-14, EN 01456298; **D118/63** Han Thy WRI, A39-40, EN 00945853. Although witness Hoem Chhongly said Banan Security Centre was moved to Khnang Kou Security Centre "circa mid-1976" by Northwest Zone cadres, he also said: "Southwest bunch took control of [...] Khnang Kou circa late-1977 or early-1978. As far as I know, the Southwest group had been here more than one year before the Khmer Rouge regime collapsed." See **D118/296** Hoem Chhongly WRI, A4, 8, 17, EN 01044721, 23, 25. See contra **D219/548** Ing Oem WRI,

the end of the DK regime.<sup>1828</sup> The security centre was located in Tuol Chranieng Village, Bay Damram Commune, Sangkae District of Sector 1 during the DK regime.<sup>1829</sup>

520. Khnang Kou Security Centre was situated approximately 50 metres east of Sangkae River, directly opposite Banan Security Centre.<sup>1830</sup> Described as a “big prison”, the compound was 50 to 100 metres wide and 100 to 200 metres long and surrounded by barbed wire with two gates.<sup>1831</sup> Inside the compound, there was one building used for detention and another for interrogations, and accommodation for the guards and personnel.<sup>1832</sup> Six hundred metres east of the compound, there were burial pits in and around a pond called Kou Kandal and further along was a trail that led to a field.<sup>1833</sup>

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- A20-23, 39, EN 01193235-36, 39 [Banan Security Centre was relocated to Khnang Kou by Northwest Zone cadres. Southwest Zone cadres arrived later.]; **D118/295** Sum Voet WRI, A8, EN 01044710 [“They moved the prison from Banan to Khnang Kou when the Northwest group was in power.”].
- <sup>1828</sup> **D219/158** Phoeuk Lam WRI, A3-4, EN 01066852-53; **D219/423** Yon Yoeun WRI, A32, EN 01135130; **D118/296** Hoem Chhongly WRI, A4, EN 01044721; **D118/149** Ham Saom WRI, A78, EN 00975001; **D219/797** Dos Doeun WRI, A43, EN 01337059; **D219/85** Vy Phann WRI, A14, 19, EN 01061174-75; **D219/515** Chheun Chhuoy WRI, A44-45, EN 01156947; **D219/90** Koch Rien WRI, A53, EN 01081752.
- <sup>1829</sup> **D219/90** Koch Rien WRI, A59, EN 01081753; **D219/751** Vor Ruom WRI, A17, EN 01305921; **D219/516** Yon Han WRI, A2, EN 01166151 [“Tuol Chranieng was a village in Bay Damram Commune, Banan District. During the Khmer Rouge regime Banan District was called Sangkae District.”]. *See also* **D219/988** WRIA, Account of Vor Ruom, EN 01489858-59.
- <sup>1830</sup> *See, e.g.* **D219/273** Khnang Kou Security Centre Site Identification Report, EN 01088893-94; **D219/156** Kim Chat WRI, A4-5, EN 01066835; **D219/464** Tiep Tith WRI, A53, EN 01151252; **D219/390** Hang Suom WRI, A27, EN 01130578; **D219/90** Koch Rien WRI, A55, EN 01081753; **D215/1.1.2** Youth for Peace, *Behind the Darkness*, 2012, EN 01133061, 68-69; **D219/533** Chhoeung Bean WRI, A155, EN 01178498; **D118/295** Sum Voet WRI, A15, EN 01044712; **D118/296** Hoem Chhongly WRI, A4, EN 01044721 (*Note* **D219/410** Hoem Chhongly WRI, A26, EN 01142896); **D219/515** Chheun Chhuoy WRI, A22, EN 01156942; **D118/135** Chhom Youn WRI, A26, EN 00970437; **D118/149** Ham Saom WRI, A74, EN 00975001; **D219/538** Soeun Mat WRI, A95, EN 01173590.
- <sup>1831</sup> **D219/515** Chheun Chhuoy WRI, A15, EN 01156940; **D219/538** Soeun Mat WRI, A94, EN 01173590; **D219/751** Vor Ruom WRI, A21-23, EN 01305921-22; **D219/156** Kim Chat WRI, A8, EN 01066836; **D118/295** Sum Voet WRI, A4, 16, EN 01044709, 12; **D118/296** Hoem Chhongly WRI, A4, 15, EN 01044722, 24; **D219/797** Dos Doeun WRI, A152, EN 01337073; **D118/149** Ham Saom WRI, A76, EN 00975001; **D219/235** Phoeuk Lam WRI, A4, EN 01092926; **D219/273** Khnang Kou Security Centre Site Identification Report, EN 01088894.
- <sup>1832</sup> **D219/235** Phoeuk Lam WRI, A2, EN 01092925-26 and *reiterated at* **D219/273** Khnang Kou Security Centre Site Identification Report, EN 01088894, 97; **D118/296** Hoem Chhongly WRI, A4, EN 01044721; **D219/156** Kim Chat WRI, A8, EN 01066836; **D118/295** Sum Voet WRI, A4, EN 01044709; **D118/138** Tiep Tith WRI, A16, EN 00970095; **D219/944** Vor Ruom WRI, A6, EN 01502643; **D219/751** Vor Ruom WRI, A22, 25, EN 01305922. *See contra* **D219/797** Dos Doeun WRI, A135-136, EN 01337071 [“Q: How many buildings were there at Khnong Kou Security Office? A135: There wasn’t any; there was just that one place. [...] Q: There was no building; there was no hall? A136: There was not.”].
- <sup>1833</sup> **D219/698** Dos Doeun WRI, A59-62, EN 01213451 [Khnang Kou prisoners “were taken to be killed at Kou Kandal [...] around two kilometres” away. “It was a big lake which was around half a square kilometre. The dead bodies were inside the lake [...] and I saw [...] bodies nearby.”] (*Note* that during a subsequent visit to the site, an OCIJ investigator stated that “Kou Kandal [...] is located approximately 600m due east of Khnang Kou S.C. [...] There is a circular depression approximately 10m in diameter”. *See* **D219/988** WRIA, EN 01489858.); **D219/410** Hoem Chhongly WRI, A39, EN 01142900 [“I saw a path east of the security office. [...] After walking for approximately 500 metres, I saw [...] dead bodies of the prisoners from Khnang Kou [...] in the lake. [...] About 20 to 50 metres from the pit, there were [...] bodies.”]; **D219/533** Chhoeung Bean WRI, A175-177, EN 01178503 [“bodies were buried [...] at Ang Kou [...] a field at Khnang Kou. Ang Kou is approximately 100 or 150 metres east of the lake.”];

## iii. AUTHORITY STRUCTURE AND COMMUNICATION

521. **Yim Tith** held authority over Khnang Kou Security Centre. The prison was controlled by Sector 1<sup>1834</sup> and received prisoners from various locations in the sector including those imprisoned at nearby Banan Security Centre<sup>1835</sup> – a crime site which **Yim Tith** visited and exercised control over.<sup>1836</sup> **Yim Tith** also conducted meetings in the vicinity of both prisons before and after his formal appointment as secretary of Sector 1.<sup>1837</sup> On one of

**D118/149** Ham Saom WRI, A78-79, EN 00975001-02 [“all of the prisoners were executed at Kou Kandal, about 600 meters from the prison to the east. There were [...] killing fields, two in Kou Kandal [...] There were [...] dead bodies in one big pond.”]; **D118/295** Sum Voet WRI, A5, EN 01044709-10 [“pond [...] 200 metres east of the Khnang Kou Security Office. I saw [...] corpses piled up in the small pond. [...] Near the pond and in the field there were some piles of corpses.”]; **D219/85** Vy Phann WRI, A14, EN 01061174 [“the Khmer Rouge took [...] prisoners from Khnang Kou to be killed at a pond near there.”]; **D219/273** Khnang Kou Security Centre Site Identification Report, EN 01088894, 901. *See also* **D219/158** Phoeuk Lam WRI, A6, EN 01066853.

<sup>1834</sup> **D219/533** Chhoeung Bean WRI, A167, 170, EN 01178501-02 [Khnang Kou “was a sector prison.” The prison committee “reported to the sector”]; **D219/545** Phar Pet WRI, A44, EN 01178534 [“sector cadres went there and they removed those [of] us who were District Military.”]. *See also* **D1.3.11.55** Han Thy OCP Statement, EN 00221581.

<sup>1835</sup> **D219/390** Hang Suom WRI, A28, EN 01130578; **D118/296** Hoem Chhongly WRI, A12, EN 01044723; **D219/797** Dos Doeun WRI, A157-158, EN 01337074. *See also* **D219/538** Soeun Mat WRI, A105, EN 01173592. Khnang Kou Security Centre received prisoners from Banan Security Centre at a time when Banan Security Centre was also a sector-level prison, *see* **D118/77** Nang Ny WRI, A8, EN 00970452; **D219/390** Hang Suom WRI, A9, 15, EN 01130576-77; **D118/63** Han Thy WRI, A46, EN 00945854; **D118/69** Nuon Muon WRI, A48, EN 00950732; **D219/410** Hoem Chhongly WRI, A33, EN 01142898; **D219/548** Ing Oem WRI, A38, 41, EN 01193239; **D118/138** Tiep Tith WRI, A13, 15, EN 00970094; **D219/546** Phar Pet WRI, A3, EN 01172549; **D118/136** Chhean Hea WRI, A62, EN 00969647; **D118/146** Sector 1 Security Centre Site Identification Report, EN 00962482; **D34.1.10** Heng Teav alias Ta Pet Interview by Steve Heder, EN 01181079. *See contra* **D219/751** Vor Ruom WRI, A28, EN 01305923 [Khnang Kou “was a district prison [...] used for detaining people brought from both remote places and places nearby.”]; **D219/156** Kim Chat WRI, A14, EN 01066837 [“Prisoners were [...] from various communes in Sangkae District and Banan District.”] (*Note* that Banan District was known as Sangkae District during the DK regime); **D118/135** Chhom Youn WRI, A31, EN 00970438.

<sup>1836</sup> *See* **D219/751** Vor Ruom WRI, A12-13, 45-47, 49, 51, EN 01305920, 25-26.

<sup>1837</sup> 1976 or 1977 in Kanteu Commune: Witness Dos Doeun attended a meeting in Svay Bei Deum Village, Kanteu Commune, Banan District that was officiated by Ta Tith which “hundreds of people attended.” *See* **D219/797** Dos Doeun WRI, A202-206, 228-30, EN 01337079-80, 82; **D219/698** Dos Doeun WRI, A52-56, EN 01213451. Although Dos Doeun said Ta Tith was a Northwest Zone cadre and district chief in charge of Kanteu Muoy Commune, Banan District, he also stated that the person “called people to attend meetings”, “was in charge of those who were building Kanghat Dam”, was seen as early as 1976 “observing those who were digging canal” at Kanghat, “was not removed from his position” when the Southwest Zone cadres were present, and “saw and heard of him during the regime, up until the Vietnamese arrived.” He described Ta Tith as having “a large frame; he was balding. He had dark skin.” *See* **D219/698** Dos Doeun WRI, A47-51, 58, EN 01213451; **D219/797** Dos Doeun WRI, A201, 207-209, 213-220, 224, EN 01337079-82. Late 1977 at Wat Banan Loeur: **D219/654** Sok Cheat WRI, A75-76, EN 01207519 [“Ta Tith came to attend a meeting in Banan. [...] The meeting was held during the harvest season in late 1977. It was nearly the end of 1977.”]; **D219/689** Sok Cheat WRI, A40-41, EN 01216247 [“The meeting was held at Banan Loeur pagoda. The prison was located to the south of the Pagoda. [...] There were so many people, such as cadres, people from the cooperatives, people who were on the district committee, mobile unit representatives and youth representatives. There were hundreds of them.”]. Late 1978 at Wat Banan Krom: **D219/515** Chheun Chhuoy WRI, A30, 33, 44, 46, EN 01156944-45, 47 [“The meeting was held in approximately November 1978” “[a]fter Ta Pet disappeared [...] at Wat Banan Krom Pagoda. “Khnang Kou Prison was about 300 to 400 metres” away. The meeting took one week, and it was chaired by Ta Tith [...] as [...] Zone Committee or possibly the Sector Committee”. “[A]bout 3,000 to 4,000” “unit members from throughout Sangkae District were invited”.]. 1979 at Wat Banan: **D219/538** Soeun Mat WRI, A50,

these occasions, **Yim Tith** ordered attendees to “follow Angkar’s orders.”<sup>1838</sup> On another occasion, the topics of discussion were “former LON Nol commandos, and those in that category who were told to confess” and “secret agents and those who were connected with Yuon networks.”<sup>1839</sup>

522. **Yim Tith** implemented CPK policies at Khnang Kou Security Centre with the assistance of soldiers and cadres in the district and at the prison. The evidence shows that cadres from the Southwest Zone, including soldiers, a cooperative chief, and a village chief, issued orders to kill prisoners at the security centre.<sup>1840</sup> A witness who lived in Bay Damram Commune during the DK regime stated: “the upper level ordered [...] arrests. [...] Those who came to arrest were soldiers” who also killed.<sup>1841</sup> Soldiers guarded Khnang Kou Security Centre.<sup>1842</sup> Former Khnang Kou prison guard Vor Ruom, who was a Northwest Zone cadre and district platoon soldier, stated that “under the control of the Southwest group [...] [t]here were some people from the Southwest Zone, and some

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72, 75, EN 01173581, 86 [“The meeting in Banan was held in 1979 [...] but the Khmer Rouge regime had not collapsed yet. [...] The meeting [...] was held in [...] Wat Banan Pagoda. [...] The people around me were all military. There were about 400 to 500 soldiers.”].

<sup>1838</sup> **D219/689** Sok Cheat WRI, A43, EN 01216247. *See also* **D219/953** Chhoeng Chhoeuth WRI, A62, 82, EN 01451717-18 [Near Kanhath Dam, “long before the arrival of the Vietnamese troops [...] he told us not to rebel against the Southwest Zone cadres.”]. In 1977 in Sangkae District, Yim Tith “commanded and assigned” Sao Chobb to carry out investigations, to report on any “mistake[s]”, and told him that “[i]f a person committed a serious mistake, the person was to be executed”. Sao Chobb stated that it was Yim Tith who “gave the permission to execute the person.” *See* **D219/763** Sao Chobb WRI, A121, EN 01337033 and A114, 116, 118, 120, 123, EN 01337032-33. *See contra* **D219/953** Chhoeng Chhoeuth WRI, A78, EN 01451718 [“He spoke about good things only.”]; **D219/981** Sao Chobb WRI, A67, EN 01502690 [“I did not know about any violence. [...] At the upper level, they led us well and they did not do anything bad or resort to violence.”].

<sup>1839</sup> **D219/515** Chheun Chhuoy WRI, A30, EN 01156944 (*Note* **D219/515** Chheun Chhuoy WRI, A56, EN 01156949). In 1976 in Sangkae District, Sao Chobb listened to Yim Tith discuss the activities of internal and external enemies, emphasising the need to defend against “enemies in all forms. *See* **D219/981** Sao Chobb WRI, A25, EN 01502687 and A5, 11, 13, EN 01502685-86; **D219/763** Sao Chobb WRI, A70-71, EN 01337026; **D219/956** Sao Chobb WRI, A14-15, 22, 55, 61, 63, EN 01456265-66, 69-70. In 1978 in Sangkae District, Vy Phann listened to Yim Tith speak: he “talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.” *See* **D219/85** Vy Phann WRI, A3, 5, EN 01061168-69; **D219/245** WRIA, Account of Vy Phann, EN 01080973. *See contra* **D219/85** Vy Phann WRI, A11, EN 01061173 [Yim Tith “was a gentle person.”].

<sup>1840</sup> **D219/85** Vy Phann WRI, A15, EN 01061174 [“a unit chief in Svay Prey Village, Kantueu Muoy Commune [...] said that the Southwest soldiers and Phan, the Kantueu Pir Commune Committee who was also from the Southwest, crossed the stream from the west bank to the east bank to order the workers in Khnang Kou Detention Office to take all the prisoners to be killed.”]; **D219/538** Souen Mat WRI, A103-104, EN 01173591-92 [“Ta Chem led his group to kill people [...] at Khnang Kou”], A53-54, EN 01173582 [“Ta Chem, Ta Phan, and Ta Tith were from the Southwest. Ta Chem was the village chief. Ta Phan was the cooperative chief.”].

<sup>1841</sup> **D219/90** Koch Rien WRI, A127, 148, EN 01081761, 64.

<sup>1842</sup> **D219/751** Vor Ruom WRI, A2, 6-7, 18, 23, EN 01305919, 21-22; **D219/549** Ing Oeum WRI, A1, EN 01178539; **D219/90** Koch Rien WRI, A168, EN 01081766.



others came from the Northwest Zone” who worked at the security centre.<sup>1843</sup> Prison chiefs “came from the Southwest Zone.”<sup>1844</sup> The chief for Khnang Kou Security Centre instructed that prisoners be “told [...] to change and tolerate hardships for the benefit of the revolution and not to betray the revolution.”<sup>1845</sup> The prison committee included Suom, who one witness said was a Northwest Zone cadre.<sup>1846</sup> Suom told that witness that he received orders from “[h]is chairman [who] ordered new prisoners to mistreat and beat old prisoners.”<sup>1847</sup> Suom, together with chiefs and interrogators, participated in the interrogation of prisoners.<sup>1848</sup> The prison committee “reported to the sector.”<sup>1849</sup> A commune chief in the district stated that “[i]deas on all work had to be exchanged with him [Yim Tith]. If you did not report, it would not be alright”.<sup>1850</sup>

523. **Yim Tith**’s knowledge of the crimes at the extrajudicial security centre is established by:
- (i) the security centre’s acceptance of prisoners from nearby Banan Security Centre which **Yim Tith** visited and exercised control over; (ii) his insistence on receiving detailed reports in the district; (iii) his hosting of meetings in the vicinity of the site; and (iv) his position of Sector 1 Secretary giving him authority over the site.

#### iv. CRIMES

##### Imprisonment and Other Inhumane Acts (Inhumane Treatment)

524. During the period when Southwest Zone cadres controlled Khnang Kou, “[n]ew prisoners

<sup>1843</sup> **D219/751** Vor Ruom WRI, A27, EN 01305923. *See also* **D219/515** Chheun Chhuoy WRI, A54, EN 01156949 [“Upon the arrival of the Southwest group, a number of the former Northwest cadres who managed the work in Khnang Kou Prison were replaced by Southwest cadres.”]; **D219/545** Phar Pet WRI, A44-45, EN 01178534 [“A44: [...] sector cadres went there and they removed those [of] us who were District Military. Q: Do you mean to say that the sector echelon came to stay at the prison at that time? A45: Yes”].

<sup>1844</sup> **D219/751** Vor Ruom WRI, A27, EN 01305923.

<sup>1845</sup> **D219/533** Chhoeung Bean WRI, A162, EN 01178501.

<sup>1846</sup> **D219/533** Chhoeung Bean WRI, A165-166, 209, EN 01178501, 08 [“Soum, the prison deputy chairman [...] was the Northwest cadre. [...] He told me about his chairman”]; **D219/158** Phoeuk Lam WRI, A2, EN 01066852 [“Security Chairman Suom”]; **D219/235** Phoeuk Lam WRI, A15, EN 01092927. *See also* **D219/214** WRIA, EN 01074072; **D219/85** Vy Phann WRI, A15, EN 01061174.

<sup>1847</sup> **D219/533** Chhoeung Bean WRI, A209, EN 01178508.

<sup>1848</sup> **D219/158** Phoeuk Lam WRI, A2, EN 01066852 (*Note* **D219/533** Chhoeung Bean WRI, A165, EN 01178501); **D219/751** Vor Ruom WRI, A26, EN 01305923.

<sup>1849</sup> **D219/533** Chhoeung Bean WRI, A165-166, 170, 209, EN 01178501-02, 08.

<sup>1850</sup> **D105/8** Han Thy WRI, A23, EN 00803457. *See also* **D219/654** Sok Cheat WRI, A19, 31-32, EN 01207508-10 [At Kanhath Dam forced labour site in Sangkhae District, “I reported to the sector committee [...] They told us to report a few times per month. [...] My commander [...] Comrade Khen also reported to the sector committee.”]; **D219/85** Vy Phann WRI, A7, EN 01061170 [At Kanhath Dam forced labour site: “Those who spoke were Ta Tith [...]. Chheng reported activities that occurred in seven communes under his administration. [...] Ta Tith [...] [was] sitting, listening and taking notes. [...] Reports were made by the cooperative/commune chairmen of Kantueu Muoy and Kantueu Pir [...] by the cooperative/commune chairman of Prayuth, now called Kanhath Village, and Rung, now called Chaeng Meanchey Commune.”].

were brought in frequently.”<sup>1851</sup> One former prisoner told a witness that “[t]wo or three prisoners were brought in daily.”<sup>1852</sup> Vor Ruom, who guarded Khnang Kou Security Centre for one month, observed “[t]here were 700 or 800 prisoners.”<sup>1853</sup> Others said the prison held 100 or more prisoners.<sup>1854</sup>

525. As mentioned above in the *Authority Structure and Communication* sub-section,<sup>1855</sup> the prisoners came from across the district and elsewhere in Sector 1, including those imprisoned at Banan Security Centre and temporarily detained at Wat Bay Damram.<sup>1856</sup> Men, women, including those who were pregnant, and children were imprisoned.<sup>1857</sup> There were “‘serious offence prisoners’ [...] who were affiliated with the enemy.”<sup>1858</sup> They included: Northwest Zone cadres who the “Southwest group accused [...] of being CIA and being [in] Vietnamese networks” and their families and subordinates as well as the secretary and deputy secretary of Bay Damram Commune,<sup>1859</sup> members of the former

<sup>1851</sup> **D219/158** Phoeuk Lam WRI, A7, EN 01066854.

<sup>1852</sup> **D219/533** Chhoeung Bean WRI, A171, EN 01178502.

<sup>1853</sup> **D219/944** Vor Ruom WRI, A15, EN 01502646.

<sup>1854</sup> **D219/158** Phoeuk Lam WRI, A6, EN 01066853 [“There were about 100 [...] prisoners [...] in the detention room.”]; **D219/797** Dos Doeun WRI, A112-113, EN 01337068-69 [“I saw [...] [p]erhaps 100.”]; **D219/410** Hoem Chhongly WRI, A38, EN 01142900 [“According to my estimate and assessment, the security office could have held 100 to 200 persons.”]; **D1.3.11.24** Koch Rien OCP Statement, EN 00210507 [“prison, Kou [...] kept 180 people.”]; **D118/102** Toat Thoeun WRI, A106, EN 00974035 [Sari and Sarou “told me that more than one hundred northwest cadres had been detained there.”]; **D219/533** Chhoeung Bean WRI, A171, EN 01178502 [Sarau “said that there were many prisoners during this detention.”]; **D219/538** Soeun Mat WRI, A94, EN 01173590 [“There was a big prison for detaining hundreds of prisoners. It was located in Khnang Kou”]; **D219/156** Kim Chat WRI, A9, EN 01066836.

<sup>1855</sup> See **V.B.2.f.iii**. Crimes – Northwest Zone – Sector 1 – Khnang Kou Security Centre – Authority Structure and Communication.

<sup>1856</sup> **D219/464** Tiep Tith WRI, A108, 117, EN 01151260-61 [“They used Wat Bay Damram Pagoda for detaining people temporarily before they sent those people to other places. [...] They were sent to Khnang Kou Prison.”]. See also **D219/533** Chhoeung Bean WRI, A64, 67-68, EN 01178481 [People in Baydamram Commune were arrested and taken to Khnang Kou Detention Office.].

<sup>1857</sup> **D219/158** Phoeuk Lam WRI, A3, 6, EN 01066852-53; **D219/235** Phoeuk Lam WRI, A14, EN 01092927; **D219/533** Chhoeung Bean WRI, A172, EN 01178502; **D219/944** Vor Ruom WRI, A15, EN 01502646; **D219/797** Dos Doeun WRI, A133, EN 01337071; **D219/90** Koch Rien WRI, A126, EN 01081761; **D118/295** Sum Voet WRI, A4, EN 01044709. See *contra* **D219/797** Dos Doeun WRI, A133, EN 01337071 [“There were no children”].

<sup>1858</sup> **D219/90** Koch Rien WRI, A117, EN 01081760. See also **D219/751** Vor Ruom WRI, A28, EN 01305923.

<sup>1859</sup> **D219/515** Chheun Chhuoy WRI, A15, EN 01156939-40; **D219/464** Tiep Tith WRI, A77-78, EN 01151255 [“Ta Rin and Ta Ram were [...] [Bay Damram] Commune Committee. Ta Rin and Ta Ram were arrested and detained in Khnang Kou Prison”], A115, EN 01151260 [“Q: Where were the other cadres detained? A115: They were sent straight to Khnang Kou Prison.”]; **D118/136** Chheun Hea WRI, A65, EN 00969647 [“Ta Pet’s nephews, Varin and Rat, were arrested and imprisoned at Khnang Kou”]; **D219/751** Vor Ruom WRI, A29, EN 01305923; **D219/797** Dos Doeun WRI, A137, EN 01337071; **D219/533** Chhoeung Bean WRI, A159, 161, EN 01178499, 501 [“Sari and Sarau [...] served the unit leaders in Peas Krala. They were arrested and detained in Khnang Kou Prison.” Sarau “said that Ta Tith ordered Ta Saman to arrest them and their relatives and detain them in the detention office in July or August 1978. [...] Ta Saman said, ‘You betrayed the nation and people, and you did not give people sufficient food.’”], A172, EN 01178502 [Sarau “told me [...] that cadres [...] were detained.”]; **D118/102** Toat Thoeun WRI, A104, EN 00974034-35 [“two prisoners of Khnang Ku Security Centre [...] were Sari and Sarou. [...] Sari was the former Chief of Bay Damram Cooperative.”]; **D118/295** Sum Voet WRI, A11, EN 01044711.

Lon Nol regime;<sup>1860</sup> “new people”; “base people”;<sup>1861</sup> and the Vietnamese.<sup>1862</sup> There were also “‘minor offence prisoners’ [...] who stole” food or “worked more slowly”.<sup>1863</sup>

526. Prisoners, including Phoeuk Lam who was pregnant, were detained in a building “surrounded with barbed-wire.”<sup>1864</sup> Their arms and legs were shackled.<sup>1865</sup> Prisoners “were made to sleep on the ground” without any mosquito nets.<sup>1866</sup> In a “hot” building, they “ate, and defecated on the ground in the same spot where they slept.”<sup>1867</sup>
527. Prisoners were severely emaciated, as remarked upon by Ta Suom, a member of the prison committee.<sup>1868</sup> Prisoners received insufficient food rations.<sup>1869</sup> One witness “saw some hungry prisoners picking up the cassava peels [...] thrown away earlier to eat” despite being “threatened by the guards not to pick them.”<sup>1870</sup> Another witness said that former prisoners had told him “they had to eat [...] frogs to stay alive.”<sup>1871</sup>

<sup>1860</sup> **D219/751** Vor Ruom WRI, A29, EN 01305923 [Those detained “were [...] LON Nol soldiers.”]; **D219/797** Dos Doeun WRI, A114-115, 117, EN 01337069 [“my father-in-law [...] got there [Khnam Kou Security Centre] before I did. [...] He was in LON Lon’s army.”], A22, EN 01337056 [“imprison people: like [...] those who had been colonels”]; **D219/533** Chhoeung Bean WRI, A172, EN 01178502 [Sarau “told me [...] [w]hen they discovered ordinary people who had served as soldiery or commandos for the LON Nol regime, they would arrest and detain those people in the prison. [...] I saw Maraum being arrested and taken to the prison because he was a former LON Nol medic.”]; **D118/138** Tiep Tith WRI, A16, EN 00970095 [“I think there were many prisoners when they moved the [Banan] prison east of the river, because they arrested many LON Nol soldiers.”]; **D118/295** Sum Voet WRI, A9, EN 01044710 [“one person who was imprisoned at the Khnam Kou Security Office [...] was Chrey; he used to be a doctor during the LON Nol Regime.”].

<sup>1861</sup> **D219/90** Koch Rien WRI, A124, EN 01081761 [“new people, but some old people were also arrested and sent to Kou Detention Office.”].

<sup>1862</sup> **D219/158** Phoeuk Lam WRI, A2, EN 01066852 [“Only when they brought me to the Security Office did they tell me why they had arrested me. It was because I was Vietnamese.”], A6, EN 01066853 [“An old Vietnamese woman shackled close to me [...] moaned in Vietnamese”].

<sup>1863</sup> **D219/90** Koch Rien WRI, A117, 137, EN 01081760, 62; **D219/698** Dos Doeun WRI, A39-40, EN 01213450. *See also* **D219/751** Vor Ruom WRI, A28, EN 01305923; **D219/533** Chhoeung Bean WRI, A67, 172, EN 01178481, 502; **D219/797** Dos Doeun WRI, A132, 134, EN 01337071; **D219/748** Srey Soeun WRI, A90, EN 01251814; **D219/932** Soeum Vet WRI, A42, EN 01492948.

<sup>1864</sup> **D118/295** Sum Voet WRI, A4, EN 01044709.

<sup>1865</sup> **D219/158** Phoeuk Lam WRI, A6, EN 01066853; **D219/533** Chhoeung Bean WRI, A162, EN 01178500; **D219/751** Vor Ruom WRI, A31, EN 01305923; **D118/296** Hoem Chhongly WRI, A4, EN 01044721; **D118/295** Sum Voet WRI, A4, EN 01044709. *See also* **D219/156** Kim Chat WRI, A8, EN 01066836.

<sup>1866</sup> **D219/533** Chhoeung Bean WRI, A162, EN 01178500; **D219/235** Phoeuk Lam WRI, A18, 20, EN 01092927. *See also* **D118/296** Hoem Chhongly WRI, A4, EN 01044721; **D118/295** Sum Voet WRI, A4, EN 01044709; **D219/156** Kim Chat WRI, A8, EN 01066836.

<sup>1867</sup> **D219/235** Phoeuk Lam WRI, A18, EN 01092927; **D219/533** Chhoeung Bean WRI, A162, EN 01178500. *See also* **D219/797** Dos Doeun WRI, A154, EN 01337073.

<sup>1868</sup> **D219/533** Chhoeung Bean WRI, A209, EN 01178507 [“Sari said that he was exhausted. Ta Suom said that [...] he looked emaciated.”]; **D219/797** Dos Doeun WRI, A42, 68, 146, EN 01337059, 63, 72 [“the prisoners were very thin [...] just skin and bones. [...] My legs, at that time, were just the width of my arms.”].

<sup>1869</sup> **D219/533** Chhoeung Bean WRI, A178-179, EN 01178503; **D219/751** Vor Ruom WRI, A22, EN 01305922; **D219/235** Phoeuk Lam WRI, A12, 18, EN 01092926-27; **D219/797** Dos Doeun WRI, A131, EN 01337071; **D219/944** Vor Ruom WRI, A15, EN 01502646.

<sup>1870</sup> **D219/235** Phoeuk Lam WRI, A13, EN 01092926.

<sup>1871</sup> **D219/533** Chhoeung Bean WRI, A159, EN 01178500.

528. Prisoners were required to undertake various tasks, which included digging burial pits and carrying and burying corpses.<sup>1872</sup> There were also orders to “new prisoners to mistreat and beat old prisoners.”<sup>1873</sup> Phoeuk Lam said that even when she was pregnant, she, and others who farmed, worked from 8 a.m. to 5 p.m. with one break for lunch.<sup>1874</sup> Emaciated prisoners struggled to carry out their tasks.<sup>1875</sup> If they made a mistake, they were beaten.<sup>1876</sup> Threats and physical violence were used to compel prisoners to work.<sup>1877</sup> Prisoners lived in fear, “afraid of death” and, therefore, “always followed [...] orders.”<sup>1878</sup>
529. Prisoners were “beat[en] [...] every two or three days.”<sup>1879</sup> These victims had “worms [...] on their wounds. When they moved, the shackles [...] [became] tighter.”<sup>1880</sup>
530. Due to the inhumane living conditions at Khnang Kou Security Centre, prisoners became sick and no medicine was provided to them.<sup>1881</sup>

### Torture

531. Former Khnang Kou prison guard Vor Ruom told an OCIJ investigator:

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<sup>1872</sup> **D219/158** Phoeuk Lam WRI, A6, EN 01066853 [“The prisoners were ordered to carry the corpses to bury at that place.”]; **D219/533** Chhoeung Bean WRI, A159, EN 01178500 [Sari and Sarau “were put to plough rice paddy fields and tend cattle. Sometimes, when the cadres brought prisoners to be killed, [...] they were ordered to bury the bodies.”]; **D219/751** Vor Ruom WRI, A18, EN 01305921 [“some of the Northwest group were released to do rice farming [...] including my father.”]; **D219/235** Phoeuk Lam WRI, A9, 11-12, EN 01092926; **D219/797** Dos Doeun WRI, A131, 146, EN 01337071-72; **D118/296** Hoem Chhongly WRI, A4, EN 01044721-22. *See also* **D118/295** Sum Voet WRI, A11, EN 01044711.

<sup>1873</sup> **D219/533** Chhoeung Bean WRI, A209, EN 01178508 [“Ta Soum said that [...] [h]is chairman ordered new prisoners to mistreat and beat old prisoners.”].

<sup>1874</sup> **D219/235** Phoeuk Lam WRI, A10, EN 01092926; **D219/751** Vor Ruom WRI, A22, EN 01305922. *See also* **D219/797** Dos Doeun WRI, A147, EN 01337072-73.

<sup>1875</sup> **D219/533** Chhoeung Bean WRI, A209, EN 01178507; **D219/797** Dos Doeun WRI, A146, 162, EN 01337072, 74 [“Every day I was assigned to clear grass. We were really emaciated. My legs [...] were just the width of my arms. [...] All of us, our arms and legs were too small for that grass clearing work.”].

<sup>1876</sup> **D219/797** Dos Doeun WRI, A151, EN 01337073 [“If we spilled the water, they beat us.”]. *See contra* **D219/797** Dos Doeun WRI, A163, EN 01337074 [“I was never flogged by them.”].

<sup>1877</sup> **D219/797** Dos Doeun WRI, A162, EN 01337074; **D219/235** Phoeuk Lam WRI, A13, EN 0109292.

<sup>1878</sup> **D219/235** Phoeuk Lam WRI, A4, 6-7, EN 01092926. *See also* **D219/235** Phoeuk Lam WRI, A16, EN 01092927; **D219/797** Dos Doeun WRI, A168, EN 01337075; **D118/295** Sum Voet WRI, A11, EN 01044711; **D219/90** Koch Rien WRI, A167-168, EN 01081766.

<sup>1879</sup> **D219/158** Phoeuk Lam WRI, A7, EN 01066854. *See also* **D219/158** Phoeuk Lam WRI, A6, EN 01066853 [“An old Vietnamese woman shackled close to me was beaten with the back of an axe.”]; **D219/533** Chhoeung Bean WRI, A209, EN 01178507 [“Ta Sari and Ta Sarau [...] were made to [...] whip other prisoners.”]; A165, EN 01178501 [Sarau “said that he was [...] beaten, and kicked almost every day during his detention in the prison. Some prisoners were not severely beaten, but others were.”]; **D118/295** Sum Voet WRI, A4, EN 01044709 [“Some clubs were left in that hall.”].

<sup>1880</sup> **D219/533** Chhoeung Bean WRI, A162, EN 01178500.

<sup>1881</sup> **D219/235** Phoeuk Lam WRI, A18-19, EN 01092927 [A18: [...] None of those prisoners had enough to eat. They became sick. It was hot in that detention office. [...] Q: When you and the prisoners got sick, were you provided with medicine to treat the illness? A19: No, we weren’t.”].

The interrogative method was to place a plastic bag on the prisoners' head, tie and interrogate them. If this method did not work, they used pincers to pull out the prisoners' nails [...]. The interrogations included where the prisoners came from; what their jobs were formerly [...]. If the prisoners did not give them clear answers, they were tortured.<sup>1882</sup>

532. Vietnamese witness Phoeuk Lam said that she was threatened with a whip during her initial interrogation.<sup>1883</sup> Although Phoeuk Lam was never beaten with the whip, she said that serious prisoners at the security centre were interrogated and severely beaten.<sup>1884</sup> Phoeuk Lam “heard the male prisoners shouting for help when they were tortured.”<sup>1885</sup>

### Murder and Extermination

533. To make room for new arrivals, prisoners were killed every one to three days.<sup>1886</sup> Chhoeung Bean said that he was told by a former detainee, Sarau, that two to five prisoners were killed daily.<sup>1887</sup> Immediately prior to the arrival of Vietnamese forces, mass executions of the prisoners occurred east of the security centre, including at a pond called Kou Kandal. Several witnesses saw a massive number of corpses in the pond and fields at Kou Kandal and near the security centre after the Vietnamese army arrived.<sup>1888</sup>

<sup>1882</sup> **D219/751** Vor Ruom WRI, A25, EN 01305922.

<sup>1883</sup> **D219/158** Phoeuk Lam WRI, A2, EN 01066852. *See also* **D219/156** Kim Chat WRI, A11, EN 01066836.

<sup>1884</sup> **D219/158** Phoeuk Lam WRI, A6, EN 01066853 [“They beat and interrogated the serious prisoners until they died.”]. *See also* **D219/533** Chhoeung Bean WRI, A165, EN 01178501 [Sarau “said that he was tortured, beaten, and kicked almost every day during his detention in the prison.”].

<sup>1885</sup> **D219/158** Phoeuk Lam WRI, A6, EN 01066853.

<sup>1886</sup> **D219/533** Chhoeung Bean WRI, A171, EN 01178502 [Sarau “said [...] prisoners were taken to be killed daily. Two or three prisoners were brought in daily.”]; **D219/158** Phoeuk Lam WRI, A7, EN 01066854 [“They beat and killed prisoners every two to three days.”]. *See also* **D219/797** Dos Doeun WRI, A177, EN 01337076; **D219/90** Koch Rien WRI, A138, EN 01081763.

<sup>1887</sup> **D219/533** Chhoeung Bean WRI, A171, EN 01178503 [Sarau “said [...] [a]bout two, three, or five prisoners were taken to be killed daily.”], A159, EN 01178500. *See also* **D219/158** Phoeuk Lam WRI, A7, EN 01066854 [“every two to three days [...] One prisoner died each time.”]; **D219/538** Soeun Mat WRI, A52, EN 01173582 [“Ta Chem was a vicious person. He killed many people. Prisoners detained east of the river were killed by his group as well.”]; **D219/85** Vy Phann WRI, A15, EN 01061174 [“I heard about Ta Kuy, a unit chief in Svay Prey Village, Kantueu Muoy Commune [...] said that the Southwest soldiers and Phan, the Kantueu Pir Commune Committee who was also from the Southwest, crossed the stream from the west bank to the east bank to order the workers in Khnang Kou Detention Office to take all the prisoners to be killed.”]; **D219/748** Srey Soeun WRI, A85, EN 01251813 [“Kou was a place used to [...] kill prisoners.”]; **D219/698** Dos Doeun WRI, A32, EN 01213449.

<sup>1888</sup> **D118/149** Ham Saom WRI, A78-79, EN 00975001-02 [“While the Vietnamese army was entering Battambang, all of the prisoners were executed at Kou Kandal [...]. There were four killings fields, two in Kou Kandal [...]. The dead bodies were not buried because there were [too] many of them. About 200 prisoners were executed on the four killing fields. There were 80 dead bodies in one big pond.”]; **D219/797** Dos Doeun WRI, A43, 195, EN 01337059, 78 [“At the end of 1978, when Vietnam entered, they were sent to be killed at Khnong Ku Kandal. [...] Hundreds. I counted the skulls – there were over 82. They were in the lake and there were some at the edge there too.”] (*Note* in an earlier interview, at Kou Kandal, the witness “saw around 60 dead bodies on the surface” and 10-15 dead bodies nearby. *See* **D219/698** Dos Doeun WRI, A29, 62, EN 01213449, 51.); **D118/296** Hoem Chhongly WRI, A4-5, EN 01044721-22 [About 600 metres from the fence of Khnang Kou Security Centre, when “the Vietnamese troops were about to arrive [...] there were many grave pits along both sides of the path. Those graves were shallow

Although the exact number cannot be determined, it is highly likely that hundreds of prisoners at Khnang Kou Security Centre were killed. One witness who used to travel to the security office said that “[b]efore the collapse of the Khmer Rouge regime, [...] I only saw a few pits filled with corpses” but, later, “I saw hundreds of corpses piled up”.<sup>1889</sup> The same witness noticed “a strong stench” at Kou Kandal and another witness heard “the sound of flies” at another execution site.<sup>1890</sup> Except for a very small number of people, no one survived.<sup>1891</sup> Those killed included many former cadres and Khmer Rouge soldiers who had been arrested after the arrival of Southwest cadres.<sup>1892</sup> A witness recalled picking up “mostly military uniforms” at one location where there was “less than 100 corpses [...] not yet completely decomposed.”<sup>1893</sup> Witnesses said the corpses could

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and each contained two to three corpses or four to five corpses. We saw swelling legs and hands sticking out of the graves. I continued walking [...] and saw a pile of corpses. I estimate there were less than 100 corpses. [...] I walked around that place, and I many saw other piles of corpses: [...] four to ten corpses. Those corpses were not buried, but were left abandoned in the fields.”]; **D219/410** Hoem Chhongly WRI, A39, EN 01142900 [“I saw about 70 dead bodies of the prisoners from Khnang Kou piled on top of one another in the lake. [...] About 20 to 50 metres from the pit, [...] there were ten to 15 bodies. In total, there were approximately 100 bodies there”]; **D118/295** Sum Voet WRI, A3, 5, EN 01044709-10 [“when the Vietnamese soldiers were approaching [...] I saw hundreds of corpses piled up in the small pond.”]; **D219/538** Soeun Mat WRI, A97, 101, EN 01173591 [“My cousin said that when the Vietnamese soldiers arrived, the Khmer Rouge soldiers took [...] prisoners to be killed at a well. [...] My cousin saw [...] 80 dead bodies.”]; **D219/423** Yon Yoeun WRI, A30-32, EN 01135130 [“About five days after the killing, the Vietnamese arrived. The Southwest soldiers killed those prisoners before they fled the Vietnamese troops.” “I saw first-hand some prisoners being taken out of Khnang Kou site to be killed in the rice field near Khnang Kou. [...] Two days later, I went to that rice field and saw the dead bodies [...] There must have been more than 30 prisoners I saw”.]. *See also* **D219/85** Vy Phann WRI, A14, EN 01061174 [“Shortly before the Vietnamese arrived, the Khmer Rouge took approximately 60 prisoners from Khnang Kou to be killed at a pond near there.”] (*Note* the witness later said the incident occurred one day before bomb explosions were heard and that the bombing took place after Phnom Penh fell. *See* **D219/85** Vy Phann WRI, A17, 19, EN 01061175.).

<sup>1889</sup> **D118/295** Sum Voet WRI, A5, EN 01044710.

<sup>1890</sup> **D118/295** Sum Voet WRI, A5, EN 01044709-10; **D118/296** Hoem Chhongly WRI, A5, EN 01044722.

<sup>1891</sup> **D118/149** Ham Saom WRI, A78-79, EN 00975001-02 [“all of the prisoners were executed at Kou Kandal [...] I knew it because I and some other people had been assigned to burn the clothes from the dead bodies.”]; **D219/751** Vor Ruom WRI, A42, EN 01305925 [“No one survived. When I returned to my home village, I was told that they all had been killed”]; **D118/295** Sum Voet WRI, A4, EN 01044709 [“I did not see any survivors or corpses in the compound of that security office. I think that those prisoners were taken to be killed together outside the security office.”]; **D219/698** Dos Doeun WRI, A59, EN 01213451; **D118/296** Hoem Chhongly WRI, A4, EN 01044721-22. *Survivors*: **D219/158** Phoeuk Lam WRI, A3, EN 01066852-53 [Witness was a prisoner who was sent to a hospital when she went into labour. After she delivered her baby, she woke up to find that she “was the only person in the entire hospital.” “At that time, the Khmer Rouge regime had collapsed”]; **D219/85** Vy Phann WRI, A14, EN 01061174 [“Shortly before the Vietnamese arrived, the Khmer Rouge took approximately 60 prisoners from Khnang Kou to be killed [...], one man [...] survived.”]; **D118/154** Toat Thoeun WRI, A39, EN 00978789 [“Doeun was beaten to death and buried, but at that time he did not die; he got up and came back.”]; **D219/410** Hoem Chhongly WRI, A39, EN 01142900 [“As far as I know, only Ta Rien survived [...], but I do not know how”].

<sup>1892</sup> **D219/751** Vor Ruom WRI, A19, EN 01305921 [“When the Southwest Zone group arrived, all of the former Khmer Rouge cadres and soldiers were sent to do farming and were killed afterwards.”]; **D219/698** Dos Doeun WRI, A72, EN 01213452 [“Q: [...] Do you mean that the Southwest cadres killed all the [...] prison guards? A72: Yes”].

<sup>1893</sup> **D118/296** Hoem Chhongly WRI, A5, EN 01044722; **D219/410** Hoem Chhongly, A43, EN 01142902.

not have been from anywhere else other than Khnang Kou Security Centre.<sup>1894</sup>

534. Prisoners were also killed as a result of inhumane treatment. Some “died while they were still shackled” due to inadequate food and medical care.<sup>1895</sup> Serious prisoners were “beat[en] and interrogated [...] until they died.”<sup>1896</sup> Those who could no longer work or did not follow instructions were also killed.<sup>1897</sup>
535. Witnesses said that those they knew who were sent to Khnang Kou Security Centre never returned and they presumed that they had been killed due to the known prevalence of killings in general there.<sup>1898</sup> Among those who disappeared after being sent to Khnang Kou Security Centre were the secretary and deputy secretary of Bay Damram Commune.<sup>1899</sup>

### Persecution

536. Southwest Zone cadres committed many of the crimes described above with the intent to target specific groups, namely Northwest Zone cadres and their families and subordinates,<sup>1900</sup> members of the former Lon Nol regime and their families, and “new people” at Khnang Kou Security Centre. These groups were specifically targeted because

<sup>1894</sup> **D118/296** Hoem Chhongly WRI, A11, EN 01044723 [“Q: You told us that you had seen the grave pits near the compound of the Khnang Kou Security Office. To your knowledge, were those corpses of people taken from other security offices or from the Khnang Kou Security Office to be killed at the site you saw? A11: I believe that all the corpses were all taken from the Khnang Kou Security Office. [...] As I knew it, there was no other security office near that place.”]; **D118/295** Sum Voeut WRI, A12, EN 01044711 [“Q: You told us that you saw a pit at Khnang Kou where corpses were buried. As far as you knew, were the corpses buried in that pit from other security offices or from that Khnang Kou Security Office? A12: I believe the corpses which were buried in that pit were from the Khnang Kou Security Office.”].

<sup>1895</sup> **D219/235** Phoeuk Lam WRI, A18-19, EN 01092927 [“A18: In the detention office some prisoners died while they were still shackled in the legs. None of those prisoners had enough food to eat. They became sick. [...] Q: When [...] the prisoners got sick, [...] provided with medicine to treat the illness? A19: No”].

<sup>1896</sup> **D219/158** Phoeuk Lam WRI, A6, EN 01066853.

<sup>1897</sup> **D219/797** Dos Doeun WRI, A168, EN 01337075 [“Q: Do you know the reason why some people were taken to be killed? A168: Because they were too thin; they could not work any longer.”]; **D219/533** Chhoeung Bean WRI, A162-163, EN 01178501 [Sarau said “the prison chairman had him [...] educating the [...] prisoners [...] to change and tolerate hardships for the benefit of the revolution and not to betray the revolution. [...] Sister Mausalin slapped her butt, saying, ‘You cunny, listen.’ Then they took Sister Mausalin to be killed.”].

<sup>1898</sup> **D219/751** Vor Ruom WRI, A18, 26, EN 01305921, 23 [“my father was arrested to be killed. [...] I heard about my father’s disappearance”]; **D219/515** Chheun Chhuoy WRI, A16, EN 01156940 [“It was my conclusion that those [Northwest Zone] cadres were killed after they were sent to the big prison, because they disappeared since then.”]; **D219/946** Lao Kang WRI, A35, EN 01502655 [“I heard that anyone who was arrested and sent there would definitely be killed. Such a person would never return.”]; **D219/90** Koch Rien WRI, A135, EN 01081762 [“I never saw anyone arrested and sent there return.”]; **D219/797** Dos Doeun WRI, A156, EN 01337074 [“people were taken away and they disappeared.”].

<sup>1899</sup> **D219/464** Tiep Tith WRI, A78, EN 01151255 [“Ta Rin and Ta Ram were arrested and detained at Khnang Kou Prison and disappeared.”]; **D118/138** Tiep Tith WRI, A5, EN 00970093 [“Ram, the Commune Chief of Bay Damram, and Rin, the Deputy Commune Chairman [...] Rin and Ram [...] are dead.”].

<sup>1900</sup> See, e.g. **D118/136** Chhean Hea WRI, A65, EN 00969647 [“Ta Pet’s nephews, Varin and Rat, were arrested and imprisoned at Khnang Kou as well. Varin was killed at Khnang Kou”].

of their actual or perceived membership of a political group.

v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

537. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes against humanity in relation to Khnang Kou Security Centre:<sup>1901</sup> murder; extermination;<sup>1902</sup> imprisonment; torture; persecution on political grounds against Northwest Zone cadres and their families and subordinates, members of the former Lon Nol regime and their families, and “new people”; and other inhumane acts (inhumane treatment).

**3. SECTOR 3**

a. WAT KIRIRUM SECURITY CENTRE

i. INTRODUCTION

538. Wat Kirirum Security Centre (“Wat Kirirum”) was located in Phnom Sampeou District of Sector 3 during the DK regime. The security centre consisted of Chanloh Kdaong Prison, Kirirum pagoda, and surrounding caves. While the pagoda and the caves were used as detention and killing sites from 1975, Chanloh Kdaong Prison was built shortly after the arrival of Southwest Zone cadres in late 1977 or early 1978. Chanloh Kdaong Prison held up to 200 detainees at a time, who were forced to labour before being transferred to the pagoda or nearby caves to be killed.
539. **Yim Tith**, through his leadership roles at the Sector 3 and zone level, was responsible for Wat Kirirum. **Yim Tith** lived in a house close to Wat Kirirum and was frequently seen in the area.
540. The ICIJ charged **Yim Tith** with the following crimes in relation to Wat Kirirum Security Centre: the crimes against humanity of murder, extermination, enslavement,

<sup>1901</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of persecution on political grounds against members of the former Lon Nol regime and their families, and “new people”; and other inhumane acts (inhumane treatment). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 59 (including fn. 223), 118b; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 9, 22iii; **D196/1** Response to Forwarding Order D196, 23 Jun 2014, para. 2d.

<sup>1902</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Khnang Kou Security Centre alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Khnang Kou Security Centre, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.



imprisonment, persecution on political grounds against Northwest Zone cadres and their families and subordinates, and other inhumane acts (confinement/working in inhumane conditions).<sup>1903</sup>

ii. OPERATION AND LOCATION

541. Wat Kirirum was located in Phnom Sampeou Commune, Phnom Sampeou District, Battambang Province, Sector 3 of the Northwest Zone.<sup>1904</sup> Wat Kirirum was comprised of three main sites: Chanloh Kdaong Prison, Kirirum pagoda, and the nearby caves.<sup>1905</sup> Most of those detained in the security centre were from Phnom Sampeou District.<sup>1906</sup> Kirirum pagoda and nearby caves were located near the top of Phnum Sampov Mountain,<sup>1907</sup> while Chanloh Kdaong Prison was located in the valley below the pagoda, between Phnum Sampov and Phnum Kdaong mountains.<sup>1908</sup> The pagoda and the caves

<sup>1903</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426073-74.

<sup>1904</sup> **D118/85** Chea Choeun WRI, A24, EN 00976946; **D118/96** Loch Eng WRI, A23, EN 00974059; **D6.1.186** Nhem Sat WRI, EN 00275101. *See also* **D219/535** Phoeng Dy WRI, A38, EN 01173560; **D6.1.362** Pol Seun WRI, EN 00315904; **D219/421** Tea Nguon WRI, A7, EN 01135107. Phnom Sampeou District is currently known as Banan District. *See* **D6.1.150** Wat Kirirum Site Identification Report, EN 00363388.

<sup>1905</sup> **D6.1.150** Wat Kirirum Site Identification Report, EN 00363389; **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078172; **D6.1.186** Nhem Sat WRI, EN 00275102 [“Sokh told me that Watt Kirirum was a prison site and a site where prisoners were killed. There was a police office, a prisoner holding site for tempering.”], EN 0027103 [“Yes, I went up to Watt Kirirum about one week after the Yuon arrived. [...] I saw human bodies scattered throughout the caves and at the mouths of the La-ang Lakhaon and La-ang Teng Khluon [the Theatre Cave and the Dressing Cave].”]; **D6.1.164** Kung Kimly WRI, EN 00274152 [“[Kung Kimly’s husband] saw and told me that at Chanloh Kdaong and Phnom Sampeou there were places where prisoners were held.”]. Given the geographical locations of the pagoda and Chanloh Kdaong Prison, witnesses refer to the site as being comprised of the “upper area” (the pagoda and the caves) and the “lower area” (Chanloh Kdaong Prison). *See* **D118/64** Pol Seun WRI, A14, EN 00950699 [“There were two locations where prisoners were housed. I only saw them at the lower area and I did not know about the upper area.”]; **D219/666** Yang Sarieb WRI, A60, EN 01204292 [“They had a worksite at the foot of Phnum Chanlaoh Kdaong. At midnight, they brought the prisoners in. That place was probably a venue for interrogation or perhaps the prisoners had already been interrogated before they were taken there. [...] They had two locations, one was below [Phnom Chanloah Kdaong] and another was above.”].

<sup>1906</sup> **D219/535** Phoeng Dy WRI, A36-37, EN 01173560 [“Q: Where were the detainees from? A36: They were from Sampov Village and Kouk Ampil Village [...] Q: Was there anyone from other villages? A37: There were others from Banan District.”].

<sup>1907</sup> **D6.1.173** Um Saroeun WRI, EN 00274619 [“I saw the Chanloh Kdaong Office which was surrounded by a wire fence and was west of Phnom Sampeou near the White Stairs for going up to Watt Kirirum.”]; **D118/67** Nhem Hau, A37, EN 00950717 [“Q: Do you know if there was any security office or killing site in this area? A37: There was a security office in Chanloh Kdaong for the detention of light offence prisoners. Serious offence prisoners were sent to Kirirom pagoda.”]; **D219/700** WRIA, Account of Om Chhuon and Neang Chhoeum, EN 01210584.

<sup>1908</sup> **D6.1.150** Wat Kirirum Site Identification Report, EN 00363389; **D219/415** Dy Piech WRI, A3, EN 01133077 [“That place was called Chanlas Kdaong or Pralas Kdaong. It was situated in between Phnum Kdaong Mountain and Phnum Sampov Mountain.”]; **D6.1.166** In Choeun WRI, EN 00274164 [“Chanloh Kdaong where they detained people, near Samnanh Village, about 200 meters from the stairs leading up the mountain to Watt Kirirum”]; **D1.3.27.7** DC Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078171. *See also* **D6.1.169** Nhem Hau WRI, EN 00274192; **D347/2.1.25** Prum Sarun, T. 9 Dec 2015, 09.22.05; **D219/700** WRIA, Account of Om Chhuon, EN 01210584.

were used as detention and killing sites from as early as 1975.<sup>1909</sup> Chanloh Kdaong Prison was built by Southwest Zone cadres in late 1977 or early 1978.<sup>1910</sup> Wat Kirirum operated until the arrival of Vietnamese troops in January 1979.<sup>1911</sup>

542. The pagoda and the nearby caves were reached by a set of stairs that were coloured white.<sup>1912</sup> Three caves: La-ang Teng Kluon, La-ang Lakhon, and La-ang Kang Kep were located on the top of Phnum Sampov Mountain,<sup>1913</sup> close to the pagoda.<sup>1914</sup>
543. Chanloh Kdaong Prison comprised a range of buildings used to detain prisoners and to house cadres and soldiers<sup>1915</sup> near the base of the white stairs leading to the pagoda and

<sup>1909</sup> **D6.1.115** Chuch Punlork WRI, EN 00275401 [“I learned of and knew about the detention site at Watt Kirirum on Phnom Sampeou, where they had put prisoners in the pagoda sanctuary building since 1975.”]; **D6.1.128** Pen Loeut WRI, EN 00250279 [“in July 1975, I saw the bodies of approximately 20 persons at the former firing range of the Lon Nol soldiers at Chanloh Kdaong in Sampeou Village.”]. *See contra* **D219/36** Chhuom Savoeun WRI, A35, EN 01053607-08.

<sup>1910</sup> **D6.1.172** Phe Soeu WRI, EN 00274610 [“That building [Chanlok Kdaong] had been built when the group from the Southwest arrived during late 1977 and early 1978. [...] Watt Kirirum prison [...] was created during the same time that I saw that police building being built.”]; **D6.1.132** Hun Sa WRI, EN 00250274 [“In 1977 at Samnanh Village, Phnom Sampeou Subdistrict, there was a site called ‘the police site’ [...] It was a prisoner holding site.”]; **D6.1.170** Prak Phirun WRI, EN 00274197 [“in late 1977 or early 1978 [...] I saw the warehouse prison (a prison that was in the shape of a warehouse) being built southwest of Watt Kirirum Temple at the gap between Phnom Kdaong and Phnom Sampeou.”]; **D219/415** Dy Piech WRI, A4, EN 01133080-81 [“I went to that location at Phnum Sampov Mountain in 1976, but, at that time, I did not hear about Chanlas Kdaong [...] in early 1977, I began to hear the name of the location. As I remember, they began to sweep clean the enemy burrowing from inside in 1977.”]; **D6.1.166** In Choeun WRI, EN 00274164. *See contra* **D219/666** Yang Sarieb WRI, A70-71, EN 01204294; **D6.1.118** Duch Phleu WRI, EN 00275433.

<sup>1911</sup> **D6.1.115** Chuch Punlork WRI, EN 00275401-02 [“I learned of and knew about the detention site at Watt Kirirum on Phnom Sampeou where they had put prisoners in the pagoda sanctuary building since 1975. That site was active until 1979, before the Vietnamese came.”]; **D6.1.186** Nhem Sat WRI, EN 00275102-03; **D219/36** Chhuom Savoeun WRI, A35, EN 01053607; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305. *See also* **D219/700** WRIA, Account of Om Chhuon, EN 01210584.

<sup>1912</sup> **D6.1.173** Um Saroeun WRI, EN 00274619 [“I saw the Chanloh Kdaong Office which was surrounded by a wire fence and was west of Phnom Sampeou near the White Stairs for going up to Watt Kirirum.”]; **D6.1.168** Prum Sarun WRI, EN 00274178 [“They were called the White Stairs because in that era they were white washed with lime. The Khmer Rouge made the White Stairs in 1976 for going up to Watt Kirirum Prison.”]; **D6.1.150** Wat Kirirum Site Identification Report, EN 00363389, 00363395-7.

<sup>1913</sup> **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078171; **D219/36** Chhuom Savoeun WRI, A34, EN 01053607.

<sup>1914</sup> **D6.1.150** Wat Kirirum Site Identification Report, EN 00363389 [“The caves [Cave: La-ang Teng Kluon, La-ang Lakhon, La-ang Kang Kep] are just about 70 metres from the pagoda itself and adjacent to the top of the ‘White Stairs’.”].

<sup>1915</sup> **D219/666** Yang Sarieb WRI, A74, EN 01204295 [“[Chanlaoh Kdaong Prison] was surrounded by barbed wire. There were many buildings with corrugated iron roofs. Many buildings were built parallel to the latitude lines for the cadres and soldiers to stay in, and for detaining the prisoners. I did not know how many buildings were there, but it was quite a huge place at Phnum Chanlaoh Kdaong. There were five huge buildings and the small buildings were built around the huge ones. All the buildings were surrounded by fences made of barbed wire”].

nearby caves.<sup>1916</sup> Chanloh Kdaong Prison was surrounded by a barbed-wire fence.<sup>1917</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

544. Southwest Zone cadres replaced the Northwest Zone cadres in charge of Wat Kirirum in late 1977.<sup>1918</sup> Ta Rak was the commune chief of Phnom Sampeou Commune until the arrival of the Southwest Zone cadres.<sup>1919</sup> After Ta Rak was removed, **Yim Tith** was seen daily at Kouk Ampil Village worksite in Phnom Sampeou, and lived in what had previously been Ta Rak's house,<sup>1920</sup> which was located one to two kilometres from Wat Kirirum.<sup>1921</sup> **Yim Tith** was identified by many witnesses as the secretary of Sector 3.<sup>1922</sup>

<sup>1916</sup> **D6.1.150** Wat Kirirum Site Identification Report, EN 00363397; **D347/2.1.25** Prum Sarun, T. 9 Dec 2015, 09.22.05-09.23.47 ["People were provisionally detained in a Buddhist hall at the base of the white stairs. And there were chains and shackles remaining there. And later on, they would be killed and dropped into the cave at Kirirom. The said locations were close to each other."]; **D118/108** Lim Tim WRI, A60, EN 00976930 ["There was a Security Office at Sampov Mountain. I was held in detention there for one night before I was sent to the prison in Battambang town. I did not know the name of that Security Office, however. It was located at the site of the old commune office, about 500 to 600 meters north of Kirirom Pagoda. That prison was a hall, four by ten meters in size. There were wooden leg shackles for holding two to four prisoners; and the hall could hold up to 40 prisoners."]; **D6.1.362** Pol Seun WRI, EN 00315905; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305.

<sup>1917</sup> **D219/666** Yang Sarieb WRI, A74, EN 01204295 ["It [Chanloh Kdaong] was surrounded by barbed wire."]; **D6.1.173** Um Saroeun WRI, EN 00274619; **D6.1.128** Pen Loeut WRI, EN 00250279; **D6.1.362** Pol Seun WRI, EN 00315905. *See also* **D219/700** WRIA, Account of Om Chhuon, EN 01210584.

<sup>1918</sup> **D118/245** Chuon Than WRI, A7, EN 01029379 ["The Southwest cadres arrived in the Northwest Zone in around late 1977 or early 1978."]; A9, EN 01029379-80 ["After the Southwest cadres had arrived in the Northwest Zone, there were changes from the lower echelons to the upper echelons."]; **D6.1.127** Sun Nat WRI, EN 00250284.

<sup>1919</sup> **D219/697** Nauk Chheath WRI, A30, EN 01213442 ["Ta Rak was the Phnom Sampov Commune Chief"]; **D118/66** Im An WRI, A3, EN 00954057 ["It was Ta Rak, the commune chief, who removed me from that position."]; **D118/64** Pol Seun WRI, A23, EN 00950700; **D118/76** Chuch Punlork WRI, A13, EN 00976625-26; **D219/415** Dy Piech WRI, A13, EN 01133082; **D6.1.118** Duch Phleu WRI, EN 00275434; **D6.1.127** Sun Nat WRI, EN 00250284; **D6.1.128** Pen Loeut WRI, EN 00250278; **D6.1.132** Hun Sa WRI, EN 00250273; **D6.1.164** Kung Kimly WRI, EN 00274152-53; **D6.1.172** Phe Soeu WRI, EN 00274609-10; **D6.1.173** Um Saroeun WRI, EN 00274618.

<sup>1920</sup> **D118/76** Chuch Punlork WRI, A34, EN 00976628 ["I never met and talked to him [Yim Tith] face-to-face, but he came to my worksite [Kouk Ampil Village market, Phnom Sampeou Subdistrict] after Ta Rak had been removed. I met him [Yim Tith] at Ta Rak's house because he also stayed there. I went there because I had to take the farming tools to Ta Phon. I saw him [Yim Tith] taking a rest there.], A36, EN 00976629 ["Ta Tit stayed there [at Ta Rak's house located in Kouk Ampil Village, Phnum Sampov Commune] less than a year, and I saw him almost every day.], A42, EN 00976629-30 ["I attended a meeting with him [Yim Tith] at the worksite in Kouk Ampil. He [Yim Tith] was not the meeting chairperson at the time [more than a year or two before the Vietnamese arrived.]. The chairperson was the chief of my worksite, but Ta Tit was invited to join and he [Yim Tith] added some comments when necessary. He [Yim Tith] told us to help boost agricultural productivity for Angkar, and he encouraged the people to work hard. I believed that Ta Tit might have held another position there."]; **D118/64** Pol Seun WRI, A22, EN 00950700 ["Q: Who told you about Ta Tit? A22: I heard it from Ta Rak, the commune chief. He spoke about him but I did not know his position."].

<sup>1921</sup> **D118/76** Chuch Punlork WRI, A49, EN 00976630 ["Q: How far was it between Ta Tit's house and Kirirom Pagoda? A49: [...] it was around 1.5 to 2 kilometres."].

<sup>1922</sup> **D219/627** Loch Eng WRI, A12-13, EN 01187741 ["He [Yim Tith] was on the sector committee in Beong Prey and Phnom Sampov. [...] Tith arrived in Phnom Sampov after me. I do not know what position he held when he was in the Southwest but when he arrived in Phnom Sampov he was assigned to take charge

545. Armed guards were present at Kirirum pagoda<sup>1923</sup> and at Chanloh Kdaong Prison<sup>1924</sup> and often escorted detainees around the prison site.<sup>1925</sup> Phnom Sampeou Commune Police Chief Eng was identified as the “ring leader” of killings at Wat Kirirum.<sup>1926</sup>

#### iv. CRIMES

##### Imprisonment

546. Prisoners were regularly transported to Wat Kirirum by truck<sup>1927</sup> from nearby villages in the district.<sup>1928</sup> Arrestees included high-ranking cadres and officers from the previous

- 
- of the sector.”]; **D219/515** Chheun Chhuoy WRI, A58, EN 01156949 [“Ta Tith took control of only this sector [Sector 3].”].
- 1923 **D219/666** Yang Sarieb WRI, A39, EN 01204287 [“A39: When I heard people screaming [at Phnom Sampov Mountain], I crept through the jungle and rocks to see. I was photographed by two guards above me on the top of a tree. Then, they got down and pointed their guns at me.”], A49, EN 01204289 [“Q: How many Khmer Rouge were there surrounding the prisoners? A49: I saw six of them. They were young, probably 16 or 17 years old. They were soldiers.”], A66, EN 01204293 [“Q: Were you able to see the Khmer Rouge moving around at the place located below because your cooperative was near to it? A66: I saw quite a number of them walking back and forth at their worksite. There were about five to six of them per group, but I did know their exact number.”].
- 1924 **D6.1.166** In Choeun WRI, EN 00274165 [“There were about ten guards at the detention site [at Chanloh Kdaong].”].
- 1925 **D219/666** Yang Sarieb WRI, A49, EN 01204287 [“Q: How many Khmer Rouge were there surrounding the prisoners? A49: I saw six of them. They were young, probably 16 or 17 years old. They were soldiers.”], A66, EN 01204293 [“Q: Were you able to see the Khmer Rouge moving around at the place located below because your cooperative was near to it? A66: I saw quite a number of them walking back and forth at their worksite. There were about five to six of them per group, but I did know their exact number.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305.
- 1926 **D219/535** Phoeng Dy WRI, A89, EN 01173566 [“Eng was the ringleader of the killings”]; **D219/697** Nauk Chheath WRI, A18, EN 01213441 [“I know of the killings of people. The police chief Eng was the perpetrator.”], A36, EN 01213443 [“Later a soldier told me that he was Ta Eng who was the police chief of Phnom Sampov and the killer of people there.”].
- 1927 **D219/666** Yang Sarieb WRI, A60, 62-64, EN 01204292-93 [“A60: They transported them in at night. They brought them in at midnight, but I did not know what provinces they were from. [...] At midnight they brought the prisoners in. [...] A62: Because I lived near to the place, I saw people being transported on huge trucks there, but I did not know the exact numbers. Sometimes, I saw they come in the evening and some other times I saw they bring them in at night. Q: How often did you see those huge trucks transporting people to that place located below? A63: They transported those people in every night but I do not know how many of them were transported in each truck. [...] A64: I stayed at Kampov Thmei for just over a month. After that, they sent me to other places. However, during that period I saw them transporting people to that place every night.”]; **D6.1.132** Hun Sa WRI, EN 00250275 [“I saw the Khmer Rouge transport two full truckloads of prisoners up Phnom Sampeou Mountain, and when the trucks returned I did not see the people return; I only saw the clothing and blankets abandoned along the road.”]; **D6.1.165** Im An WRI, EN 00274161; **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078172; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305.
- 1928 **D219/535** Phoeng Dy WRI, A36-37, EN 01173560 [“Q: Where were the detainees from? A36: They were from Sampov Village and Kouk Ampil Village. [...] Q: Was there anyone from other villages? A37: There were others from Banan District.”]. *See also* **D219/697** Nauk Chheath WRI, A48, EN 01213443.

regime,<sup>1929</sup> Northwest Zone cadres,<sup>1930</sup> and others deemed “enemies”.<sup>1931</sup> This included men, women, children, and the elderly.<sup>1932</sup>

547. Yang Sarieb witnessed arrestees arriving each night while she lived near Wat Kirirum.<sup>1933</sup> Upon arrival, detainees were separated into “light” and “serious” offenders.<sup>1934</sup> So-called “light” offenders were placed in Chanloh Kdaong Prison.<sup>1935</sup> Witnesses described between 40 and 200 people detained there.<sup>1936</sup> “Serious” offenders were taken to the pagoda.<sup>1937</sup>

548. Prisoners detained in Chanloh Kdaong Prison were sent to the pagoda to be killed.<sup>1938</sup>

<sup>1929</sup> **D6.1.118** Duch Phleu WRI, EN 00275433 [“Q: Do you know why they [Southwest Zone Cadres] killed people? A: They killed the government officials of the Lon Nol regime through reporting, and after they found them, arrests occurred one after another.”]; **D219/515** Chheun Chhuoy WRI, A23, EN 01156942, [“The Southwest cadres first arrested village chiefs and then unit chiefs. A number of the former Northwest cadres fled because they knew about the arrests.”]; **D6.1.168** Prum Sarun WRI, EN 00274178. *See also* **D219/700** WRIA, Account of Om Chhuon, EN 01210584.

<sup>1930</sup> **D219/515** Chheun Chhuoy WRI, A23, EN 01156942; **D219/458** WRIA, Account of Pheung Dy, EN 01129838.

<sup>1931</sup> **D6.1.168** Prum Sarun WRI, EN 00274178 [“Krach said that if anyone did not respect Angkar, then they were the enemy, and they would be arrested and sent up the White Stairs to Watt Kirirum. He [Krach, Chairman of Battallion 1] also threatened that, ‘When you reach Watt Kirirum, you will have it easy and not have to work anymore.’ Five times while I was working the rice fields near there during mid-1976, I saw two soldiers walking people up to Watt Kirirum. Each time there were from one to three prisoners.”]; **D6.1.115** Chuch Punlork WRI, EN 00275402; **D118/76** Chuch Punlork WRI, A5, EN 00976624.

<sup>1932</sup> **D219/666** Yang Sarieb WRI, A42, EN 01204287 [“Those people, who were hung, were all male. They were only wearing short pants; they had been stripped of their long clothes. Underneath those that were hanging, there were about 30 to 40 other people, including women, men, old aged, and children.”]; **D6.1.362** Pol Seun WRI, EN 00315905 [“There were about 50 to 60 people in the hall. They were men, women, children and adults.”]; **D6.1.186** Nhem Sat WRI, EN 00275103; **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078172.

<sup>1933</sup> **D219/666** Yang Sarieb WRI, A63, EN 01204293 [“Q: How often did you see those huge trucks transporting people to that place located below? A63: They transported those people in every night but I do not know how many of them were transported in each truck.”].

<sup>1934</sup> **D6.1.173** Um Saroeun WRI, EN 00274620 [“Villagers said that the prisoners first brought there were placed in the Chanloh Kdaong Detention Office. After they had done research and had seen who the serious offenders were, they put them in Watt Kirirum.”].

<sup>1935</sup> **D118/67** Nhem Hau WRI, A37, EN 00950717 [“There was a security office in Chanloh Kdaong for the detention of light offence prisoners. Serious offence prisoners were sent to Kirirom pagoda.”].

<sup>1936</sup> **D6.1.132** Hun Sa WRI, EN 00250274 [“In 1977 at Samnangh Village, Phnom Sampeou Subdistrict, there was a site called ‘the police site’. Its dimensions were 200 by 500 meters. It was a prisoner holding site. Approximately 200 prisoners were detained there.”]; **D6.1.362** Pol Seun WRI, EN 00315905 [“In early 1978, I saw they set up fence and a hall with zinc roof in the valley. About a week later [...] I saw people detained in the hall. There were about 50 to 60 people in the hall.”]; **D118/108** Lim Tim WRI, A60, EN 00976930 [“There was a Security Office at Sampov Mountain. [...] There were wooden leg shackles for holding two to four prisoners; and the hall could hold up to 40 prisoners.”].

<sup>1937</sup> **D6.1.173** Um Saroeun WRI, EN 00274620 [“After they [...] had seen who the serious offenders were, they put them in Watt Kirirum.”]; **D6.1.170** Prak Phirun WRI, EN 00274197 [“As for the inside of the prison, it was tightly closed, and I could not see. I also saw prisoners being walked down from the mountain, their arms tied behind their backs, tied together in a row. [...] Since they were tied up, I understood that they were serious offense prisoners.”]; **D118/67** Nhem Hau, A37, EN 00950717.

<sup>1938</sup> **D118/67** Nhem Hau WRI, A43, EN 00950718 [“Prisoners were held at the base of the mountain. Those prisoners who were sent up the mountain to Kirirom pagoda never returned.”]; **D6.1.362** Pol Seun WRI, EN 00315905 [“In early 1978, I also saw Khmer Rouge cadres walk a few prisoners with their hands tied

Armed guards transferred prisoners from Chanloh Kdaong Prison up the white stairs to the pagoda.<sup>1939</sup> Prisoners had their hands tied behind their backs and often were beaten and mistreated.<sup>1940</sup>

### Torture and Other Inhumane Acts (Inhumane Treatment)

549. Prisoners at Wat Kirirum were forced to perform physical labour such as breaking rock,<sup>1941</sup> carrying lime,<sup>1942</sup> cutting grass and wood,<sup>1943</sup> digging canals, and building fences.<sup>1944</sup> Prisoners were also forced to undertake agricultural work, such as raising pigs and cattle, making earth-husking baskets, hoeing the ground, and planting vegetables.<sup>1945</sup>

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- to their back up Wat Kirirom. [...] I just knew that those prisoners would not survive.”]; **D6.1.150** Wat Kirirum Site Identification Report, EN 00363389.
- 1939 **D6.1.166** In Choeun WRI, EN 00274165 [“I saw two soldiers walking prisoners out of the detention office along the steps going up to Watt Kirirum one in front and one behind the prisoners. I saw this six times and each time there were from three to four prisoners with their arms tied behind their backs. [...] There were about ten guards at the detention site but I did not know what districts they had come from.”]; **D6.1.186** Nhem Sat WRI, EN 00275102 [“I only saw it just one time, during approximately late 1978, in the afternoon (about 4:30). I saw soldiers walking a line of about ten prisoners, with one guard in front and another in the rear. Among those prisoners were men and women, but I did not know where they had been brought from. I knew that they were taking those prisoners up to Watt Kirirum to kill them.”]; **D6.1.362** Pol Seun WRI, EN 00315905; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305.
- 1940 **D6.1.115** Chuch Punlork WRI, EN 00275402 [“Next I saw them take all 14 of those people up on Phnom Sampeou at Watt Kirirum. When those people got halfway up the mountain, they kicked one of them who could not make the climb back down along the stairs going up the mountain, and then they dragged that person back up the mountain.”]; **D6.1.362** Pol Seun WRI, EN 00315905 [“I saw young militia herd the prisoners off to take a bath in a nearby ditch. Some times the young militia clubbed the prisoners on the head to make them move faster. In early 1978, I also saw Khmer Rouge cadres walk a few prisoners with their hands tied to their back up Wat Kirirom. I encountered the incident once only. No one was allowed to go up Wat Kirirom; and I did not know the fate of those who were sent up the mountain. I just knew that those prisoners would not survive.”]; **D6.1.169** Nheum Hau WRI, EN 00274192.
- 1941 **D6.1.128** Pen Loeut WRI, EN 00250279 [“When they walked the people down [Phnom Sampov Mountain], they had them bathe in a canal near the fence of the prison located in Samnanh Village [...]. There they forced them to break rocks and do various construction work. I saw two Khmer Rouge walking people in chains up along the stairs toward Kirirum Pagoda on two occasions. I saw them walking people down along the stairs on four occasions.”].
- 1942 **D6.1.169** Nheum Hau WRI, EN 00274192 [“I knew of it [Watt Kirirum prison] before 1979. [...] At that time, I saw two male prisoners in colored clothing carrying lime in the vicinity of the gap between Phnom Kdaong and Phnom Sampeou. Those prisoners were skinny and hand cuffed and chained together. The soldier walking those prisoners was a child about 12 years old who was carrying weapon.”]. *See also* **D6.1.170** Prak Phirun WRI, EN 00274197.
- 1943 **D6.1.115** Chuch Punlork WRI, EN 00275401-02 [“I learned of and knew about the detention site at Watt Kirirum [...]. That site was active until 1979, before the Vietnamese came. I saw prisoners working on the mountain cutting grass and cutting wood.”].
- 1944 **D6.1.132** Hun Sa WRI, EN 00250274 [“In 1977 [...] While I minded cattle nearby, I saw the prisoners working at digging canals, building fences, raising pigs, and raising cattle”].
- 1945 **D6.1.132** Hun Sa WRI, EN 00250274-75 [“In 1977 at Samnanh Village, Phnom Sampeou Subdistrict, there was a site called ‘the police site.’ Its dimensions were 200 by 500 meters. It was a prisoner holding site. I saw the prisoners working at digging canals, building fences, raising pigs, and raising cattle.”]; **D6.1.170** Prak Phirun WRI, EN 00274197 [“I saw the warehouse prison (a prison that was in the shape of a warehouse) being built southwest of Watt Kirirum Temple at the gap between Phnom Kdaong and Phnom Sampeou. After it had been built, I was forbidden to enter. Later I was assigned to climb palm trees about 100 meters from the warehouse prison. I saw prisoners come out [of the prison] to grow vegetables.”];

Witness Nhem Hau, who worked in a local cooperative, described seeing prisoners working while handcuffed and chained together.<sup>1946</sup> Hun Sa, who was a mobile unit leader, witnessed prisoners being kicked and beaten with gun butts while working at Chanloh Kdaong Prison.<sup>1947</sup>

550. While those detained at the pagoda had their feet shackled,<sup>1948</sup> prisoners in Chanloh Kdaong Prison were generally not shackled.<sup>1949</sup> Pol Seun, who herded cattle on Phnum Sampov Mountain, saw prisoners being clubbed on the head as they were taken from Chanloh Kdaong Prison to bathe in a nearby ditch.<sup>1950</sup> Various witnesses described seeing emaciated and sick detainees at the pagoda and Chanloh Kdaong Prison.<sup>1951</sup>
551. Interrogations took place at Kirirum pagoda.<sup>1952</sup> Instruments found at the pagoda

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**D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078172. *See also* **D6.1.172** Phe Soeu WRI, EN 00274610.

<sup>1946</sup> **D6.1.169** Nhem Hau WRI, EN 00274192 [“I saw two male prisoners in colored clothing carrying lime in the vicinity of the gap between Phnom Kdaong and Phnom Sampeou. Those prisoners were skinny and hand cuffed and chained together. The soldier walking those prisoners was a child about 12 years old who was carrying weapon.”].

<sup>1947</sup> **D6.1.132** Hun Sa WRI, EN 00250274 [“I saw the prisoners working at digging canals, building fences, raising pigs, and raising cattle. I saw the children of the soldiers guarding the prison kicking prisoners in their heads, and I saw them [the guards] beating prisoners with gunbutts.”].

<sup>1948</sup> **D6.1.128** Pen Loeut WRI, EN 00250278-79 [“In early 1977, I saw Khmer Rouge soldiers walking people held in leg-chains up and down Phnom Sampoeu [Mountain] [...] approximately 15 to 20 people in leg chains.”]; **D6.1.186** Nhem Sat WRI, EN 00275103 [“I went up to Watt Kirirum about one week after the Yuon arrived. [...] I saw two rows of leg shackles inside the temple.”]. *See also* **D219/666.1** *The Revolutionary Women*, Account of Yorn Sareap, EN 01200307-08.

<sup>1949</sup> **D6.1.362** Pol Seun WRI, EN 00315905 [“Those prisoners looked skinny and suffered; and they were kept in the hall without being shackled.”]; **D6.1.170** Prak Phirun WRI, EN 00274197 [“I saw prisoners come out to grow vegetables. They were skinny, and they were not tied up.”].

<sup>1950</sup> **D6.1.362** Pol Seun WRI, EN 00315905 [“I saw young militia herd the prisoners off to take a bath in a nearby ditch. Some times the young militia clubbed the prisoners on the head to make them move faster.”]; **D118/64** Pol Seun WRI, A15, EN 00950699 [“I saw it two or three times. It happened when they [young soldiers] walked prisoners for bathing and they [young soldiers] hit the head of any prisoner who walked slowly.”].

<sup>1951</sup> **D6.1.170** Prak Phirun WRI, EN 00274197 [“I saw prisoners come out to grow vegetables. They were skinny, and they were not tied up. [...] I also saw prisoners being walked down from the mountain, their arms tied behind their backs, tied together in a row. [...] Sometimes when I was climbing the palm trees and I could enter there, the prisoners down below who were sick asked me for palm juice to drink, and they gave me French medicines.”]; **D6.1.128** Pen Loeut WRI, EN 00250278-79 [“Q: What did you know or hear at the time regarding the prison at Kirirum Pagoda on Phnom Sampeou? A: [...] [In early 1977] Each time they [the Khmer rouge soldiers] walked them [the detainees], there were approximately 15 to 20 people in leg chains. All of them were males. They were emaciated and walked in a row.”]; **D6.1.362** Pol Seun WRI, EN 00315905; **D6.1.167** Pen Leap WRI, EN 00274172; **D6.1.150** Wat Kirirum Site Identification Report, EN 00363397; **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078172.

<sup>1952</sup> **D219/666** Yang Sareib WRI, A83, EN 01204297 [“I had a letter from the regiment chairperson that allowed me to travel [...] I went there to collect bat manure. When they interrogated me, I showed them the letter. So, they believed that I was not a spy. If I was without the letter, I would surely have been killed right away at that place.”], A60, EN 01204292; **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078171 [“The temple of the pagoda [Kirirum pagoda] was turned into an interrogation center. Victims had their throats cut with saws. Their blood was

included wooden clubs, handcuffs and ropes,<sup>1953</sup> steel bars,<sup>1954</sup> barbed wire,<sup>1955</sup> and bloodstained knives and hatchets.<sup>1956</sup> Yang Sarieb, who was head of a local children's unit, saw male prisoners hung seven to nine inches above the ground and other detainees with their hands and feet shackled in rows in the pagoda.<sup>1957</sup> Yang Sarieb was present in the pagoda when a prisoner's back was cut open and liver removed while still alive, his blood draining through a gutter into a basin.<sup>1958</sup> She also saw a pan of livers in the vicinity of the pagoda.<sup>1959</sup> People working or living near Phnum Sampov Mountain often heard screams at night from prisoners at Kirirum pagoda.<sup>1960</sup>

### Murder and Extermination

552. Based on human remains found at the site and what witnesses were told or observed, at least hundreds of prisoners were executed at Wat Kirirum.<sup>1961</sup> For example, Chheun

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- drained through tubing fashioned for the purpose.”], EN 00078172. *See also* **D219/666.1** *The Revolutionary Women*, Account of Yornng Sareap, EN 01200307.
- 1953 **D6.1.166** In Choeun WRI, EN 00274166 [“Inside the Watt Kirirum temple building at the time, I saw wooden clubs, handcuffs, and ropes.”].
- 1954 **D6.1.128** Pen Loeut WRI, EN 00250279 [“In 1982, I went up to Kirirum Pagoda on Phnom Sampoeu [Mountain]. I saw many wooden shackles and many round steel bars about 60-70 centimeters long.”].
- 1955 **D6.1.165** Im An WRI, EN 00274161 [“Everyone in the village knew that they took people to Phnom Sampeou to kill them. They were killed in the cave at Watt Kirirum. [...] I saw bodies in the cave, leg shackles, bodies of women strung on barbed wire tied to stones, and I saw the barbed wire tied on people too.”].
- 1956 **D6.1.115** Chuch Punlork WRI, EN 00275402 [“After the Khmer Rouge were overthrown in 1979, I went up on Phnom Sampeou. I saw many bodies and there was an odor of decay coming from the La-ang Lakhaon [natural rock well] on Phnom Sampeou. I saw knives, hatchets, long pieces of iron, tools for killing people, which were still bloodstained.”].
- 1957 **D219/666** Yang Sarieb WRI, A38, EN 01204286, 41-42, EN 01204287 [“Q: How many dead bodies did you see? Were the people already dead or still alive when the Khmer Rouge were cutting open their stomachs and removing their livers? A41: The people were still alive. They tied up those people using ropes that had a size equal to that of my wrist. They hung them approximately seven to nine inches above the earth. In each line there were eight people. There were four lines. [...] Those people, who were hung, were all male. They were only wearing short pants; they had been stripped of their long clothes. Underneath those that were hanging, there were about 30 to 40 other people, including women, men, old aged, and children. Under them, there were four lines of people who were shackled with their backs and feet facing each other. Their legs were shackled and their hands were tied behind their backs.”], A43, EN 01204287.
- 1958 **D219/666** Yang Sarieb WRI, A44, EN 01204288 [“The Khmer Rouge cut open a person's back and removed his liver and then closed his back and used a piece of cloth to cover the cut. The man's eyes were still open and they looked at us. His tears fell. He was not dead; his heart was still beating. I was terrified and my hands trembled. They made a gutter to let the blood flow into a huge basin.”].
- 1959 **D219/666** Yang Sarieb WRI, A44, EN 01204288 [“I saw a pan of livers, but I do not know if they were human livers or not. [...] At that time, they pick up a soldier's knife and told me to take a pan and go with them to Kirirum Monastery where the crimes had taken place.”].
- 1960 **D6.1.170** Prak Phirun WRI, EN 00274197 [“About one month before the Vietnamese came, during the nighttime I heard screams coming from up on the mountain.”]; **D219/666** Yang Sarieb WRI, A38, EN 01204286 [“Q: On pages 68 and 69 of the book ‘The Revolutionary Women’, you mention an event in which you went to look for bat manure at Phnum Sampov Mountain, and you heard screams for help. When did this happen? A38: In 1978.”].
- 1961 **D6.1.116** Tes Heanh WRI, EN 00275412 [“I learned the news that the people at Chanloh Kdaong had been killed. They said that approximately 200 people at Chanloh Kdaong had been taken by the Khmer Rouge up to the La-ang Lakhaon [the Theatre Cave] at Watt Kirirum on Phnom Sampeou and were killed only



Chhuoy's siblings, aunts, mother-in-law, and grandmother-in-law were accused of being affiliated with Vietnam and were sent to Wat Kirirum in early 1978 to be killed.<sup>1962</sup> Im An, a village chief, was told by local villagers that prisoners' throats were cut at Wat Kirirum.<sup>1963</sup> Holes in the walls of the pagoda and steel basins were used to drain and collect the blood from detainees' bodies.<sup>1964</sup>

553. Other detainees from the pagoda and Chanloh Kdaong Prison were hit over the head and dropped into the caves.<sup>1965</sup> Yang Sarieb witnessed two children being thrown into the

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two or three days before the Vietnamese reached Phnom Sampeou.”]; **D219/784** Mom Krath WRI, A60, EN 01485071 [“Q: Were the skulls counted? A60: At that time, I did not count them. I only gave an estimate. There were no less than 300 dead bodies in those caves [La-Khaon and Kirirom Caves]; they were all on top of each other. The smell was terrible. Therefore, it was difficult to go there and count them. There were no dead bodies in Kirirom Cave. I did not know where the dead bodies had been taken. There were drainpipes, knives and axes, but there were no dead bodies. In that Kirirom cave, when I visited in 1979, the smell was so stinking of blood because the killings had happened recently. I did not stay there long.”]; **D118/66** Im An WRI, A26, EN 00954059 [“After 1979, commune chief asked me to collect human skulls from Kirirom pagoda and have them stored in Phnom Sampeou. In one cave, I counted 20 to 30 skulls, however there were corpses in other caves.”]; **D219/666** Yang Sarieb WRI, A57, EN 01204291. *See also* **D6.1.186** Nehm Sat WRI, EN 00275102-03; **D118/67** Nhem Hau WRI, A40, EN 00950717; **D6.1.166** In Choen WRI, EN 00274166; **D6.1.163** Um Suom WRI, EN 00274149.

<sup>1962</sup> **D219/515** Chheun Chhuoy WRI, A19, EN 01156941 [“Phnum Sampov Mountain seemed to be more of a site where people were taken to be beaten to death. I knew that Phnum Sampov Mountain was a killing site because my grandmother-in-law, mother-in-law, aunts, and siblings were taken to be killed there in approximately early 1978. All of my siblings were accused of being affiliated with Vietnam. My grandmother-in-law was from the later generation that was affiliated with Vietnam.”].

<sup>1963</sup> **D118/66** Im An WRI, A26, EN 00954059 [“When I reached the temple I saw small detention cells and bloodstains. Villagers who lived nearby told me that they slashed the throat of prisoners and threw corpses about 20 to 30 meters away from the temple.”]. *See also* **D219/415** Dy Piech WRI, A10, EN 01133081 [“I heard that after the Southwest cadres arrived they cut people's throats and dropped the corpses into the caves at Phnum Sampov Mountain.”]; **D6.1.186** Nhem Sat WRI, EN 00275103; **D6.1.128** Pen Loeut WRI, EN 00250279; **D1.3.27.7** DC-Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang”, EN 00078171; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087304.

<sup>1964</sup> **D6.1.186** Nhem Sat WRI, EN 00275103 [“Yes, I went up to Watt Kirirum about one week after the Yuon arrived. I saw that they had drilled the temple wall at about the height of a kneeling person and had placed a drain gutter going outside, which led me to think that it had been a site for cutting prisoners throats and draining the blood outside.”]; **D6.1.163** Um Suom WRI, EN 00274149 [“At the time I also saw a hole drilled in the south wall of the temple (the Watt Kirirum temple), and there was the stain of blood flow.”]; **D6.1.128** Pen Loeut WRI, EN 00250279 [“I saw a steel basin inside the temple of the pagoda which had a drain tube going outside; I concluded it was a catch basin for the blood of people whose throats had been cut.”]; **D6.1.164** Kung Kimly WRI, EN 00274153; **D6.1.169** Nhem Hau WRI, EN 00274193-94; **D219/666** Yang Sarieb WRI, A44, EN 01204288. *See also* **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305.

<sup>1965</sup> **D347/2.1.25** Prum Sarun, T. 9 Dec 2015, 09.22.05-09.23.47 [“People were provisionally detained at the base of the white stairs. And there were chains and cuffs remaining there. And later on, they would be killed and dropped into the cave. And the location where they were provisionally detained and the cave was not that far.”]; **D6.1.186** Nhem Sat WRI, EN 00275103 [“I saw human bodies scattered throughout the caves and at the mouths of the La-ang Lakhaon and La-ang Teng Khluon. I thought that a number of those bodies had been killed not long before then, since some bodies were swollen and some were decayed after having been swollen. Among all those bodies, there were men, women, and children, dressed in black and mixed-colored civilian clothing; the number was probably in the hundreds.”]; **D219/666** Yang Sarieb WRI, A56-58, EN 01204291-92 [“They took us to Taeng Kluon and L'khaon caves. They beat the people and dropped them into the caves”]; **D6.1.167** Pen Leap WRI, EN 00274172; **D219/916** Doep Y WRI, A54, EN 01519521; **D219/415** Dy Piech WRI, A10, EN 01133081.

cave to their deaths, with their bodies becoming lodged in overhanging tree branches.<sup>1966</sup> Bodies found in the caves had their hands tied behind their backs.<sup>1967</sup> Im An saw bodies of women wrapped in barbed wire and tied to stones, and others with their legs shackled.<sup>1968</sup>

554. Executions at Wat Kirirum escalated prior to the arrival of the Vietnamese.<sup>1969</sup> After the fall of the DK, villagers discovered hundreds of dead bodies at Kirirum pagoda and the surrounding caves.<sup>1970</sup> Many were not yet decomposed and had clothing still attached to

<sup>1966</sup> **D219/666** Yang Sareib WRI, A57, EN 012042991 [“However, for the two children, they killed them in a different way. They threw them above the hole into the cave. However, they did not fall into the cave, but were caught between the tree branches”]. See also **D6.1.169** Nhem Hau WRI, EN 00274193 [“In the La-ang Lakhaon and the La-ang Teng Khluon [the Theatre and the Dressing Caves] I saw bodies, skin still attached to the skeletons. On the road to the caves, I saw the body of a child stuck in vines up in a tree.”]; **D6.1.132** Hun Sa WRI, EN 00250275; **D6.1.163** Um Suom WRI, EN 00274149.

<sup>1967</sup> **D6.1.163** Um Suom WRI, EN 00274149 [“I saw one body sitting, leaning against the north wall of La-ang Lakhaon, the arms still tied behind the back, and skin still on the bones. I do not know about any other prisons.”]; **D6.1.132** Hun Sa WRI, EN 00250275 [“I saw a lot of clotted blood at the La-ang Lokhaon. I saw that the arms of all the bodies had been tied.”]; **D6.1.169** Nhem Hau WRI, EN 00274192; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, EN 00087305.

<sup>1968</sup> **D6.1.165** Im An WRI, EN 00274161 [“Everyone in the village knew that they took people to Phnom Sampeou to kill them. They were killed at the reservoir at Watt Kirirum. [...] I saw bodies in the reservoir, leg shackles, bodies of women strung on barbed wire tied to stones, and I saw the barbed wire tied on people too.”].

<sup>1969</sup> **D6.1.116** Tes Heanh WRI, EN 00275412 [“in 1979, I learned the news that the people at Chanloh Kdaong had been killed. They said that approximately 200 people at Chanloh Kdaong had been taken by the Khmer Rouge up to the La-ang Lakhaon [the Theatre Cave] at Watt Kirirum on Phnom Sampeou and were killed only two or three days before the Vietnamese reached Phnom Sampeou.”]; **D118/67** Nhem Hau WRI, A41-42, EN 00950717-18 [“Q: Do you know in what year the killing became most intensified? A41: Most killing took place in the final year. For example if I were to flee to the forest, my entire family would be arrested and killed. Q: When you refer to the final year, do you mean the year that the Southwest group arrived? A42: It was after the arrival of the Southwest group which was towards the end of the regime. From 1975 to 1978 they did not take people up mountain to Kirirom pagoda and kill them. They took them to Chaloh Kdaong and killed them there.”]; **D219/36** Chhuom Savoeun WRI, A35, EN 01053607-08 [“After 1979, I went to see that cave. I saw skeletons all over the cave. [...] When the Khmer Rouge regime had nearly fallen, the Khmer Rouge fled, forcing the people to go with them. At the time some people refused to go with the Khmer Rouge, so those people were taken and killed on the spot. In my estimation, thousands of people were shot dead.”]; **D6.1.186** Nhem Sat WRI, EN 00275102-03; **D1.3.27.7** DC Cam Analytical Report “Mapping the Killing Fields of Cambodia, 1997: khet Battambang” EN 00078172. See also **D219/700** WRIA, Account of Om Chhuon, EN 01210584.

<sup>1970</sup> **D6.1.128** Pen Loeut WRI, EN 00250279 [“In 1982, [...] At all three caves, the La-ang Lokhaon [Theatre Cave], the La-ang Teng Khluon [Dressing Cave], and at one other cave, there remained many hundreds of bodies which still had clothing attached to them. The bodies had not yet decomposed and the odor of decay was strong.”]; **D219/784** Mom Krath WRI, A60, EN 01485071 [“Q: Were the skulls counted? A60: At that time I did not count them I only gave an estimate. There were no less than 300 dead bodies in those caves [La-Khaon and Kirirom Caves] they were all on top of each other. The smell was terrible Therefore it was difficult to go there and count them.”]; **D6.1.163** Um Suom WRI, EN 00274149; **D6.1.132** Hun Sa WRI, EN 00250275; **D6.1.165** Im An WRI, EN 00274161; **D118/67** Nhem Hau WRI, A40, EN 00950717 [“In 1979 I saw corpses filled the whole Kirirom cave. I also saw a blood drainage in the Kirirom temple.”]; **D6.1.115** Chuch Punlork WRI, EN 00275402 [“[In] 1979, I went up on Phnom Sampeou. I saw many bodies [...]. I also saw the bodies of children leaning against trees on Phnom Sampeou in Watt Kirirum.”].

them.<sup>1971</sup> Witnesses suggest that no prisoner survived Wat Kirirum.<sup>1972</sup>

### Persecution

555. Persecution was committed through the crimes described above against Northwest Zone cadres, their families, and subordinates at Wat Kirirum. This group was specifically targeted because of their actual or perceived membership of a political group.

#### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

556. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes against humanity in relation to Wat Kirirum Security Centre:<sup>1973</sup> murder, extermination,<sup>1974</sup> imprisonment, torture, persecution on political grounds against Northwest Zone cadres and their families and subordinates, and other inhumane acts (inhumane treatment).

## **4. SECTOR 4**

### a. REANG KESEI COMMUNE

#### i. INTRODUCTION

557. The geographic area that is known today as Reang Kesei Commune was located in Daun Try District 42 of Sector 4 during the DK regime. Acting in furtherance of the JCE of which **Yim Tith** was a leading member, Southwest Zone cadres conducted a criminal campaign in the area from late 1977. Southwest Zone leaders replaced local commune/cooperative chiefs including Ta Phun, who was secretary of Reang Kesei

<sup>1971</sup> **D6.1.163** Um Suom WRI, EN 00274149; **D6.1.128** Pen Loet WRI, EN 00250279; **D6.1.167** Pen Leap WRI, EN 00274172.

<sup>1972</sup> **D6.1.186** Nhem Sat WRI, EN 00275102-03 [“Q: Do you know if anyone survived from Watt Kirirum or the police office? A: I think that no one survived from Watt Kirirum, because five or six days before the Yuon arrived, I saw two guards come down from Watt Kirirum. One of them came to my house to wash his blood-stained hands. I thought that both of them had just killed people before they came down from Watt Kirirum.”]; **D6.1.166** In Choeun WRI, EN 00274165 [“I never saw any prisoners survive the Chanloh Kdaong Detention Office and Watt Kirirum.”]; **D118/67** Nheum Hau WRI, A39, EN 00950717 [“It seems no prisoner from the two locations [Chanloh Kdaong and Kirirom pagoda] survived.”], A43, EN 00950718 [“Those prisoners who were sent up the mountain to Kirirom pagoda never returned.”]; **D6.1.362** Pol Seun WRI, EN 00315905; **D6.1.132** Hun Sa WRI, EN 00250275; **D219/697** Nauk Chheath WRI, A48, EN 01213443.

<sup>1973</sup> The ICP notes that in relation to this site, he seeks indictment for the crime of torture, of which the CIJs have been seised but have not yet charged Yim Tith. The CIJs were seised of this crime by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 59-60, 118, fn. 223.

<sup>1974</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Wat Kirirum alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Wat Kirirum, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

Commune and was sent to S-21 on 1 February 1978. They arranged forced marriages and participated in mass wedding ceremonies involving up to 80 couples at locations such as Wat Reang Kesei. They also expressed hatred for the ethnic Vietnamese and, with the assistance of the military, ordered and carried out many extrajudicial executions against cadres and civilians, particularly targeting Khmer Krom, former Lon Nol soldiers, and Northwest Zone cadres.

558. The ICIJ charged **Yim Tith** with the following crimes in relation to Reang Kesei Commune: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, persecution on political and racial grounds against the Khmer Krom, other inhumane acts (forced marriage); and the crime of premeditated murder pursuant to Articles 501 and 506 of the 1956 Penal Code.<sup>1975</sup>

ii. OPERATION AND LOCATION

559. From late 1977, Southwest Zone cadres played a key role in crimes in the geographic area that is known today as Reang Kesei Commune.<sup>1976</sup> By 1 February 1978 through to the end of the DK regime, they controlled the area.<sup>1977</sup> The villages in that area are Reang Kesei which contained Wat Reang Kesei, Reang Kraol, Prey Svay, Svay Cheat, Voat Kandal which contained Kampong Kou reservoir, Tuol Snuol, Boeng Veaeng, and

<sup>1975</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069, 75, 78.

<sup>1976</sup> **D219/42** Chech Sopha WRI, A86, EN 01050633 [Southwest cadres “arrived in late 1977, close to the beginning of 1978.”]; **D219/830** Seng Reut WRI, A34-35, EN 01390104 [“in October 1977 [...] in Svay Cheat [...] Southwesterners came to take charge”]; **D219/831** Venh Vanna WRI, A59, 62, EN 01391212-13 [Southwest Zone cadres arrived in Boeng Veaeng Village in December 1977]; **D219/309** Saoy Yen WRI, A3, EN 01111931; **D219/257** Sek Chaot WRI, A1, 9-10, EN 01095828-29 [“in Boeng Veng Village [...] Yeay Chan was the Southwest Zone cadre [...] arrived in January 1978.”]; **D219/306** Sin Ban WRI, A7, EN 01111914 [“in Wat Kandal Village [...] Southwest cadres arrived after the harvest season [...] around February or March 1978.”]; **D219/137** Khiem Saon WRI, A49, 51, EN 01072544-45 [Cadres “were replaced by Yeay Chan and Ta Loek [...] mid-1978.”]; **D219/779** Pang Thai WRI, A46-47, EN 01344765; **D219/866** Loeuy Mon WRI, A46, EN 01373670 [Ta Loek and Yeay Chan arrived “close to the end of the regime. A few months after they arrived, the Vietnamese troops entered the country”]; **D219/939** Sek Muntha WRI, A45, 48, EN 01493020 [Southwest cadres arrived “probably in December 1978. [...] [The Vietnamese came in] approximately 10 days after they [Southwest cadres] arrived. The Vietnamese came in on 15 January, when they arrived in Battambang.”].

<sup>1977</sup> Northwest Zone cadre Som Phun (Sam Phun) was in charge of Reang Kesei until he was sent to S-21 on 1 February 1978 and replaced by Yeay Chan and Ta Loek. See **D219/825.1.2** OCIJ S-21 Prisoner List, Number 9646, EN 01222726 [Som Phun (Sam Phun), Chief of Raing Kesei in Sector 4, 01-Feb-78]; **D219/939** Sek Muntha WRI, A27, 39, EN 01493016, 19; **D219/408** Sek Chaot WRI, A23, EN 01142868. See also **D219/312** Pang Thai WRI, A8, EN 01111950 [“Southwest Zone cadres [...] Ta Loek and Yeay Chan became Commune 60 chiefs [...] for almost a year before the Vietnamese troops came.”] (Note that Commune 60 later became part of Reang Kesei Commune, see **D219/408** Sek Chaot WRI, A22, EN 01142868; **D219/414** Mao Heang WRI, A11, EN 01135062-63; **D219/723** Loem Saloeun WRI, A6, EN 01218609.).

Damnak Dangkao.<sup>1978</sup>

560. During the DK regime, these villages belonged to various communes, some of which were merged upon the arrival of Southwest Zone cadres.<sup>1979</sup> These villages were located in Daun Try District 42, Sector 4.<sup>1980</sup>

<sup>1978</sup> Reang Kesei Commune: See, e.g. **D219/3** Keu Seung WRI, A125, EN 01047113 [“Now [...] Reang Kesei Village, Reang Kesei Commune, Sangkae District, Battambang Province.”]. Reang Kraol: See, e.g. **D219/238** Phann Sarang WRI, EN 01092939 [“Present [...] Reang Kraol Village, Reang Kesei Commune, Sangkae District, Battambang Province”]. See *contra* **D219/339** Pem Sev WRI, A1, EN 01118190. Prey Svay: See, e.g. **D219/416** Lies Kung WRI, A22, EN 01135079 [“Prey Svay Village [...] in Reang Kesei Commune.”]. During the DK regime it was in Reang Kesei Commune, Sangkae District, see **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, EN 01149070. Svay Cheat: See, e.g. **D219/453** Yat Yoeun WRI, A22, EN 01151144 [“At present, Svay Cheat Village is located in Reang Kesei Commune, Sangkae District, Battambang Province.”]. During the DK regime, Svay Cheat Village was in Svay Cheat Cooperative, Sangkae District, Sector 1. See **D131/2.1.87** Name List of Cadres and People of Sangkae District, Sector 1, Feb 1978, Number 102, EN 01149084; **D219/638** Khmet Mao WRI, A23, EN 01198172. Voat Kandal: See, e.g. **D219/453** Yat Yoeun WRI, A25, EN 01151146 [“presently lives in Voat Kandal Village, Reang Kesei Commune, Sangkae District, Battambang Province.”]; **D219/448** Yat Yoeun WRI, A3, EN 01149246 [“in Wat Kandal Village [...] was [...] Kampong Kou Reservoir.”]. During the DK regime, Voat Kandal Village was in Kampong Kou Cooperative, Commune 60, which later became part of Reang Kesei Commune, see **D219/404** Hoeung Sambo WRI, A2-3, EN 01147868; **D219/306** Sin Ban WRI, A7, EN 01111914; **D219/453** Yat Yoeun WRI, A12, EN 01151141; **D219/420** WRIA, Account of Kong Chou, EN 01117779; **D219/408** Sek Chaot WRI, A22, EN 01142868; **D219/414** Mao Heang WRI, A11, EN 01135062-63; **D219/723** Loem Saloeun WRI, A6, EN 01218609. Tuol Snuol: See, e.g. **D219/409** Ang Sar WRI, A6, EN 01142875 [“Nowadays, [...] Tuol Snuol Village, Reang Kesei Commune, Sangkae District, Battambang Province.”]. Boeng Veang: See, e.g. **D219/257** Chaot Sek WRI, EN 01095827 [“two thousand and fifteen [...] at Boeng Veng Village, Reang Kesei Commune, Sangkae District, Battambang Province”]; **D219/515** Chheun Chhuoy WRI, A3, EN 01156938. Damnak Dangkao: See, e.g. **D219/46** Sorm Vanna WRI, A71, EN 01050679 [“presently living in Damnak Dangkao Village, Reang Kesei Commune.”].

<sup>1979</sup> See, e.g. **D219/312** Pang Thai WRI, A4, EN 01111949 [In Commune 60 “I think there were [...] Reang Kraol and Reang Kesei villages, while Damnak Dangkao village and Boeng Veng village were on the north side of the road. So they were in Commune 5.”]; **D219/309** Saoy Yen WRI, A3, EN 01111931 [“Commune 5 encompassed villages which were located to the north of the road. The commune covered the area extending the present-day Reang Kesei Commune Office. Villages, which were located to the south of this road, were part of Commune 60. [...] Villagers who were at the north of the road were banned from crossing over to the south of the road. [...] After the Southwest Zone cadres arrived, these communes were merged. The villagers, which were in the north and south of the road were allowed to cross over to see each other again.”] (see also **D219/939** Sek Muntha WRI, A81, EN 01493028); **D219/408** Sek Chaot WRI, A22, EN 01142868 [“After the arrival of the Southwest cadres, Commune 60 and Commune 40 were merged into one commune named Reang Kesei Commune.”]; **D219/414** Mao Heang WRI, A11, EN 01135062-63; **D219/723** Loem Saloeun WRI, A6, EN 01218609; **D219/312** Pang Thai WRI, A22, EN 01111952. Note that Kampong Kou Cooperative was in Commune 60, and included Voat Kandal and Reang Kraol villages. See **D219/404** Hoeung Sambo WRI, A2-3, EN 01147868; **D219/306** Sin Ban WRI, A7, EN 01111914; **D219/453** Yat Yoeun WRI, A12, EN 01151141; **D219/420** WRIA, Account of Kong Chou, EN 01117779. See *contra* **D219/499** Orn Nhev WRI, A1, 14, EN 01156197-99 [“Commune 4, [...] there were Reang Kesei Village, Reang Kraol Village”]; **D219/310** Voan Samut WRI, A12, EN 01111939 [“Q: Under Khmer Rouge regime what villages were part of the Reang Kesei Commune? A12: I never lived there. There was no such commune during the Khmer Rouge regime. This commune was formed later.”].

<sup>1980</sup> District 42, Sector 4: **D6.1.557** DK Telegram from Chann to Duch, 8 Oct 1977, Number 40, EN 00143349 [“Prey Svay Collective, District 42, Region 4”]; **D219/723** Loem Saloeun WRI, A6, EN 01218609 [“Reang Kesei Commune [...] District 42, Sector 4.”]; **D219/895** Khim Lomtorn WRI, A31-32, EN 01407406 [“Damnak Dangkao Village, Reang Kesei Village and Reang Kraol Village [...] District 42.”]; **D219/257** Sek Chaot WRI, A25, EN 01095831 [“Wat Reang Kesei was located in District 42, Sector 4.”]; **D219/939** Sek Muntha WRI, A31, EN 01493017 [“Q: What communes were in District 42? A31: [...] Reang Kesei

## iii. AUTHORITY STRUCTURE AND COMMUNICATION

561. To maximise control, Southwest Zone cadres, including Yeay Chan and her husband Ta Loek,<sup>1981</sup> replaced Northwest Zone cadres on various commune/cooperative committees in the geographic area known today as Reang Kesei Commune.<sup>1982</sup> A witness attended a meeting at which Yeay Chan and Ta Loek announced the merger of communes that these cadres then oversaw.<sup>1983</sup> Another witness, who lived in the area throughout the DK regime, stated that Yeay Chan and Ta Loek were “top cadres” who “controlled” various cooperatives and, therefore, “would be equivalent to the commune chief.”<sup>1984</sup>

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- Commune.”]; **D219/424** Riem Dos WRI, A7, EN 01135138 [“Doun Tri District, called ‘District 42’.”]; **D6.1.620** Riem Dy SOAS Interview, EN 00352076 [“District 42 was Daun Tri District.”]. *See contra* **D219/499** Orn Nhev WRI, A1, EN 01156197 [“Reang Kesei Village, [...] District 41, Sector 4.”].
- <sup>1981</sup> *See, e.g.* **D219/836** Touch Mary WRI, A129, EN 01399416 [“Yeay Chan [...] and [...] husband [...] were from Takeo Province.”]; **D219/42** Chech Sopha WRI, A80-81, EN 01050632; **D219/453** Yat Yoeun WRI, A38, EN 01151149; **D219/3** Keu Seung WRI, A40, EN 01047101; **D219/257** Sek Chaot WRI, A9, 11, EN 01095829; **D219/939** Sek Muntha WRI, A25, 47, EN 01493015, 20.
- <sup>1982</sup> Northwest Zone cadre Ta Phun: Som Phun (Sam Phun), whose deputy was Nin/Neun, was in charge of Reang Kesei and Reang Kraol cooperatives. He was sent to S-21 and replaced by Yeay Chan and Ta Loek. *See* **D219/825.1.2** OCIJ S-21 Prisoner List, Number 9646, EN 01222726; **D219/939** Sek Muntha WRI, A27, 39, EN 01493016, 19; **D219/408** Sek Chaot WRI, A22-23, EN 01142868 (*Note* **D219/257** Sek Chaot WRI, A28, EN 01095831); **D219/238** Phann Sarang WRI, A27, 34, EN 01092942-43; **D219/3** Keu Seung WRI, A40, EN 01047101; **D219/866** Loey Mon WRI, A12, EN 01373666; **D219/829** Sek Moeun WRI, A62, 66, EN 01390087-88. Northwest Zone cadre Ta Suom: Ta Suom was in charge of Commune 60 and was briefly succeeded by Ta Phoeng before Yeay Chan and Ta Loek replaced him. *See* **D219/312** Pang Thai WRI, A6-8, EN 01111949-50 (*Note* **D219/779** Pang Thai WRI, A46, EN 01344765); **D219/375** WRIA, Account of Reach Saran, EN 01111553. *See also* **D219/941** Suon Saophoan WRI, A5, EN 01519537 [“Ta Loek and Yeay Chan [...] kicked the Northwest Zone cadres out and took charge.”]; **D219/137** Khiem Saon WRI, A49, 52-54, EN 01072544-45 [Witness was living in Wat Kampong Kou: “Ta Pon and Ta Chhan were replaced by Yeay Chan and Ta Loek [...] at the cooperative level.”]; **D219/408** Sek Chaot WRI, A22, EN 01142868 [“After [...] Commune 60 and Commune 40 were merged [...], Ta Loek and Yeay Chan were in charge.”]. For Svay Cheat Village, *see* **D219/638** Khmet Mao WRI, A29, EN 01198173 [“When the Southwest Zone cadres came in, Ta Meas was the supervisor of Svay Cheat Commune.”]; **D219/830** Seng Reut WRI, A35-36, EN 01390104; **D219/310** Voan Samut WRI, A6, EN 01111938. For Kampong Kou Cooperative, *see* **D219/528** Lonh Lun WRI, A32, EN 01168066 [In Kampong Kou Cooperative, Northwest Zone cadres Ta Ray and Phan were replaced by Southwest Zone cadre chairperson Ta Nhan.”]; **D219/109** Suon Lov WRI, A39, 67, EN 00984910, 13 [Witness lived in Voat Kandal Village and “Ta Nhan (Southwest) was cooperative chairman.”]; **D219/453** Yat Yoeun WRI, A19, EN 01151143.
- <sup>1983</sup> **D219/408** Sek Chaot WRI, A23-24, EN 01142868 [“meeting in Wat Reang Kesei Pagoda chaired by Ta Loek and Yeay Chan and attended by hundreds of people from various villages in Commune 40 and Commune 60” during which “they informed us that these two communes were being combined together.”]. *See also* **D219/939** Sek Muntha WRI, A57, EN 01493023.
- <sup>1984</sup> **D219/941** Suon Saophoan WRI, A7, 19, EN 01519537-38 [“Yeay Chan and Ta Loek [...] were the top cadres in the commune. [...] They were the chiefs of the cooperatives [...]. Those cadres controlled that area. In the present-day, it is likely that their position would be equivalent to the commune chief.”]. *See also* **D219/257** Sek Chaot WRI, A9, EN 01095829 [“Yeay Chan controlled cooperatives in this sector.”]; **D219/779** Pang Thai WRI, A46, EN 01344765; **D219/939** Sek Muntha WRI, A80, EN 01493028; **D219/413** Sok Nou WRI, A17, EN 01135051; **D219/499** Orn Nhev WRI, A55, EN 01156204. Due to the size of the geographic area that Yeay Chan and Ta Loek oversaw and the merging of several communes/cooperatives, some witnesses perceived Yeay Chan and Ta Loek to hold positions in the CPK authority structure above the commune level. *See* **D219/238** Phann Sarang WRI, A34, EN 01092943 [“Ta Loek and Yeay Chann [...] took charge, not only of the cooperatives, but of the entire province.”]; **D219/42** Chech Sopha WRI, A81, EN 01050632 [“Ta Loek and Yeay Chan were in charge of the Sector.”];

562. Often during meetings that they chaired, Yeay Chan and Ta Loek both ordered and personally killed with the assistance of the military,<sup>1985</sup> targeted perceived enemies including the Vietnamese and Khmer Krom,<sup>1986</sup> arranged and participated in collective forced marriages,<sup>1987</sup> and had labourers “exert [them]selves to increase production” to

**D219/723** Loem Saloeun WRI, A11-12, EN 01218609 [Yeay Chan “did not report to any other because she was the top cadre there. Nobody else was above her. [...] Chan controlled half of the district in which there were three or four communes.”]. Some witnesses and a Civil Party stated that Yeay Chan had more authority than Ta Loek, *see* **D219/42** Chech Sopha WRI, A81, EN 01050632; **D219/723** Loem Saloeun WRI, A7, EN 01218609; **D219/413** Sok Nou WRI, A1, EN 01135048.

<sup>1985</sup> **Ordered:** **D219/312** Pang Thai WRI, A12, EN 01111950 [“at Wat Reang Kesei [...] Ta Loek and Yeay Chan ordered their soldiers to shoot those people. [...] Seven people from the meeting were taken away and killed.”]; **D219/831** Venh Vanna WRI, A100, EN 01391219 [“It was the military [...] to whom Ta Loek and Yeay Chan were the ones giving orders.”]; **D5/85** Saoy Yen CPA, EN 01548053 [“In 1978, [...] Ta Leuk and Yeay Chan [...] ordered their subordinates to arrest people and have them killed”]; **D219/314** Chech Sopha WRI, A7-8, EN 01111965 [“in mid-1978 [...] Ta Loek and Yeay Chan [...] started the mass killing”]. **Personally killed:** **D219/46** Sorm Vanna WRI, A53-54, EN 01050676 [“at Wat Reang Kesei Pagoda [...] Ta Loek and Yeay Chan sprayed automatic fire right at those people, and a bullet struck and killed Ta Seung. Many people were wounded [...] Ta Loek and Yeay Chan collected them and took them to be killed.”]; **D219/831** Venh Vanna WRI, A108, EN 01391220; **D219/939** Sek Muntha WRI, A25, EN 01493015; **D219/866** Loey Mon WRI, A41, 47-48, EN 01373669-70 [“Yeay Chan [...] killed people herself. [...] I saw her tying people up [...] and then they took them to be killed at a train station.”], A49, EN 01373670 [“She killed anyone she suspected of stealing the food.”]; **D219/257** Sek Chaot WRI, A7, EN 01095829 [“Yeay Chan chased me and shot me [...] near the end of the Khmer Rouge regime.”].

<sup>1986</sup> **D219/309** Saoy Yen WRI, A15, EN 01111933 [“three meetings led by Ta Loek and Yeay Chan [...] in the collective dining hall of Reang Kraol Village [...] to express [...] their hatred of the ethnic Vietnamese. They stated that they would do everything they could to rid of the Vietnamese. They stated repeatedly that when a tree is cut its roots must also be uprooted. The Khmer Rouge perceived us, the Khmer Krom, as being the Vietnamese. [...] It was like sorting the rice. They had to keep only the good rice. They were referring to the purges of the people they wanted to rid of.”]; **D219/238** Phann Sarang WRI, A42, EN 01092944 [“Ta Loek and Yeay Chann [...] accused [people] of being the Vietnamese or Khmer Krom in my [Reang Kraol] village. [...] I know that they killed people who were accused of being the Vietnamese in other villages”]; **D219/955** Koen Moeun WRI, A58, EN 01456260; **D219/939** Sek Muntha WRI, A51, EN 01493021 [Ta Loek and Yeay Chan “gathered people from other ethnic groups such as [...] the Vietnamese and took them away. Northwest cadres were also gathered and taken away.”]; **D219/314** Chech Sopha WRI, A7-8, EN 01111965 [Civil party saw 30 or 40 Lon Nol soldiers killed in Reang Kraol Village by “Southwest Zone cadres like Ta Loek and Yeay Chan.”] (*Note* that the victims were also Khmer Krom, *see* **D219/722** Chech Sopha WRI, A1, EN 01216030), A13, EN 01111965-66 [“at the campus of Wat Reang Kesei Pagoda [...] Ta Loek and Yeay Chan announced that my husband was an enemy.”]; **D219/836** Touch Mary WRI, A138-139, EN 01399417 [Yeay Chan “said that when we were working[,] enemies did not work giving their all”] (*Note* that this occurred at Reang Kesei, *see* **D219/872** Touch Mary WRI, A76, EN 01375363); **D219/866** Loey Mon WRI, A47, EN 01373670. Towards the end of the DK regime, Yeay Chan and Ta Loek were also involved in an attempted poisoning of the Khmer Krom during a noodle feast at the collective dining hall in Reang Kraol Village, *see* **D219/46** Sorm Vanna WRI, A57-58, EN 01050677; **D219/309** Saoy Yen WRI, A5-6, 8, EN 01111931-32; **D219/137** Khiem Saon WRI, A57, EN 01072545; **D219/311** Peng San WRI, A7, EN 01111944; **D219/312** Pang Thai WRI, A14, EN 01111951.

<sup>1987</sup> **D219/723** Loem Saloeun WRI, A18-19, EN 01218610 [“We were told [...] [i]f only a marriage of a couple was organized at a time it would have wasted the cadres’ time. [...] The ones who made the announcement were Yeay Chan and Ta Loek.”]; **D219/872** Touch Mary WRI, A74, 90, 99, EN 01375362, 64 [Yeay Chan arranged a “meeting [...] to match up couples. [...] She told the cadres to inform the people that they would have to get married.”]; **D219/831** Venh Vanna WRI, A71-72, 81, EN 01391214, 16 [Ta Loek and Yeay Chan “were the ones who did the matching and arranged the matrimonials” for the witness’s wedding at Wat Reang Kesei. “Ta Loek and Yeay Chan themselves were the ones [...] to advise us to hold hands and declare our determination to not divorce each other, to love each other forever.”]; **D219/408** Sek Chaot WRI, A25, EN 01142868; **D219/829** Sek Moeun WRI, A62, 66, EN 01390087-88; **D219/413** Sok Nou WRI, A7, EN 01135049; **D219/828** Chhum Chen WRI, A58, 62, 67, EN 01390072-73; **D219/371** WRIA, EN 01110235.

avoid “being taken for tempering.”<sup>1988</sup> They were described as “vicious”<sup>1989</sup> and “strong at sweeping clean.”<sup>1990</sup>

563. Yeay Chan and Ta Loek received information on couples forced to marry,<sup>1991</sup> and a witness said he summarised agricultural reports from various worksites that he “knew clearly [...] fell into the hands of Yeay Chan”, which the witness believed were then used at sector-level meetings.<sup>1992</sup>

#### iv. CRIMES

##### Murder and Extermination

564. A Khmer Krom Civil Party stated: “When the Southwest Zone cadres arrived [...] [w]e lived in a constant fear of being slaughtered at any moment. [...] We saw people being arrested and killed.”<sup>1993</sup> Witness Sek Muntha lived in the area during the DK regime and said that “Southwest cadres [...] killed more people than the Northwest cadres did.”<sup>1994</sup>

<sup>1988</sup> **D219/831** Venh Vanna WRI, A102-103, EN 01391219 [Ta Loek and Yeay Chan “came down to have [...] big meetings. They had us exert ourselves to increase production [...] and to know how to be in solidarity with one another.”]; **D219/836** Touch Mary WRI, A137, EN 01399417 [Yeay Chan “told us to work, but that those who did not work well would only know being taken for tempering.”] (*Note* that this occurred at Reang Kesei, *see* **D219/872** Touch Mary WRI, A76, EN 01375363). *See also* **D219/832** Loem Saloeun WRI, A54, EN 01391240.

<sup>1989</sup> **D219/453** Yat Yoeun WRI, A38, EN 01151149; **D219/779** Pang Thai WRI, A46, EN 01344765; **D219/832** Loem Saloeun WRI, A81-82, EN 01391243; **D219/872** Touch Mary WRI, A34, EN 01375360; **D219/939** Sek Muntha WRI, A25, EN 01493015; **D219/339** Pem Sev WRI, A16, EN 01118193; **D219/3** Keu Seung WRI, A40, EN 01047101; **D219/333** Teav Veang WRI, A28, EN 01117983; **D219/499** Orn Nhev WRI, A55, EN 01156204; **D219/238** Phann Sarang WRI, A29, EN 01092942; **D219/306** Sin Ban WRI, A53, EN 01111919; **D219/723** Loem Saloeun WRI, A8, EN 01218609. *See contra* **D219/339** Pem Sev WRI, A16, EN 01118193 [“Ta Loek [...] often tried to stop his wife from mistreating people.”]; **D219/836** Touch Mary WRI, A129, EN 01399416 [Yeay Chan’s “husband was civil and had a good temperament”].

<sup>1990</sup> **D219/42** Chech Sopha WRI, A80, EN 01050632.

<sup>1991</sup> **D219/829** Sek Moeun WRI, A76, EN 01390090 [“Ta Loek and Yeay Chan [...] [a]t night, they walked around in order to listen and gather information and so on about the people.”]; **D219/831** Venh Vanna WRI, A88-89, 100, EN 01391217, 19; **D219/414** Mao Heang WRI, A15, EN 01135064.

<sup>1992</sup> **D219/414** Mao Heang WRI, A14, EN 01135064 [“the militiamen brought reports from various worksites – including Reang Kesei [...] for me to compile and summarize. [...] The reports described the total number of hectares of transplanted seedlings and sowed rice (crops, corn, potatoes, and so on) and the total number of hectares of rice paddies ploughed. [...] Upon the arrival of the Southwest group, in particular under Yeay Chan’s control, I was sometimes assigned to do this work”], A16, EN 01135064-65 [“I knew clearly that the reports I made fell into the hands of Yeay Chan. Generally, when the militiamen came to pick me up to write the reports, they told me clearly that they needed the reports at 8.00 a.m. or 9.00 a.m. next day for the meetings. I think the meetings were at sector level”].

<sup>1993</sup> **D219/309** Saoy Yen WRI, A10, EN 01111932 [“Under the Northwest Zone control [...] we didn’t fear of being killed. When the Southwest Zone cadres arrived [at Commune 60] our lives had become harder. We lived in a constant fear of being slaughtered at any moment. The Southwest Zone cadres wanted to accuse as much as they could. We saw people being arrested and killed.”]. *See contra* **D119/109** Suon Lov WRI, A74, EN 00984914 [Civil party lived in Voat Kandal Village during the DK regime: “The killings were fewer than during the leadership of Northwest group”].

<sup>1994</sup> **D219/939** Sek Muntha WRI, A25, EN 01493015.



Another Khmer Krom Civil Party recalled events in which ordinary Khmer Krom,<sup>1995</sup> 30 or 40 former Lon Nol soldiers who were Khmer Krom,<sup>1996</sup> and perceived Khmer Krom CIA spies were killed.<sup>1997</sup> One Khmer Krom witness stated that “[o]nce per two or three days, around four or five Yuon-related families were taken away” from Reang Kesei Commune to be killed.<sup>1998</sup>

565. Southwest Zone cadres also killed people for failure to follow rules, such as missing meetings,<sup>1999</sup> attempting to flee,<sup>2000</sup> or allegedly committing “moral misconducts”.<sup>2001</sup>

<sup>1995</sup> **D219/42** Chech Sopha WRI, A91, 95, 97, EN 01050634-35 [“I learned this through my relatives [...] many people ran up and boarded the vehicles. In fact, they were taken to be killed. [...] It took place close to the arrival of the Vietnamese. [...] There were two vehicles, both full. [...] Those who got onto the vehicles were all Khmer Krom.”].

<sup>1996</sup> **D219/722** Chech Sopha WRI, A1, 3, EN 01216030 [In Reang Kraol Village “[t]he 30 or 40 people who were taken to be killed were the Khmer Krom [...] because during the LON Nol regime, they, including my [...] uncle, had been assigned to be soldiers.”]. The Civil Party stated that in mid-1978 Ta Loek and Yeay Chan were involved in the incident, which was carried out by Southwest Zone soldiers, and that her cousin was also part of the victim group. *See* **D219/314** Chech Sopha WRI, A7-8, EN 01111965; **D219/722** Chech Sopha WRI, A2, EN 01216030). *See also* **D219/941** Suon Saophoan WRI, A66, EN 01519543 [“Khmer Krom in Reang Kesei were killed [...] who were former soldiers and commandos”].

<sup>1997</sup> **D219/722** Chech Sopha WRI, A6, 8-9, EN 01216031 [“Q: You also told us in your first interview (D219/42), Answer 50, that when you saw your husband being killed, you also saw the Khmer Rouge killing the other six people, including one pregnant woman and a child. Do you know if those people were Khmer people or Khmer Krom? A6: [...] They all were Khmer Krom. [...] Q: Did you know why those people were killed? A8: The Khmer Rouge accused us of being the members of the CIA group. [...] A9: They said it in front of us.”]. This incident occurred in 1978 near Reang Kesei railway station, *see* **D219/42** Chech Sopha WRI, A50-51, EN 01050627.

<sup>1998</sup> **D219/866** Loey Mon WRI, A24, 27, 29, EN 01373667-78 [“close to the year when the Vietnamese troops entered”, “[o]nce per two or three days, around four or five Yuon-related families were taken away” “during the night” by train. “In my mother-in-law’s turn, they evacuated them from Reang Kesei to Reang Kraol, and to Thmei Village [...] [b]efore they killed them”].

<sup>1999</sup> **D219/46** Sorm Vanna WRI, A53-55, EN 01050676 [“at Wat Reang Kesei Pagoda. [...] some refused to attend the meeting. Then Ta Loek and Yeay Chan sprayed automatic fire right at those people [...] Many people were wounded at the time [...] Ta Loek and Yeay Chan collected them and took them to be killed.”]; **D219/312** Pang Thai WRI, A12, EN 01111950 [“meeting [...] at Wat Reang Kesei at which Ta Loek and Yeay Chan were present. [...] some people were hesitant about attending that meeting. Ta Loek and Yeay Chan ordered their soldiers to shoot those people. [...] I heard about this event from the villagers. Seven people from the meeting were taken away and killed.”]. Although Civil Party Sopha Checha stated that her husband Kan Seung was killed because he was perceived to be a Khmer Krom CIA spy, two witnesses said he was killed because he did not attend a meeting on time. *See* **D219/722** Chech Sopha WRI, A6, 8, EN 01216031; **D219/313** Sek Chaot WRI, A26, EN 01111962; **D219/831** Venh Vanna WRI, A108, EN 01391220.

<sup>2000</sup> **D219/309** Saoy Yen WRI, A16, EN 01111933 [“I witnessed a family including the parents and two children who were fleeing to Reang Kral Village. They were [...] killed” by Southwest Zone cadres.]; **D219/306** Sin Ban WRI, A17, EN 01111916 [“February 1978 [...] many people from other villages had escaped and went through my village of Wat Kandal at Ang Kampong Ko Reservoir. The Southwest Zone cadres [...] killed those people. [...] 30 to 40 people.”]; **D219/939** Sek Muntha WRI, A70, EN 01493026 [At Svay Chat Village railway station, “they did not allow people to move from one sector to another or from one cooperative to another. Thus, the people who came from other cooperatives were arrested. Sometime after they arrest, those people disappeared. I saw the killing of only that family”].

<sup>2001</sup> **D219/310** Voan Samut WRI, A10, EN 01111939 [“I witnessed the arrest of the couple. They were [...] accused of committing moral misconducts [...] in May or June, 1978 [...] in Svay Cheat Village. At night they were brought to a rice paddy in Tuol Snuol. Subsequently, gunshots were heard. I witnessed their corpses the following morning.”], A6, EN 01111938 [“Ta Meas orchestrated the mass executions of the

Northwest Zone cadre Ta Phun was secretary of Reang Ksei Commune until Southwest Zone cadres arrested and imprisoned him at S-21. Surviving documents from S-21 record the entry date for Ta Phun as 1 February 1978 and his execution on 23 February 1978.<sup>2002</sup> A witness stated that after Ta Loek and Yeay Chan arrived, “Northwest cadres were [...] gathered and taken away.”<sup>2003</sup>

566. Southwest Zone cadres believed that once their victims were arrested, “to keep them is no gain; to remove them is no loss.”<sup>2004</sup> Victims were killed in groups.<sup>2005</sup> Some were buried alive.<sup>2006</sup> Dead, naked bodies were piled on top of each other at killing sites in villages such as Voat Kandal, Svay Cheat, and Reang Kraol.<sup>2007</sup>

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- villagers in this area. [...] When he controlled the village a few villagers were arrested and killed each night. He accused them of committing moral misconducts.”]
- 2002 **D219/825.1.2** OCIJ S-21 Prisoner List, Number 9646, EN 01222726. *See also* **D219/408** Sek Chaot WRI, A23, EN 01142868 [“Ta Loek and Yeay Chan had power over Ta Phon and Ta Neun, and, after their arrival, they took the former cadres away.”] (*Note* **D219/257** Sek Chaot WRI, A28, EN 01095831 [“Ta Phon, the chairman of Reang Kraol Cooperative, was arrested.”]); **D219/238** Phann Sarang WRI, A34, EN 01092943 [“Ta Phon was in charge [of Reang Kraol Cooperative] [...] they removed him, and ordered Ta Loek and Yeay Chann to replace him.”]; **D219/939** Sek Muntha WRI, A27, 39, EN 01493016, 19 [“Reang Ksei Cooperative [...] chairman was Phun [...] His deputy was Ta Nin [...] when the Northwest cadres were in charge. [...] When the Southwest cadres came in, [...] Phun was arrested and transported away”].
- 2003 **D219/939** Sek Muntha WRI, A51, EN 01493021. *See also* **D5/85** Saoy Yen CPA, EN 01548053 [“In 1978 [...] due to the arrival by the Southwest group [...] Khmer Rouge were arrested and killed.”].
- 2004 **D119/109** Suon Lov WRI, A76, EN 00984914 [“Once arrested, they were finished. They said, ‘To keep them is no gain; to remove them is no loss.’”].
- 2005 **D219/42** Chech Sopha WRI, A91, 95, 97, EN 01050634-35 [“I learned this through my relatives [...] many people ran up and boarded the vehicles. In fact, they were taken to be killed. [...] It took place close to the arrival of the Vietnamese. [...] There were two vehicles, both full.”], A50-51, EN 01050627 [At Reang Ksei railway station: “I saw the Khmer Rouge killing six other people [...] [in] 1978.”]; **D219/722** Chech Sopha WRI, A1, 3, EN 01216030 [In Reang Kraol Village “30 or 40 people who were taken to be killed”]; **D219/306** Sin Ban WRI, A17, EN 01111916 [At Voat Kandal Village: “February 1978 [...] Southwest Zone cadres [...] kill[ed] [...] 30 to 40 people”]; **D219/312** Pang Thai WRI, A12, EN 01111950 [“at Wat Reang Ksei at which Ta Loek and Yeay Chan were present [...] I heard [...] from the villagers [...] [s]even people from the meeting were taken away and killed”].
- 2006 **D219/314** Chech Sopha WRI, A12-13, EN 01111965-66 [“toward the end of 1978 [...] I saw them using hoes to fill the pit in with soil to bury them whilst the men were still alive.”]; **D219/42** Chech Sopha WRI, A50-51, EN 01050627 [In 1978, “they buried my husband alive.”]. Regarding how Chech Sopha’s husband Kan Seung was killed, *see contra* **D219/46** Sorm Vanna WRI, A53, 55, EN 01050676; **D219/829** Sek Moeun WRI, A75, EN 01390090; **D219/939** Sek Muntha WRI, A6, EN 01493009-10.
- 2007 **D219/306** Sin Ban WRI, A17, 20, EN 01111916 [“February 1978 [...] After the Southwest Zone cadres killed them, they removed their clothes and pushed them into the pits. Those pits were at Wat Kandal Village near the route to Wat Kandal Pagoda. [...] I never saw [...] the killings first-hand. I only saw the dead bodies [...] after the cadres had left that place.”]; **D219/453** Yat Yoeun WRI, A29, 31, EN 01151147 [“I saw those dead bodies on the border between Svay Cheat Village and Voat Kandal Village. I saw over ten bodies there. [...] Among the bodies of the women, some were unclothed, and some others were clothed. [...] I think those bodies might have been dead for about three months before the Vietnamese soldiers liberated that area.”]; **D219/314** Chech Sopha WRI, A7, EN 01111965 [“Khmer Rouge took those people to be killed in the jungles and rice fields in Reang Kraol Village. The killing was undertaken by the Southwest Zone soldiers. [...] I went there and saw dead bodies first-hand [...] Some of the bodies were in pits, whilst some others were lying on the ground. They were almost naked. They were wearing nothing but their underwear.”], A12-13, EN 01111965-66 [Near Svay Cheat Village railway station, “toward the

## Persecution

### *Political Persecution of the Khmer Krom*

567. Southwest Zone cadres administering the Reang Kesei Commune area targeted the Khmer Krom because they were perceived by the CPK to be linked to Vietnam.<sup>2008</sup> Khmer Krom had been living in the Reang Kesei Commune area since the Sihanouk regime.<sup>2009</sup> Civil Party Saoy Yen attended three meetings in Reang Kraol Village during which commune chiefs Yeay Chan and Ta Loek:

express[ed] [...] their hatred of the ethnic Vietnamese. They stated that they would do everything they could to [get] rid of the Vietnamese. They stated repeatedly that when a tree is cut its roots must also be uprooted. The Khmer Rouge perceived us, the Khmer Krom, as being the Vietnamese.<sup>2010</sup>

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- 2008 end of 1978 [...] pit was about two metres deep, seven metres wide and seven metres long. I saw them using hoes to fill the pit in with soil to bury them”].  
 See *contra* **D219/867** Sar Hoeun WRI, A28, EN 01373680 [Witness is Khmer Krom: In Reang Kesei “we were not mistreated” by Southwest Zone cadres.]; **D219/3** Keu Seung WRI, A60, EN 01047104 [Civil party lived in Reang Kraol Village until the end of the DK regime: “I never heard such a policy [against the Khmer Krom] after the Southwest cadres arrived in my area. They had transported all the Khmer Krom away to be killed before the Southwest bunch arrived.”]; **D119/109** Suon Lov WRI, A72, EN 00984913 [Civil party lived in Voat Kandal Village until the end of the DK regime: “Q: When the Southwest group arrived, did they arrest the Khmer Krom people? A72: No, they did not.”]; **D219/499** Orn Nhev WRI, A58, EN 01156205 [In Sector 4, Khmer Krom received “no different treatment” to ordinary Khmer.]; **D219/829** Sek Moeun WRI, A91, EN 01390092 [“Q: Is it correct therefore that the Southwesterners did not do anything to Khmer Krom people? A91: Yes, because the Southwesterners came here for a short time.”]; **D219/941** Suon Saophoan WRI, A66, EN 01519543 [“no[t] many Khmer Krom in Reang Kesei were killed.”].
- 2009 **D219/42** Chech Sopha WRI, A88, EN 01050633 [“Many Khmer Krom lived in Reang Kesei; they had lived there since the Sihanouk regime.”]; **D219/409** Ang Sar WRI, A57, EN 01142883 [In Svay Cheat Village, “the majority of families were Khmer Krom. [...] They lived there before the LON Nol regime.”]; **D219/939** Sek Muntha WRI, A12, EN 01493011-12 [Prior to the Khmer Rouge regime “[t]here were thousands of Khmer Krom families in Reang Kesei Commune; there were at least 700 or 800 families. All the people living in Reang Kesei Village and Boeng Veang Village were Khmer Krom. [...] there were around 150 families in Beong Veang Village. Reang Kesei Village had a similar number”]; **D219/408** Sek Chaot WRI, A26, EN 01142869 [“Q: Previously you told us that many Khmer Krom people lived in Reang Kesei Commune during the Khmer Rouge era. Could you estimate how many Khmer Krom people there were? A26: [...] I guess there were around one thousand families, each of which consisted of four or five members on average. Most families who lived in this commune were Khmer Krom.”]; **D219/416** Lies Kung WRI, A22, EN 01135079 [“Most of Khmer Krom families lived between Prey Svay Village and Reang Kesei Village in Reang Kesei Commune.”]. See also **D219/955** Koen Moeun WRI, A52, EN 01456259; **D219/941** Suon Saophoan WRI, A74, EN 01519544. See *contra* **D219/3** Keu Seung WRI, A55, EN 01047104; **D219/238** Phann Sarang WRI, A42, EN 01092944; **D219/499** Orn Nhev WRI, A58, EN 01156205; **D219/638** Khmet Mao WRI, A35-36, EN 01198174; **D219/830** Seng Reut WRI, A95, EN 01390113.
- 2010 **D219/309** Saoy Yen WRI, A15, EN 01111933. See also **D219/238** Phann Sarang WRI, A42, EN 01092944 [“Ta Loek and Yeay Chann [...] accused [people] of being Vietnamese or Khmer Krom in my [Reang Kraol] village. [...] I know that they killed people who were accused of being the Vietnamese in other villages”].

568. As discussed in the *Crimes Against the Vietnamese* section of this Submission,<sup>2011</sup> anyone perceived to have any connection to Vietnam, whether it be political, national, racial, or ethnical, was deemed to be a traitor. In the Reang Kesei Commune area, Southwest Zone cadres accused the Khmer Krom, whose origins were in territory now within the state of Vietnam, of being Vietnamese. They commented on the Khmer Krom's accent and their light complexion, and called them "Yuon", a Khmer term used for Vietnamese.<sup>2012</sup> Khmer Krom, such as Civil Party Sorm Vanna, were compelled to conceal their ethnicity.<sup>2013</sup> Consequently, another Civil Party heard that Southwest Zone cadres tricked Khmer Krom into identifying themselves by making deceitful promises.<sup>2014</sup> Khmer Krom, including those who had been members of the former Lon Nol regime, were killed.<sup>2015</sup> Several civil parties and a witness stated that Yeay Chan and Ta Loek also

<sup>2011</sup> See **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK's Animus Towards the Vietnamese and Khmer Krom.

<sup>2012</sup> **D219/137** Khiem Saon WRI, A57, EN 01072545 [Civil party is Khmer Krom and lived in Kampong Kou Cooperative: "After [Yeay Chan and Ta Loek] arrived, they accused people in the village who had accents like mine of being Yuon"]; **D219/309** Saoy Yen WRI, A5, EN 01111931 [Southwest Zone cadres in "Commune 60 [...] sought to accuse us [...] of being the Vietnamese because of our accent. We are actually Khmer Krom."]; **D219/955** Koen Moeun WRI, A29, EN 01456256-57 ["Under the control of the Southwest Zone cadres [...] Any Khmer Krom who spoke Khmer with a Vietnamese accent was accused of being Vietnamese"]; **D219/42** Chech Sopha WRI, A89, EN 01050633 ["The Khmer Rouge accused them [Khmer Krom], especially the ones with light complexions, of being Yuon."]; **D219/939** Sek Muntha WRI, A52, EN 01493021 ["Khmer Krom were accused of being Vietnamese."]. See also **D219/939** Sek Muntha WRI, A6, 23, EN 01493008, 10-11, 14; **D219/414** Mao Heang WRI, A4, 6, EN 01135060-61 ["those accused of being identical in appearance to Vietnamese and having Vietnamese accents were called to meetings [...] Those people were monitored and arrested by militiamen in Reang Kesei Commune. [...] I am clear that the event took place after the arrival of the Southwest cadres."].

<sup>2013</sup> **D219/46** Sorm Vanna WRI, A78, EN 01050680 ["I hid my background. When my parents arrived in Reang Kesei, I could not hide it anymore."]; A3, EN 01050669 ["Q: Can you explain why the place of birth in your identity card is different from your actual place of birth? A3: Because I was afraid since I experienced suffering during the Khmer Rouge regime. I was afraid that this could happen again."].

<sup>2014</sup> **D219/42** Chech Sopha WRI, A91, 97, EN 01050634-35 ["I learned this through my relatives [...] First the Khmer Rouge told them the lie that if they went to the front line, they would get two meals a day. Then many people ran up. [...] Those who got onto the vehicles were all Khmer Krom."].

<sup>2015</sup> **D219/722** Chech Sopha WRI, A1, 3, EN 01216030 [In Reang Kraol Village "[t]he 30 or 40 people who were taken to be killed were the Khmer Krom [...] because during the LON Nol regime, they, including my [...] uncle, had been assigned to be soldiers." (Note the Civil Party stated that in mid-1978 Ta Loek and Yeay Chan were involved in the incident, which was carried out by Southwest Zone soldiers, see **D219/314** Chech Sopha WRI, A7-8, EN 01111965 and **D219/722** Chech Sopha WRI, A2, EN 01216030.), A6, EN 01216031 ["Q: You also told us in your first interview (D219/42), Answer 50, that when you saw your husband being killed, you also saw the Khmer Rouge killing the other six people, including one pregnant woman and a child. Do you know if those people were Khmer people or Khmer Krom? A6: [...] They all were Khmer Krom." (Note that this incident occurred in 1978 near Reang Kesei railway station, see **D219/42** Chech Sopha WRI, A50-51, EN 01050627.); **D219/42** Chech Sopha WRI, A91, 95, 97, EN 01050634-35 ["I learned this through my relatives [...] many people ran up and boarded the vehicles. In fact, they were taken to be killed. [...] It took place close to the arrival of the Vietnamese. [...] There were two vehicles, both full. [...] Those who got onto the vehicles were all Khmer Krom."]. See also **D219/866** Loey Mon WRI, A24, 27, 29, EN 01373667-78 ["close to the year when the Vietnamese troops entered", "[o]nce per two or three days, around four or five Yuon-related families were taken away" "during the night" by train. "In my mother-in-law's turn, they evacuated them from Reang Kesei to Reang Kraol, and to Thmei Village [...] [b]efore they killed them"].

planned to poison approximately 300 to 400 surviving Khmer Krom at the end of the DK regime.<sup>2016</sup>

*Political Persecution of Northwest Zone Cadres and their Families and Subordinates and Members of the Former Lon Nol Regime and their Families*

569. Southwest Zone cadres committed the crimes described above with the intent to target specific groups, namely Northwest Zone cadres and their families and subordinates, and members of the former Lon Nol regime and their families in the Reang Ksei Commune area. These groups were specifically targeted because of their actual or perceived membership of a political group.

v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

570. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to the geographic area known today as Reang Ksei Commune:<sup>2017</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom),<sup>2018</sup> and the crimes against humanity of murder; extermination;<sup>2019</sup> persecution on political grounds against Northwest Zone cadres and their families and subordinates, former Lon Nol regime members and their families, and Khmer Krom; and other inhumane acts (forced marriage and rape).<sup>2020</sup>

<sup>2016</sup> **D219/46** Sorm Vanna WRI, A57-58, EN 01050677 [“Ta Loek, Yeay Chan, and the Khmer Rouge soldiers [...] told the people to go eat Khmer noodles at the kitchen of Wat Reang Ksei Pagoda. [...] Many, approximately 300 to 400 people” attended the meeting.]; **D219/309** Saoy Yen WRI, A5-6, 8, EN 01111931-32 [“on the 25th day [...] two days before the Vietnamese troops arrived [...] Khmer Rouge soldiers [...] ordered” “[e]veryone in Reang Kraol Village” “to eat the Cambodian noodle together. We knew very well that if the Vietnamese troops didn’t come to save us soon enough all of us would have been killed.” “We all spoke with some Khmer Krom accents.” “Ta Loek and Yeay Chan” arranged the noodle feast.]; **D219/137** Khiem Saon WRI, A57, EN 01072545; **D219/311** Peng San WRI, A7, EN 01111944; **D219/312** Pang Thai WRI, A14, EN 01111951. *See also* **D219/3** Keu Seung WRI, A66, EN 01047105.

<sup>2017</sup> The ICP notes that in relation to Reang Ksei Commune, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of persecution on political grounds against Northwest Zone cadres and their families and subordinates and members of the former Lon Nol regime and their families, and other inhumane acts (rape). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 54, 57-59 (including fn. 223), 118b; **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 4-6, 13b.

<sup>2018</sup> *See V.C. Crimes – Crimes Against the Vietnamese.*

<sup>2019</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Reang Ksei Commune alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including in Reang Ksei Commune, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>2020</sup> *See V.B.7. Crimes – Northwest Zone – Forced Marriage and Rape.*

## b. KAMPONG PRIENG COMMUNE

## i. INTRODUCTION

571. The geographic area that is known today as Kampong Prieng Commune was located in Daun Try District 42 in Sector 4 of the Northwest Zone during the DK regime. Three security centres were located in the area. Acting in furtherance of the JCE of which **Yim Tith** was a leading member, Southwest Zone cadres conducted a criminal campaign in the area beginning in 1977. Young adults were forced to wed and to consummate their marriages without their consent. Southwest Zone leaders targeted perceived internal enemies in a campaign of persecution. They demoted thousands of former Northwest Zone cadres and forced them to carry out heavy labour while undernourished, as part of their “refashioning/rehabilitation.” The Southwest Zone cadres arrested and imprisoned thousands of those in targeted groups, including Northwest Zone cadres, Vietnamese, and Khmer Krom. None of the prisoners were accorded any legal process, and a significant number died from starvation, torture, and extrajudicial killings. Others simply disappeared.
572. The ICIJ charged **Yim Tith** with the following crimes in relation to Kampong Prieng Commune: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds against Northwest Zone cadres and their families and subordinates and on political and racial grounds against the Khmer Krom, other inhumane acts (confinement/working in inhumane conditions and forced marriage); and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2021</sup>

## ii. OPERATION AND LOCATION

573. From 1977, Southwest Zone cadres played a critical role in the crimes in the geographical area that is known today as Kampong Prieng Commune.<sup>2022</sup> They controlled the area

<sup>2021</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069, 74-75, 78.

<sup>2022</sup> **D219/781** Yan Prak WRI, A43, EN 01348608 [Southwest Zone cadres entered Kach Roteh Village “[i]n 1977.”]; **D219/839** Chea Koeung WRI, A79, EN 01399442 [“Southwest came in [...] 1977” in Kach Roteh Village.]; **D219/391** Sok Bunran WRI, A18, EN 01132655 [“The Southwest Zone group came to my [Kach Roteh] village in mid-1977, perhaps in April.”]; **D219/125** Srey Soeum WRI, A51, EN 01067735 [“The Southwest group arrived in my area [Os Tuk village] in late 1977”]; **D219/404** Hoeung Sambo WRI, A10, EN 01147870 [“The Southwest group arrived in our area [Thmei Village] between late 1977 and early 1978.”]; **D219/528** Lonh Lun WRI, A30, EN 01168066; **D219/63** Sao Sok WRI, A46, 48, EN 01053927; **D219/333** Tiev Vieng WRI, A17, EN 01117981; **D219/424** Riem Dos WRI, A18, EN 01135141; **D219/394** Riem Dy WRI, A6, EN 01130588 (*Note* **D219/337** Riem Dy WRI, A2, EN 01117677); **D219/261** Khoeun Sngoeun WRI, A10, EN 01095837; **D219/304** Im Bun Chhoeun WRI, A11, EN 01111901; **D219/395** Chiev Heng WRI, A3, EN 01132662; **D219/305** Ngim Chheuy WRI, A6, EN 01111906; **D219/61** Chhaom

until the end of the DK regime.<sup>2023</sup> The villages in that area are Os Tuk, Kach Roteh, and Sala Trav (which were collectively located in Commune 30),<sup>2024</sup> and Thmei, Sambok Ak, and Kbal Thnal, previously known as Boeng Chhouk (which were collectively located in Commune 60).<sup>2025</sup> During the DK regime, Communes 30 and 60 were situated in Daun Try District 42, Sector 4.<sup>2026</sup>

574. At least three security centres existed in the Kampong Prieng Commune area. Shortly after the Southwest Zone cadres arrived in the area, they relocated an existing prison to Wat Kach Roteh (previously known as Wat Po Langka and Wat Damnak Roteh) in Kach

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Soda WRI, A14, EN 01053892. Kampong Prieng Commune did not exist during the DK regime, *see* **D219/392** Tek Sim WRI, A11, EN 01130620; **D219/391** Sok Bunran WRI, A1-2, EN 01132652; **D219/424** Riem Dos WRI, A8, EN 01135139.

<sup>2023</sup> **D219/125** Srey Soeum WRI, A51, EN 01067735 [In Sala Trav Village: “The Southwest group [...] was in control until the Vietnamese arrived.”]; **D219/337** Riem Dy WRI, A23, EN 01117681 [“Southwest Zone cadres, controlling Kbal Thnal Village [...] until the Vietnamese soldiers arrived.”].

<sup>2024</sup> Os Tuk: *See, e.g.* **D193/21.2.1** Srey Soeum WRI, A16, EN 01067731 [Os Tuk Village was located in Kampong Preang Commune.]; **D219/341** Nuk Sangav WRI, A3, EN 01116063 [“Aus Touk Village was in Commune 30”]. *See contra* **D219/343** Ros Moang WRI, A3, EN 01116082 [“Aus Touk Village was located in Kampong Preah Commune.”]. Kach Roteh: *See, e.g.* **D219/307** Pall Yung WRI, A24, 28, EN 01111924-25 [“I was working in Kach Roteh Village [...] in Commune 30”]; **D219/424** Riem Dos WRI, A7, EN 01135138; **D219/356** Van Nak WRI, A127, EN 01116341; **D219/261** Khoeun Sngoeun WRI, A3, EN 01095836; **D219/445** Tek Sim WRI, A6, EN 01147935; **D219/341** Nuk Sangav WRI, A4, EN 01116063; **D219/395** Chiev Heng WRI, A2, EN 01132662; **D219/61** Chhaom Soda WRI, A10, EN 01053891. Sala Trav: *See, e.g.* **D219/426** Keo Khuong WRI, A3, EN 01135163 [“Sala Trav Village was located in Commune 30”]; **D219/445** Tek Sim WRI, A6, EN 01147935. Witness Riem Dos stated that these three villages belonged to Kach Roteh Cooperative in Commune 30, *see* **D219/424** Riem Dos WRI, A10, EN 01135139. A witness and Civil Party placed these villages in other cooperatives, *see* **D219/528** Lonh Lun WRI, A30, EN 01168066 [“the Southwest [...] told me to [...] take charge of Kampong Kou Cooperative at Kach Roteh”]; **D219/125** Srey Soeum WRI, A30, EN 01067733 [“in Kaun Klung Cooperative: [...] Os Tuk village [...] and Sala Trav village.”].

<sup>2025</sup> Thmei: *See, e.g.* **D219/300** Im Bun Chhoeun WRI, A7, EN 01111874 [“Thmei Village, Commune 60 (Kampong Preang Commune)”]; **D219/841** Heng Kuylang WRI, A22, EN 01390128; **D219/424** Riem Dos WRI, A14, EN 01135140; **D219/404** Hoeung Sambo WRI, A3, EN 01147868. Sambok Ak: *See, e.g.* **D219/424** Riem Dos WRI, A14, EN 01135140 [“Commune 60: [...] Sambok Ak Village”]; **D219/404** Hoeung Sambo WRI, A3, EN 01147868. Kbal Thnal: *See, e.g.* **D219/312** Pang Thai WRI, A2, EN 01111949 [“Kbal Thnal Village Commune 60”]; **D219/404** Hoeung Sambo WRI, A3, EN 01147868. *See also* **D219/375** WRIA, Account of Heng Hieng, EN 01111555 [“During the Khmer Rouge Regime, Wat Boeung Chhuk was part of Commune 60, Sector 4. [...] It is now a part of Kbal Thnal Village”]; **D219/782** WRIA, EN 01300017. Witness Riem Dos stated that Thmei and Sambok Ak villages were part of Kampong Kou Cooperative, which witness Lonh Lun stated is today in Kampong Prieng Commune, *see* **D219/424** Riem Dos WRI, A14, EN 01135140; **D219/528** Lonh Lun WRI, A51, EN 01168071. A witness and a Civil Party placed Thmei and Sambok Ak villages in Hok Commune, *see* **D219/839** Chea Koeung WRI, A8, EN 01399433; **D5/98** Khiem Bo CPA, EN 01548023.

<sup>2026</sup> **D219/391** Sok Bunran WRI, A3, EN 01132652 [“Commune 30 was located in District 42, Sector 4.”]; **D219/312** Pang Thai WRI, A2, EN 01111949 [“Commune 60, District 42, Sector 4.”]; **D219/395** Chiev Heng WRI, A2, EN 01132662; **D219/404** Hoeung Sambo WRI, A2, EN 01147868 [Kampong Kou Cooperative “was in Commune 60, District 42, Sector 4.”].

Roteh Village.<sup>2027</sup> They operated the security centre until the end of the DK regime.<sup>2028</sup> Inside the compound, prisoners were detained in the temple, stupa, and medical building.<sup>2029</sup> Another building was used for interrogations.<sup>2030</sup> Southwest Zone cadres operated a second security centre in the temple in Wat Boeng Chhouk in Kbal Thnal Village.<sup>2031</sup> A third security centre operated in Sala Trav Village. A witness told an OCIJ investigator that the security centre was operating in late 1978, which contained detention halls, a house for interrogations, and a refashioning place that, “[i]n total [...] was one

<sup>2027</sup> **D219/61** Chhaom Soda WRI, A4, EN 01053889 [“After the Southwest group took charge, they relocated the prison to a pagoda on the village’s north side”]; **D219/589** Choem Bunret WRI, A32, 35, EN 01178775; **D219/337** Riem Dy WRI, A12, EN 01117679 [“after the Southwest Zone cadres arrived, they moved the prison from the old location to Wat Kach Roteh.”]; **D219/391** Sok Bunran, A39, EN 01132657; **D219/453** Yat Yoeun WRI, A9, 43, EN 01151140, 50; **D219/261** Khoeun Sngouen WRI, A24, EN 01095839; **D219/589** Choem Bunret WRI, A33, EN 01178775; **D219/392** Tek Sim WRI, A31, EN 01130622 [“Q: Was there only one prison when they Northwest Zone cadres were in power? A31: I knew only one prison [...]. Later, I learnt that there was another prison which was located in Wat Kach Roteh Pagoda.”]; **D219/781** Yan Prak WRI, A36, 99, EN 01348607, 18. *See contra* **D219/302** Khoeun Choem WRI, A8, EN 0111888 [“Northwest Zone cadres used the [Wat Kach Roteh] pagoda as a prison, and so did the Southwest Zone cadres.”]. Witnesses and civil parties explained that Wat Kach Roteh in Kach Roteh Village was previously known as Wat Po Langka and Wat Damnak Roteh, *see* **D219/337** Riem Dy WRI, A13, EN 01117679; **D118/298** Khiem Bo WRI, A38, EN 01044737; **D219/261** Khoeun Sngoeun WRI, A17, EN 01095838-39; **D219/63** Sao Sok WRI, A21-22, EN 01053923-24; **D219/781** Yan Prak WRI, A40, EN 01348608; **D219/333** Tiev Vieng WRI, A13, 15, EN 01117980-81; **D219/304** Im Bun Chhoeun WRI, A8, EN 01111901.

<sup>2028</sup> **D219/125** Srey Soeum WRI, A51, 191, EN 01067735, 51 [“The Southwest group [...] was in control until the Vietnamese arrived. [...] When the Vietnamese entered to liberate us, they broke open the gate of the [Kach Roteh] security office to release the prisoners.”]; **D219/337** Riem Dy WRI, A12, EN 01117679; **D219/61** Chhaom Soda WRI, A3, EN 01053889.

<sup>2029</sup> **D219/589** Choem Bunret WRI, A42, 70, EN 01178776, 81 [“There was a long hall close to the temple. Minor offenders were detained in the hall [...] Serious offenders were detained in the temple [...] The prisoners who committed the most serious crimes were detained inside that stupa”]; **D219/61** Chhaom Soda WRI, A20, EN 01053894 [“There were four buildings in use then including the stupa, temple, medical hall”. “[P]risoners were [...] in the temple. [...] [O]n the left of the temple [...] medical hall detained [...] prisoners”]; **D105/7** Kim Heng WRI, A22, EN 00919418; **D105/12** Wat Po Laingka Security Centre Site Identification Report, EN 00786642.

<sup>2030</sup> **D219/589** Choem Bunret WRI, A70, EN 01178781 [“They interrogated me in a hut next to the temple, a monk’s dwelling west of the temple.”]; **D219/61** Chhaom Soda WRI, A22, EN 01053894 [“wooden house [...] was used for interrogation.”].

<sup>2031</sup> **D219/414** Mao Heang WRI, A1, EN 01135058-59 [Wat Boeng Chhuk is located in Kbal Thnal Village. It was not used before the arrival of Southwest Zone cadres.], A11, EN 01135062 [Wat Boeng Chhouk “was located in Boeng Chhuk Village.”]; **D219/339** Pem Sev WRI, A14, 18, EN 01118193; **D219/413** Sok Nou WRI, A20, EN 01135052 [Southwest cadres “used the pagoda as a detention office.”]; **D219/955** Koen Moeun WRI, A54-55, EN 01456259 [“refashioning place [...] in the Wat Boeng Chhouk Pagoda compound. People were detained in the pagoda temple.”]; **D219/408** Sek Chaot WRI, A19, EN 01142867 [“Wat Boeng Chhoung Pagoda was [...] known as an education office where people who had committed minor wrongdoings were placed.”]; **D219/827** Tuy Koeum WRI, A35, EN 01390052; **D219/309** Saoy Yen WRI, A9, EN 01111932.



kilometre in size.”<sup>2032</sup> He stated that there were execution sites in the vicinity.<sup>2033</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

575. Yeay Chan and her husband Ta Loek were “senior ranking chiefs in Kampong Preang Commune.”<sup>2034</sup> They were Southwest Zone cadres and they implemented the JCE through their control of Commune 60.<sup>2035</sup> Together with Ta Kem, they were also responsible for Commune 30.<sup>2036</sup> Yeay Chan and Ta Loek were based in Kbal Thnal

<sup>2032</sup> **D219/864** Long Khen WRI, A64-65, EN 01373644 [Witness was taken “to be imprisoned at Sala Trav [...] until 23 October 1978”, A105, EN 01373648 [“halls were used to detain the prisoners who were not destined to be killed [...] One house [...] was the interrogation place. [...] To the south of the interrogation place was the refashioning site. Down from the refashioning site there were two or three long halls used for detaining prisoners before they were taken to be killed.”] (Note **D219/864.1** Sketch of Sala Trav Prison, EN 01569731); **D219/838** Long Khen WRI, A106, EN 01492869 [“In total, the area of the prison, the ‘re-educating’ place, and the abandoned hall was one kilometre in size.”]. See also **D219/404** Hoeung Sambo WRI, A27, EN 01147874 [“soldiers [...] arrested us [...] and sent us to the security office in Sala Trav Village [...] perhaps in November 1978.”]. See contra **D219/865** Put Heng WRI, A29, EN 01373657 [“Q: Please describe Sala Trav Prison. How many halls were there? [...] There was one clay roofed house.”].

<sup>2033</sup> **D219/864** Long Khen WRI, A105, EN 01373648 [“At the end of that [prison] place, there were canals, villages, and rice fields. That area was the site where the Khmer Krom were killed and buried.”].

<sup>2034</sup> **D219/63** Sao Sok WRI, A43, EN 01053927 [“Yeay Chan [...] and Ta Loek [...] were the senior ranking chiefs in Kampong Preang Commune.”]; **D219/339** Pem Sev WRI, A16, EN 01118193 [Yeay Chan’s “husband, Ta Loek”]; **D219/782** WRIA, Account of Kao Thoeun, EN 01300017 [“Ta Loek (SW) husband of Yeay Chan (SW)”]. Due to the size of the geographic area that Yeay Chan and Ta Loek oversaw and the merging of several communes/cooperatives, some witnesses perceived Yeay Chan and Ta Loek to hold positions in the CPK authority structure above the commune level. See **D219/939** Sek Muntha WRI, A57, EN 01493023 [“When Ta Loek and Yeay Chan came, District 41 and District 42 were merged because Ta Loek and Yeay Chan were in charge of District 41, District 42”]; **D219/238** Phann Sarang WRI, A34, EN 01092943 [“Ta Loek and Yeay Chiinn [...] took charge, not only of the cooperatives, but of the entire province. Ta Loek and Yeay Chiinn were in charge of thousands of families.”]. Witness Riem Dy stated that Yeay Chan had more authority than Ta Loek, see **D219/337** Riem Dy WRI, A23, EN 01117681.

<sup>2035</sup> **D219/312** Pang Thai WRI, A8, EN 01111950 [“Southwest Zone cadres by the names of Ta Loek and Yeay Chan became Commune 60 chiefs.”]; **D219/341** Nuk Sangav WRI, A5, EN 01116063 [“Ta Loek and Yeay Chan who arrived at the base sometime in 1978 [...] were in charge of Commune 60”]; **D219/356** Van Nak WRI, A119, EN 01116340 [“Yeay Chan and Ta Loek [...] managed Commune 60.”]; **D219/339** Pem Sev WRI, A14-16, EN 01118193; **D219/396** Sin Ban WRI, A13, EN 01130595; **D219/839** Chea Koeung WRI, A128-129, EN 01399450-51; **D219/782** WRIA, Account of Kao Thoeun, EN 01300017 [“The cooperative at Boeng Chhouk was now supervised by Ta Loek (SW)”]; **D219/137** Khiem Saon WRI, A51, 53-54, EN 01072545 [“In mid-1978 [...] [t]hey [Yeay Chan and Ta Loek] became the new Cooperative Committee [...] [in] Kampong Kou Cooperative”]. See also **D219/408** Sek Chaot WRI, A22-23, EN 01142868 [“After the arrival of the Southwest cadres, Commune 60 and Commune 40 were merged into one commune named Reang Kesi Commune. [...] Ta Loek and Yeay Chan [...] organised a meeting and they informed us that these two communes were being combined together”].

<sup>2036</sup> Yeay Chan and Ta Loek: **D219/334** Sam Ngak WRI, A2, EN 01118146 [In “Commune 30 [...] Ta Loek and Yeay Chan who were from the Southwest Zone, [...] took charge of the area where I lived.”]; **D219/404** Hoeung Sambo WRI, A39-40, EN 01147877 [“in Ous Tok Village [...] Yeay Chan and [...] Ta Loek were cooperative chairpersons”]; **D219/305** Ngien Chheuy WRI, A6, 8, EN 01111906 [“in Aus Tuk Village [...] Ta Loek, Yeay Chan [...] were the Southwest Zone cadres”]; **D219/662** WRIA, Account of Im Doung, EN 01196873 [In Commune 30: “Q: Did the killing of Vietnamese spouses happen under the Northwest Zone control or the Southwest Zone control? A6: It was under the Southwest Zone control because Yeay Chan had already come.”]. Ta Kem: See, e.g. **D219/391** Sok Bunran WRI, A55, EN 01132659 [Ta Kem “was a Southwest Zone cadre [...] in charge of controlling [...] Commune 30.”]; **D219/337** Riem Dy WRI, A9, EN 01117679 [“after the Southwest Zone cadres arrived, Ta Kem was the person who controlled Kach Rotih Cooperative.”]; **D219/424** Riem Dos WRI, A24, EN 01135144 [“of the Southwest bunch [...] I recall Ta Kem. Kach Rotih Cooperative Chairman.”]. See also **D219/356** Van Nak WRI, A119, EN

Village<sup>2037</sup> and controlled the security centre in it.<sup>2038</sup> They were assisted by additional Southwest Zone cadres, who had replaced Northwest Zone cadres.<sup>2039</sup> Yeay Chan and Ta Loek “took ‘strong’ actions” and “gave orders to others to do everything.”<sup>2040</sup>

01116340 [“I would definitely be killed by them [Yeay Chan and Ta Loek] if they were to manage Commune 30.”]. *Note* that some witnesses referred to a Northwest Zone cadre named “Tith” who clearly was not Yim Tith. This person had official authority in Commune 30 in Kampong Prieng, most likely at the cooperative level. He was arrested and killed by the Southwest Zone cadres, and replaced by Southwest Zone cadres Heng and Kem. *See* **D219/337** Riem Dy WRI, A3, EN 01117677 [“Ta Tith was the chief of Commune 30 Cooperative. Ta Kun was the chief of Commune 30.”]; **D219/424** Riem Dos WRI, A23, EN 01135143 [Ta Tith was the deputy of Kach Roteh Cooperative chairperson Ta Kun.]. *See also* **D219/589** Choem Bunret WRI, A135, EN 01178793 [“Ta Tith [...] was Kach Roteh Cooperative Chairman.”]; **D219/63** Sao Sok WRI, A113, EN 01053936 [Ta Tith “was responsible for the worksites”]; **D219/391** Sok Bunran, A53, EN 01132659 [“Ta Tith [...] in charge of [...] cooperative of Commune 30.”]; **D219/125** Srey Soeum WRI, A78, EN 01067738 [“Grandfather Tith [...] was my Cooperative Committee”]; **D219/301** Soeung Chan Than WRI, A32, EN 01118885 [“Ta Tith [...] in control in the east of the national road.”]; **D219/343** Ros Moang WRI, A26, EN 01116085 [Ta Tith “and his family were taken to be killed at Wat Boeng Chhouk Pagoda”]; **D219/395** Chiev Heng WRI, A10, EN 01132663 [“Ta Heng and Ta Khen, both were from the Southwest Zone. They replaced Tith.”]. *But see* **D219/343** Ros Moang WRI, A5, EN 01116082 [In Ou Tuk “Ta Tith [...] cooperative committee”].

<sup>2037</sup> **D219/839** Chea Koeung WRI, A129, EN 01399451 [“Ta Loek and Yeay Chan were staying over at Kbal Thnal Village. That’s where they lived.”]; **D219/955** Koen Moeun WRI, A36, EN 01456257 [“Boeng Chhouk where they [Ta Loek and Yeay Chan] were permanently settled”]; **D219/167** Khiem Koeuy WRI, A20, EN 01072566.

<sup>2038</sup> **D219/414** Mao Heang WRI, A1, EN 01135058-59 [“Q: [...] You told us that Yeay Chan was the controller of Wat Boeng Chhuk Pagoda when the Southwest cadres arrived [...] Is this a correct summary [...]? A1: Yes”]; **D219/955** Koen Moeun WRI, A54, EN 01456259 [“When someone did something wrong, Yeay Chan and Ta Loek would take him to Wat Boeng Chhouk”]; **D219/827** Tuy Koeum WRI, A35, EN 01390052 [“50 metres south of Wat Boeng Chhuk Pagoda [...] [i]t was that very Yeay Chan who shackled me herself”]. *See also* **D219/337** Riem Dy WRI, A23, EN 01117681 [“Ta Loek and Yeay Chan [...] controlling Kbal Thnal Village [...] until the Vietnamese soldiers arrived.”]; **D219/309** Saoy Yen WRI, A9, EN 01111932 [“Wat Boeng Chhouk Pagoda where they [Ta Loek and Yeay Chan] had resided.”]; **D219/782** WRIA, Account of Kao Thoeun, EN 01300017.

<sup>2039</sup> Southwest Zone cadre Phai: **D219/312** Pang Thai WRI, A12, EN 01111950 [“Phai [...] was a Southwest Zone cadre and the deputy of Ta Loek and Yeay Chan.”]; **D219/408** Sek Chaot WRI, A29, EN 01142869 [“A cadre named Ta Phai, who administered Tuek L’ak Cooperative in the commune where Ta Loek and Yeay Chan were in charge”]. Southwest Zone cadres Heng and Kern, Commune 30: **D219/391** Sok Bunran WRI, A18, EN 01132655 [“the Southwest Zone group arrested [...] Ta Yin; he was the chairperson of the cooperative in Commune 30”], A21, EN 01132655 [“Ta Heng became the cooperative chairperson, replacing Ta Yin, the Northwest Zone cadre.”]; **D219/589** Choem Bunret WRI, A6, EN 01178769-70 [“in Sam Commune (Commune 30) [...] Ta Yin was cooperative committee [...] until 1978. In late 1978 or early 1979, another cooperative chairman named Ta Kern came to replace Yin. Ta Kern was from the Southwest. Ta Yin was killed. Ta Kern, Ta Kun, and Ta Se had many units. Ta Kern and Ta Kun were cooperative committee. Later, Ta Heng was cooperative committee.”]. *See contra* **D193/21.2.1** Srey Soeum WRI, A22, 28, EN 01067732-33 [“Yin (male) and Ty (male) controlled of Os Tuk village.” [...] Southwest Zone cadre “Sa was Cooperative Committee.”]. Southwest Zone cadre Nhan, Commune 60: **D219/528** Lonh Lun WRI, A32, EN 01168066 [In Kampong Kou Cooperative, Northwest Zone cadres Ta Ray and Phan were replaced by Southwest Zone cadre chairperson Ta Nhan.]; **D219/839** Chea Koeung WRI, A78, EN 01399442 [In Damnak Roteh area: “Q: Who came to replace Ray and Phay? A78: When Southwesterners came in [...] Nhan, who was said to come from Kampong Chhnang, was then commune chief.”]; **D219/453** Yat Yoeun WRI, A18-19, EN 01151142-43 [In Kampong Kou Cooperative: “Ta Ray was Commune Committee [...] Ta Ray was hunted down by the Southwest cadres when they arrived, and Ta Ray was shot dead in Kach Roteh Village. [...] Ta Nhan was a Southwest cadre. Ta Nhan was Cooperative Committee”].

<sup>2040</sup> **D219/939** Sek Muntha WRI, A80, EN 01493028.

576. Yeay Chan and Ta Loek chaired meetings and study sessions on work production,<sup>2041</sup> arranged and participated in collective forced marriages,<sup>2042</sup> targeted perceived enemies such as “intellectuals or American CIA”,<sup>2043</sup> stated that anyone “betraying the Organization [...] would have to be whacked and disposed of”,<sup>2044</sup> and “order[ed] [...] very many persons to be killed.”<sup>2045</sup> Ta Loek participated in the interrogation of at least one witness at Kach Roteh Security Centre and Yeay Chan directly participated in killings.<sup>2046</sup>
577. Yeay Chan and Ta Loek received information through messengers and reports.<sup>2047</sup> One

<sup>2041</sup> **D219/311** Peng San WRI, A9, EN 01111945 [“at Boeng Chhouk Pagoda [...] [study] session was chaired by Ta Loek and Yeay Chan, where cadres instructed us on the different cultivation techniques.”]; **D219/839** Chea Koeung WRI, A138-139, EN 01399452 [“At the Thmei Village Cooperative [...] [t]hey [Yeay Chan and Ta Loek] spoke about increasing production farming”].

<sup>2042</sup> **D219/827** Tuy Koeum WRI, A48, 50, 58, EN 01390054-56 [“At one wedding there were 10 couples and at the later one there were 15. [...] They were married at Boeng Chhuk, married south of the pagoda. [...] It was only Ta Loek and Yeay Chan who announced which couples were being married.”]; **D219/828** Chhum Chhen WRI, A44, 66, 71, EN 01390069, 73 [“cooperative chairpersons, summoned them to concentrated gatherings, namely Yeay Chan and Ta Loek” and they attended the marriage programmes. “At Boeng Chhuk, there were 10 couples on the first occasion and eight to nine couples on the second.”].

<sup>2043</sup> **D219/839** Chea Koeung WRI, A143, EN 01399453 [“people with knowledge and know-how, [...] they [Yeay Chan and Ta Loek] accused of being intellectuals or American CIA.”].

<sup>2044</sup> **D219/839** Chea Koeung WRI, A148, EN 01399454 [“The consequences about which they spoke were with regard to being loyal to the Organization, not betraying the Organization, us correctly serving the collective, and that anyone who betrayed, who ate surreptitiously and the like would have to be whacked and disposed of.”].

<sup>2045</sup> **D219/827** Tuy Koeum WRI, A36, EN 01390052 [“Ta [Loek] [...] summoned me to be shackled, and the next morning I was about to be taken to be shot dead. On orders from Ta Loek and Yeay Chan they took very many persons to be killed.”]. See also **D219/589** Choem Bunret WRI, A9, EN 01178770 [“Ta Loek and Yeay Chan cruelly killed people. They were very mean.”]; **D219/356** Van Nak WRI, A119, EN 01116340; **D219/863** Lai Loeum WRI, A78, EN 01373635 [Ta Loek and Yeay Chan “were very brutal during the time of their control. They behaved ferociously.”]; **D219/299** Mak Met WRI, A13, EN 0111868; **D219/337** Riem Dy WRI, A23, EN 01117681; **D219/839** Chea Koeung WRI, A129, EN 01399451; **D219/304** Im Bun Chhoeun WRI, A19, EN 01111903; **D219/404** Hoeung Sambo WRI, A42, EN 01147877 [“Yeay Chan was very cruel; she was as vicious as a tiger.”].

<sup>2046</sup> Ta Loek: **D219/589** Choem Bunret WRI, A68, 73, 75, 77, EN 01178781-84 [Witness was interrogated by “A Khan, A Heang, A Han, Ta Loek, and A Lam. [...] The most important person was Ta Loek. [...] When Ta Loek arrived, he kicked me in the face. [...] After they asked me whether it was true, I answered that it was”. Ta Loek burned the witness with a cigarette.]. Yeay Chan: **D219/404** Hoeung Sambo WRI, A39-41, 43-44, EN 01147877-78 [“[A]t the end of 1978 [...] near the communal eating hall in Ous Tok Village [...] I witnessed approximately 16 or 17 victims being killed. [...] I know who killed those people: they were the Southwest cadres, Yeay Chan and her bodyguards. [...] They used knives and hatchets to kill those people; they hacked or stabbed the victims to death and slit their throats too. [...] [Yeay Chan] was carrying a knife. [...] This site is about one kilometre north of Wat Kach Roteh Pagoda and east of National Road 5.”]; **D219/413** Sok Nou WRI, A1, EN 01135047-48 [“Q: [...] You told us that you were present at Wat Boeng Chhuk Pagoda, where you saw your daughter-in-law, Hang, being killed by Yeay Chan in front of the Bodhi tree. [...] Could you clarify if the [...] information reflects what you told us [...]? A1: Yes”]; **D219/339** Pem Sev WRI, A14, EN 01118193 [“When I lived in Boeng Chhouk Village, I saw a woman being shot dead by Yeay Chan in Wat Boeng Chhouk Pagoda.”].

<sup>2047</sup> **D219/414** Mao Heang WRI, A1, EN 01135059 [“Q: [...] You said that Yeay Chan ordered her messengers to pick you up [...] to have you make reports on her achievements since you were literate. [...] Is this a correct summary [...]? A1: Yes”]; **D219/528** Lonh Lun WRI, A41-42, EN 01168069 [As cooperative committee member: “My reports were based on [...] leading the people to farm rice. I reported to my

witness said he summarised agricultural reports from various worksites that he “knew clearly [...] fell into the hands of Yeay Chan” which the witness believed were then used at sector-level meetings.<sup>2048</sup> A former cooperative committee member in the area, who worked under the leadership of a Southwest Zone cadre, said that “each person had to report [...] on their work.”<sup>2049</sup>

578. Generally, the topic of internal “enemies” was discussed at meetings and contained in reports. Reminders were given “about the search for the hidden enemies”, “threatening language [...] relating to eliminating burrowing enemies” was used, and announcements were made about “arresting internal enemies hiding within our ranks.”<sup>2050</sup>
579. The crimes committed in the Kampong Prieng Commune area were pursuant to and in furtherance of the JCE policies. Ta Mok, a leading member of the JCE, chaired a meeting in Sala Trav Village in mid- to late 1978 during which he warned three to four hundred attendees “not to get tricked by the enemies, because if they escaped, it would be dangerous for them.”<sup>2051</sup> A witness stated that he saw zone and sector committee members visit Sala Trav Security Centre to meet with the “chief of the killing section”, and then the subsequent arrest of two Northwest Zone cadres.<sup>2052</sup>

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superiors about rice farming, canal digging, and so on. [...] I reported on my work, whether or not people followed plans, for example.”].

<sup>2048</sup> **D219/414** Mao Heang WRI, A14-15, EN 01135064 [“the militiamen brought reports from various worksites – including [...] Os Tuk, Kbal Thnal, Kampong Kou [...] for me to compile and summarize. [...] The reports described the total number of hectares of transplanted seedlings and sowed rice (crops, corn, potatoes, and so on) and the total number of hectares of rice paddies ploughed. [...] Upon the arrival of the Southwest group, in particular under Yeay Chan’s control, I was sometimes assigned to do this work”], A16, EN 01135064-65 [“I knew clearly that the reports I made fell into the hands of Yeay Chan. Generally, when the militiamen came to pick me up to write the reports, they told me clearly that they needed the reports at 8.00 a.m. or 9.00 a.m. next day for the meetings. I think the meetings were at sector level”].

<sup>2049</sup> **D219/528** Lonh Lun WRI, A42, EN 01168069.

<sup>2050</sup> **D219/337** Riem Dy WRI, A17, EN 01117680 [In Kach Rothe: “I attended meetings several times [...] chaired by Ta Kem and Ta Heng [...] in the cooperative. They [...] reminded us about the search for the hidden enemies. By the term ‘the hidden enemies’, they referred to those villagers and cooperative members who were against them. They also had the people ma[k]e a commitment to follow Angkar’s line forever.”]; **D219/448** Yat Yoeun WRI, A47-48, EN 01149255 [“chaired by Ta Nhan, Kampong Kou Cooperative Committee Chairman [...] three meetings focused [...] on [...] the issue of enemies boring from within. They used threatening language [...] relating to eliminating burrowing enemies”]; **D219/404** Hoeung Sambo WRI, A1, 12, 14, EN 01147867, 70 [“in Thmei Village [...] meeting was held [...] in November 1977. [...] They [Southwest Zone cadres] used a loudspeaker to announce [...] they would only be arresting internal enemies hiding within our ranks. They told us [...] they would only arrest embedded enemies boring from within. They also said that they targeted those who had previously arrested innocent people.”].

<sup>2051</sup> **D219/446** Tek Sim WRI, A3-5, 8, EN 01152257-58. *See also* **D219/864** Long Khen WRI, A22, 49, EN 01373641, 43 [“The meeting was held in Sector 4, at a mobile unit, in Sala Trav. It was presided over by a Zone Secretary [...] in 1978 [...] probably in August - if not in September.”].

<sup>2052</sup> **D219/864** Long Khen WRI, A75, 77, EN 01373645-46 [The witness saw the zone committee members “visiting that [Sala Trav prison] place two times. [...] The zone committee members met with the chief of

## iv. CRIMES

Enslavement and Other Inhumane Acts (Inhumane Treatment)

580. In the Kampong Prieng Commune area, malnourished workers were forced to “perform hard labour” “relentlessly.”<sup>2053</sup> Tasks included farming, building dams and canals, and collecting faeces and manure to make fertiliser.<sup>2054</sup> One witness stated that labourers had no freedom of movement and a Civil Party said they were monitored whilst working.<sup>2055</sup> “When tasks were not fulfilled well, they called those people to meetings to refashion them.”<sup>2056</sup>
581. “[T]housands” of Northwest Zone cadres were disarmed, demoted, and sent to Kach Roteh, Sala Trav, and Os Tuk Villages to undertake forced labour, which in many cases was for “[r]efashioning/[r]ehabilitation.”<sup>2057</sup> Former Northwest Zone cadre Tek Sim

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the killing section under a tree. Two or three days after that, I saw the arrest of Ta Thom, the sector mobile unit chief. After that they came to call Ta Van. Ta Van was a sector committee member in charge of the mobile work force, and he was arrested.”]; **D219/838** Long Khen WRI, A96, EN 01492867 [“A great number of them – those on the sector committee and the zone committee – came to visit the prison. However, those who came met only the chief of the killers at home; they did not go to see the prisoners.”].

<sup>2053</sup> Working conditions: **D219/955** Koen Moeun WRI, A53-54, EN 01456259 [“they did not allow us to take a rest [...] They assigned us to work relentlessly.”]; **D219/125** Srey Soeum WRI, A112, EN 01067742 [“they [...] had me perform hard labour.”]; A56, EN 01067736 [“They did not allow us to rest when we worked.”]; **D219/63** Sao Sok WRI, A52, EN 01053928 [“The work started from 5 a.m. to 11 a.m. and [...] from 1 p.m. to 5 p.m.”]; **D219/25** Sar Samay WRI, A49, EN 01050587 [“I worked from 6.00 a.m. to 12.00 p.m. [...] After resting for half an hour, we resumed working until 6.00 p.m.”]. Malnourishment: **D219/305** Ngin Chheuy WRI, A17, EN 01111908 [“When the Southwest Zone cadres came to the [Os Tuk] village, they [...] gave the Northwest Zone cadres little food”]; **D219/393** Tek Sim WRI, A5-6, EN 01130583 [“Our [former Northwest Zone] members died every day because of the food shortages.”]; **D219/955** Koen Moeun WRI, A53, EN 01456259 [“just before the Vietnamese troops arrived [...] civilians suffered from the severe refashioning. We were given only watery rice gruel and there were food ration deductions. [...] they did not provide us with enough food”]; **D219/391** Sok Bunran WRI, A49-50, EN 01132658 [“people were starved [...] during the administration of the Southwest Zone group. [...] The people [...] were emaciated and very weak.”]; **D219/125** Srey Soeum WRI, A112, EN 01067742 [“I did not have enough to eat until I became skinny.”]; **D219/25** Sar Samay WRI, A73, EN 01050591; **D219/63** Sao Sok WRI, A52, EN 01053928.

<sup>2054</sup> **D219/309** Saoy Yen WRI, A2, EN 01111931; **D219/63** Sao Sok WRI, A51, EN 01053928; **D219/840** Khim Det WRI, A58, EN 01492888; **D219/25** Sar Samay WRI, A48, EN 01050587; **D219/307** Pall Yung WRI, A24-25, EN 01111924; **D219/301** Soeng Chan Than WRI, A6, EN 01111880; **D118/298** Khiem Bo WRI, A40, EN 01044737; **D219/955** Koen Moeun WRI, A41, EN 01456258.

<sup>2055</sup> **D219/414** Mao Heang WRI, A10, EN 01135062; **D219/63** Sao Sok WRI, A55, EN 01053928. *See also* **D219/395** Chiev Heng WRI, A7, EN 01132663.

<sup>2056</sup> **D219/414** Mao Heang WRI, A2, EN 01135060. *See also* **D219/528** Lonh Lun WRI, A43, EN 01168069.

<sup>2057</sup> **D219/446** Tek Sim WRI, A3, 14, EN 01152257, 59 [Witness was “disarmed in approximately June 1978” and “[t]hen they sent me to the Refashioning/Rehabilitation Office in Sala Trav Village.” “They sent me to do farm work [...] and build a dam in Sala Trav Village. I do not know where the others were sent.”] (*Note* **D219/392** Tek Sim WRI, A20, EN 01130621 [“we were made to stay with thousands of former soldiers.”]); **D219/356** Van Nak WRI, A32, EN 01116331-32 [In Kach Roteh Village “Northwest Zone cadres demoted and removed. [...] They were forced to farm rice”]; **D219/305** Ngin Chheuy WRI, A17, EN 01111908 [In Os Tuk Village “Southwest cadres [...] arrested and detained the Northwest Zone cadres. They [...] forced them to work.”]; **D219/125** Srey Soeum WRI, A35, EN 01067734 [In Os Tuk Village: “Some of them [Northwest group] were demoted to ordinary persons”].

stated that they “worked from 0400 to 2300”, they “were ordered to work tirelessly”, and they “had to work harder than those who served in other mobile units.”<sup>2058</sup>

582. Due to the working conditions and insufficient food, labourers were “too exhausted” and “continued to be sick”.<sup>2059</sup> Hungry workers who took or gathered food without permission were beaten or arrested.<sup>2060</sup>

### Imprisonment and Other Inhumane Acts (Inhumane Treatment)

583. In the Kampong Prieng Commune area, Southwest Zone cadres arrested Northwest Zone cadres at all levels in the CPK echelon.<sup>2061</sup>
584. Kach Roteh Security Centre was “full [...] of prisoners, about 300.”<sup>2062</sup> “[W]hen some

<sup>2058</sup> **D219/393** Tek Sim WRI, A4, EN 01130583; **D219/392** Tek Sim WRI, A20, EN 01130621; **D219/446** Tek Sim WRI, A15, EN 01152259. *See also* **D219/528** Lonh Lun WRI, A102, EN 01168080 [“working hard was to build the country.”].

<sup>2059</sup> **D219/356** Van Nak WRI, A102, EN 01116338 [“an emaciated prisoner was too exhausted to continue his work.”]; **D118/298** Khiem Bo WRI, A45, EN 01044738 [After the Southwest Zone cadres had arrived, [...] [b]ecause the food rations and working conditions stayed the same, people continued to be sick”].

<sup>2060</sup> Kach Roteh Security Centre: **D219/337** Riem Dy WRI, A7, EN 01117678 [“During the moving of prisoners to the new location, some prisoners were beaten because they picked leaves or something to eat along the way.”]; **D219/831** Venh Vanna WRI, A118, EN 01391222 [“The wrongs for us were like being so hungry as to be minded to surreptitiously pick teal tubers potato or pull of paddy to eat. They would arrest us for such wrongs.”]; **D219/61** Chhaom Soda WRI, A25, EN 01053896 [“Most prisoners were accused of stealing things to eat.”]; **D219/356** Van Nak WRI, A40, EN 01116332 [“she and her husband had stolen potatoes or taros. That was why they were arrested and imprisoned.”]; **D219/125** Srey Soeum WRI, A230, EN 01067755 [Reth was detained for “[a]pproximately three or four months. [...] Reth stole food to eat because he was very hungry.”]. Sala Trav Security Centre: **D219/404** Hoeung Sambo WRI, A27, EN 01147874 [“the soldiers saw us eating rice while we were on duty watching the rice paddies. Then they arrested [...] and sent us to the security office in Sala Trav Village [...]. They arrested me perhaps in November 1978.”].

<sup>2061</sup> **D219/391** Sok Bunran, A25, EN 01132655-56 [“Q: [...] how many Northwest Zone cadres do you think were arrested by the Southwest Zone cadres [...] ? A25: [...] It might even be hundreds because at that time the chairpersons, the deputies and all the members of the cooperative were arrested.”]; **D6.1.625** Tek Sim SOAS Interview, EN 00352051 [“The arrests went down to the platoon level.”] (*Note* **D219/446** Tek Sim WRI, A27, EN 01152262 [“when Southwest cadres arrived, they arrested the Northwest cadres who were in power and took them away.”]); **D219/305** Ngin Chheuy WRI, A17, EN 01111908 [In Os Tuk Village “Southwest Zone cadres [...] arrested and detained the Northwest Zone cadres.”]; **D219/828** Chhum Chhen WRI, A34, EN 01390067 [“I only knew that all of the Northwesterners were arrested.”]; **D219/424** Riem Dos WRI, A22, EN 01135143; **D219/125** Srey Soeum WRI, A35, EN 01067733-34. *See also* **D219/404** Hoeung Sambo WRI, A15, EN 01147871; **D118/298** Khiem Bo WRI, A38, EN 01044737; **D6.1.620** Riem Dy SOAS Interview, EN 00352077 [“When the Southwest Zone came, they arrested the Northwest Zone Sector 4 cadre, the District 42 cadre and some cooperative cadre.”]; **D219/841** Heng Kuylang WRI, A40, EN 01390131 [“I forget the Ta who brought up the compiled list when the Southwesterners arrived in the Northwest.”]; **D219/528** Lonh Lun WRI, A33, EN 01168066 [“They had me lead them to arrest Ta Ray. They kept me so I could take them to arrest people.”].

<sup>2062</sup> **D219/589** Choem Bunret WRI, A139, EN 01178794. *See also* **D219/589** Choem Bunret WRI, A104, EN 01178788 [“There was no cooked rice for more than 300 prisoners in the prison.”]; **D219/167** Khiem Koeuy WRI, A8, EN 01072563 [“Q: How many people were there at Wat Pou Langka Pagoda? [...] A8: About 300 people interned there”]; **D219/61** Chhaom Soda WRI, A20, EN 01053894 [“At that time, 60 prisoners were shackled in the temple. A 100 metre-long [...] medical hall detained about 20 to 40 prisoners”]; **D105/7** Kim Heng WRI, A32, EN 00919419 [“There were about 40 to 50 prisoners at the temple at one time”]; **D105/12** Wat Po Laingka Security Centre Site Identification Report, EN 00786642 [“The pagoda measures 15 x 9 meters approximately and could possibly host 50 to 60 prisoners at time.”].

old prisoners had been brought out, new ones would be brought in.”<sup>2063</sup> The temple held “serious offenders” and the medical building housed “light offenders”.<sup>2064</sup> Prisoners “who committed the most serious crimes” were detained in the stupa and “never saw sunlight.”<sup>2065</sup> “The prisoners were mostly the Northwest Zone cadres” including former cooperative committee members.<sup>2066</sup> Also detained were Khmer Krom families who were “alleged [...] Vietnamese”, “former LON Nol administrators and soldiers”, and “new people”.<sup>2067</sup> Prisoners came from all over Sector 4, including the old prison that Northwest Zone cadres operated until Southwest Zone cadres relocated it to Wat Kach

<sup>2063</sup> **D105/7** Kim Heng WRI, A32, EN 00919419. Although the witness told an OCIJ investigator that he was arrested in 1977, imprisoned for three months, and Southwest Zone cadres replaced Northwest Zone cadres two months before the Vietnamese entered the country, he said he was detained in the temple of Wat Pou Langka security office (which was established by Southwest Zone cadres). See **D105/7** Kim Heng WRI, A17, 21, 38, EN 00919417-19.

<sup>2064</sup> **D219/589** Choem Bunret WRI, A42, EN 01178776 [“There was a long hall close to the temple. Minor offenders were detained in the hall [...] Serious offenders were detained in the temple [...] Light offenders were people who had stolen potatoes or whatever. People involved in the movements or incitement were considered as serious offenders and were detained in the monastery.”] (Note **D219/61** Chhaom Soda WRI, A20, EN 01053894 [“There were four buildings in use then including the [...] medical hall”. “The medical hall detained [...] prisoners”]). Victims were imprisoned for taking food without permission, being accused of “destroying the economy” if they worked stealthily, or breaking spoons. See **D219/61** Chhaom Soda WRI, A12, 25, EN 01053892, 96; **D105/7** Kim Heng WRI, A17, EN 00919417; **D219/391** Sok Bunran, A43, EN 01132657; **D219/831** Venh Vanna WRI, A118, EN 01391222; **D219/356** Van Nak WRI, A40, EN 01116332; **D219/125** Srey Soeum WRI, A230, EN 01067755; **D219/302** Khoeun Choem WRI, A10, EN 01111889.

<sup>2065</sup> **D219/589** Choem Bunret WRI, A70, EN 01178781.

<sup>2066</sup> **D219/356** Van Nak WRI, A32, EN 01116331-32 [At “Kach Roteh Pagoda [...] [m]any Northwest Zone cadres were imprisoned. The prisoners were mostly the Northwest Zone cadres”]. Yin: **D219/391** Sok Bunran WRI, A18, EN 01132655 [“Ta Yin [...] was the chairperson of the cooperative in Commune 30 [...] I heard my neighbors saying that Ta Yin had been arrested and taken to Wat Pouthi Langka Pagoda by the Southwest Zone group the night before.”]; **D219/356** Van Nak WRI, A41, EN 01116333; **D219/589** Choem Bunret WRI, A26, EN 01178774 [“cooperative committee Yin [...] detained in the prison with me.”]; **D219/781** Yan Prak WRI, A81, 124, EN 01348615, 21 [Yin was “arrested and detained” “[a]t the pagoda place.”]; **D219/341** Nuk Sangav WRI, A23, EN 01116066; **D219/125** Srey Soeum WRI, A26, 36, EN 01067732, 34; **D219/63** Sao Sok WRI, A87, EN 01053933. Ray: **D219/300** Im Bun Chhoeun WRI, A12, EN 01111875-76 [“Ta Ray, who was a [Kampong Kou] commune committee member” was taken “to Wat Po Langkar Pagoda”]. Other Northwest Zone cadres: **D219/61** Chhaom Soda WRI, A4, EN 01053889; **D219/424** Riem Dos WRI, A22, EN 01135143; **D219/453** Yat Yoeun WRI, A43, EN 01151150; **D219/781** Yan Prak WRI, A75, EN 01348613-14; **D219/828** Chhum Chhen WRI, A34, EN 01390067; **D219/399** WRIA, Account of Ros Yoeun, EN 01114741; **D6.1.621** Vaen Chim SOAS Interview, EN 00352109.

<sup>2067</sup> **D118/240** Hoey San WRI, A56, 59-60, EN 01033039-40 [“Six families—three families of my aunts and uncles, two families of my younger siblings, and a family of my mother—were detained. [...] The Khmer Rouge alleged them of being Vietnamese. [...] They were Khmer Kroms. My mother knew how to speak Vietnamese language, but they were not Vietnamese.”]; **D219/339** Pem Sev WRI, A19, EN 01118194 [“my father-in-law [...] lived about 50 metres from Wat Kach Roteh Pagoda. He told me that the former LON Nol administrators and soldiers had been detained in the pagoda.”]; **D219/125** Srey Soeum WRI, A197, EN 01067752 [“The detainees were all new people. There were no old people.”].

Roteh.<sup>2068</sup> Prisoners in the temple were shackled<sup>2069</sup> and “some could not sleep because the space was too small due to many people.”<sup>2070</sup> “Lice were everywhere” and prisoners had to share a pot to defecate.<sup>2071</sup> Prisoners starved.<sup>2072</sup> “Some [...] picked [...] human waste up to eat” because it was mixed with sweet potato skins to make fertiliser.<sup>2073</sup> When prisoners got sick, they “did not have any medicines” and “there was no medical staff.”<sup>2074</sup> Some Northwest Zone cadres had their limbs broken and digits cut off.<sup>2075</sup> Other prisoners were forced to work under armed surveillance from “6 or 7 a.m. [...] until 5 p.m.” with one break to meet quotas for tasks that typically consisted of making fertiliser.<sup>2076</sup> “[I]f we did not finish our assigned task, they would not allow us to stop.”<sup>2077</sup> Cadres “did not allow people to rest during working hours, and if anyone were

<sup>2068</sup> From Sector 4: **D219/939** Sek Muntha WRI, A57, EN 01493023 [“When Ta Loek and Yeay Chan [...] were in charge of District 41, District 42 [...] people were arrested and taken to Wat Kach Roteh.”]; **D1.3.11.23** Kim Heng OCP Statement, EN 00210502 [“People was coming from the whole Sector, different districts of Sector 4 [...] in the temple”]; **D219/304** Im Bun Chhoeun WRI, A6, EN 01111900 [“Wat Po Langka Prison was a Military Security Office of Sector 4. There was no prison at commune level.”]; **D219/337** Riem Dy WRI, A12, EN 01117679 [“It was a sector level prison”]; **D219/333** Tiev Vieng WRI, A13, EN 01117980 [Kach Roteh Pagoda “was used as the Sector 4 prison.”]. During the Northwest Zone cadres’ control of the prison, see **D6.1.620** Riem Dy SOAS Interview, EN 00352076 [“Kach Roteh [...] security office [...] I think it was the Sector 4 Security Office. It seemed that all the districts sent prisoners here.”]; **D219/362** WRIA, Account of Tiev Vieng, EN 01108183 [“Sector 4 prison (Wat Kach Roteh).”]. From previous prison: **D219/337** Riem Dy WRI, A6, EN 01117678 [“everyone saw them [Southwest Zone soldiers] walking prisoners from the old prison to Wat Kach Roteh Pagoda [...]. I saw the event first-hand. There were about 30 prisoners”]; **D219/391** Sok Bunran WRI, A41, EN 01132657 [“I saw [...] the prisoners were being walked from the hall to the pagoda. [...] They walked the prisoners past the people.”].

<sup>2069</sup> **D105/7** Kim Heng WRI, A22, EN 00919418; **D219/61** Chhaom Soda WRI, A20, EN 01053894; **D219/589** Choem Bunret WRI, A40, EN 01178776; **D219/304** Im Bun Chhoeun WRI, A5, EN 01111900; **D219/399** WRIA, Account of Ros Yoeun, EN 01114740.

<sup>2070</sup> **D219/589** Choem Bunret WRI, A139, EN 01178794.

<sup>2071</sup> **D219/589** Choem Bunret WRI, A108, EN 01178789.

<sup>2072</sup> **D219/356** Van Nak WRI, A37, EN 01116332; **D219/589** Choem Bunret WRI, A104, EN 01178788, A106, 114, EN 01178788, 90 [“there was nothing to eat. [...] I ate papaya trees. And when I [...] found snails, I ate them raw immediately. [...] If I had only stayed in the prison, I would have died for sure. [...] Some prisoners [...] became skin and bone. In short, our given gruel was like water, which looked like clear well water, and there was no rice.”]; **D219/167** Khiem Koeuy WRI, A6, EN 01072563; **D219/61** Chhaom Soda WRI, A24, EN 01053895 [“Prisoners released to work outside received a container of porridge each [...] contain[ing] around 10 to 20 rice grains and two grains of salt. For shackled prisoners, each of them received a ladle of watery porridge with only two or three grains of rice. Sometimes those released to work outside had also water spinach and water-lily soup.”]; **D105/7** Kim Heng WRI, A24, EN 00919418.

<sup>2073</sup> **D219/589** Choem Bunret WRI, A106, EN 01178788.

<sup>2074</sup> **D219/589** Choem Bunret WRI, A110, 113, EN 01178789-90.

<sup>2075</sup> **D118/298** Khiem Bo WRI, A38, EN 01044737 [“Southwest Zone cadres arrested three Northwest cadres and broke their arms and legs”]; **D219/424** Riem Dos WRI, A35, EN 01135147 [“when Ta Yin was found [...] they cut off all his fingers and toes.”]; **D219/395** Chiev Heng WRI, A13, EN 01132664 [“When the Southwest group arrested him [Yin], they cut off his fingers.[...] I saw his hands wrapped in bandages.”]; **D219/125** Srey Soeum WRI, A38, EN 01067734 [“I saw that they [Yin and Ty] were arrested and walked to the detention office. They cut off Yin and Ty’s fingers and ears.”].

<sup>2076</sup> **D219/61** Chhaom Soda WRI, A24, EN 01053895; **D219/589** Choem Bunret WRI, A15, 74, 140, EN 01178771-72, 83, 94; **D219/125** Srey Soeum WRI, A211, 222, EN 01067753-54. See also **D219/395** Chiev Heng WRI, A15-16, EN 01132664-65.

<sup>2077</sup> **D219/589** Choem Bunret WRI, A144, EN 01178795.



found to not be working well, they would punish him or her by beating.”<sup>2078</sup> One witness heard a cadre curse his victim for being lazy whilst he beat him.<sup>2079</sup> A Civil Party said that passers-by heard “the sound of people being struck with clubs” when walking near the security centre.<sup>2080</sup> “The newly-arrested prisoners sent there looked normal. But in the end, they became skin and bone.”<sup>2081</sup>

585. At Wat Boeng Chhouk, “line after line” of restrained persons were brought in.<sup>2082</sup> The site was “a holding facility” where people “accused of minor offences were freed whilst those accused of serious offences were evacuated to Wat Kach Roteh”.<sup>2083</sup> Prisoners were shackled and received a “very small food ration”.<sup>2084</sup>

586. At Sala Trav Security Centre, prisoners included “17 April people”, Vietnamese, and the Khmer Krom.<sup>2085</sup> Up to “twenty people [were] put in jail every day.”<sup>2086</sup> A witness, who was detained for one year and released on 23 October 1978, observed that “between 1,000 and 2,000 people” were imprisoned.<sup>2087</sup> Another former prisoner said “after the arrival of the Southwest group they arrested increasing numbers of Khmer Krom.”<sup>2088</sup> Prisoners

<sup>2078</sup> **D219/61** Chhaom Soda WRI, A24, EN 01053895.

<sup>2079</sup> **D219/356** Van Nak WRI, A102, EN 01116338 [“Because we lived and worked nearby Wat Kach Roteh Pagoda, one day [...] I saw the Southwest Zone cadres [...] beat him with a bamboo stalk, and during the beating the cadre cursed him that he was lazy”].

<sup>2080</sup> **D219/125** Srey Soeum WRI, A224, EN 01067754 [“Some people walking near that [Po Langka] security office heard the sound of people being struck with clubs.”]. *See also* **D219/356** Van Nak WRI, A34, EN 01116332 [“At nights, we heard people crying from inside the temple.”].

<sup>2081</sup> **D219/589** Choem Bunret WRI, A114, EN 01178790.

<sup>2082</sup> **D219/827** Tuy Koeum WRI, A46, EN 01390054 [“I [saw] line after line of those tied up to go there to Wat Boeng Chhuk Pagoda.”].

<sup>2083</sup> **D219/309** Saoy Yen WRI, A9, EN 01111932.

<sup>2084</sup> **D219/955** Koen Moeun WRI, A54, 56, EN 01456259; **D219/827** Tuy Koeum WRI, A35, EN 01390052.

<sup>2085</sup> **D219/404** Hoeung Sambo WRI, A31, EN 01147874-75 [“They told me that they had been arrested in Battambang Town and sent there to be imprisoned. They were ‘17 April people.’”]; **D219/838** Long Khen WRI, A120, EN 01492871 [“In the prison, I heard them mentioning the killing of Vietnamese people. [...] They [also] killed the Khmer Kampuchea Krom people, and they said that those people were Vietnamese [...]. During that time, they killed a great number of Vietnamese people.”], A122, EN 01492872 [“Q: [...] how many Khmer Krom people were killed at Sala Trav Prison? A122: In my estimation, there were thousands.”]; **D219/864** Long Khen WRI, A68, 70, EN 01373645 [“At the fertiliser place, the Khmer Krom people were marched there every evening. [...] I saw the Khmer Krom being brought in”].

<sup>2086</sup> **D219/864** Long Khen WRI, A69, EN 01373645 [“I think there might have been four, five, or even twenty people put in jail every day.”]. *See also* **D219/864** Long Khen WRI, A67, EN 01373644 [“Thousands of people were brought in each and every night.”]; **D219/838** Long Khen WRI, A74, EN 01492863 [“prison was about 50 metres long and about 6-7 metres wide.”]; **D219/404** Hoeung Sambo WRI, A30, EN 01147874 [“in a long hall [...] were four rows [...], each of which held a minimum of 20 prisoners.”].

<sup>2087</sup> **D219/864** Long Khen WRI, A64-65, 69, 71, EN 01373644-45 [“They took me to be imprisoned at Sala Trav. I was there until 23 October 1978”. [...] “[T]hey took over 1,000 people – between 1,000 and 2,000 people – from the prison”. “It’s the total number” the witness saw.]. *See also* **D219/838** Long Khen WRI, A81, EN 01492864 [“There were more than 200 prisoners”].

<sup>2088</sup> **D219/125** Srey Soeum WRI, A70, EN 01067738.

were shackled<sup>2089</sup> and “slept on the ground”.<sup>2090</sup> “The sleeping place was very small and very crowded.”<sup>2091</sup> “Those who resisted or bargained would be maltreated for four or five days”.<sup>2092</sup> Prisoners whose reeducation required them to work were “rationed one plate of gruel.”<sup>2093</sup>

### Torture

587. At Kach Roteh Security Centre, there were at least “20 to 30 prisoners [...] torture[d] and interrogat[ed]”.<sup>2094</sup> Interrogations involved suffocation with plastic, cigarette burns, and beatings.<sup>2095</sup> One witness said that whilst he was being interrogated, five people “beat me from 7.00 a.m. to 3.00 p.m.”. His face was beaten, he “fainted three times”, he was kicked “as if they were kicking a wall” until he collapsed, and he sustained burns to his hands. He said: “I did not know what crime I had committed, so I did not know what to answer. [...] Because they were beating me so hard, I decided that I had to answer. [...] I answered that it was true. [...] And they stopped beating me.”.<sup>2096</sup>
588. At Sala Trav Security Centre, a Civil Party saw prisoners “twitch[ing] like frogs” before losing consciousness as a result of being suffocated with a plastic bag.<sup>2097</sup> A witness said

<sup>2089</sup> **D219/838** Long Khen WRI, A74, EN 01492863; **D219/404** Hoeung Sambo WRI, A29, EN 01147874.

<sup>2090</sup> **D219/404** Hoeung Sambo WRI, A29, EN 01147874.

<sup>2091</sup> **D219/838** Long Khen WRI, A108, EN 01492869.

<sup>2092</sup> **D219/838** Long Khen WRI, A107, EN 01492869.

<sup>2093</sup> **D219/838** Long Khen WRI, A73, 99, 105, EN 01492863, 67-68 [“I was sent to a ‘re-educating’ place [...] to make natural fertilizers for the rice fields. [...] I was assigned to dig earth [...]. I had to carry the earth and mixed it with the prisoners’ excrement. Then, I had to transport it and scatter it onto the rice fields. [...] At the ‘re-educating’ place, each prisoners was rationed one plate of gruel.”], A80, EN 01492864 [“Q: How many prisoners were sent to be ‘re-educated’ with you? A80: There were four prisoners, but there were seven or eight prisoners who were already there.”]; **D219/404** Hoeung Sambo WRI, A29, EN 01147874 [“They [...] sent me to work by day.”].

<sup>2094</sup> **D219/61** Chhaom Soda WRI, A26, EN 01053896. *See also* **D219/356** Van Nak WRI, A37, EN 01116332 [“when I walked to work near Wat Kach Roteh Pagoda, I saw prisoners being tortured and beaten by the Southwest Zone cadres.”]; **D105/7** Kim Heng WRI, A25, EN 00919418 [“I saw new prisoners being beaten with iron.”].

<sup>2095</sup> **D219/589** Choem Bunret WRI, A44-45, 72, 74, EN 01178777, 82 [“They used a wooden club to beat me. [...] [T]hey used cigarettes to burn my hands [...] They kept accusing me of lying to them. [...] Then they beat me again and again with a club. [...] They used a plastic bag to hold over my face [...] I could not endure the plastic bag on my face. Immediately after they wrapped it over my face, I nodded my head. [...] Because they were beating me so hard, I decided that I had to answer. Although I would die, answering their questions would make me die faster than bearing the pain.”]; **D219/61** Chhaom Soda WRI, A24, EN 01053895 [“They interrogated me using a plastic rain sheet to cover my head.”]; **D219/125** Srey Soeum WRI, A229, EN 01067755 [Civil party’s cousin “told me about torture inflicted on him. They put a plastic bag on his head to suffocate him.”].

<sup>2096</sup> **D219/589** Choem Bunret WRI, A44-45, 72, 74, EN 01178777, 82-83.

<sup>2097</sup> **D219/404** Hoeung Sambo WRI, A32, EN 01147875 [“There was a small shack near the detention hall where the soldiers took prisoners to be tortured. [...] sometimes I witnessed the prisoners being tortured, suffocated with a plastic bag until they became unconscious. Before they went unconscious, the prisoners twitched like frogs. [...] I saw that after the prisoners fell unconscious, the soldiers removed the plastic bag and then poured water onto the victims’ faces until they regained consciousness.”]. *See also* **D219/838** Long Khen WRI, A91, EN 01492866.

“prisoners’ gallbladders were taken out with a knife” as “torture in the prison.”<sup>2098</sup>

Murder and Other Inhumane Acts (Enforced Disappearance)

589. In the Kampong Prieng Commune area under the Southwest Zone’s leadership, deaths resulted from starvation.<sup>2099</sup> Enslaved Northwest Zone cadres died “every day because of the food shortages”<sup>2100</sup> and, at Kach Roteh Security Centre during the last six months of the DK regime, “six to seven prisoners died every day because there was nothing to eat.”<sup>2101</sup> Sick Northwest Zone cadres who were “sent to a nearby hospital [...] never came back” and some prisoners at Kach Roteh Security Centre “got sick and died.”<sup>2102</sup>
590. Additionally, people were executed because: (i) of their “tendencies and their occupations during the Lon Nol regime”,<sup>2103</sup> (ii) they were “17 April people” (e.g. Sala Trav Security Centre);<sup>2104</sup> (iii) they were Vietnamese or perceived to be Vietnamese such as the Khmer Krom (e.g. Kach Roteh and Sala Trav Security Centres);<sup>2105</sup> or (iv) they

<sup>2098</sup> **D219/838** Long Khen WRI, A142, EN 01492875.

<sup>2099</sup> **D219/63** Sao Sok WRI, A29, EN 01053924 [In Kach Roteh Village, Civil Party’s brother “died of starvation”]; **D219/865** Put Heng WRI, A59, EN 01373659 [In Sala Trav Village: “person died of starvation”]; **D219/391** Sok Bunran WRI, A49-50, EN 01132658 [“people died of starvation because the food ration was not sufficient [...] and this condition remained unchanged during the administration of the Southwest Zone group. [...] I saw the bodies being carried out to be buried.”].

<sup>2100</sup> **D219/393** Tek Sim WRI, A5, EN 01130583.

<sup>2101</sup> **D219/589** Choem Bunret WRI, A106, EN 01178788. *See also* **D219/167** Khiem Koeuy WRI, A6, EN 01072563 [“Some people died of illness and starvation.”]; **D219/61** Chhaom Soda WRI, A24, EN 01053895 [“Under Southwest group control, [...] about 50 to 60 prisoners died of hunger while I was detained there.”].

<sup>2102</sup> **D219/393** Tek Sim WRI, A6, EN 01130583; **D219/589** Choem Bunret WRI, A110, EN 01178789.

<sup>2103</sup> **D219/337** Riem Dy WRI, A6, EN 01117677-78 [“the Southwest Zone cadres found out about people’s tendencies and their occupations during the Lon Nol regime, before taking those people to be killed.”]. *See also* **D118/298** Khiem Bau WRI, A56, EN 01044740 [“My son was 15 years old. He might have said something considered wrong or they might have known that he was a child of a LON Nol colonel (my husband). They killed my husband [at Kach Roteh Village] on charges of being a colonel. My son was killed by the Northwest Zone cadres. Back then, the Southwest Zone cadres had already arrived at my commune, but not yet at my village. They arrested my son to take him to be killed about two months after my husband’s arrest.”].

<sup>2104</sup> **D219/838** Long Khen WRI, A135, EN 01492874 [“In the [Sala Trav] prison, they killed only the ‘17 April’ people”].

<sup>2105</sup> Kach Roteh Security Centre: **D118/240** Hoey San WRI, A49, 56, 58-60, 70, EN 01033038-40, 42 [55 family members and relatives were detained in Kach Roteh Village. “The Khmer Rouge told them that they were sent to work in another place. As a matter of fact, they sent them to be killed in a huge grave in Kach Roteh Village. [...] The Khmer Rouge alleged them of being Vietnamese. [...] They were Khmer Kroms.”]; **D219/25** Sar Samay WRI, A74, EN 01050591 [In Thmei Village: “Ta Suom whose wife was a Kampuchea Krom who had fair complexion. [...] Southwest Zone [...] cadres arrested and took Ta Suom’s wife out. At night I heard Ta Suom’s wife shouting because the Southwest Zone cadres were beating her about 300 metres away from my house. [...] I saw Ta Suom’s wife had been killed and buried with her toes sticking out of the soil. In the morning, the people said that they had arrested Ta Suom’s wife and elder daughter to be killed.”]; **D219/125** Srey Soeum WRI, A64, EN 01067737 [In Sala Trav Village: “The Khmer Rouge conducted searches and made subsequent arrests [...] lied to the Khmer Krom [...] told the Khmer Krom to go to the river. [...] Later the Khmer Rouge returned with the clothes of those Khmer Krom.”]; **D219/839** Chea Koeung WRI, A99, EN 01399446 [In Kach Roteh: “there were very many whom they had to take to be killed. They [...] made the accusation of being Yuon. Like my family (referring to

were a Northwest Zone cadre or a related family member<sup>2106</sup> (e.g. Kach Roteh Village and its security centre<sup>2107</sup>). Families were killed, as were people who tried to flee from the Kampong Prieng Commune area.<sup>2108</sup> “Some of the victims came from Kampot Province, whereas others came from Battambang Province.”<sup>2109</sup>

591. “Everyone knew that Kach Roteh [Village] was a killing field.”<sup>2110</sup> One witness observed that “for three consecutive days the amount of people killed [...] numbered in the

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- the witnesses’ wife), they alleged she was Yuon. Her name was on the list.”]. Sala Trav Security Centre: **D219/838** Long Khen WRI, A120, EN 01492871 [“In the prison, I heard them mentioning the killing of Vietnamese people. [...] They [also] killed the Khmer Kampuchea Krom people, and they said that those people were Vietnamese [...]. During that time, they killed a great number of Vietnamese people.”].
- 2106 **D219/589** Choem Bunret WRI, A9, EN 01178770 [In Kach Roteh Cooperative: “cadres [...] from the Southwest [...] came to kill the Northwest group.”]; **D219/343** Ros Moang WRI, A26, EN 01116085 [“after the Southwest Zone cadres arrived, he [Ta Tit] and his family were taken to be killed at Wat Boeng Chhouk”]; **D219/301** Soeung Chan Than WRI, A29, EN 01111884 [In Thmei Village: “The Southwest Zone cadres killed the Northwest Zone leaders”]; **D219/125** Srey Soeum WRI, A35, EN 01067733-34 [In Os Tuk Village: “Q: When the Southwest group came to replace the Northwest group, what happened to the Northwest group? A35: Some [...] were killed.”]; **D5/98** Khiem Bo CPA, EN 01548023 [“In early 1978, [...] at Sambok Ak [...] the Southwest Zone people [...] killed all ex-cadres.”]; **D219/420** WRIA, Account of Sam San, EN 01117778 [In Commune 60: “He heard from neighbours that when the Southwest Zone came, they killed the Northwest Zone cadre.”].
- 2107 Kach Roteh Security Centre: **D219/781** Yan Prak WRI, A75, EN 01348613-14 [“Southwesterners [...] arrested the Northwest cadres and took them to [...] Kach Roteh Detention Office. After that, they took Northwest cadres to be killed”]; **D219/61** Chhaom Soda WRI, A5, 26, EN 01053889, 96 [“Southwest group took [...] those who once held high positions during the rule of the Northwest group. [...] Some former Northwest soldier prisoners trying to escape were shot dead by prison guards.”]. Yin: **D219/391** Sok Bunran, A22, EN 01132655 [“After his arrest, Ta Yin managed to escape from the detention office at Wat Pouthi Langka Pagoda, but he was pursued and caught near Kach Roteh Village. After they caught him, they struck him with an axe, injuring him, and took him back to Wat Pouthi Langka Pagoda. About three days later he died of his injury.”]; **D219/781** Yan Prak WRI, A81, 127, EN 01348615, 22; **D219/395** Chiev Heng WRI, A13, EN 01132664; **D219/333** Tiev Vieng WRI, A13, EN 01117980. *See also* **D219/356** Van Nak WRI, A42, EN 01116333; **D219/302** Khoeun Choem WRI, A8, EN 01111888; **D219/424** Riem Dos WRI, A35, EN 01135147; **D219/125** Srey Soeum WRI, A38-39, EN 01067734. Elsewhere in Kach Roteh Village: **D219/300** Im Bun Chhoeun WRI, A14, EN 01111876 [“when the Southwest Group arrived, they arrested [...] Northwest Zone cadres to be killed.”]; **D219/307** Pall Yung WRI, A32, EN 01111925; **D219/839** Chea Koeung WRI, A61, EN 01399440 [“Q: Where did the Southwest cadres kill the Northwest cadres? A61: Right there inside Damnak Roteh Village. They were arrested and taken to be whacked in that village.”]; **D219/391** Sok Bunran, A18, EN 01132655. Ray: **D219/453** Yat Yoeun WRI, A18-19, EN 01151142-43 [“Ta Ray was [Kampong Kou] Commune Committee [...] Ta Ray was hunted down by the Southwest cadres when they arrived, and Ta Ray was shot dead in Kach Roteh Village.”]; **D219/300** Im Bun Chhoeun WRI, A12, EN 01111875-76.
- 2108 **D219/337** Riem Dy WRI, A6, EN 01117678 [“I saw them [Southwest Zone cadres] taking two or three families of my neighbours in Kach Roteh Village to be killed at night; I did not see those people return to the village.”]; **D219/391** Sok Bunran, A51, EN 01132658 [In Commune 60: “In 1978, under the administration of the Southwest Zone cadres, he [Civil Party’s uncle] and thousands of other people fled into the jungle. The militiamen pursued them and shot them, and only three of the people survived.”]; **D219/3** Keu Seung WRI, A71, EN 01047106 [“a meeting was held in Kampong Preang Commune and the Khmer Rouge clique announced that those running away had been caught and killed south of Phnum Thipakdei Mountain.”].
- 2109 **D118/240** Hoey San WRI, A63, EN 01033040.
- 2110 **D118/298** Khiem Bo WRI, A28, EN 01044735. *See also* **D219/839** Chea Koeung WRI, A99, EN 01399446 [“there were very many whom they had to take to be killed.”].

thousands.”<sup>2111</sup> Another witness told an OCIJ investigator that “it was not only from villages in Sector 4 which persons were gathered up, but from [...] all sectors to be whacked right there.”<sup>2112</sup> “In my estimation, there were very many persons [...] who were killed, maybe tens of thousands.”<sup>2113</sup> A Civil Party stated “thousands of people [were] taken to be killed at Trav School.”<sup>2114</sup> She also said that 55 of her Khmer Krom family members and relatives were killed in the village.<sup>2115</sup>

592. At Kach Roteh Security Centre during the last six months of the DK regime, a former detainee observed that “deaths [...] were six or seven every day.”<sup>2116</sup> “Those interrogated and found guilty were taken to be killed. [...] [A]bout 20-30 prisoners died during torture and interrogation. Some prisoners [...] died one or two days after being interrogated.”<sup>2117</sup> Near the rice field behind the security centre, a witness saw soldiers take 35 to 50 prisoners to be killed and buried and, on another occasion, 10 prisoners.<sup>2118</sup> After the fall of the DK regime, mass graves were located in and around Kach Roteh Village and its

<sup>2111</sup> **D219/391** Sok Bunran WRI, A32-33, EN 01132656 [“I saw [...] [e]ach day, hundreds of people were killed, and the dead bodies were dragged into small ponds until the ponds actually filled up [...] in Kach Roteh Village. [...] Within those three consecutive days the amount of people killed would have numbered in the thousands.”].

<sup>2112</sup> **D219/839** Chea Koeung WRI, A64-65, EN 01399440.

<sup>2113</sup> **D219/839** Chea Koeung WRI, A67, EN 01399441.

<sup>2114</sup> **D118/240** Hoey San WRI, A63, EN 01033040.

<sup>2115</sup> **D118/240** Hoey San WRI, A49, 56, 58-60, 70, EN 01033038-40, 42 [55 family members and relatives were detained at in Kach Roteh Village and then “sent [...] to be killed in a huge grave in Kach Roteh Village. [...] The Khmer Rouge alleged them of being Vietnamese. [...] They were Khmer Kroms.”].

<sup>2116</sup> **D219/589** Choem Bunret WRI, A14, EN 01178771. *See also* **D105/7** Kim Heng WRI, A28, EN 00919418 [“Four to five prisoners were taken away at one time to be killed.”]; **D219/781** Yan Prak WRI, A36, EN 01348607 [“They arrested persons [...] in the pagoda hall. And once they had gathered up a lot they took them to kill them behind the military office, killing them in the paddy fields.”]; **D219/311** Peng San WRI, A14, EN 01111945 [“Kach Roteh Pagoda [...] functioned as an execution site.”]; **D219/63** Sao Sok WRI, A58, EN 01053929 [Regarding Civil Party’s uncle: “they [...] took him to Wat Kach Roteh Pagoda. Someone told his relatives that he was killed that night.”]; **D219/453** Yat Yoeun WRI, A44, EN 01151150 [“My friend who worked in the military mobile unit told me prisoners were transported to Wat Kach Roteh Pagoda at night and were killed.”].

<sup>2117</sup> **D219/61** Chhaom Soda WRI, A24, 26, EN 01053895-96. *See also* **D105/7** Kim Heng WRI, A26, EN 00919418 [“some prisoners died from harsh torture”]; **D219/61** Chhaom Soda WRI, A24, EN 01053895.

<sup>2118</sup> **D219/426** Keo Khuong WRI, A22-24, 29-30, EN 01135167-69 [In the vicinity of Pou Langka Pagoda: “I think that the prisoners were taken out of the soldiers’ houses. They were taken to be killed at a pit [...] about 50 metres from the rice field where I worked. [...] The prisoners were tied together in lines of five to ten people led by a soldier. [...] I saw the soldiers fill the pit with earth to bury the dead bodies. [...] The killing occurred in rainy season in late 1977. Roeut, a Southwest cadre, had arrived at that place before this killing occurred.” There were “five lines of prisoners”.], A30-A31, EN 01135169 [“About five to six months later, during harvest season, [...] in the same rice field [...] [t]he total number of the prisoners I saw at that time was 10. The killing was carried out in the same way as the first time.”]. *See also* **D118/298** Khiem Bo WRI, A85-86, EN 01044746 [“I learned from other people that the killing site was the rice field right behind the prison. But I never went there myself. [...] Because I lived next to a soldier’s house, I asked the soldier’s wife Ray [...] where they took those people. She answered that they took those people to be killed in rice fields behind the prison.”].

security centre, some with up to 200 corpses.<sup>2119</sup> A Civil Party who entered the security centre in 1979 saw “blood stains” and “30 [...] bodies.”<sup>2120</sup>

593. In Os Tuk Village, a Civil Party saw Yeay Chan and her bodyguards kill 16 or 17 victims, with “[s]ome women [...] killed while they held babies in their hands.”<sup>2121</sup>
594. At Sala Trav Security Centre, former detainee Long Khen observed that people were killed “once every two, if not three, days.”<sup>2122</sup> “When we arrived at Sala Trav [...] I saw about 200 people killed. [...] A few days later, I saw more people killed, and the killing continued endlessly.”<sup>2123</sup> Regarding the Khmer Krom, former prisoner Srey Soeum said “[t]hey were killed at Sala Trav [...] [a]lmost every day.”<sup>2124</sup> Over a period of 10 days, Long Khen saw 1,000 to 2,000 Khmer Krom taken from the prison to be killed.<sup>2125</sup> She said “the killings were done two or three times, so there were no more Vietnamese people.”<sup>2126</sup> She estimated “thousands” of Khmer Krom at Sala Trav Security Centre were killed.<sup>2127</sup> Due to the large number of killings in general at the security centre, killers

<sup>2119</sup> **D219/839** Chea Koeung WRI, A63-64, EN 01399440 [“In some pits there were 30 dead bodies. There were very many graves in my village. [...] There were some pits containing 100 or 200 dead bodies.”]; **D219/125** Srey Soeum WRI, A233-234, EN 01067755 [“when the Yuon arrived in 1979 I went there, and the area south of the pagoda in Kach Roteh village was full of mass graves. [...] There were many bodies, because there were hundreds of dead bodies in each pit.”]; **D219/394** Riem Dy WRI, A19, EN 01130590 [“About 20 pits were found at the execution site established by the Southwest Zone cadres [...] east of National Road 5.”]; **D219/828** Chhum Chhen WRI, A41, EN 01390068-69 [“in the temple hall once all the Southwesterners were gone [...] I saw the pits in which bodies were buried”]; **D219/63** Sao Sok WRI, A63, EN 01053930 [“about half a kilometre away from Wat Kach Roteh Pagoda [...] [a]fter 1979 many graves and dead bodies were seen”], A71-72, EN 01053931 [“I did not see them first-hand, but the people who went to look for gold there saw wells full of dead bodies [...] in Kach Roteh Village.”]. *See also* **D1.3.11.23** Kim Heng OCP Statement, EN 00210501 [“The accused [...] was sent to be killed in front of the temple.”].

<sup>2120</sup> **D219/304** Im Bun Chhoeun WRI, A5, EN 01111900 [“In 1979, [...] [w]e all went inside that pagoda. We saw [...] blood stains there. At that time, there were around 30 male and female bodies.”]. *See also* **D219/125** Srey Soeum WRI, A248, EN 01067757.

<sup>2121</sup> **D219/404** Hoeung Sambo WRI, A39-41, 44, EN 01147877-78 [“at the end of 1978 [...] near the communal eating hall in Ous Tok Village [...] I witnessed approximately 16 or 17 victims being killed. Some women were killed while they held babies in their hands. [...] I know who killed those people: they were the Southwest cadres, Yeay Chan and her bodyguards. [...] They used knives and hatchets to kill those people; they hacked or stabbed the victims to death and slit their throats too. [...] This site is about one kilometre north of Wat Kach Roteh Pagoda and east of National Road 5.”].

<sup>2122</sup> **D219/864** Long Khen WRI, A67, EN 01373644 [“Q: When you were detained at Sala Trav Prison, how often did you see people being taken into the prison office? How often did you see people being taken to be killed between 1977 and 1978? A67: [...] They began to kill people once every two, if not three, days.”].

<sup>2123</sup> **D219/838** Long Khen WRI, A62, EN 01492861.

<sup>2124</sup> **D219/125** Srey Soeum WRI, A66, 69, EN 01067737.

<sup>2125</sup> **D219/864** Long Khen WRI, A67, 69, EN 01373644-45 [“After I was released [...] to make fertiliser, [...] they killed the Khmer Krom and other Khmer who were classified as the Khmer Krom [...] for about 10 days. [...] At the fertiliser place, they took [...] between 1,000 and 2,000 people [...] from the prison there to be killed.”].

<sup>2126</sup> **D219/838** Long Khen WRI, A120, EN 01492871. *See also* **D219/838** Long Khen WRI, A120, EN 01492871 [“They killed the Khmer Kampuchea Krom people, and they said that those people were Vietnamese, not Khmer Kampuchea Krom.”].

<sup>2127</sup> **D219/838** Long Khen WRI, A122, EN 01492872.

“dug pits every day.”<sup>2128</sup>

595. “Under Southwest control, many people disappeared”.<sup>2129</sup> This included Northwest Zone cadres.<sup>2130</sup> At Kach Roteh Security Centre, some prisoners “disappeared forever”.<sup>2131</sup> A witness said that Kampuchea Krom people who were perceived to be Vietnamese were sent to the security centre and she “did not see those people coming back to the village.”<sup>2132</sup> Another witness believed that prisoners who had disappeared “were taken away to be killed.”<sup>2133</sup> A member of the Kampong Kou Cooperative Committee saw “entire families” of Khmer Krom consisting of about 50 to 60 people “temporarily kept at the communal [Kach Roteh] dining hall, and a few days later they took those people away by truck.”<sup>2134</sup>

<sup>2128</sup> **D219/838** Long Khen WRI, A95, EN 01492867 [“They dug pits every day. After they finished beating the prisoners, they started digging the pits. They resumed digging pits the next day.”].

<sup>2129</sup> **D219/426** Keo Khuong WRI, A34, EN 01135170. *See also* **D118/298** Khiem Bo WRI, A46, EN 01044738 [In Os Tuk Village: “After the Southwest Zone cadres had arrived, they and their entire families disappeared. I did not know whether they were killed or they fled.”].

<sup>2130</sup> **D219/404** Hoeung Sambo WRI, A15, EN 01147871 [“The chairman of the elders’ unit in Thmei Village was named Yom. [...] I heard that Yom had been arrested that morning. [...] I never saw Yom again.”]; **D219/414** Mao Heang WRI, A1, EN 01135058 [“Q: [...] You also mentioned the disappearances of the Northwest Zone cadres later replaced by the Southwest cadres. [...] Is this a correct summary [...]? A1: Yes”]; **D219/337** Riem Dy WRI, A5-6, EN 01117677 [“after the Southwest Zone cadres arrived, they took all the high-ranking Northwest Zone cadres away. [...] I just know that they all disappeared. I also heard that the Northwest Zone cadres at sector level were sent to study in Phnom Penh, but I do not know what happened to them after that. [...] I noticed the disappearance of the Northwest Zone cadres, from the cooperative level to the sector level.”]; **D219/394** Riem Dy WRI, A4, EN 01130588 [“after the arrival of the Southwest Zone cadres the Northwest Zone cadres were called to attend meetings or study sessions. Then they never came back.”].

<sup>2131</sup> **D219/61** Chhaom Soda WRI, A26, EN 01053896 [At Wat Kach Roteh: “Some prisoners disappeared forever after they had been taken to be” interrogated.]; **D219/310** Voin Samut WRI, A13, EN 01111939 [Regarding witness’s brother: “Between 0700 and 0800, he was arrested. [...] he was transported by an ox-cart to Wat Kach Roteh Pagoda. He has been missing since then.”]; **D105/7** Kim Heng WRI, A34, EN 00919419 [“Q: Would prisoners who had been brought out disappear forever? A34: Yes.”].

<sup>2132</sup> **D219/303** Khoeun Choem WRI, A19, EN 01111895 [“I only saw the cadres transporting Kampuchea Krom people from Sala Ta An Village to Wat Kach Roteh Prison. The cadres told me that those people were the Vietnamese. They did not tell me about the reasons for transporting them to Wat Kach Roteh Prison; I did not see those people coming back to the village.”].

<sup>2133</sup> **D105/7** Kim Heng WRI, A34, EN 00919419.

<sup>2134</sup> **D219/528** Lonh Lun WRI, A56, 63, 96, EN 01168071, 73, 78 [“Most of those arrestees came in entire families, and the majority were women. [...] Those people were kept in Kach Roteh Village or Thmei Village along National Road 5. [...] They brought those people to be temporarily kept at the communal dining hall, and a few days later they took those people away by truck. [...] [T]here were probably 50 to 60 persons because the dining hall, which was about 30 metres long and 7 to 8 metres wide, was full of people.”] (*Note* that the witness stated that Kach Roteh Village and Thmei Village were the same, *see* **D219/528** Lonh Lun WRI, A62, EN 01168073.). *See also* **D219/528** Lonh Lun WRI, A56, 95, EN 01168071, 78 [“I asked Nhan [the Southwest Zone cooperative chairperson], ‘Where were these people from?’ Nhan told me they were Yuon, because they spoke with an accent. However, I believe that those people were not Yuon, but rather Khmer Krom [...] [b]ecause they spoke Khmer with an accent just like the people at Kach Roteh. People at Kach Roteh were also Khmer Krom, but they had lived there for a long time.”], A97, EN 01168078-79 [“They also ordered me to accompany them to arrest Khmer Krom who had lived at Kach Roteh Village all of their lives [...] As far as I can remember, five people [...] were arrested and kept at my house. About 40 other people were brought in from outside, but I am not sure. [...]

## Persecution

### *Political Persecution of the Vietnamese and Khmer Krom*

596. Vietnamese and Khmer Krom were persecuted through many of the crimes described above. Hostility toward anyone perceived to be linked to Vietnam existed in the Kampong Prieng area, particularly in Kach Roteh Village and at Sala Trav Security Centre. A witness attended a meeting where it was announced by Southwest Zone cadres that “there were many Vietnamese spies hidden among the people and, if anyone knew those spies, he/she must report to Angkar.”<sup>2135</sup> Another witness attended a meeting in which Ta Mok mentioned the presence of “Vietnamese spies” among the people.<sup>2136</sup> As discussed in the *Crimes Against the Vietnamese* section of this Submission,<sup>2137</sup> anyone perceived to have any connection to Vietnam, whether it be political, national, racial or ethnical, was deemed to be a traitor.<sup>2138</sup> In the Kampong Prieng Commune area, “Khmer Krom [...] had lived here for a long time”.<sup>2139</sup> Southwest Zone cadres accused the Khmer Krom, whose origins were in territory now within the state of Vietnam, of being Vietnamese.<sup>2140</sup> Cadres commented on the Khmer Krom’s accent and their light complexion, and called them “Yuon”, a Khmer term used for Vietnamese.<sup>2141</sup> When a

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Sometimes, they kept people there for only one night, and the next morning they transported those people away in a lorry. If they could not transport all those people in one lorry, they kept the rest of the people at that place and then came back to transport those people the next day.”].

<sup>2135</sup> **D219/337** Riem Dy WRI, A19, EN 01117680.

<sup>2136</sup> **D219/343** Ros Moang WRI, A9, EN 01116083 [In Os Tuk Village: “Q: [...] Ta Mok said [...] he guessed there were only 300 Vietnamese spies among these people. [...] Is the above summary correct? A9: Yes”].  
<sup>2137</sup> See **V.C.3.a**. Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>2138</sup> See *contra* **D219/528** Lonh Lun WRI, A100, EN 01168079 [“I heard some persons from unknown places say that the entire Northwest group, regardless of whether they were Kampuchea Krom or Kampuchea Leu, would be smashed and gotten rid of.”].

<sup>2139</sup> **D219/125** Srey Soeum WRI, A63, EN 01067737. See also **D219/394** Riem Dy WRI, A10, EN 01117688 [Prior to the Khmer Rouge regime: “There were approximately 100 Khmer Krom families living Kach Roteh Village. I thought that 90 percent of Kach Roteh people were Khmer Krom.”]; **D219/528** Lonh Lun WRI, A97, EN 01168078 [“Khmer Krom [...] had lived at Kach Roteh Village all of their lives”]; **D219/341** Nuk Sangav WRI, A22, EN 01116066 [In Kach Roteh Village: “all people at the base were all Khmer Krom”]; **D219/414** Mao Heang WRI, A1, EN 01135059 [In Boeng Chhouk Village: “Q: [...] You also told us that 80 to 90 percent of the base people during the Khmer Rouge era were Khmer Krom families. Is this a correct summary [...]? A1: Yes”].

<sup>2140</sup> See, e.g. **D219/404** Hoeung Sambo WRI, A18, EN 01147872 [In Sala Trav Village “the Southwest had a policy to kill all Khmer Krom who came from Vietnam, because they treated the Khmer Krom as if they were Yuon.”]; **D219/394** Riem Dy WRI, A6, EN 01130588 [In Kach Roteh Village “the Khmer Rouge regarded Khmer Krom as having been affiliated with Vietnamese network.”].

<sup>2141</sup> **D219/528** Lonh Lun WRI, A56, 95, EN 01168071, 78 [“I asked Nhan [the Southwest Zone cooperative chairperson], ‘Where were these people from?’ Nhan told me they were Yuon, because they spoke with an accent. However, I believe that those people were not Yuon, but rather Khmer Krom [...] [b]ecause they spoke Khmer with an accent just like the people at Kach Roteh.”]; **D219/125** Srey Soeum WRI, A63, EN 01067737 [In Os Tuk Village: “When the Khmer Rouge arrested the Khmer Krom who had fair complexions, they accused them of being Yuon.”]. *Accents*: **D219/309** Saoy Yen WRI, A5, EN 01111931; **D219/404** Hoeung Sambo WRI, A18, EN 01147872; **D219/781** Yan Prak WRI, A53, EN 01348610;



Civil Party was asked if the Khmer Rouge had a policy to target the Khmer Krom, she answered: “They said that Khmer Kroms were their enemies.”<sup>2142</sup> “They said we had a Vietnamese’s head on a Khmer body.”<sup>2143</sup>

*Political Persecution of Northwest Zone Cadres and their Families and Subordinates*

597. Southwest Zone cadres committed the crimes described above with the intent to target specific groups, namely, Northwest Zone cadres and their families and subordinates in the Kampong Prieng Commune area. This group was specifically targeted because members of the Southwest Zone JCE perceived Northwest Zone cadres as members of a political group opposed to the DK leadership. In early 1978, a Northwest civilian cadre attended a meeting with “all the remaining level cadres” from Kbal Thnal and Kampong Kou cooperatives who had not been imprisoned or killed to listen to Northwest Zone Secretary Ta Mok state that “all the Northwest group were traitors.”<sup>2144</sup> In Os Tuk Village, a Civil Party heard Southwest Zone cadres state: “All traitors must be smashed.”<sup>2145</sup> Northwest Zone cadres were accused of being “in league with the Yuon”.<sup>2146</sup> One notable example of Southwest Zone cadres’ relentless pursuit to target Northwest Zone cadres is the detainment, recapture, and killing of Commune 30 Cooperative Secretary Yin.<sup>2147</sup>

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**D219/343** Ros Moang WRI, A14, EN 01116083; **D219/337** Riem Dy WRI, A20, EN 01117680; **D219/396** Sin Ban WRI, A34, EN 01130596; **D219/125** Srey Soeum WRI, A172, EN 01067749. *See also* **D118/240** Hoey San WRI, A59-60, 70, EN 01033039-40, 42. Complexion: **D219/25** Sar Samay WRI, A76, EN 01050591. Yuon: **D219/404** Hoeung Sambo WRI, A18, EN 01147872; **D219/414** Mao Heang WRI, A5, EN 01135061.

- <sup>2142</sup> **D118/240** Hoey San WRI, A74, EN 01033042. *See also* **D219/528** Lonh Lun WRI, A66, EN 01168074 [“Q: Did people accused of being Yuon become targets for arrest even though in fact they were not Yuon? A66: Yes.”]; **D219/341** Nuk Sangav WRI, A20, EN 01116065 [At Kach Roteh Village: “I only knew they [Southwest Zone cadres] wanted to kill all Khmer Krom. I heard them saying about the Khmer Krom that they though[t] they all were taken away, but there were still some left.”]; **D219/343** Ros Moang WRI, A6, EN 01116082 [Witness was a Khmer Krom who lived in Os Tuk Village when Southwest Zone cadres arrived: “Q: [...] you told us that the Khmer Rouge considered the Khmer Kroms as Vietnamese and they wanted to purge them. [...] Is that correct? A6: Yes”]; **D219/396** Sin Ban WRI, A33, EN 01130596 [In Kach Roteh Village: “I knew that the Khmer Krom people were sorted and targeted.”].

<sup>2143</sup> **D219/343** Ros Moang WRI, A14, EN 01116083.

- <sup>2144</sup> **D219/528** Lonh Lun WRI, A75-78, 81, EN 01168075-76. *See also* **D219/125** Srey Soeum WRI, A46, EN 01067735; **D219/25** Sar Samay WRI, A69, EN 01050590; **D219/839** Chea Koeung WRI, A56, EN 01399439.

<sup>2145</sup> **D219/125** Srey Soeum WRI, A46, EN 01067735.

<sup>2146</sup> **D6.1.625** Tek Sim SOAS Interview, EN 00352051.

- <sup>2147</sup> **D219/63** Sao Sok WRI, A87, EN 01053933 [“The cadre Yin was detained in the temple.”]; **D219/356** Van Nak WRI, A42, EN 01116333 [“The Southwest Zone cadres walked them in the villages, and Yin tried to run to escape, but the cadres captured him, cut off his fingers and killed him.”]; **D219/781** Yan Prak WRI, A127, EN 01348622 [“My friend said that [Yin] [...] surreptitiously broke down a door to flee. However, he was captured, and they cut [off] his arms and legs and took him to be killed behind the pagoda.”]; **D219/395** Chiev Heng WRI, A13, EN 01132664; **D219/589** Choem Bunret WRI, A6, EN 01178769;

v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

598. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to the geographic area that is known today as Kampong Prieng Commune:<sup>2148</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>2149</sup> and the crimes against humanity of murder; extermination;<sup>2150</sup> enslavement; imprisonment; torture; persecution on political grounds against Northwest Zone cadres and their families and subordinates, Khmer Krom, and Vietnamese; and other inhumane acts (inhumane treatment, forced marriage,<sup>2151</sup> rape, and enforced disappearance).

c. WAT SAMDECH SECURITY CENTRE

i. INTRODUCTION

599. Wat Samdech Security Centre and adjoining execution and burial sites were located in Bak Prea District 41, Sector 4 of the Northwest Zone during the DK regime. Acting in furtherance of the joint criminal enterprise of which **Yim Tith** was a leading member, Southwest Zone cadres took control of the area by early 1978, used Wat Samdech as a security centre, and carried out thousands of extrajudicial executions at the site. Victims included the Vietnamese, Khmer Krom, Northwest Zone cadres and their families, members of the former Lon Nol regime and their families, and “new people”.
600. The ICIJ charged **Yim Tith** with the following crimes in relation to Wat Samdech Security Centre: the crimes against humanity of murder, extermination, persecution on political grounds against Northwest Zone cadres and their families and subordinates; and

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<sup>2148</sup> **D219/302** Khoeun Choem WRI, A8, EN 01111888; **D219/391** Sok Bunran WRI, A22, EN 01132655; **D219/424** Riem Dos WRI, A35, EN 01135146-47; **D219/125** Srey Soeum WRI, A38-39, EN 01067734.

The ICP notes that in relation to Kampong Prieng Commune, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are genocide of the Vietnamese and the crimes against humanity of persecution on political grounds against Vietnamese, and other inhumane acts (inhumane treatment, enforced disappearance, and rape). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 58-59, 118b; **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 4-6, 8, 13b.

<sup>2149</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>2150</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Kampong Prieng Commune alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Kampong Prieng Commune, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>2151</sup> See **V.B.7.** Crimes – Northwest Zone – Forced Marriage and Rape.

the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2152</sup>

ii. OPERATION AND LOCATION

601. Southwest Zone cadres were exercising authority over Samdech Village by early 1978.<sup>2153</sup> They converted the temple in Wat Samdech into a security centre<sup>2154</sup> and continued to operate the prison until the end of the DK regime.<sup>2155</sup> Wat Samdech Security Centre was located in Samdech Village, Ta Pon Commune, Bak Prea District 41 of Sector 4 during the DK regime.<sup>2156</sup>
602. Wat Samdech consisted of a number of buildings, including the temple (approximately 20 x 8 metres), which lay about 20 metres from the entrance, and a separate monks' quarters that Southwest Zone cadres used as a hospital.<sup>2157</sup> A bridge separated Wat Samdech from the road,<sup>2158</sup> and a pond was nearby.<sup>2159</sup> An execution site was established

<sup>2152</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426074, 78.

<sup>2153</sup> **D219/565** Run Lay WRI, A6, EN 01182679 [The witness was evacuated by the Southwest Zone cadres in "late 1977 or early 1978"]; **D219/718** Heng Leap WRI, A17, 26, EN 01219970-71 [The Southwest Zone cadres started arresting Northwest Zone cadres "in 1977"]; **D219/685** Sorn Roeun WRI, A10, EN 01214814 ["At the end of 1977 the Southwest Zone cadres arrived."]; **D219/681** Suon Heng WRI, A7, EN 01218590 ["The Southwest group arrived in late 1977"]; **D219/683** Hin Non WRI, A16, EN 01213400 ["They [Southwest Zone cadres] came in late 1977. It was almost 1978."]; **D219/719** Roeurng Mean WRI, A11, 12, EN 01216024 ["The Southwest Zone cadres came in 1978."]; **D219/564** Heng Phat alias Phok WRI, A17, EN 01180940 [The Southwest group came "in 1978."]; **D219/580** WRIA, Account of Suon Heng, A2, EN 01166388-89 [Southwest Zone arrived in "early 1978."]; *See contra* **D105/2** Suon Heng WRI, A61, EN 00787187 ["Q: [...] you wish to correct the year in which the Northwest Zone cadres were replaced by the Southwest Zone cadres[?] A61: Yes, the correct date is 1976."].

<sup>2154</sup> **D219/685** Sorn Roeun WRI, A3, EN 01214813; **D105/2** Suon Heng WRI, A12, EN 00787182; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217595. Prior to Southwest Zone cadres' use of Wat Samdech as a security centre, Northwest Zone cadres used the Wat for purposes other than that of a security centre. *See* **D219/683** Hin Non WRI, A40-41, EN 01213401-02; **D219/564** Heng Phat alias Phok WRI, A40, EN 01180943; **D219/719** Roeurng Mean WRI, A6, EN 01216023, A8, EN 01216024; **D219/718** Heng Leap WRI, A21, 54, EN 01219970, 73; **D219/565** Run Lay WRI, A7, EN 01182679; **D219/685** Sorn Roeun WRI, A3, EN 01214813; **D219/681** Suon Heng WRI, A9, EN 01218590; **D219/688** WRIA, Account of Chhean Tum, A2, EN 01204339.

<sup>2155</sup> **D219/565** Run Lay WRI, A59-60, EN 01182690; **D219/681** Suon Heng WRI, A28, EN 01218593. *See also* **D219/718** Heng Leap WRI, A23, EN 01219971.

<sup>2156</sup> **D105/11** Wat Samdech Security Centre Site Identification Report, EN 00786652; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217595; **D105/2** Suon Heng WRI, A11, EN 00787182; **D219/564** Heng Phat alias Phok WRI, A50, EN 01180945; **D219/718** Heng Leap WRI, A47, EN 01219973; **D219/681** Suon Heng WRI, A11, EN 01218590; **D219/720** Vann Voeurt WRI, A26, EN 01216207; **D219/683** Hin Non WRI, A28, EN 01213401. During the DK regime, Sangkae District in Sector 4 was known as Bak Prea District (District 41), *see* **D219/719** Roeurng Mean WRI, A4, 8, EN 01216023-24; **D219/392** Tek Sim WRI, A18, EN 01130620; **D219/891** Thun Sovat WRI, A18, EN 01421331; **D6.1.339** Toek Man alias Rai S-21 Confession, EN 00769643 ["Sangkae (alias Bak Prea) district"].

<sup>2157</sup> **D105/11** Wat Samdech Security Centre Site Identification Report, EN 00786653; **D219/683** Hin Non WRI, A17, EN 01213400 [The medics "were confined inside the monks' quarters."]; A65, EN 01213404; **D219/685** Sorn Roeun WRI, A20, EN 01214815; **D219/564** Heng Phat alias Phok WRI, A19, EN 01180940; **D219/718** Heng Leap WRI, A21, EN 01219970; **D219/719** Roeurng Mean WRI, A6, EN 01216023.

<sup>2158</sup> **D219/681** Suon Heng WRI, A5, 19, EN 01218589, 91.

<sup>2159</sup> **D219/683** Hin Non WRI, A17, 24, EN 01213400.

to the east of the security centre and bodies were buried in mass graves around the site.<sup>2160</sup>  
Access to Wat Samdech was restricted once it became a security centre.<sup>2161</sup>

iii. AUTHORITY STRUCTURE AND COMMUNICATION

603. Upon the arrival of Southwest Zone cadres to the area, Northwest Zone cadres were killed or they disappeared.<sup>2162</sup> The cooperative committee was then comprised of the following Southwest Zone cadres: chair Keuk, who ordered arrests, his deputy Sear, and members Nuy and Chiev.<sup>2163</sup> Nguon, who was “in charge of the logistics and economy section [in] Samdech village [...] reported to the upper level [...] in the district”.<sup>2164</sup>
604. Southwest Zone cadres Ta Chhoel, Ta Noeng, and Ta Vat were in charge of Samdech Village.<sup>2165</sup> A witness who lived with Ta Chhoel said that “[h]e was the village chairman” and was “involved in killing people”.<sup>2166</sup> She also stated that “Ta Noeng was deputy

<sup>2160</sup> **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217595, 99 [“The execution site is located in the east of the Wat.”], EN 00217587 [“Wat Samdech [...] Memorial 6 mass graves”], EN 00217600; **D219/681** Suon Heng WRI, A5, EN 01218589 [“There were four mass pits.”]; **D219/683** Hin Non WRI, A63, EN 01213404 [“There were three pits, not one.”]; **D219/564** Heng Phat alias Phok WRI, A24-25, EN 01180941; **D219/720** Vann Voert WRI, A34, EN 01216208 [“It was after the Vietnamese entered that I saw the three pits.”]; **D219/565** Run Lay WRI, A62, EN 01182691 [“I saw two big graves.”]; **D105/2** Suon Heng WRI, A36, EN 00787184 [“Q: You said that you saw two pits filled with corpses [...] A36: When I arrived at those pits, they had already been uncovered”]; **D219/718** Heng Leap WRI, A27, EN 01219971 [“Before they killed those people, they dug a huge grave.”]; **D105/11** Wat Samdech Security Centre Site Identification Report, EN 00786653 [“Two mass graves were discovered inside the compound of [Wat Samdech] right after the liberation of the country by the Vietnamese Army in 1979.”]; **D219/580** WRIA, Account of Ek Chy, A4, EN 01166388 [“There were 8 mass graves inside the compound [of Wat Samdech].”].

<sup>2161</sup> **D219/681** Suon Heng WRI, A5, EN 01218589 [“No one was allowed to use the road in front of [Wat Samdech [...] The bridge near the pagoda was a divider; no one was allowed to cross it.”]; **D219/565** Run Lay WRI, A36, EN 01182686 [“they [...] told me not to let anyone walk across bridge”]; **D219/564** Heng Phat alias Phok WRI, A55, EN 01180945 [“After the pits were completely dug, entry to the pagoda compound was completely prohibited.”]; **D219/683** Hin Non WRI, A65, EN 01213404 [“People were not allowed to hang around there. They needed to get the unit chief’s permission to enter the hospital, which was located inside the pagoda.”]. *See also* **D219/580** WRIA, Account of Suon Heng, EN 01166389.

<sup>2162</sup> *See, e.g.* **Rem:** **D219/565** Run Lay WRI, A10, EN 01182679; **D219/718** Heng Leap WRI, A16, EN 01219970; **D219/564** Heng Phat alias Phok WRI, A63-64, EN 01180947. **Khom:** **D219/565** Run Lay WRI, A10, 13, 16, EN 01182679-81; **D219/580** WRIA, Account of Chhaom Poang, A2, EN 01166392-93. **Mac:** **D219/565** Run Lay WRI, A48, EN 01182689.

<sup>2163</sup> **Keuk:** **D219/720** Vann Voert WRI, A6, 15, EN 01216205-06 [“Keuk was the cooperative chairperson of the Southwest Zone group. [...] Keuk was the one who ordered the arrest.”]; **D219/681** Suon Heng WRI, A24, EN 01218592; **D219/685** Sorn Roern WRI, A21, EN 01214815; **D219/580** WRIA, Account of Chhoam Poang, A4, EN 01166393, Account of Chen Chet, A4, EN 01166395. *See contra* **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217600 [“Ta Sem, cooperative chief”]. **Sear, Nuy, and Chiev:** **D219/720** Vann Voert WRI, A6, EN 01216205; **D219/580** WRIA, Account of Chhoam Poang, A4, EN 01166393. *See also* **D219/683** Hin Non WRI, A11, 29, EN 01213399, 401.

<sup>2164</sup> **D219/718** Heng Leap WRI, A19, 42, EN 01219970, 73.

<sup>2165</sup> **D219/565** Run Lay WRI, A21, EN 01182683 [“Q: Do you know the names of the Southwest in charge of Samdech Village? [...] A21: There was Ta Chhoel, [...] Ta Noeng and Ta Vat.”].

<sup>2166</sup> **D219/565** Run Lay WRI, A21-22, EN 01182683 [“There was Ta Chhoel, who I lived with [...] He was the village chairman. He was [...] sent from the Southwest Zone”], A3, 35, EN 01182676-78, 86 [“Q: [...] you told us that [...] the military chairman [Ta Chhoel] was involved in killing people at night [...] A3: Yes [...] A35: [...] Ta Chhoel and other people told me [...] they would smash enemies in the evening.”],

village chair” and “responsible for the military”, and that “Ta Vat was a village committee member.”<sup>2167</sup>

605. Southwest Zone cadre Koe was the security chief of the prison.<sup>2168</sup> There were other cadres present at the security centre.<sup>2169</sup>

#### iv. CRIMES

##### Imprisonment

606. Soon after Southwest Zone cadres arrived in Samdech Village, many victims were arrested and detained at Wat Samdech.<sup>2170</sup> They arrested Northwest Zone cadres and their families and other “enemy” groups such as former members of the Lon Nol regime, feudalists, intellectuals, and “new people” from various villages and cooperatives in the area.<sup>2171</sup> Victims were often called to meetings or lured to other places and then

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*reiterating* **D219/580** WRIA, Account of Run Lay, A1, 3, EN 01166391-92. See *contra* **D219/565** Run Lay WRI, A24, EN 01182683 [Ta Noeng “was responsible for the military.”].

<sup>2167</sup> Noeng: **D219/565** Run Lay WRI, A24, EN 01182683. Vat: **D219/565** Run Lay WRI, A25, EN 01182683. Prior to the arrival of Southwest Zone cadres in Samdech Village, some witnesses perceived Ta Vat to hold positions of authority other than as a village committee member. See **D219/681** Suon Heng WRI, A24, EN 01218592; **D219/685** Som Roeurn WRI, A11, EN 01214814; **D105/2** Suon Heng WRI, A17, 22, 31, EN 00787183-84. See also **D219/580** WRIA, Account of Chen Chet, A4, EN 01166395.

<sup>2168</sup> **D105/2** Suon Heng WRI, A19, EN 00787183 [The witness listed names of Southwest Zone people: “Q: You mentioned Koe, the Security Chief at Wat Samdech, correct? A19: Yes”].

<sup>2169</sup> **D219/565** Run Lay WRI, A15, 36, EN 01182681, 86 [“There were three or four Southwest cadres. There were between 10 and 20 Southwest soldiers.”]; **D219/685** Som Roeurn WRI, A4, EN 01214813; **D219/688** WRIA, Account of Chhean Tum, A4, EN 01204340 [“The person in charge of the hospital at Wat Samdech under the Southwest Zone control was Dr MEAN.”]. For the executioners, see **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217600; **D219/720** Vann Voeurt WRI, A9, EN 01216205-06.

<sup>2170</sup> **D219/718** Heng Leap WRI, A27, EN 01219971, A31, EN 01219971 [“I cannot come up with an exact number, but it was about 400 or 500 people because it took three days to collect the people to be detained there before they took [them] to be killed in one night and one day.”]; **D219/566** Heng Phat alias Phok WRI, A1-2, EN 01179752-53 [“At that time, the Southwest cadres had already come to take control here, and they arrested 350 ordinary people. [...] They brought those people to the temple.”]; **D219/683** Hin Non WRI, A5-6, EN 01213398; **D219/565** Run Lay WRI, A19, EN 01182682 [“I was aware of two incidents. In the first incident, they arrested my father. At that time, there were approximately 105 [people]. As for the second incident, approximately 100 were arrested.”], A32, EN 01182685; **D219/580** WRIA, Account of Hin Nonn, A1, EN 01166387; **D219/564** Heng Phat alias Phok WRI, A41-42, 53, EN 01180943, 45; **D219/720** Vann Voeurt WRI, A9, EN 01216205.

<sup>2171</sup> Northwest Zone cadres and their families: **D219/564** Heng Phat WRI, A7-9, EN 01180939; **D219/565** Run Lay WRI, A13, EN 01182680. See also **D219/720** Vann Voeurt WRI, A25, EN 01216207; **D219/580** WRIA, Account of Run Lay, A3, EN 01166392, Account of Chhoam Poang, A2, EN 01166392 [“They said they were assigned by Angkar to take control of the area. They then started arresting all of the Northwest Zone cadres here.”]. Former members of the Lon Nol Regime: **D219/565** Run Lay WRI, A17, 36, EN 01182682, 86; **D219/580** WRIA, Account of Run Mao, A1-2, EN 01166391. Feudalists, intellectuals, and “new people”: **D219/565** Run Lay WRI, A3, 17, EN 01182676-78, 81-82; **D122/2.1.40** The Phnom Penh Post, *Frail War Crimes Suspect ‘Not Afraid’ to Face Tribunal*, EN 00895645. Other “enemy” groups: **D219/566** Heng Phat WRI, A1-2, EN 01179752; **D219/718** Heng Leap WRI, A37, EN 01219972; **D219/580** WRIA, Account of Run Mao, A2, EN 01166391.

arrested.<sup>2172</sup>

### Murder and Extermination

607. Thousands of prisoners were executed at Wat Samdech Security Centre without any judicial process.<sup>2173</sup> Witness Heng Phat recalled: “When the temple was full of people, they would take them out to be killed.”<sup>2174</sup> People were “killed as if they were frogs.”<sup>2175</sup> They “were taken in queues every day [...] to be killed”.<sup>2176</sup> Executions “took place both day and night.”<sup>2177</sup> Witnesses recalled seeing hundreds of people killed at a time.<sup>2178</sup> Although there are rare accounts of successful escapes from Wat Samdech Security Centre,<sup>2179</sup> the practice was that “[n]o one was released from that pagoda. Whenever someone was taken into that pagoda, life ended.”<sup>2180</sup> Witnesses who went to Wat Samdech after the fall of the DK regime saw blood on the interior walls of the temple and blood-stained clothes on the floor.<sup>2181</sup> One witness observed writing on the walls from a known victim.<sup>2182</sup> Chhlam Ran *alias* Ry scratched these final words into the plaster to his wife: “Your husband, who was taken here, has been killed.”<sup>2183</sup>
608. The Southwest Zone cadres began killing victims from Samdech Village and the surrounding area at Wat Samdech by at least 1977 and they “kept killing people until

<sup>2172</sup> **D219/685** Sorn Roeun WRI, A4, EN 01214813; **D219/580** WRIA, Account of Run Mao, A2, EN 01166391; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217599.

<sup>2173</sup> **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217600 [“The estimate number of victims is from 5,000 to 6,000.”]; **D6.1.524** DC-Cam Burial Report, EN 00379094 [“Victim, 5,000-6,000”]; **D219/681** Suon Heng WRI, A5, EN 01218589; **D219/685** Sorn Roeun WRI, A3-4, 27, EN 01214813, 16; **D219/683** Hin Non WRI, A6, EN 01213398; **D219/718** Heng Leap WRI, A27, EN 01219971. *See also* **D219/566** Heng Phat alias Phok WRI, A11, EN 01179754.

<sup>2174</sup> **D219/566** Heng Phat alias Phok WRI, A8, EN 01179753.

<sup>2175</sup> **D219/564** Heng Phat alias Phok WRI, A13, EN 01180939.

<sup>2176</sup> **D219/564** Heng Phat alias Phok WRI, A52-53, EN 01180945. *See also* **D219/580** WRIA, Account of Ek Chy, A3, EN 01166388; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217599.

<sup>2177</sup> **D219/564** Heng Phat alias Phok WRI, A21, EN 01180940.

<sup>2178</sup> **D219/718** Heng Leap WRI, A6, EN 01219969, A34, EN 0129972 [“I saw the killing of 400 or 500 people at Samdech Pagoda [...] perhaps in October 1977.”]; **D219/564** Heng Phat alias Phok WRI, A15, EN 01180939 [“approximately 350 [Northwest Zone] persons were arrested and killed.”]; **D219/720** Vann Voert WRI, A8, EN 01216205 [“I heard the Southwest Zone cadres [...] talking to each other that about 100 victims, including children, were killed at [Wat Samdech].”]; **D219/580** WRIA, Account of Chen Chet, A3, EN 01166395 [“after the arrival of the Vietnamese. [...] There were about 300 to 500 bodies.”]; **D219/688** WRIA, Account of Heng Leap, A3-5, EN 01204338.

<sup>2179</sup> **D219/580** WRIA, Account of Hin Nonn (Non), A1, EN 01166387.

<sup>2180</sup> **D219/564** Heng Phat alias Phok WRI, A43, EN 01180944.

<sup>2181</sup> **D219/565** Run Lay WRI, A60, EN 01182690. *See also* **D105/2** Suon Heng WRI, A55, EN 00787186; **D219/681** Suon Heng WRI, A28, EN 01218592-93.

<sup>2182</sup> **D105/2** Suon Heng WRI, A45-47, 53, 55, EN 00787185-86.

<sup>2183</sup> **D105/2** Suon Heng WRI, A48, 50, EN 00787186. *See also* **D219/681** Suon Heng WRI, A28, EN 01218593.

1979.”<sup>2184</sup> The victims of the killing campaign included Northwest Zone cadres and their families,<sup>2185</sup> “Vietnamese, Cham and Khmer Krom”,<sup>2186</sup> “17 April” or “new people”,<sup>2187</sup> “soldiers, teachers, physicians, [and] those who worked in the old regime”,<sup>2188</sup> and “feudalist[s], educated or intellectual, because they regarded these groups as their enemies.”<sup>2189</sup> Young children were also killed.<sup>2190</sup>

609. Many people heard from others that those taken to Wat Samdech were soon killed.<sup>2191</sup> Medics told a witness that through windows in the hospital, they could see “people being killed at the location to the east of the monks’ quarters.”<sup>2192</sup> Heng Phat and Heng Leap told OCIJ investigators that they personally witnessed executions.<sup>2193</sup> “[S]ometimes when I was standing and watching, I saw people being killed and heard their pitiful screams throughout the pagoda.”<sup>2194</sup> Prisoners’ bodies were dragged into pits, and those not yet dead “were buried alive.”<sup>2195</sup> Bodies were also deposited in a nearby pond that

<sup>2184</sup> **D219/718** Heng Leap WRI, A23, EN 01219971. *See also* **D219/564** Heng Phat alias Phok WRI, A3, EN 01180938; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217599-600 [“Mr. Hoeurm confirmed that the killing period was between 1977-78, but the mass killing was carried out at the end [of] 1978.”]; **D219/683** Hin Non WRI, A18, EN 01213400; **D219/720** Vann Voeurt WRI, A31, EN 01216208; **D219/718** Heng Leap WRI, A26, 41, EN 01219971, 73.

<sup>2185</sup> **D219/566** Heng Phat alias Phok WRI, A11, EN 01179754 [“All the Northwest [Zone] cadres disappeared. I can estimate that there were thousands.”]; **D219/683** Hin Non WRI, A31-32, EN 01213401; **D219/565** Run Lay WRI, A10, 13, 48, EN 01182679-80, 89; **D219/718** Heng Leap WRI, A8, 15, EN 01219969-70, A23, EN 01219971 [“Two months after [the Southwest Zone cadres] arrived, they wiped out all of the Northwest Zone cadres”]; **D219/719** Roeurng Mean WRI, A13, EN 01216024; **D219/564** Heng Phat alias Phok WRI, A7-10, EN 01180938-39; **D219/720** Vann Voeurt WRI, A4, EN 01216205; **D219/580** WRIA, Account of Chhoam Poang, A2, EN 01166392.

<sup>2186</sup> **D219/683** Hin Non WRI, A54-60, EN 01213403-04; **D219/580** WRIA, Account of Run Lay, A2, EN 01166391-92.

<sup>2187</sup> **D219/565** Run Lay WRI, A17, EN 01182682-83 [“they took people to be killed [...]. Then they brought the clothes of the victims back to the village. At that time the Southwest cadres had a Northwest unit chairperson to help them identify [...] enemies [...]. One group had lived with the Khmer Rouge and another group had lived in the city. When the city dwellers were made to live in the village, the local villagers reported them.”]. *See also* **D219/580** WRIA, Account of Chann Thoa, A5, EN 01166390.

<sup>2188</sup> **D219/718** Heng Leap WRI, A37, EN 01219972; **D219/565** Run Lay WRI, A16-17, EN 01182681-82; **D219/580** WRIA, Account of Run Mao, A1-2, EN 01166391.

<sup>2189</sup> **D219/565** Run Lay WRI, A17, EN 01182681; **D219/718** Heng Leap WRI, A32, EN 01219972.

<sup>2190</sup> **D219/718** Heng Leap WRI, A7, EN 01219969; **D219/580** WRIA, Account of Chen Chet, A5, EN 01166395.

<sup>2191</sup> **D219/683** Hin Non WRI, A5, EN 01213398; **D219/580** WRIA, Account of Ek Chy, A4, EN 01166388, Account of Chhaom Poang, A1, EN 01166392.

<sup>2192</sup> **D219/683** Hin Non WRI, A17, EN 01213400.

<sup>2193</sup> **D219/564** Heng Phat alias Phok WRI, A12, EN 01180939 [“My house was opposite [Wat Samdech], so I stood there and watched them kill people.”]; **D219/566** Heng Phat alias Phok WRI, A5-6, EN 01179753; **D219/718** Heng Leap WRI, A7, 34, EN 01219969, 72 [“I was there at that time and many lines of tied up people were taken to be killed. [...] I saw the killing of 400 or 500 people at Samdech Pagoda”], A8, EN 01219969.

<sup>2194</sup> **D219/564** Heng Phat alias Phok WRI, A19, EN 01180940. *See also* **D219/720** Vann Voeurt WRI, A8, EN 01216205; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217599.

<sup>2195</sup> **D219/718** Heng Leap WRI, A8, EN 01219969. *See also* **D219/564** Heng Phat alias Phok WRI, A42, EN 01180943.

was “full of corpses.”<sup>2196</sup> After executions, the cadres would bring victims’ clothes back.<sup>2197</sup>

610. While executions were ongoing, Southwest Zone cadres restricted access to the area by establishing checkpoints along the road.<sup>2198</sup> Witnesses heard Southwest Zone cadres discuss the killings. One recalled “that Ta Chhoel and other people told [him] to cook rice for them in the morning because they would smash enemies in the evening.”<sup>2199</sup> Another entered Wat Samdech and “heard the Southwest Zone cadres there talking to each other about the 100 victims [...] killed there.”<sup>2200</sup>
611. While some bodies had been interred (probably following cremation) within Wat Samdech prior to the DK regime, there were no mass burial pits before the Khmer Rouge period.<sup>2201</sup> Soon after Southwest Zone cadres converted Wat Samdech to a security centre, they ordered villagers to dig three pits within the compound.<sup>2202</sup> “[A]fter the digging of the pits were completed, they started to arrest people that night.”<sup>2203</sup> Including these three pits, there were up to eight mass graves of varying size in and around the pagoda compound, some as large as 10x10 metres.<sup>2204</sup>
612. Bones were exhumed from the pits inside Wat Samdech after the fall of the DK

<sup>2196</sup> **D219/683** Hin Non WRI, A24, EN 01213400.

<sup>2197</sup> **D219/565** Run Lay WRI, A54, EN 01182690. *See also* **D219/564** Heng Phat alias Phok WRI, A52, EN 01180945.

<sup>2198</sup> **D219/720** Vann Voeurt WRI, A8, EN 01216205 [“After they had killed the victims, they would remove the checkpoints.”].

<sup>2199</sup> **D219/565** Run Lay WRI, A35, EN 01182686.

<sup>2200</sup> **D219/720** Vann Voeurt WRI, A8, EN 01216205.

<sup>2201</sup> **D219/564** Heng Phat alias Phok WRI, A32, EN 01180942.

<sup>2202</sup> **D219/564** Heng Phat alias Phok WRI, A24-25, EN 01180941.

<sup>2203</sup> **D219/564** Heng Phat alias Phok WRI, A28, EN 01180941.

<sup>2204</sup> **D219/683** Hin Non WRI, A63, EN 01213404 [“There were three pits, not one.”]; **D219/564** Heng Phat alias Phok WRI, A24-25, EN 01180941 [“I was assigned to dig three pits.”]; **D219/720** Vann Voeurt WRI, A34, EN 01216208, A36, EN 01216208 [“One pit was about five square metres”]; **D219/565** Run Lay WRI, A62, EN 01182691 [“I saw two big graves. Each grave was about 6 metres wide and 10 metres long.”]; **D105/2** Suon Heng WRI, A36-38, 42, EN 00787184-85; **D219/718** Heng Leap WRI, A27, EN 01219971 [“The grave was five metres in length and three metres in width.”]; **D105/11** Wat Samdech Security Centre Site Identification Report, EN 00786653 [“Two mass graves were discovered inside the compound of [Wat Samdech] right after the liberation of the country by the Vietnamese Army in 1979. Each grave measured 10x10 meters [...] and 5x5 meters [...] respectively. Both the graves were a bit less than 2 meters height”]; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217587 [“Wat Samdech [...] Memorial 6 mass graves”], EN 00217600 [“Each pit is about 4 or 5 meters long and 2 meters wide, with 3 meters deep.”]; **D219/681** Suon Heng WRI, A5-6, EN 01218589-90 [“There were four mass pits. The largest one had a size of eight metres wide, ten metres long [...]. There were about two to three thousand bodies in the largest pit. The other pits were smaller and had a size of five-metre square with one and a half metre depth. In each of these smaller pits there were over 50 bodies. [...] regarding the depth of the pit mentioned above. It was two metres deep.”], *but see* A27, EN 01218592 [“I do not know if the pits were made by the Northwest or Southwest Zone cadres.”]; **D219/580** WRIA, Account of Ek Chy, A4, EN 01166388 [“There were 8 mass graves inside the compound [of Wat Samdech].”]; **D219/688** WRIA, Account of Suon Veung, A5-6, EN 01204337.



regime.<sup>2205</sup> A witness who participated in exhuming human remains from the pits estimated “[t]here were about two to three thousand bodies in the largest pit” and “over 50 bodies” in each of three other pits.<sup>2206</sup> A number of the other pits in and around the pagoda were also excavated after the DK regime.<sup>2207</sup> The pits and a nearby pond that was used as a burial site were entirely filled with remains.<sup>2208</sup> A stupa filled with the bones and skulls of some of the exhumed remains has been built near the pond.<sup>2209</sup>

### Persecution

613. Southwest Zone cadres committed many of the crimes described above with the intent to target specific groups, namely the Vietnamese, Khmer Krom, Northwest Zone cadres and their families, members of the former Lon Nol regime and their families, and “new people”. These groups were specifically targeted because of their actual or perceived membership of a political group. Southwest cadres prepared lists of names, and they used Northwest Zone cadres to help them identify people belonging to groups viewed as enemies.<sup>2210</sup> A witness was told by Southwest Zone cadres that there were “enemies in the pagoda” at Wat Samdech Security Centre and that “they would smash enemies in the evening.”<sup>2211</sup>

### V. CRIMES FOR WHICH INDICTMENT IS SOUGHT

614. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Wat Samdech Security Centre:<sup>2212</sup> genocide of the

<sup>2205</sup> **D219/564** Heng Phat alias Phok WRI, A44, EN 01180944.

<sup>2206</sup> **D219/681** Suon Heng WRI, A5, EN 01218589.

<sup>2207</sup> **D219/685** Sorn Roeun WRI, A40, EN 01214817; **D219/564** Heng Phat alias Phok WRI, A44-47, EN 01180944; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province, EN 00217600. *See also* **D105/2** Suon Heng WRI, A38, EN 00787185, A43, EN 00787185.

<sup>2208</sup> **D105/11** Wat Samdech Security Centre Site Identification Report, EN 00786653 [“the graves were entirely filled with skulls, bones, garment and human remains”]; **D219/681** Suon Heng WRI, A6, EN 01218590; **D105/2** Suon Heng WRI, A38, EN 00787185; **D219/683** Hin Non WRI, A17, 24, EN 01213400; **D122/2.1.40** The Phnom Penh Post, *Frail War Crimes Suspect ‘Not Afraid’ to Face Tribunal*.

<sup>2209</sup> **D105/11** Wat Samdech Security Centre Site Identification Report, EN 00786653; **D122/2.1.40** The Phnom Penh Post, *Frail War Crimes Suspect ‘Not Afraid’ to Face Tribunal*; **D105/2** Suon Heng WRI, A59-60, EN 00787187.

<sup>2210</sup> **D219/685** Sorn Roeun WRI, A4, EN 01214813 [“the wife of the Southwest Zone Cooperative chief [Keuk] saved my life. [...] She then went to look for my name on the list and she erased it”].

<sup>2211</sup> **D219/565** Run Lay WRI, A35-36, EN 01182686. *See also* **D219/580** WRIA, Account of Ek Chy, A4, EN 01166388.

<sup>2212</sup> The ICP notes that in relation to Wat Samdech Security Centre, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are genocide against the Vietnamese and Khmer Krom and the crimes against humanity of imprisonment and persecution on political grounds against the Vietnamese, Khmer Krom, members of the former Lon Nol regime and their families, and new people. The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, paras 59 (including fn. 223), 67, 118b; **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, para 8.

Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>2213</sup> and the crimes against humanity of murder; extermination;<sup>2214</sup> imprisonment; and persecution on political grounds against Northwest Zone cadres and their families, former members of the Lon Nol regime and their families, “new people”, Khmer Krom, and Vietnamese.

## 5. SECTOR 2

### a. PHUM VEAL SECURITY CENTRE

#### i. INTRODUCTION

615. Phum Veal Security Centre (“Phum Veal”) in Bakan District was used to extrajudicially imprison civilians who were suspected enemies of the DK regime, including Khmer Krom and East Zone evacuees. Prisoners were detained in horrendous conditions. Guards beat, water boarded, and/or electrocuted prisoners during interrogations and eventually killed all but a handful. Southwest and West Zone cadres committed these crimes in furtherance of the joint criminal enterprise of which **Yim Tith** was a leading member.

616. The ICIJ charged **Yim Tith** with the following crimes in relation to Phum Veal Security Centre: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, imprisonment, torture, persecution on political and racial grounds against the Khmer Krom, other inhumane acts (confinement in inhumane conditions); and premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2215</sup>

#### ii. OPERATION AND LOCATION

617. Phum Veal, also known as Veal Village Prison,<sup>2216</sup> was used as a security centre from

<sup>2213</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>2214</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Wat Samdech Security Centre alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Wat Samdech Security Centre, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>2215</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069, 73, 78.

<sup>2216</sup> It is important to note that the Khmer word “phum” means “village” in English, so “Phum Veal” literally translates to “Village Veal” or, more commonly, “Veal Village”. Thus, while this Submission will refer to the site as Phum Veal Security Centre, the underlying evidence on the Case File referring to Veal Village Prison is referring to the same site. See, e.g. **D118/124** Koem So (also referred to as Kim Saur, Song Kimso, Kim So, and Sung Kimso but hereafter referred to as “Koem So”) WRI, A108, EN 00975897; **D118/125** Chab Khuong WRI, A97, EN 00976595; **D118/278** Nam Im WRI, A138, EN 01031800; **D219/89** Sam Leng WRI, A29, EN 01057826; **D219/188** Phan Khorn WRI, A160, EN 01106446 [“There was only one security center in Bakan district. It [was] located in Veal village.”]; **D5/1325** Chun Nary CPA, EN 01191432 [“On 23 December 1978, they arrested my family members to be killed at Veal Village prison, Ta Lou Commune, Bakan District, Pursat Province.”]; **D5/1413** San Leng CPA, EN 01100850 [the Applicant’s relatives were imprisoned “in a security office called Veal Village Prison located in Bakan District, Pursat Province.”].

early in the DK regime until the Vietnamese arrived in 1979.<sup>2217</sup> It was located in Roha Til Village in Ta Lou Commune, Bakan District, Pursat Province in Sector 2 of the Northwest Zone.<sup>2218</sup>

618. The security centre sat on a 3-hectare plot of land that was enclosed by a barbed-wire fence.<sup>2219</sup> Forests where executions were carried out shielded the west and south sides of the compound.<sup>2220</sup> Also on the south side was an access road and entrance that were used when prisoners were brought to the site.<sup>2221</sup> Inside the compound stood wooden buildings with thatched roofs that were once civilian houses.<sup>2222</sup> Prison staff lived in the buildings near the southern entrance while prisoners were held in the buildings in the centre of the compound.<sup>2223</sup> An entrance on the east side of the prison provided access to the road to Ta Lou and a rice field used for execution.<sup>2224</sup> Today, an elementary school stands on the site and there are no visible remains of the former prison.<sup>2225</sup>

<sup>2217</sup> See, e.g. **D219/57** Kong Run alias Kong Sarun WRI, A34-35, EN 01040560 [the witness sometimes worked at Phum Veal (see A37, 86): “It was early 1976 before a Security Office was established. [...] It was called ‘Phum Veal Security Office’, and the military was in charge of that place.”]; **D118/278** Nam Im WRI, A145, EN 01031801 [“[Veal Village Prison] started its operation in 1974 or 19[7]5.”]; **D6.1.759** Koem So WRI, EN 00388622 [“I ran away from the detention centre when the Vietnamese army entered in 1979.”]; **D5/115** Thoeuk Bun Roeun CPA, EN 00426903 [“In 1976, my father was arrested by a Khmer Rouge officer and detained until 1979 in a prison in Veal Village”].

<sup>2218</sup> **D118/11** Phum Veal Security Centre Site Identification Report, EN 00882686.

<sup>2219</sup> **D118/124** Koem So WRI, A109, EN 00975897 [“That Prison compound was built on a plot of land as large as 3 hectares. There were 3 rounds of barbwire fences built around the Prison compound.”]; **D118/246** Meas Voern WRI, A93-94, EN 01034942; **D219/184** Ham Sinuon WRI, A17, EN 01079315; **D118/147.1.43** KRT Research Project Report, Account of Moh Mon, EN 00527085 [“Monti-Phum Veal prison was [...] surrounded by barbed wire.”].

<sup>2220</sup> **D118/124** Koem So WRI, A109, EN 00975897; **D118/123** Thoeuk Yoeun WRI, A57, EN 00975879.

<sup>2221</sup> **D118/125** Chab Khuong WRI, A98, EN 00976596 [and EN 00976599 [sketch depicting the south entrance]].

<sup>2222</sup> **D6.1.758** Chab Khuong WRI, EN 00387495 [“In the main prison, there were 13 buildings made of wood and covered with thatch. Each building was four or five metres wide and 30 metres long.”]; **D6.1.759** Koem So WRI, EN 00388620 [“The Khmer Rouge used civilian homes as the detention centre”]; **D118/124** Koem So WRI, A109-110, EN 00975897-98; **D118/123** Thoeuk Yoeun WRI, A54, EN 00975879; **D118/125** Chab Khuong WRI, A98, EN 00976596.

<sup>2223</sup> **D118/124** Koem So WRI, A109, EN 00975897-98; **D118/125** Chab Khuong WRI, A98, EN 00976596; **D118/123** Thoeuk Yoeun WRI, A53, EN 00975879; **D219/57** Kong Run alias Kong Sarun WRI, A110, EN 01040571, A112, EN 01040572; **D118/246** Meas Voern WRI, A94, EN 01034942. See also **D219/57/1** Kong Run alias Kong Sarun Hand-Drawn Map [sketch depicting Phum Veal Security Centre].

<sup>2224</sup> **D118/125** Chab Khuong WRI, A71, EN 00976592 [“Sometimes, five of the people who were shackled with me were taken for execution in the rice fields at night.”], A98, EN 00976596; **D219/57** Kong Run alias Kong Sarun WRI, A113-114, EN 01040572; **D118/123** Thoeuk Yoeun WRI, A57, EN 00975879 [“They had killed too many prisoners. They had killed them in the forest until there was no space left [for burying]. Then they moved to kill them in the rice field.”]; **D118/124** Koem So WRI, A63, EN 00975893.

<sup>2225</sup> **D118/11** Phum Veal Security Centre Site Identification Report, EN 00882686; **D118/123** Thoeuk Yoeun WRI, A69 [73], EN 00975881; **D118/125** Chab Khuong WRI, A99, EN 00976596; **D219/57** Kong Run alias Kong Sarun WRI, A115, EN 01040572.

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

619. The Bakan District Committee was in charge of Phum Veal and oversaw the district soldiers who ran day-to-day operations at the prison.<sup>2226</sup> Although there is conflicting evidence about who acted as chairman of the prison and when, former prisoners and a soldier who worked at the prison indicated that Kân, Aun, Kan, and Ta Chhin all served as chief or deputy chief of the prison during the period that it was under Southwest control.<sup>2227</sup>
620. Yeay Yan, Yeay Rim, and Ta Mok all personally visited Phum Veal. Yeay Yan, who briefly served as the Bakan District Committee Member, told investigators that she visited once, saw the “miserable condition of the prisoners”, distributed rice from the warehouse because the prisoners “had gone without food to eat”, and ultimately released them after consulting with Ren, who told her to do so if she thought it “appropriate”.<sup>2228</sup>

<sup>2226</sup> For details regarding who were members of the Bakan District Committee during the relevant time frame, see **IV.C.2.a.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 – Sector 2 – Bakan District. See also **D219/869** Sek Sam At alias Yeay Rim WRI, A99-100, EN 01365567 [“Regarding the organization of the prison and security, it was managed by the two elder sisters. [...] The two elder sisters were Ren and Yan.”] (Note that although Yeay Rim minimised her own role, she was deputy secretary and then secretary of the district committee responsible for the prison. See **V.B.1.** Crimes – Northwest Zone – The Purge; **D219/188** Phan Khorn WRI, A163, EN 01106446-47 [“Yeay Rim was overall in charge of this Security Center, and over the soldiers and people. Yeay Rim and Ta Pheng supervised them.”]; **D118/278** Nam Im WRI, A151, EN 01031802 [“Three of them [Ren, Roem [Rim] and Yan] were in charge of Veal Village Prison.”]; **D219/223** Nuon Rin WRI, A60, EN 01088598 [“The district governor was superior to the security office chief in Veal Village.”]; **D219/611** Lam Savuon WRI, A117, EN 01185842; **D219/758** Oem Lun WRI, A71-72, EN 01251824; **D219/921** Chap Puth WRI, A119, EN 01451435 [“I know [the security office in Veal Village] was a prison and it was controlled by the military.”]; **D118/202** Prak Sarin alias Krou Heun WRI, A32, EN 00986211 [“Phum Veal was [...] managed by the District and Sector levels.”]; **D219/57** Kong Run alias Kong Sarun WRI, A120-122, EN 01040573. See also **D219/187** Phan Khorn WRI, A23-24, EN 01104746.

<sup>2227</sup> **D118/124** Koem So WRI, A53-55, EN 00975891-92 [“there were three different chairmen for three different periods. The first one named Kân, the next one was comrade Aun and the last one was comrade Kan. [...] The killings of people from Svay Rieng province happened during the time of comrade Kan. [...] He was the chairman of the Veal Village Prison from late 1978 to 1979.”], A37-38, EN 00975889 [Um Chhin was the deputy chairman of Veal Village Prison]; **D219/57** Kong Run alias Kong Sarun WRI, A90, EN 01040568; **D6.1.758** Chab Khuong WRI, EN 00387495 [“The prison chiefs here were Kan, Un Aun, and ta Chhin. This ta Chhin was from the Southwest Zone. Aun and Kan were in charge of general affairs”]; **D118/125** Chab Khuong WRI, A54, EN 00976590 [“At first, the Chief of Veal Village Prison was Ta Chhin, and the three deputies were first Ta Kan, second Ta Pung, and third Kân. In 1977, Ta Chhin and Ta Kan were removed [...] Un Aun (male), from the Southwest, was sent to replace them.”]. See also **D219/223** Nuon Rin WRI, A58, EN 01088598 [“First, a person named Neou was the head of the security office in Veal Village. Later, Neou was arrested and taken away. Then Kan, who was from the Southwest Zone, came to replace Neou. However, Kan was later removed. Additionally, in the end, one person from Kampong Chhnang Province came to supervise the prison, yet I do not remember his name.”]. See *contra* **D219/556** Kep Pov WRI, A26-28, 30-31, EN 01178654-55 [widow of Suon Ol who claims her husband controlled Veal Village Security Office “probably less than one year” and was still there when the Vietnamese army arrived]; **D219/188** Phan Khorn WRI, A161, EN 01106446 [“Q: Who was in charge of the security center in Veal village? A161: The soldier was in charge of it, and his name was Ol. There were other two persons namely Kan and San who were directly in charge of Veal Village Security Center. Ol was overall in charge above them.”].

<sup>2228</sup> **D219/222** Touch Seng alias Yeay Yan WRI, A159-161, 171-174, EN 01088587-88.

Yeay Yan alleged that she then took all of the released prisoners to grow crops with her and later, during a reeducation session, was questioned about why she had released the prisoners.<sup>2229</sup> Notably, none of the three surviving prisoners who were being held in Phum Veal at that time were released, nor did they mention such a memorable event to investigators.<sup>2230</sup>

621. Former prisoner Chab Khuong recalled that District Secretary Yeay Rim visited Phum Veal “twice every month”, which was corroborated by Yeay Rim’s former messenger, Lam Savuon.<sup>2231</sup> During these visits, Yeay Rim attended meetings with soldiers and prisoners. Sometimes she instructed the soldiers to send some of the detainees back to their villages or cooperatives, but they were sent at night, and Chab Khuong concluded that “being transferred to a cooperative meant being executed” because the prisoners disappeared afterward.<sup>2232</sup> Meanwhile, Yeay Rim told a different story, again attempting to minimise her role during the DK regime.<sup>2233</sup> She steadfastly maintained that she had *never* been to the prison, then said she had gone there *once* while fleeing from the Vietnamese “to see what it was like”, then she went back to claiming that she had *never* been there.<sup>2234</sup> Former prisoners Thoeuk Yoeun and Chab Khuong both gave evidence that Ta Mok had also visited the security centre.<sup>2235</sup>

#### iv. CRIMES

##### Imprisonment

622. Civilians were arbitrarily arrested and imprisoned at Phum Veal while the security centre

<sup>2229</sup> **D219/222** Touch Seng alias Yeay Yan WRI, A162, 165, EN 01088587-88.

<sup>2230</sup> See the statements of surviving prisoners Chab Khuong (**D5/161**, **D6.1.758**, **D118/125**), Thoeuk Yoeun (**D5/61**, **D118/123**), and Koem So (**D5/147**, **D6.1.749**, **D18**, **D118/124**).

<sup>2231</sup> **D118/125** Chab Khuong WRI, A105, EN 00976597 [“[Yeay Rim] never visited the prison when Ta Chhin and Ta Kan were in charge; however, when UN Aun was in charge, she visited the prison twice every month.”]; **D219/611** Lam Savuon WRI, A118, EN 01185842 [“I went [to the prison in Veal Village] with her [Yeay Rim] every week or two weeks. [We] went there and visited the prisoners.”]; **D219/842** Lam Savuon WRI, A82-83, EN 01485115-16.

<sup>2232</sup> **D118/125** Chab Khuong WRI, A92-96, EN 00976595, A106-109, EN 00976597.

<sup>2233</sup> See, e.g. the supporting evidence in paras 359, 662.

<sup>2234</sup> **D118/170** Sek Sam At alias Yeay Rim WRI, A126, EN 00980012; **D219/861** Sek Sam At alias Yeay Rim WRI, A57, EN 01364079; **D219/869** Sek Sam At alias Yeay Rim WRI, A100-102, EN 01365567, A107, EN 01365568.

<sup>2235</sup> **D118/123** Thoeuk Yoeun WRI, A65 [68], EN 00975880 [“Ta Mok visited [the Veal Village] Prison twice.”]; **D118/125** Chab Khuong WRI, A104, EN 00976597 [“I heard that Ta Mok used to visit Veal Village Prison, but I never saw him.”]. Note also that Thoeuk Yoeun stated that on a visit to Phum Veal at the end of the regime, Ta Mok stopped the killing of the remaining prisoners, released them, and ordered that the prison be burned down. Thoeuk Yoeun said that Yeay Yan had given the order to kill the group, but Yeay Yan had been detained since 1977 and also denied that she had ever given an order to kill. See **D118/123** Thoeuk Yoeun WRI, A23-24, EN 00975876 and **D5/61** Thoeuk Yoeun CPA, EN 00427010-11; **D219/222** Touch Seng alias Yeay Yan, A90, EN 01088581, A170, EN 01088588.

was under Southwest control. Detainees included people accused of moral offences, of stealing food, of being complicit with the Lon Nol regime, of being Vietnamese spies, or of being traitors to the regime.<sup>2236</sup> Khmer Krom and East Zone evacuees were also imprisoned at Phum Veal, although sometimes only briefly.<sup>2237</sup> Such “offenders” were not arrested alone: “when they arrested people, they arrested the whole family includ[ing]

<sup>2236</sup> **D6.1.759** Koem So WRI, EN 00388621 [former prisoner: “As far as I knew, some prisoners were accused of committing moral offenses, being traitors or [in] the networks of the traitors or capitalists.”]; **D118/123** Thoeuk Yoeun WRI, A59, EN 00975880 [“for my case, they accused me of being in Ta Vanh’s link. Some people were arrested at that time was because they might be also in Ta Vanh’s link. For some evacuees from Phnom Penh, they were taken away to be killed because they had told the Khmer Rouge honestly, when being asked, that they were the former soldiers of the [previous regime].”]; **D219/222** Touch Seng alias Yeay Yan WRI, A161, EN 01088587 [former Bakan District Committee Member: “I asked those people who were shackled what mistakes They had committed. [...] They said they only stole some rice from the fields to eat because they were too hungry.”]; **D118/216** Hang Nget WRI, A46, 48, EN 00985643-44 [arrested in mid-1977 “because I stole a jackfruit” and held for a month at Phum Veal], A57, EN 00985645; **D219/842** Lam Savuon WRI, A83, EN 01485116 [Yeay Rim’s messenger who visited Phum Veal with Yeay Rim: “It was an ordinary prison. [...] It was for the persons who had committed moral misconducts or who had stolen food.”]; **D118/226** Nget Vut WRI, A32, EN 01055748; **D219/57** Kong Run alias Kong Sarun WRI, A119, 123, EN 01040573; **D219/188** Phan Khorn WRI, A166, EN 01106447; **D219/676** Hok Sarin alias Ta Kaure WRI, A77, EN 01213366; **D5/640** Sam Leng CPA, EN 01063901 [“During the latter part of the rainy season my whole family and 10 other families were sent by Angkar to a prison in Veal Village [...] Angkar accused them of stealing the milled rice for their own family consumption.”]; **D5/115** Thoeuk Bun Roeun CPA, EN 00426903 [“In 1976, my father was arrested by a Khmer Rouge officer and detained until 1979 in a prison in Veal Village [...] He was accused of being linked to Mr. Vanh [...] who was accused of being a Khmer Krom or Vietnamese spy who wanted to rebel against the Khmer Rouge.”].

<sup>2237</sup> *See, e.g.* **D6.1.759** Koem So WRI, EN 00388620 [“at that time the Khmer Rouge began to screen the population to search for Kampuchea Krom Khmers who were accused of being the ‘Yuan networks’. I was arrested and tied and sent to the detention centre in Veal Village.”], EN 00388621 [“many people were evacuated from Svay Rieng Province to Pursat Province. Most of them were brought to the detention centre in Veal Village.”]; **D118/125** Chab Khuong WRI, A77-79, EN 00976593 [former prisoner: “Q: Were there Khmer Krom detainees in Veal Village Prison? A77: Yes, there were. However, in 1977 all Khmer Krom detainees were transferred to Tuol Krbau. [...] A78: They were sent there to be executed. [...] A79: [...] There were around 50 or 60 Khmer Krom detainees in Veal Village Prison.”]; **D6.1.758** Chab Khuong WRI, EN 00387496 [“I remember that this Khmer Kampuchea Krom family was arrested and brought from Pralay Rumdeng Village. There were about six to seven members in this arrested family.”]; **D118/202** Prak Sarin WRI, A55-56, EN 00986215; **D118/147.1.43** KRT Research Project Report, Account of Chhum Mean, EN 00527089 [“In late 1976, her family (together with another 12 families) were transferred to work in Veal village for growing vegetables for prisoners in Veal prison [...]. Whilst working there, she saw many Khmer Krom put in prison and forced to work hard.”], Account of Koem So, EN 00527101 [“there were many Krom [at Phum Veal Prison], all of whom, including me, were accused of being Vietnamese spies. [...] I met many Krom from my own mobile unit as well as others living from the communes and villages I mentioned. Many were only kept in the prison for a few days before they were sent for what the KR called ‘re-education.’ They never returned.”], Account of Koem So, EN 00527104 [“I met Eastern Zone Khmer Krom being interred in Veal Prison and they told me that they were forced to flee from the East Zone and were transported to Pursat and then moved to Veal Prison. They knew that they were going to die.”], Account of Thoeuk (That) Yoeun, EN 00527112 [“new prisoners were collected and rounded up from the various communes and brought to Veal village prison, on suspicion of being Vietnamese spies or Lon Nol sympathisers. Many of these prisoners were Krom.”]; **D5/61** Thoeuk Yoeun CPA, EN 00427009 [“The Krom prisoners I met in Veal Village prison told me [...] that they were accused of being traitors by being called people with ‘Vietnamese minds in Khmer bodies.’”]; **D5/161** Chab Khuong CPA, EN 00379340 [“In 1978 [...] they killed 10 families of Kampuchea Krom and then everyday they killed people who were from Svay Rieng province of the East Zone.”]. *See also* the evidence cited below in fn. 2295.

their spouses and children”.<sup>2238</sup> Prisoners often did not know why they were arrested.<sup>2239</sup> There is no evidence to indicate that any prisoner was arrested pursuant to any judicial order, informed of charges, provided counsel, offered a trial, or given any sort of due process.

623. Statements on the Case File vary widely regarding the number of prisoners detained at Phum Veal, but they consistently report a constant stream of new prisoners coming in to replace those who had been killed.<sup>2240</sup> In addition to the normal flow of prisoners, large groups of East Zone evacuees were briefly detained at Phum Veal in 1978 before they were executed. Koem So recounted one occasion where more than 400 new East Zone evacuees were brought to the prison and killed shortly thereafter,<sup>2241</sup> while Chab Khuong described an incident where 1,700 East Zone prisoners were led to their deaths.<sup>2242</sup> From the totality of the evidence, it is clear that thousands of people were arbitrarily imprisoned

<sup>2238</sup> See, e.g. **D118/124** Koem So WRI, A45, EN 00975890. See also **D6.1.758** Chab Khuong WRI, EN 00387496 [“I remember that this Khmer Kampuchea Krom family was arrested and brought from Pralay Rumdeng Village. There were about six to seven members in this arrested family.”]; **D5/640** Sam Leng CPA, EN 01063901 [“During the latter part of the rainy season [in 1978] my whole family and 10 other families were sent by Angkar to a prison in Veal Village of Sector 32 in Ta Lou Commune, Bakan District of Pursat Province where [we] were detained.”]; **D5/1339** Soem Chay CPA, EN 01139655 [an East Zone evacuee living in Bakan District: “On 12 December 1978, the Khmer Rouge came to arrest and take my two siblings to be killed in a prison in Veal Village [...]. I saw them arresting hundreds of people, including many boys and girls, and tying them up [...]. Some victims were carrying young babies with them.”].

<sup>2239</sup> **D118/123** Thoeuk Yoeun WRI, A11, EN 00975874 [confirming the statement in his CPA (D5/61) as true that: “They imprisoned me with other 40 prisoners without telling me what the reason was.”]; **D118/124** Koem So WRI, A41, EN 00975890.

<sup>2240</sup> **D118/216** Hang Nget WRI, A53, EN 00985644 [in mid-1977 (see A66 [second question/answer], EN 00985646): “Q: Approximately how many other prisoners were at Phum Veal Prison? A53: Hundreds.”]; **D118/124** Koem So WRI, A43, EN 00975890 [“there were more prisoners being taken out than brought in. At the beginning, there were too many prisoners. There were not enough spaces for the prisoners to stay, so, some of them had to sleep under the trees.”], A45, EN 00975890 [“Q: Can you estimate how many prisoners in total were brought in and out from that Veal Village Prison? A45: It was difficult for me to estimate because there were prisoners in and out all the time. But when I first arrived in that Prison [in July 1977, see A40], there were about 700 prisoners.”]; **D6.1.758** Chab Khuong WRI, EN 00387495 [“in 1977, we were sent to the main prison in Veal Village [...]. Ta Chhuom and his subordinates were also arrested and sent there too. In this main prison, there were about 2,000 prisoners.”]; **D118/123** Thoeuk Yoeun WRI, A55, EN 00975879 [“There were about 100 to 200 prisoners. The prisoners were taken out from the Prison to be killed and new prisoners were brought in every day.”] *to be read in conjunction with* **D5/61** Thoeuk Yoeun CPA, EN 00427010 [“30 people ploughed one hectare of rice fields and all of us observed the same thing. We surmised that about 7 to 8 persons were killed every night from 1977 to 1978. They killed people at night but every day as well, new prisoners were collected and rounded up from the various communes and brought to Veal village prison”]; **D219/57** Kong Run alias Kong Sarun WRI, A97, 101-102, EN 01040569-70.

<sup>2241</sup> **D6.1.759** Koem So WRI, EN 00388621 [“In January or February 1978, many people were evacuated from Svay Rieng Province to Pursat Province. Most of them were brought to the detention centre in Veal Village. They were sent in in two phases; the first group consisted of about 250 males and the second group consisted of about 500 males, females, and children. The 500 people were killed in the day time; as for these 250 males, they were killed at night. After these 250 people were killed, their bodies were buried. I personally knew this event.”]; **D118/124** Koem So WRI, A61, EN 00975893 [“There were about 120 prisoners killed on that night. But during the day they had also killed about 300 women and children.”].

<sup>2242</sup> **D118/125** Chab Khuong WRI, A61, 68, EN 00976591-92.

at Phum Veal.

### Other Inhumane Acts (Inhumane Treatment)

624. Prisoners at Phum Veal were subjected to inhumane conditions. Most were shackled at the ankles.<sup>2243</sup> Former prisoner Hang Nget was shackled for the entire month of her imprisonment, only released from her bonds for short periods of time to defecate or urinate.<sup>2244</sup> As for food, rations at the prison were grossly insufficient.<sup>2245</sup> Thoeuk Yoeun, who was imprisoned at Phum Veal from 1977 to 1979, remembered there was “one can of rice for 40” prisoners.<sup>2246</sup> Koem So recalled they were given “only a ladle of gruel per person”.<sup>2247</sup> Many detainees became sick and many died due to the meagre rations, lack of medical care, and poor sanitary conditions.<sup>2248</sup>

<sup>2243</sup> **D219/222** Touch Seng alias Yeay Yan WRI, A161, EN 01088587 [on her visit to Phum Veal while she was Bakan District Committee Member: “I saw people with their hands and legs shackled in miserable conditions.”], A174, EN 01088588; **D118/125** Chab Khuong WRI, A70, EN 00976592; **D6.1.758** Chab Khuong WRI, EN 00387495 [“the male prisoners were shackled.”]; **D118/124** Koem So WRI, A110, EN 00975898; **D118/123** Thoeuk Yoeun WRI, A64, EN 00975880; **D219/57** Kong Run alias Kong Sarun WRI, A110, EN 01040571; **D219/842** Lam Savuon WRI, A83, EN 01485116; **D118/147.1.43** KRT Research Project Report, Account of Moh Mon, EN 00527085 [“The prisoners were detained in groups of three in wooden shackles (they had long wooden shackles with room for three persons in every one shackle) and handcuffs.”], Account of Koem So, EN 00527101 [“After [being tortured], we were kept in mass prison cells where 200 prisoners were hand-cuffed and also shackled with iron shackles around our ankles, which was fastened to a wooden bar. [...] Whenever they wanted to kill someone, they separated him from the rest and when they took that guy away, our shackles were removed temporarily. As soon as he was taken away, we were shackled again.”], Account of Thoeuk (That) Yoeun, EN 00527113 [“I also have injuries on my shins and ankles because in the prison we were shackled by ankle chains.”]; **D5/147** Koem So CPA, EN 00384366 [“They shackled my legs day and night for 10 days”].

<sup>2244</sup> **D118/216** Hang Nget WRI, A47, 49, EN 00985644.

<sup>2245</sup> **D118/216** Hang Nget WRI, A55, EN 00985644 [prisoner in mid-1977: “They gave us food to eat [at Phum Veal], only a little gruel that had almost no rice grain in it.”]; **D219/57** Kong Run alias Kong Sarun WRI, A184, EN 01040582 [“During the dry season prisoners got rice to eat, but during the rainy season, they ate porridge.”]; **D219/222** Touch Seng alias Yeay Yan WRI, A161, EN 01088587 [on her visit to Phum Veal while she was Bakan District Committee Member: “I saw people [...] in miserable conditions. They had gone without food to eat.”]; **D5/640** Sam Leng CPA, EN 01063901 [“Every one of us became very skinny and exhausted due to the poor food regime of watery rice porridge provided.”]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101 [“When I first arrived [at Phum Veal Prison], I was hand-cuffed for 7 days and given slush (pig’s food) to eat as food. After the initial 7 days, I was only given 1 ladle of porridge a day with a pinch of salt. We were given two meals a day; one at 11am and then at 6pm. No other food was allowed.”], EN 00527103 [“At lunch, we were asked to march in line to a place where we would have our meals. We were given lotus flowers and kan kong (green leafy vegetable) to eat without any other ingredients.”].

<sup>2246</sup> **D118/123** Thoeuk Yoeun WRI, A63, EN 00975880, *see also* A11 and A56 re. the time of his imprisonment.

<sup>2247</sup> **D5/147** Koem So CPA, EN 00384366.

<sup>2248</sup> *See evidence cited above in fns 2245-2247*; **D219/57** Kong Run alias Kong Sarun WRI, A184, EN 01040582 [“There were some medics, but rabbit-dropping pills were the sole medicine.”]; **D118/124** Koem So WRI, A43, EN 00975890 [“At the beginning, there were too many prisoners. There were not enough spaces for the prisoners to stay, so, some of them had to sleep under the trees.”], A52, EN 00975891 [“Vorn [...] died from an illness in the Prison.”]; **D219/184** Ham Sinuon WRI, A17-18, EN 01079315 [“They forced my brother to uproot tree trunks and dig pits. He was emaciated. The prison there was enclosed by barbed wire. Hundreds of people were forced to work there. If they had not died from starvation or overwork, they would have been killed and buried in the pits. [...] he told me this information. They said



625. Detainees were also regularly subjected to physical violence – several witnesses recalled beatings with whips and clubs.<sup>2249</sup> The threat and use of violence was particularly prevalent with “light crime” prisoners who were forced to work outside the holding cells. The workers were under constant surveillance and “if someone was inactive, or took a break [...] they were shouted at and threatened. If they continued to be inactive they would be shot.”<sup>2250</sup> Civil Party Sam Leng recalled that two older prisoners were beaten until they passed out because they could not meet their work quotas.<sup>2251</sup> The prisoners were forced to perform physically demanding tasks such as farming rice, uprooting tree trunks, digging burial pits, burying corpses, carrying water, and digging soil.<sup>2252</sup> Even

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that it was very hard there; there was not enough food to eat, so they picked leaves to eat.”]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527103 [“Many of my fellow prisoners fell sick due to malnutrition and died.”], EN 00527105 [“We were made to lay on the ground in the prison on plastic bags without clothes. I would not even treat my dog like this.”].

- 2249 **D118/123** Thoeuk Yoeun WRI, A63, EN 00975880 [“They [Khmer Rouge] beat up the prisoners in the morning and evening.”]; **D118/216** Hang Nget WRI, A56-59, EN 00985645 [“Q: When you were detained did they beat you? A56: Yes, I received two blows with a club. Q: Did you see other prisoners being beaten? A57: I saw serious crime prisoners, such as morals offenders or thieves for instance, being beaten. Q: Did you witness that? A58: Yes, I did. Q: What did they beat prisoners with? A59: They beat them with a whip.”]; **D5/147** Koem So CPA, EN 00384366 [“In the prison, they beat me and mistreated me almost all the time. Moreover, I witnessed that they tortured and relentlessly mistreated other prisoners. They beat them on their heads, backs, arms and legs with sticks.”]; **D5/161** Chab Khuong CPA, EN 00379340 [“During every gruel meal, they beat me on my head with a ladle of gruel while I was detained in the prison in Veal village.”].

- 2250 **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527103 [“They made me plant rice and work for long hours, during which time they observed me and confirmed that I actually was a rice farmer. [...] As we toiled in the rice fields, the KR officers sat on the hills and if someone was inactive, or took a break from their work, they were shouted at and threatened. If they continued to be inactive they would be shot. This compelled all of us to work very, very hard. Those who were shot were thrown into the bushes without any proper burial ceremony.”]; **D6.1.759** Koem So WRI, EN 00388620 [“In the day time, we had to go to work the rice fields under the surveillance of armed Khmer Rouge militia guard.”]; **D118/124** Koem So WRI, A51, EN 00975891; **D219/57** Kong Run alias Kong Sarun WRI, A85-86, EN 01040567; **D5/640** Sam Leng CPA, EN 01063901 [“We were detained there for three months and subject to being abused and forced to do heavy work every day.”].

- 2251 **D5/640** Sam Leng CPA, EN 01063901 [“Ta Me and Ta San, who were not able to complete their digging up two cubic metres of soil, were subject to being beaten with a wrist-sized stick by a militiaman called Vin. They passed out twice each day due to such beating.”].

- 2252 **D219/184** Ham Sinuon WRI, A17, EN 01079315 [“They forced my brother to uproot tree trunks and dig pits. He was emaciated. [...] Hundreds of people were forced to work there.”]; **D6.1.759** Koem So WRI, EN 00388621 [“I personally was assigned to dig the pits to bury the executed prisoners. [...] I had to wait 20 to 30 metres away from the killing site; and later on I was called to bury the [bodies].”]; **D118/124** Koem So WRI, A109, EN 00975897-98; **D118/123** Thoeuk Yoeun WRI, A11, EN 00975874 [confirming his CPA, D5/61, that they were forced to cook, clean, wash dishes, and farm rice when he was a prisoner at Veal Village Prison]; **D118/125** Chab Khuong WRI, A55, EN 00976590; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527102 [“[we] were ordered to clean and cook food”], EN 00527103 [“In August 1978, I was given a test. Since I kept telling them that I was a simple farmer, I was asked to go to the rice fields to demonstrate that I could grow rice. They made me plant rice and work for long hours”], EN 00527103 [“When all of us from the cell were asked to go and do work, we would have to walk in a straight line and if we fell out of line, we were killed. If someone in the line fell down or was considered to be lazy, we were shot to death.”], Account of Chhum Mean, EN 00527089 [“many Khmer Krom [were] put in prison and forced to work hard.”]; **D5/640** Sam Leng CPA, EN 01063901 [“Hiep ordered each of us to collect water to fill three water jars and then to dig up two cubic metres of soil each day.”].

child prisoners were subjected to non-stop work and were given only a short break to eat porridge.<sup>2253</sup>

### Torture

626. Phum Veal was “notorious for cruel torture”.<sup>2254</sup> Surviving prisoners detailed how they were intentionally subjected to severe pain and suffering at the prison.<sup>2255</sup> During individual interrogation sessions,<sup>2256</sup> torture was used to elicit information about “enemy networks”.<sup>2257</sup> Koem So recalled being interrogated and tortured over a three-week period when he was first imprisoned, sometimes beaten with a stick until he passed out or could not walk, sometimes subjected to a form of “water boarding” that involved water and a plastic bag, and sometimes shocked with live electrical wires.<sup>2258</sup> He credits his

<sup>2253</sup> **D118/226** Nget Vut WRI, A34, EN 01055749 [“I saw some children detained in Veal Village Security Office. The Khmer Rouge had [them] dig silt and drag water hyacinth to produce fertiliser. They had all the children work non-stop only with a short break to eat porridge.”]. *See also* **D219/57** Kong Run alias Kong Sarun WRI, A88, EN 01040567 [“Kan had me teach soldiers’ children and children who were released from the Phum Veal office. They ordered me to teach those children during the morning and to supervise them making fertiliser in the afternoon. I taught those children during 1978.”]. *Note* his claim that these children, aged 6 to 12, had “already been freed of charges” (*see* A95-96, EN 01040569).

<sup>2254</sup> **D118/202** Prak Sarin alias Krou Heun WRI, A32, EN 00986211.

<sup>2255</sup> **D6.1.758** Chab Khuong WRI, EN 00387496; **D118/125** Chab Khuong WRI, A56-59, EN 00976590; **D5/161** Chab Khuong CPA, EN 00379340 [“Khmer Rouge’s torture left scars on my legs, my head and other parts of my body.”]; **D6.1.759** Koem So WRI, EN 00388620 [“When I arrived in this detention office, I was interrogated three times by comrade Kan and comrade Kân, and tortured by comrade Thol and comrade Tan.”]. *See also* **D5/1443** Net Phang CPA, EN 01135411 [“the Khmer Rouge arrested [Neak Yorn] and put her in a prison in Veal Village, Ta Lau Commune. In the prison, they tortured her with all means”].

<sup>2256</sup> **D118/124** Koem So WRI, A48, EN 00975891 [“they interrogated prisoner[s] separately.”].

<sup>2257</sup> **D118/125** Chab Khuong WRI, A56-57, EN 00976590 [“I was interrogated twice per day. I was beaten and electrocuted. I was questioned on whether I wanted to rebel or had any links with Ta Vanh. [...] I was beaten every day. Ordinary people who were detained there did not receive such severe punishment; but I had tried to escape, and I was accused of having a connection with Ta Vanh.”]; **D118/124** Koem So WRI, A47, EN 00975890-91 [“Q: According to your answers in the previous interview [D118/147.1.43], you said ‘they mostly asked four questions like 1. Where did you live before the Khmer Rouge regime? 2. Why do you speak with accent? 3. If you are a Khmer Krom do you have any connection with the Vietnamese? 4. How many persons in your spy group? Do you acknowledge saying these? A47: Yes, I said these things since the beginning.”].

<sup>2258</sup> **D118/124** Koem So WRI, A46, EN 00975890 [“they interrogated me many times. First, they asked us sweet questions, but if we did not answer what they wanted, they tortured us. I will not forget the three methods they used to torture prisoners. One, they beat the prisoner with a stick; two, they wrapped the prisoner’s neck and head with a plastic bag and poured in the water to choke him/her; and three, they shocked the prisoner with a live electrical wire.”]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101 [“Before questioning me, they beat me with a very large stick, while my hands were tied behind my back. They also beat my elbows. I still have scars on my elbows from this beating. I answered ‘no’ to all their questions and they would beat me again in the same places. A normal day would be such that in the morning, after breakfast, they would beat me, and then they’d ask me questions. If there were no answers, they’d beat me again and then they’d stop beating me for 3 days and I’d be in solitary confinement. After that, they’d come back and I’d be put through water-boarding, which means a plastic bag with water would be tied over my head until I lost consciousness. They would then pour water on me as they asked me questions. They accused me of being a Vietnamese spy. I told them I’d never met a Vietnamese person in my life before and didn’t know of their activities. [...] These same tactics were used against every Krom prisoner, not just me. The final phase, after water-boarding, when you lose

survival to never “confessing” to the interrogators’ repeated questions about whether he was Khmer Krom and who was in his “network” – prisoners who “confessed” were subsequently killed.<sup>2259</sup> Chab Khuong described being interrogated twice a day for 10 days, questioned by prison officials about Ta Vanh’s network while child soldiers beat and electrocuted him.<sup>2260</sup> He too did not confess. Instead, “I pretended to be a mute person. No matter how they treated me or beat me, I did not say anything. If I had screamed in pain, I would certainly have been executed.”<sup>2261</sup>

627. Some Phum Veal female prisoners were subjected to another form of torture – rape by their captors.<sup>2262</sup> Prison Chairman Kân regularly forced two young women to bathe with him and raped them “many times”.<sup>2263</sup> He eventually killed them after his actions were exposed, yet there is no evidence that he was punished for his crimes, only “monitored”.<sup>2264</sup> Other cadres at Phum Veal cruelly inserted bamboo sticks or even their toes into female prisoners’ vaginas before killing them.<sup>2265</sup> Koem So recounted how two Phum Veal prisoners were raped by numerous captors and cried for mercy until they were

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consciousness and wake up again, while your body is wet, I was given electric shocks.”]; **D5/147** Koem So CPA, EN 00384366 [“I witnessed that they tortured and relentlessly mistreated other prisoners. They beat them on their heads, backs, arms and legs with sticks. They gave prisoners an electric shock and [illegible] in order to give them information they needed.”].

<sup>2259</sup> **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101 [“I was saved by another old prisoner at the prison who told me: do not give a false confession. If you give a false confession, they will accuse you, make you sign it and then kill you. So as much as you can bear, bear it and keep on answering no to all their questions. Do not give them fake answers. That was the only way I was able to survive. I kept on saying ‘no.’”].

<sup>2260</sup> **D118/125** Chab Khuong WRI, A56-58, EN 00976590.

<sup>2261</sup> **D118/125** Chab Khuong WRI, A80, EN 00976593. *See also* **D118/125** Chab Khuong WRI, A82-83, EN 00976594; **D118/246** Meas Voeurn WRI, A91, EN 01034941.

<sup>2262</sup> **D6.1.759** Koem So WRI, EN 00388621 [“The female prisoners were also tortured before being taken to be killed. Some were raped. Their clothes had been taken off the bodies before they were killed. [...] I witnessed two females being raped by Kân and Tan at night. This event took place outside the detention centre near the killing site while I was there because I had to wait to bury the corpses.”].

<sup>2263</sup> **D118/124** Koem So WRI, A113-115, EN 00975898.

<sup>2264</sup> **D118/124** Koem So WRI, A113, 116, EN 00975898 [“there were two women working as cooks in that Prison. They were raped by comrade Kân the Prison’s chairman. But after the story was exposed, he killed them. [...] When I asked comrade Khuong why comrade Kân took those two women to be killed, Khuong told me that because comrade Kân had raped these two women. Later on Sam-ol, who was the chairman of the district military, ordered me to monitor comrade Kân.”]. *See also* **D6.1.758** Chab Khuong WRI, EN 00387496 [“One day, I had the opportunity to talk with that female [Khmer Krom] cook. Her name was Vinh. She told me that she was raped by the Khmer Rouge soldiers. Later on, she disappeared and I found her body in the cassava plantation about 50 metres from the prison.”].

<sup>2265</sup> **D5/1443** Net Phang CPA, EN 01135411 [“the Khmer Rouge arrested and put [Neak Yorn] in a prison in Veal Village, Ta Lau Commune. In the prison, they tortured her with all means, and later on, the perpetrator took a bamboo stick to insert into her vagina and tortured her until she died.”]; **D5/147** Koem So CPA, EN 00384366 [before the Khmer Rouge killed one of the Phum Veal female prisoners, “They inserted their toes into her vagina. [...] After they maltreated her for their pleasure, they used their knife to cut off her head little by little until she died.”].

killed.<sup>2266</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

628. Only a handful of prisoners survived Phum Veal – the rest were killed or disappeared in circumstances that indicate they were also killed. Koem So discussed how groups of prisoners regularly arrived and then disappeared a few days later,<sup>2267</sup> and he also noticed that prisoners who had been accused of “making subversion [...] usually disappeared after the interrogation”.<sup>2268</sup> Chab Khuong described how Yeay Rim sent groups of Phum Veal detainees “back to their cooperatives”, but concluded they had been killed because they were sent at night and never returned to their villages.<sup>2269</sup>
629. Many prisoners at Phum Veal died from disease or starvation caused by the inhumane conditions they were forced to endure at the prison.<sup>2270</sup> The majority of prisoners, however, were purposefully executed. Such killings occurred on a regular, even daily, basis after the Southwest cadres took control of Bakan District.<sup>2271</sup> Former prisoners Koem So, Thoeuk Yoeun, and Chab Khuong provided extensive evidence of these crimes, which is corroborated by other witnesses.
630. The prisoners were typically executed at night in the forest near the security centre or in the rice field situated to the east of the compound.<sup>2272</sup> Pits were dug in preparation for

<sup>2266</sup> **D5/147** Koem So CPA, EN 00384366 [“a woman whose guilt was unknown was raped one by one. They tied her hands and made her fall over her back on the edge of the pit where they prepared for killing her. The killing was their pleasure. They inserted their toes into her vagina. She cried and solemnly asked them for mercy on her but they showed no mercy to her. After they maltreated her for their pleasure, they used their knife to cut off her head little by little until she died. I was more frightened when they arrested another woman from a factory and they tortured her like they did to the first woman. While they seriously mistreated her, she cried for her royal parents’ help: ‘Please dad and mom help me. Only you can help me.’ Her cry for help did not finished yet, they pushed her down face up and killed her.”]. *See also* **D6.1.759** Koem So WRI, EN 00388621 [regarding the 1978 killing of two female prisoners – one woman from Kandiang District and the other a worker from the Samsan factory in Bakan District].

<sup>2267</sup> **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101.

<sup>2268</sup> **D118/124** Koem So WRI, A49, EN 00975891.

<sup>2269</sup> **D118/125** Chab Khuong WRI, A92-96, 106-108, EN 00976595, 97.

<sup>2270</sup> *See* the supporting evidence above in the **V.B.5.a.iv**. Crimes – Northwest Zone – Phum Veal Security Centre – Crimes - Other Inhumane Acts (Inhumane Treatment).

<sup>2271</sup> **D118/123** Thoeuk Yoeun WRI, A20, EN 00975875 [confirming that in 1978 there were seven to eight persons taken away from Veal Village Security Centre to be killed each day]; A55, EN 00975879 [“The prisoners were taken out from the Prison to be killed and new prisoners were brought in every day.”]; **D118/124** Koem So WRI, A44, EN 00975890 [“Each day they took about 10 or 20 prisoners out of the Prison.”]; **D118/125** Chab Khuong WRI, A73, EN 00976592 [“At least five people were executed per night.”]; **D219/57** Kong Run alias Kong Sarun WRI, A167, EN 01040579.

<sup>2272</sup> **D6.1.759** Koem So WRI, EN 00388622 [“the killing of those 500 people [...] took place in the forest about 700 meters south of Veal Village.”]; **D6.1.758** Chab Khuong WRI, EN 00387496 [“I witnessed some killings because the Khmer Rouge military forced me to stand and carry the torch to shed light for them while they were killing the prisoners at night.”]; **D118/125** Chab Khuong WRI, A71, EN 00976592 [“Sometimes, five of the people who were shackled with me were taken for execution in the rice fields at

killing sessions and executions took place at the edge of the pits so that the corpses fell or could be pushed into the pits.<sup>2273</sup> Usually, the prisoners were killed with their hands tied behind their backs.<sup>2274</sup> Some executioners used poles, sticks, or hoes to hit victims on their heads and necks while others used knives or bayonets to slit the victims' throats.<sup>2275</sup> Children were also killed violently, often alongside their parents.<sup>2276</sup>

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night.”], A98, EN 00976596 [“The execution site was east of Veal Village Prison.”]; **D118/124** Koem So WRI, A44, EN 00975890, A60-63, EN 00975892-93, A109, EN 00975897; **D118/123** Thoeuk Yoeun WRI, A16, EN 00975875, A57, EN 00975879; **D219/57** Kong Run alias Kong Sarun WRI, A113-114, 117, EN 01040572, A143, EN 01040576; **D118/147.1.43** KRT Research Project Report, Account of Moh Mon, EN 00527085 [“There were hundreds of graves in Phum Veal (in an area of 3km x 2 km) containing both Khmer Krom and Khmer people. The Khmer Rouge used the corpses of the victims to fertilize rice fields.”], Account of Koem So, EN 00527104 [describing the killing of 100 to 300 East Zone prisoners in an empty rice field near Phum Veal]; **D5/61** Thoeuk Yoeun CPA, EN 00427010 [“Mass graves were created in Veal village in the middle of the rice fields. Krom prisoners especially were killed at night and dumped into the grave.”].

<sup>2273</sup> **D219/57** Kong Run alias Kong Sarun WRI, A136, EN 01040575 [“they walked them to pits and beat them to death.”]; **D6.1.759** Koem So WRI, EN 00388621 [“After the pits had already been dug, I had to wait 20 to 30 metres away from the killing site; and later on I was called to bury the [bodies].”]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527104 [describing the killing of 100 to 300 East Zone prisoners in a rice field near Phum Veal: “KR security guards used bayonets to slit their throats and kick them into open graves.”].

<sup>2274</sup> **D219/57** Kong Run alias Kong Sarun WRI, A136, EN 01040575; **D6.1.759** Koem So WRI, EN 00388621 [“I had to wait 20 to 30 metres away from the killing site; and later on I was called to bury the [bodies]. So, I could see all of those bodies whose hands were tied to the back.”]; **D5/61** Thoeuk Yoeun CPA, EN 00427010-11 [in 1978: “there were only 40 to 50 people left in Veal Village and I knew that it was my turn to die. All of us were tied together in one big cell and we were brought to the eastern part of Veal prison, which was near the jungle. Of the 40 to 50 people, many were beaten from the back with their hands tied behind them. They were beaten on their heads and necks with bamboo sticks and then knifed with M16 bayonets.”]. *See also* **D5/1647** Mech Kiet CPA, EN 01226403 [“In late 1978 [...] the Khmer Rouge men in the Veal Village Criminal Office tied us up and pushed us into the pits. As for me, I was beaten on the head, neck and shoulders and I fell unconscious into the pit.”].

<sup>2275</sup> **D6.1.759** Koem So WRI, EN 00388621 [“First, all of those prisoners were hit by the stick, and then cut by the throat little by little to death.”]; **D6.1.758** Chab Khuong WRI, EN 00387496 [“Some prisoners, who could walk after being interrogated, were sent to be killed at Prey Yuk which was one kilometre away from Veal Village. [...] I witnessed some killings because the Khmer Rouge forced me to stand and carry the torch to shed light for them while they were killing the prisoners at night. Those prisoners were killed by the bamboo trunk or by the long-handle knife.”]; **D219/57** Kong Run alias Kong Sarun WRI, A136, EN 01040575-76; **D118/124** Koem So WRI, A58-59, EN 00975892; **D118/123** Thoeuk Yoeun WRI, A23, EN 00975876; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527102 [“Ton and his group were the killers. [...] They were the ones to beat the people up to death. In just one blow, they would smash the prisoners’ heads from behind. There were two types of guards, the ones with the rods and the ones with big knives. The prisoners were hit from behind; their hands were all tied up. They collapsed onto the ground. Some would not be dead just yet. Then the guards armed with big knives and they’d cut their throats.”], EN 00527104 [“Ton and Thol then used blunt sticks to hit them on their head and necks. The Krom then collapsed. Another group of KR security guards used bayonets to slit their throats and kick them into open graves.”]; **D5/1323** En Et, CPA, EN 01191233-34 [“The adults were hit with hoes and bamboo sticks”]; **D5/61** Thoeuk Yoeun CPA, EN 00427010-11 [in 1978: “All of us were tied together in one big cell and we were brought to the eastern part of Veal prison, which was near the jungle. Of the 40 to 50 people, many were beaten from the back with their hands tied behind them. They were beaten on their heads and necks with bamboo sticks and then knifed with M16 bayonets.”].

<sup>2276</sup> **D118/124** Koem So WRI, A62, EN 00975893 [“I only heard the children were screaming when they were taken out to be killed. I heard the killers were talking to each other like ‘Oh ah! It was difficult to catch the children because they [were] moving around. Wherever we catch them we have to crash them on [sight]’”]; **D118/123** Thoeuk Yoeun WRI, A65, EN 00975880; **D219/57** Kong Run alias Kong Sarun WRI, A144-

631. After the killings, prisoners and soldiers buried the corpses.<sup>2277</sup> As many of the bodies were buried in the rice field outside of the prison, labourers forced to farm the rice had to work in macabre circumstances. Civil Party Meas Voeurn recalled: “They buried corpses all over the place, and I stepped on those corpses whilst I was transplanting seedlings.”<sup>2278</sup> Thoeuk Yoeun was assigned to plough the rice fields, and on the mornings after a night of killings: “I would notice that the water would become red and from time to time, bodies would come floating up and the colour of the bodies would be blue.”<sup>2279</sup>
632. The total number of people killed at Phum Veal cannot be calculated with precision. No prison records have ever been recovered, and the burial pits and remains have been compromised over the past 40 years.<sup>2280</sup> Nonetheless, evidence on the Case File indicates that killings occurred at the prison on a regular basis during the time the Southwest and West Zone cadres controlled Bakan District.<sup>2281</sup> Former prisoner Chab Khuong estimated that five prisoners were executed every night, while Thoeuk Yoeun put the nightly death toll at seven or eight and Koem So estimated 10 to 20.<sup>2282</sup> A calculation using Chab Khuong’s lower estimate and a conservative timeframe from mid-1977 to the end of the regime (18 months) would indicate that more than 2,700 prisoners were killed.<sup>2283</sup> Mass

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145, EN 01040576; **D5/1323** En Et CPA, EN 01191234 [“the small children were held with their legs up, bashed against tree trunks, and dropped into the pit. Some of them died instantly whilst some others convulsed all over the pit.”]; **D5/1326** Sin Im CPA, EN 01191253; **D5/1327** Peng Pean CPA, EN 01191441; **D5/1339** Soem Chay CPA, EN 01139655; **D5/1346** Pol Vann CPA, EN 01139663; **D5/1647** Mech Kiet CPA, EN 01226403.

<sup>2277</sup> **D6.1.759** Koem So WRI, EN 00388621 [former prisoner: “After the pits had already been dug, I had to wait 20 to 30 metres away from the killing site; and later on, I was called to bury the [bodies].”]; **D118/125** Chab Khuong WRI, A64, 68, EN 00976591-92; **D219/57** Kong Run alias Kong Sarun WRI, A137-141, EN 01040575-76; **D5/147** Koem So CPA, EN 00384366 [“They ordered prisoners and me to dig pits and bury the dead bodies of people they killed. They warned that if anyone dared to speak out, ‘we will kill you all’. During my life in the detention office in Veal village, Ta Lou commune, I knew nothing, except digging pits and being shackled.”].

<sup>2278</sup> **D118/246** Meas Voeurn WRI, A96-97, EN 01034942. *Note* that this likely happened in late 1978 (see A73-74 indicating that she was transplanting seedlings one month before the Vietnamese arrived).

<sup>2279</sup> **D118/147.1.43** KRT Research Project Report, Account of Thoeuk (That) Yoeun, EN 00527112, *confirmed by* **D118/123** Thoeuk Yoeun WRI, A18, EN 00975875, *see also* A19, EN 00975875 [*confirming* that the 30 people ploughing the paddy all noticed the same thing].

<sup>2280</sup> **D219/57** Kong Run alias Kong Sarun WRI, A159, EN 01040578 [the witness worked at Phum Veal in 1978: “Q: Did you ever see any records from prisoner interrogations? A159: No.”]; **D118/175** Voern Dara WRI, A90-91, EN 00981840 [“I went [to Veal Village] after the Khmer Rouge to cut trees. [...] I saw bones and clothes, but I did not see any pits because there was just a field there.”]; **D118/11** Phum Veal Security Centre Site Identification Report, EN 00882686 [“A villager state[d] that when he arrived in the village in 1989 he did not see the building that hosted the prisoners [but] he saw pits and graves outside the compound of the school along with body remains. The villager was not able to indicate the number of bodies discovered [in] the graves [nor] the size of the graves as the terrain had already been disturbed.”].

<sup>2281</sup> *See* paras 627-631 above.

<sup>2282</sup> **D118/125** Chab Khuong WRI, A71-72, EN 00976592; **D118/123** Thoeuk Yoeun WRI, A20, EN 00975876 [*confirming* the statement in his CPA, **D5/61**]; **D118/124** Koem So WRI, A44, EN 00975890.

<sup>2283</sup> 5 prisoners killed per night x (180 + 370) nights = 2,750 prisoners killed.

executions also occurred at Phum Veal, particularly in 1978 when the East Zone evacuees were sent to the security centre,<sup>2284</sup> which would drive the 2,700 estimate even higher. Corroborating all of these accounts is the fact that only 10 to 20 prisoners are known to have survived the prison,<sup>2285</sup> and numerous witnesses from varying vantage points described many burial pits filled with bodies.<sup>2286</sup> In light of all of this evidence, it is reasonable to conclude that thousands of people were killed at Phum Veal in furtherance of the Southwest Zone joint criminal enterprise of which **Yim Tith** was a leading contributor.

### Persecution

#### *Political Persecution of the Khmer Krom*

633. After the Southwest cadres took control of Bakan District, they systematically targeted and arrested the Khmer Krom in the area because of the CPK perception that the Khmer Krom were affiliated with the Vietnamese.<sup>2287</sup> Many of those arrested were

<sup>2284</sup> **D118/246** Meas Voeurn WRI, A79, EN 01034939 [likely in late 1978 (see A71-73): “One man in Tang Krasang was assigned to kill people there [at Phum Veal prison], and when he came back, he said, ‘I killed 100 people for the whole night.’ I saw him drying gall bladders on a one square metre floor.”], A81, EN 01034940. *See also* para. 2295.

<sup>2285</sup> **D219/57** Kong Run alias Kong Sarun WRI, A161-162, EN 01040578 [“A161: [...] most of the prisoners died. Q: According to what you knew, only a very small number of people survived Phum Veal Security Office, is that right? A162: Yes, that is right. Only if they were in very good health and were able to work would they be able to survive.”]; **D5/61** Thoeuk Yoeun CPA, EN 00427011 [“only about 20 of us still remained (of Veal Village prisoners), who hadn’t been killed. Of this group, 18 were Khmer and only 2 were Krom.”]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527105 [“only 10 survived Veal Prison”].

<sup>2286</sup> *See, e.g.* **D118/123** Thoeuk Yoeun, A57-58, EN 00975879 [“Q: Could you estimate how many prisoners [at Veal Village prison] had been taken out to be killed and how many prisoners were brought in? A57: I could not count. They had killed too many prisoners. They had killed them in the forest until there was no space left [for burying]. Then they moved to kill them in the rice field. Q: Could you estimate the number of prisoners killed? A58: Too many, there might be in thousands.”], A16, EN 00975875 [“[The mass graves in Veal village] were dug on a rice field of 300 meters wide and 500 meters long. There were many individual graves dug there. Each grave was dug between 10 meters next to each other. They buried one corpse in each grave. [...] In the forest there were mass graves where many persons were killed and buried together.”], A18-19, EN 00975875; **D118/246** Meas Voeurn WRI, A96-97, EN 01034942; **D118/125** Chab Khuong WRI, A67-68, EN 00976591-92 [“A67: [...] Eastern people arrived at Veal Village Prison [...] Those people were executed; as a result, the reservoir was full of corpses. Q: How do you know that there were 1,700 people? A68: I counted them”]; **D219/57** Kong Run alias Kong Sarun WRI, A136-141, EN 01040575-76; **D5/61** Thoeuk Yoeun CPA, EN 00427010 [“Mass graves were created in Veal village in the middle of the rice fields. Krom prisoners especially were killed at night and dumped into the grave.”]; **D5/147** Koem So CPA, EN 00384366 [“They ordered prisoners and me to dig pits and bury dead bodies of people they killed. [...] During my life in the detention office in Veal Village, [...] I knew nothing, except digging pits and being shackled.”]; **D118/147.1.43** KRT Research Project Report, Account of Moh Mon, EN 00527085 [“There were hundreds of graves in Phum Veal (in an area of 3km x 2 km) containing both Khmer Krom and Khmer people. The Khmer Rouge used the corpses of the victims to fertilize rice fields.”].

<sup>2287</sup> *See, e.g.* **D219/861** Sek Sam At alias Yeay Rim, A83, EN 01364081; **D118/1** Uk Soeum alias San Soeum WRI, A20, EN 00876120; **D219/188** Phan Khorn WRI, A112-117, 121, 123-131, EN 01106440-42; **D118/125** Chab Khuong WRI, A86-87, EN 00976594 [“Q: During the Khmer Rouge regime, did they search for Khmer Krom people? A86: Yes, they believed that those people were Yuons. Q: How did they

extrajudicially imprisoned at Phum Veal, where they were typically interrogated for information about their perceived Vietnamese networks, then executed.<sup>2288</sup> Koem So, who was brutally tortured during interrogation because officials suspected he was Khmer Krom and part of a traitorous network,<sup>2289</sup> reported: “these same tactics were used against every Krom prisoner, not just me”.<sup>2290</sup> Such treatment caused serious bodily and mental harm. The few Khmer Krom prisoners who managed to survive did so because they

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find out that people were Khmer Krom people? A87: Those living in the same village with us knew whether our parents were from Kampuchea Krom or were living in Cambodia.”]; **D6.1.758** Chab Khuong WRI, EN 00387497 [“The Kampuchea Krom Khmers were the target of arrest because they were accused of being the ‘Yvon’ [Vietnamese].”]; **D6.1.759** Koem So WRI, EN 00388620 [“the Khmer Rouge began to screen the population to search for Kampuchea Krom Khmers who were accused of being the ‘Yvon networks’.”]; **D219/57** Kong Run alias Kong Sarun WRI, A123, EN 01040573; **D240R** Video, *Enemies of the People, Additional Footage: Khun Describes the Plan*, 2010, 1:00-3:58 [Phan Khorn states that he went to a meeting at the district office where Ta Peng (Pheng) “told us there were orders from above to wipe out the Khmer Krom communities” and they were given one week to kill all of the Khmer Krom]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101 [“there were many Krom [at Phum Veal Prison], all of whom, including me, were accused of being Vietnamese spies. [...] I met many Krom from my own mobile unit as well as others living from the communes and villages I mentioned.”], EN 00527103 [“the soldiers in the prison told me that all the Krom in the villages that I earlier mentioned were killed or sent to Veal prison.”], Account of Thoeuk (That) Yoeun, EN 00527112 [“new prisoners were collected and rounded up from the various communes and brought to Veal village prison, on suspicion of being Vietnamese spies or Lon Nol sympathisers. Many of these prisoners were Krom.”], Account of Thoeuk Bun Roeun, EN 00527113 [“my father was arrested by a Khmer Rouge officer and detained until 1979 in a prison in Veal Village, Veal Commune, Bakan District, Pursat Province. [...] Even though my father was neither Khmer Krom nor Vietnamese, he was suspected of being associated with them”]. See also **V.C.6.b.** Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Northwest Zone – Treatment of the Vietnamese and Khmer Krom in Sector 2 1977-1979; **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>2288</sup> See, e.g. **D6.1.759** Koem So WRI, EN 00388620 [“the Khmer Rouge began to screen the population to search for Kampuchea Krom Khmers who were accused of being the ‘Yvon networks’. I was arrested and tied and sent to the detention centre in Veal Village.”]; **D118/124** Koem So WRI, A37, EN 00975889 [while he was in prison at Phum Veal: “In 1977, they did the biography of people in the unit, and sometimes they did it twice a day. I did not know why they did the biography like that, but I thought they did that in order to identify who was the Khmer Krom and who was not.”]; **D118/246** Meas Voeun WRI, A105, EN 01034943 [“Khmer Krom people were killed in Phum Veal”]; **D219/184** Ham Sinuon WRI, A13-18, EN 01079314-15 [the witness’s brother, Yan, and his wife and 5 children were killed in Veal Village prison in 1977, accused of being Khmer Krom]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101 [“At the prison, they forced me to answer questions about whether I was a Vietnamese spy. They asked me 4 questions: 1. Where did you live before the KR time? 2. Why do you speak with a funny accent? 3. Since you are Khmer Krom, did you communicate with the Vietnamese? 4. How many are in your group of spies? [...] These same tactics were used against every Krom prisoner, not just me. The final phase, after water-boarding, when you lose consciousness and wake up again, while your body is wet, I was given electric shocks.”], EN 00527103 [“the soldiers in the prison told me that all the Krom in the villages that I earlier mentioned were killed or sent to Veal prison. Since they were not in the prison, I knew they had been killed. I knew that the Krom were killed because they were rounded up from all over Bakan district to be killed because they were Krom.”]; **D5/61** Thoeuk Yoeun CPA, EN 00427010 [“Mass graves were created in Veal village in the middle of the rice fields. Krom prisoners especially were killed at night and dumped into the grave.”]; **D5/161** Chab Khuong CPA, EN 00379339 [“One day, I witnessed that Uncle Ny, Yeay Be and 8 children, a family of Kampuchea Kraom, were arrested and sent to the office in Veal village. They were beaten for confession and they were killed the following day.”].

<sup>2289</sup> See **V.B.5.a.iv.** Crimes – Northwest Zone – Sector 2 – Phum Veal Security Centre – Crimes – Torture.

<sup>2290</sup> **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101.



successfully hid their backgrounds.<sup>2291</sup> Koem So was able to hide that he was Khmer Krom with the help of prison official Ta Chhin because Ta Chhin believed Koem So's brother had saved his life.<sup>2292</sup> Chab Khuong pretended to be mute during his entire imprisonment, successfully hiding his accent that would have distinguished him as Khmer Krom.<sup>2293</sup> The remaining Khmer Krom at Phum Veal were either killed at the prison or were transferred elsewhere for execution.<sup>2294</sup>

*Political Persecution of East Zone People*

634. At least 12 Civil Party Applications on the Case File demonstrate that in late 1978, large numbers of East Zone evacuees from Prey Veng Province were systematically sent to villages in Ta Lou Commune for a short time, then were arrested and taken to Phum Veal, where they were killed.<sup>2295</sup> Several of the applicants mentioned how large groups of East

<sup>2291</sup> **D118/123** Thoeuk Yoeun WRI, A60, EN 00975880 ["Q: Were there many Khmer Kroms in Veal Village Prison? A60: There were only two of them still alive because for the Khmer Kroms, they had been taken away to be killed; they were not kept in that Prison."]; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527105 ["only 10 survived Veal Prison. [...] three of us were Krom and Mr That [Thoeuk] Yoeun was thought to be Krom, though he is not."].

<sup>2292</sup> **D118/124** Koem So WRI, A37-39, EN 00975889; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527101 ["I was saved by another old prisoner at the prison"].

<sup>2293</sup> **D118/125** Chab Khuong WRI, A80-85, EN 00976593-94; **D118/246** Meas Voern WRI, A91, EN 01034941.

<sup>2294</sup> **D118/125** Chab Khuong WRI, A77-79, EN 00976593 ["in 1977 all Khmer Krom detainees were transferred to Tuol Krabau. [...] They were sent there to be executed, together with other Khmer Krom people from Khnar Totueng. [...] There were around 50 or 60 Khmer Krom detainees in Veal Village Prison."], A92-96, EN 00976595 [10 Khmer Krom families (approximately 60 people) were allegedly transferred out of Phum Veal back to the cooperatives on Yeay Rim's orders, but they never returned to the village]; **D118/123** Thoeuk Yoeun WRI, A60, EN 00975880 ["for the Khmer Kroms, they had been taken away to be killed; they were not kept in that Prison."]; **D118/147.1.43** KRT Research Project Report, Account of Chhum Mean, EN 00527089 ["Whilst working [in Veal village], she saw many Khmer Krom put in prison and forced to work hard. After only a few months Mr. Kan ordered to kill all Khmer Krom at Ta Lor (Veal village)."]; **D5/61** Thoeuk Yoeun CPA, EN 00427010 ["Mass graves were created in Veal village in the middle of the rice fields. Krom prisoners especially were killed at night and dumped into the grave."]. See also further evidence of the killings of Khmer Krom at Phum Veal above in **V.B.5.a.iv**. Crimes – Northwest Zone – Sector 2 – Phum Veal Security Centre – Crimes – Persecution – Political Persecution of the Khmer Krom.

<sup>2295</sup> **D5/1315** Tit Touch CPA, EN 01144328-29 [4 named family members evacuated to Ta Lou Village, arrested on 18 Nov 1978]; **D5/1320** Sin Son CPA, EN 01191223-24 [9 named family evacuated to Damnak Trab Village, arrested on 22 Nov 1978]; **D5/1323** En Et CPA, EN 01191233-35 [10 named family members evacuated to Ta Lou Village, arrested on 22 Dec 1978]; **D5/1325** Chun Nary CPA, EN 01191431-32 [7 named family members evacuated to Ta Lou Village, arrested on 23 Dec 1978]; **D5/1326** Sin Im CPA, EN 01191248 [location of alleged crimes named as "A prison at Veal Village"], EN 01191252-53 [4 named family members evacuated to Ta Lou Village, arrested on 23 Dec 1978]; **D5/1327** Peng Pean CPA, EN 01191440-41 [10 named family members evacuated to Ta Lou Village, arrested on 21 Dec 1978]; **D5/1339** Soem Chay CPA, EN 01139655 [2 named family members evacuated to Damnak Trab Village, arrested on 12 Dec 1978]; **D5/1340** San Mon CPA, EN 01143738-39 [2 named family members evacuated to Ta Lou Village, arrested on 23 Dec 1978]; **D5/1342** Kong Oeurn CPA, EN 01143754-55 [7 named family members evacuated to Damnak Trab Village, arrested on 18 Dec 1978], EN 01143751 [location: Veal Village]; **D5/1343** Uonh Ean CPA, EN 01143762-63 [6 named family members evacuated to Ta Lou Village, arrested on 21 Dec 1978]; **D5/1346** Pol Vann CPA, EN 01139663-64 [4 named family members

Zone evacuees were arrested, including their own family members.<sup>2296</sup> Such targeting, mass arrests, and executions of East Zone people are corroborated by other witnesses.<sup>2297</sup> Koem So heard the screams of Svay Rieng evacuees being killed during the day and held the torch that night as executioners finished killing the group of more than 400 people.<sup>2298</sup> Chab Khuong saw 1,700 East Zone prisoners being led to their deaths at a reservoir where he was later made to bury the bodies.<sup>2299</sup> In both accounts, there were no interrogations.<sup>2300</sup> This further demonstrates that the victims were executed solely because they were considered to be affiliated with the Vietnamese by virtue of where they had lived.

#### V. CRIMES FOR WHICH INDICTMENT IS SOUGHT

635. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Phum Veal Security Centre:<sup>2301</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>2302</sup> and the crimes against humanity of murder, extermination,<sup>2303</sup> imprisonment, torture, persecution on

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evacuated to Damnak Trab Village, arrested on 17 Dec 1978]; **D5/1347** Choek Ath CPA, EN 01139671 [2 named family members evacuated to Ta Lou Village, arrested on 22 Dec 1978].

<sup>2296</sup> **D5/1315** Tit Touch CPA, EN 01144329; **D5/1327** Peng Pean CPA, EN 01191441; **D5/1339** Soem Chay CPA, EN 01139655; **D5/1342** Kong Oeurn CPA, EN 01143754; **D5/1346** Pol Vann CPA, EN 01139663; **D5/1347** Choek Ath CPA, EN 01139671.

<sup>2297</sup> **D118/147.1.43** KRT Research Project Report, Account of Thoeuk (That) Yoeun, EN 00527104 [“From May or June 1978, coming to the end of the KR regime’s rule, they started to gather people from Svay Rieng to kill them. Initially, they only gathered the Khmer Krom. Later on, they targeted the people from Svay Rieng.”]; **D5/161** Chab Khuong CPA, EN 00379340 [“In 1978 [...] everyday they killed people who were from Svay Rieng province of the East Zone.”].

<sup>2298</sup> **D118/124** Koem So WRI, A58-67, EN 00975892-93 [Note particularly that in A64, he clarifies that this was a killing of East Zone people, not Khmer Krom]; **D6.1.759** Koem So WRI, EN 00388621-22 [Note that he says the year the execution took place was 1978, but the other evidence is consistent with the evidence in D118/124, where he says the event happened in 1979].

<sup>2299</sup> **D118/125** Chab Khuong WRI, A61-69, EN 00976591-92.

<sup>2300</sup> **D6.1.759** Koem So WRI, EN 00388621-22 [when the Svay Rieng prisoners arrived at Phum Veal, they were told they would get Vietnamese pancakes; when they came in small groups to receive the food, they were tied up and taken for execution]; **D118/125** Chab Khuong WRI, A67, EN 00976591-92 [regarding the group of 1,700: “Eastern people arrived at Veal Village Prison at around 2 p.m. [...] When arriving at the prison, people were immediately ordered to enter the prison through the western gate and went out through the eastern gate ten at a time. Those people were executed”].

<sup>2301</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are: persecution on political grounds against East Zone people and other inhumane acts (enforced disappearance). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, para. 59, **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, paras 16, 19.

<sup>2302</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>2303</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Phum Veal Security Centre alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Phum Veal Security Centre, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

political grounds against East Zone people and Khmer Krom, and other inhumane acts (inhumane treatment and enforced disappearance).

b. SVAY CHRUM SECURITY CENTRE

i. INTRODUCTION

636. Svay Chrum Security Centre in Bakan Kraom District was known by several names, including: Thkaul<sup>2304</sup> Office;<sup>2305</sup> Thkaul Education Centre;<sup>2306</sup> Ta Khin's office;<sup>2307</sup> or Trapeang Chong refashioning office.<sup>2308</sup> The Khmer Rouge used the site to imprison without judicial process those whom they suspected of being enemies to the DK regime, including Khmer Krom. Prisoners were detained in grossly inhumane conditions, tortured, and thousands were killed at the adjoining Prey Pheak execution site. Southwest and West Zone cadres committed these crimes in furtherance of the joint criminal enterprise of which **Yim Tith** was a leading member.
637. The ICIJ charged **Yim Tith** with the following crimes in relation to Svay Chrum Security Centre: genocide of the Khmer Krom; the crimes against humanity of murder, imprisonment, persecution on political and racial grounds against the Khmer Krom, other inhumane acts (confinement in inhumane conditions); and premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2309</sup>

ii. OPERATION AND LOCATION

638. The Svay Chrum Security Centre ("Svay Chrum") and Prey Pheak execution site

<sup>2304</sup> Alternative spellings are Thkoul (e.g. **D118/194**); Thkol (e.g. **D134/3**); Ta Kaul (e.g. **D219/336**); Thkaol (e.g. **D267.1.42**).

<sup>2305</sup> **D6.1.137** Lim Sat WRI, EN 00250761 ["The Thkaul Office was called [...] the Svay Chrum Office (as it is called now)."]; **D118/235** Khok Chan WRI, A28-29, EN 01057667; **D219/241** Am Sokhon WRI, A78, 82, EN 01092968; **D1.3.10.6** DC-Cam Report, *Pursat Genocide Report*, EN 00217583 ["a prison called Svay Chrum Prison or Phum Thkol"].

<sup>2306</sup> **D134/3** Sat Chhang WRI, A18, EN 00974281 ["It was called Thkol Education Center."].

<sup>2307</sup> **D118/235** Khok Chan WRI, A58, EN 01057671; **D6.1.137** Lim Sat WRI, EN 00250761 ["The Thkaul Office was called the Ta Khin Office"]; **D118/194** Ruos Narin WRI, A70, EN 00986737.

<sup>2308</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852194 ["Trapeang Chong Refashioning Office. Later on, the name of that office was changed to Thkoul Office"] confirmed in **D118/288** Lay Bony WRI, A22, EN 01066760; **D134/3** Sat Chhang WRI, A18, EN 00974281.

<sup>2309</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069, 73, 78.

operated from 1976<sup>2310</sup> until late 1978.<sup>2311</sup> While some prisoners were then released,<sup>2312</sup> many were transferred to other prisons including Boeng Kul and/or Trach Kraol.<sup>2313</sup> The compound was located near what are now Svay and Svay Chrum villages, Boeng Bat Kandaol Commune, Bakan District, Pursat Province.<sup>2314</sup> In the DK period, the nearest villages were Thkaul Village and Tram Seh Village in Tram Seh Cooperative.<sup>2315</sup> Until around early 1978, this area fell under the jurisdiction of Bakan Kraom District (also called, *inter alia*, Kdat District),<sup>2316</sup> Sector 7 of the Northwest Zone.<sup>2317</sup> During Sector 2 and 7 Secretary Sarun's administration,<sup>2318</sup> he merged Bakan Kraom with Bakan Leu District (Sector 2) to form one Bakan District under his authority.<sup>2319</sup>

639. The security centre was situated within a large compound<sup>2320</sup> which included rice fields,

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- <sup>2310</sup> **D219/241** Am Sokhon WRI, A78, EN 01092968; **D6.1.137** Lim Sat WRI, EN 00250761-62 ["In approximately September 1976, district soldiers arrested me and put me in prison at the Thkaul Office. [...] The Thkaul Office was probably created in 1976."]; **D118/288** Lay Bony WRI, A3, EN 01066756.
- <sup>2311</sup> **D6.1.685** Lim Sat WRI, A11, EN 00412159 ["I left the [Thkaul security] centre in late 1978 just about two months before the entering of Vietnamese."]; **D118/288** Lay Bony WRI, A6, 8, EN 01066756-57 ["A6: I was detained [in Thkoul Prison] until the rainy season in 1978 because then they destroyed Thkoul Prison and handed it over to the cooperative [...] Q: When did they give Thkoul Prison to the cooperative? A8: At the end of 1978 when they sent me to another place."]; **D118/237** Tit Kas WRI, A60, 70, 73, EN 01056778-79 [Recalling that her mother was killed in 1978 and that her uncle was killed at Thkaul Office "around a year after my mother was killed."]; **D134/3** Sat Chhang WRI, A21, EN 00974282.
- <sup>2312</sup> *See, e.g.* **D6.1.685** Lim Sat WRI, A11, EN 00412159; **D5/249.1** Lay Bony CPA (Annex), EN 00852195 ["At the end of 1978, some prisoners were allowed to return to live in the cooperative"].
- <sup>2313</sup> **D6.1.137** Lim Sat WRI, EN 00250762 ["[In 1978] the prisoners were transferred to the Trach Kroal Office"]; **D118/288** Lay Bony WRI, A6-7, EN 01066756-57 ["I was [then] placed at Boeng Kul Prison [...] for one month. [...] I was detained at Trach Kraol Security Office in 1978"]; **D118/234** Tum Nga WRI, A35, EN 01055604; **D219/336** Toam Cheah WRI, A29, EN 01117988.
- <sup>2314</sup> **D118/15** Svay Chrum Site Identification Report, EN 00882967, 69, 70. For orientation, *see* **D347/2.1.46** Cambodia Index Map, Tile 5734, EN 01045009 [showing the villages of Svay Chrum, Svay, and Tram Seh in Bat Kandaol Commune to the north of Bakan town].
- <sup>2315</sup> *See, e.g.* **D118/237** Tit Kas WRI, A70, EN 01056779; **D134/3** Sat Chhang WRI, A18, EN 00974281; **D118/235** Khek Chan WRI, A28, EN 01057667; **D118/178** Moul Van WRI, A76, EN 00981982.
- <sup>2316</sup> **D219/6** Ouk Heang WRI, A112, EN 01047755 ["Kdat District (Bakan Kraom)"].
- <sup>2317</sup> **D118/15** Svay Chrum Site Identification Report, EN 00882970 [Locating the crime site north of National Road 5]; **D118/122** Thek Bunroeun WRI, A12, EN 00975862 ["Bakan district at that time was divided into two districts included the lower part [on the north side] of National Road 5 was called Bakan Kraom"]; **D219/222** Touch Seng alias Yeay Yan WRI, A195, 197, EN 01088590 ["Sector 7 was in the lower area. [...] I refer to the area stretching north from National Road 5, including Kandieng"]; **D219/241** Am Sokhon WRI, A88, EN 01092969 ["Thkaul Security Office was under the supervision of Sector 7"]; **D118/178** Moul Van WRI, A24, EN 00981976 ["[Tram Seh Cooperative] was located in [...] Kdat District, Sector 7."].
- <sup>2318</sup> *See below*, para. 642.
- <sup>2319</sup> **D219/6** Ouk Heang WRI, A112, EN 01047755; **D219/187** Phan Khorn WRI, A41, EN 01104748 ["When Ta Sarun arrived, he merged the two Bakans into just one Bakan."]; **D219/223** Nuon Rin WRI, A40, 53, EN 01088596, 98; **D219/861** Sek Sam At alias Yeay Rim WRI, A72-73, EN 01364080. For further details, *see* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977 - 1979 – Sector 2.
- <sup>2320</sup> **D6.1.137** Lim Sat WRI, EN 00250761 ["It was a square about five kilometers to each side, with the South side adjacent to National Highway 5. The west and east sides were adjacent to the 17 April Canal and the north side adjacent to Boeng Samraong."]; **D219/241** Am Sokhon WRI, A86, EN 01092968.

dams, and canals where prisoners were forced to work.<sup>2321</sup> It had two discrete accommodation sections: one part held “light-offence” prisoners, while “serious-crime” prisoners were placed in the other.<sup>2322</sup> The prison buildings no longer exist, and the area is now largely covered in fields.<sup>2323</sup> The execution site, located within the compound to the south of the centre, was known as Prey Pheak.<sup>2324</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

640. From its opening, the chief of Svay Chrum was Khin, the deputy was Kim, and the member was Choek.<sup>2325</sup> Khin and Choek were both members of the local cooperative committee, for which they controlled security.<sup>2326</sup> Sometime in 1978, Khin, Kim, and Choek were all arrested and executed.<sup>2327</sup> The evidence does not reveal who, if anyone, replaced them. The prison chairman reported to and took orders from the Bakan Kraom

<sup>2321</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [Describing prison work including digging canals, putting up paddy dikes and digging water reservoir(s) “near the office”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852194 [“[Prisoners] went out to work [...], building dams, digging canals, and uprooting and transplanting rice seedlings at rice fields that were under the control of [...] Thkoul Office”].

<sup>2322</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [“The Thkaol Office was divided into two parts. [...] Serious-offense prisoners were placed south of the office [...] As for the light-offense prisoners [...] they were placed north of the office.”]; **D219/336** Toam Cheah WRI, A29, EN 01117988; **D118/288** Lay Bony WRI, A21, EN 01066759. *See also* **D118/15** Svay Chrum Site Identification Report, EN 00882969.

<sup>2323</sup> **D118/237** Tit Kas WRI, A71, EN 01056779.

<sup>2324</sup> **D267.1.42** Lay Bony WRI, EN 00379162-63 [“Pheak was a place known as an execution site [...] at the Thkaol prison [...] [people] were taken away for execution at Pheak. [...] three or four of the Khmer Rouge soldiers who were involved in the execution became prisoners themselves, and they told me that those people had been taken to be executed south of the Thkaol Prison in the place called Pheak.”]; **D118/15** Svay Chrum Site Identification Report, EN 00882969, [71] [“[Lim Sat] showed the area where executions took place. [...] This area is known as Prey Pheak and it is situated [...] few hundred metres from the area of Svay Chrum Prison.”]; **D6.1.137** Lim Sat WRI, EN 00250762 [“Those pits were in Prey Pheak. [...] The militia took the prisoners far from the office to kill them, but still inside the office compound.”].

<sup>2325</sup> **D134/4** Lim Sat WRI, A14, EN 00974293 [“[The chief of Thkoul Security Centre] was called Khin. His deputy was Kim, and another member was Choek.”]; **D118/235** Khek Chan WRI, A58, EN 01057671; **D219/241** Am Sokhon WRI, A78, EN 01092968; **D118/288** Lay Bony WRI, A23, EN 01066760; **D219/844.1.1** *Searching for the Truth*, Account of Neou San, Jul 2002, EN 00081233 [“‘Ta Khin’ was a security chief at Boeng Batt Kandal”]; **D118/147.1.3** Toam Cheah (Torm Chas) CPA, EN 01531843 [“the light office on the north side (Ta Choek Office) and the serious office, which was on the south side and run by Ta Khin.”].

<sup>2326</sup> **D219/336** Toam Cheah WRI, A21, EN 01117988 [“Ta Kaul Security Office which was a prison under the control of Ta Khen. He was on the cooperative committee.”]; **D118/147.1.3** Toam Cheah (Torm Chas) CPA, EN 01531844 [“Cooperative Com Ta Choek”]; **D118/235** Khek Chan WRI, A58, EN 01057671 [“Security was controlled by Ta Khin.”]. *See also* **D118/194** Ruos Narin WRI, A67-71, 73, EN 00986737 [“Ta Khin Office was here in my commune [...] Ta Khin was the commune prison”].

<sup>2327</sup> **D6.1.137** Lim Sat WRI, EN 00250762 [“In approximately late 1978, Khin, Ta Kim, and Choek were taken away and killed by Angkar.”] *confirmed by* **D219/702.1.4** Lim Sat, T. 2 May 2013, 15.21.00-15.22.32; **D5/799/1** Soeur Ny CPA Report, EN 00918383 [In around early 1978, the civil party was sent to Svay At Military Detention Centre in Svay At Village “where he witnessed some Khmer Rouge cadres being killed by their fellow Khmer Rouge cadres; for example, Ta Khin, chief of detention centre in Thkoul Cooperative [...] was imprisoned and later killed there.”]; **D118/288** Lay Bony WRI, A23, EN 01066760.

(subsequently Bakan) District Committee,<sup>2328</sup> which was responsible for security centres throughout the district.<sup>2329</sup> Arrests were made by district military or militia members, who arrested on the orders from or with the approval of the Bakan Kraom and subsequently Bakan District Committee.<sup>2330</sup>

641. After the Northwest district-level cadres had been purged in Bakan Kraom by early to mid-1977,<sup>2331</sup> Phal from the Southwest Zone became district secretary<sup>2332</sup> until he too was arrested and replaced in early 1978 by Pheng from the West Zone.<sup>2333</sup> After the merger of Bakan Leu with Bakan Kraom under Sector Secretary Sarun, there is conflicting evidence as to whether Bakan Kraom Secretary Pheng or Bakan Leu Secretary Rim<sup>2334</sup> was secretary of the new Bakan District. However, the evidence is clear that they worked together until the end of the regime to control Bakan District,<sup>2335</sup>

<sup>2328</sup> In Bakan Kraom District and the merged Bakan District, the cooperative committees reported to and received orders from the district committee in accordance with the CPK Statute. *See, e.g.* **D219/586** Khun Mon WRI, A83, 87-88, EN 01178709 [Bakan Kraom (later Bakan) District: “[The cooperative chairperson] worked under the district level. Whatever happened was reported to the district. [...] The last was District Committee Ta Pheng. [...] He arrived in 1978.”]; **D219/8** Yang Sokhom WRI, A153, EN 01047788 [Bakan District: “Q: Rim and Ta Pheng gave the orders to the cooperative committees, correct? A153: Correct.”]; **D6.1.991** Uk Soeum WRI, A3, 5, EN 00491349-50 [Former chief of Rumlech Cooperative (appointed by Bakan District Committee, *see* A3) describing regular meetings of Bakan District cooperative chiefs presided over by Ta Mok, Ta Sarun (Sector 2 and 7 Secretary) and Yeay Rim (Bakan District Secretary).]; **D1.3.20.1** CPK Statute, art. 6(5), 13. *See also* **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, 23 Nov 2009, para. 76, EN 00412113 [“Santebal office had no right to smash. To put it simply, the chief of Santebal office, whoever he was, had no authority to issue any subjective order to arrest anyone.”].

<sup>2329</sup> *See, e.g.* **D219/241** Am Sokhom WRI, A50-51, EN 01092966 [Prison chief at Trach Kraol Security Centre in Bakan Kraom confirming that his immediate supervisors were District Secretaries Phal and Pheng]; **D219/188** Phan Khorn WRI, A163, EN 01106446-47 [Military cadre confirming that District Secretaries Rim and Pheng were in overall charge of Phum Veal Prison, Bakan District.].

<sup>2330</sup> *See, e.g.* **D6.1.137** Lim Sat WRI, EN 00250761 [“district soldiers arrested me and put me in prison at the Thkaul Office. [...] When prisoners first arrived, it was the militia who brought them in.”]; **D219/241** Am Sokhom WRI, A30, 38, 81-82, EN 01092964-65, 68 [Militiaman who took arrestees to Svay Chrum (Thkaul) security centre confirming that he worked directly under the district and was required to report to district if he caught anyone stealing food.]; **D219/8** Yang Sokhom WRI, A110, 114, EN 01047782-83.

<sup>2331</sup> *See* **V.B.1.b.ii.** Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 7.

<sup>2332</sup> **D219/276** Nhoem Nguy WRI, A24, EN 01098502; **D219/241** Am Sokhom WRI, A18, EN 01092963.

<sup>2333</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 13263, EN 01222871 [Uong Chin alias Phal, Assistant, Kdat District in Sector 2, 01-Apr-78 or 23-Mar-78] *but see* **D6.1.13** S-21 Name List of Prisoners Interrogated on 02-03 April 1978, EN 01210363 [showing Uong Chin’s arrest date as 23 Feb 1978]; **D219/241** Am Sokhom WRI, A18-21, EN 01092963-64. *See further* **IV.C.5.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 – Sector 7.

<sup>2334</sup> *See, e.g.* **D219/222** Touch Seng alias Yeay Yan WRI, A120, EN 01088584; **D219/8** Yang Sokhom WRI, A63, 66-67, EN 01047776-77; **D219/223** Nuon Rin WRI, A52, EN 01088597-98; **D6.1.991** Uk Soeum WRI, A20, EN 00491354. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 – Sector 2.

<sup>2335</sup> *See, e.g.* **D219/8** Yang Sokhom WRI, A66, 81, 153, EN 01047777, 79, 88 [confirming that Rim and Ta Pheng gave orders to the cooperative committees]; **D219/187** Phan Khorn WRI, A43, EN 01104748-49; **D219/188** Phan Khorn WRI, A80, EN 01106436; **D219/223** Nuon Rin WRI, A40, 42, 53-54, EN 01088596-98; **D219/590** Long Khlor WRI, A60, EN 01178805; **D219/861** Sek Sam At alias Yeay Rim WRI, A59-60, EN 01364079 *but see* **D219/869** Sek Sam At alias Yeay Rim WRI, A99, EN 01365567;

including “sweeping clean the enemy”.<sup>2336</sup>

642. At the sector level, the first Sector 7 Secretary after the sector committee was purged in early to mid-1977<sup>2337</sup> was Southwest cadre Kung, assisted by the new Kandieng District Secretary, Tri.<sup>2338</sup> In late 1977 or early 1978, Vean Em *alias* Sarun, from the West Zone, took control of Sectors 2 and 7.<sup>2339</sup> Sarun met with, reported to, and received and implemented orders from Ta Mok,<sup>2340</sup> and around June 1978, was appointed to the Northwest Zone Committee together with Ta Mok and **Yim Tith**.<sup>2341</sup>

#### iv. CRIMES

##### Imprisonment

643. Thousands of civilians and former Northwest Zone cadres were detained at Svay Chrum without any due process while the Southwest and West Zone cadres controlled Sectors 2 and 7. There is no evidence to indicate that any prisoner was arrested pursuant to any judicial order, informed of charges, provided counsel, offered a trial, or given any sort of

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**D219/611** Lam Savuon WRI, A38, EN 01185830; **D6.1.616** Uk Soeum SOAS Interview, EN 00352106. *See further IV.C.2.* CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 – Sector 2.

<sup>2336</sup> **D219/188** Phan Khorn WRI, A80, EN 01106436.

<sup>2337</sup> *See V.B.1.b.ii.* Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges at the Sector Level – Sector 7.

<sup>2338</sup> **D134/5** Huot Moeng *alias* Sat Sokhom WRI, A8, 15, EN 00974301-02; **D6.1.617** Sat Sakhom SOAS Interview, EN 00352087; **D134/3** Sat Chhang WRI, A28, 31, EN 00974283; **D134/4** Lim Sat WRI, A32, EN 00974296; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78]. *See further IV.C.5.* CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 7.

<sup>2339</sup> **D219/187** Phan Khorn WRI, A31, EN 01104747; **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 [“Sarun was in charge of both Sector 2 and Sector 7.”]; **D6.1.988** Sou Nan *alias* Yeay Nan WRI, A19, 24, EN 00508565-66; **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105152. For a detailed explanation of Sarun’s role as secretary of Sector 7, *see IV.C.5.* CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 7.

<sup>2340</sup> **D219/861** Sek Sam At *alias* Yeay Rim WRI, A103-104, 106-107, EN 01364083; **D219/869** Sek Sam At *alias* Yeay Rim WRI, A8, 42, EN 01365558, 61. *See also D1.3.29.2* Kaing Guek Eav *alias* Duch WRI, EN 00149916-17 [Confirming that Ta Mok became West Zone Secretary after the former Secretary, Chou Chet *alias* Si was purged. “Truckloads of Ta Mok forces and West forces belonging to Huot Heng *alias* Pal were transported to the Northwest.”]; **D118/103.3** Kaing Guek Eav *alias* Duch Final Written Submission, 23 Nov 2009, fn. 24, EN 00412101; **D219/193** Vat Phat WRI, A215, 217, EN 01079904. *See further IV.C.2.* CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 2.

<sup>2341</sup> **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 [“Sarun was [...] also in the Northwest Zone Com, replacing Koe.”]; **D6.1.1052** Kaing Guek Eav *alias* Duch WRI, EN 00160720; **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105152. *See further IV.C.2.* CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 2. With regard to Yim Tith’s membership of the Northwest Zone Committee, *see para. 144; III.D.1.* Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Positions in the Northwest Zone.

due process. Indeed, there was no functioning judicial system in DK.<sup>2342</sup>

644. The centre was “used for indiscriminate detention.”<sup>2343</sup> Prisoners at Svay Chrum belonged to many different groups, including “17 April people”,<sup>2344</sup> base people,<sup>2345</sup> former Lon Nol soldiers and their families,<sup>2346</sup> Northwest Zone cadres,<sup>2347</sup> Cham,<sup>2348</sup> Khmer Krom,<sup>2349</sup> and East Zone evacuees.<sup>2350</sup> Prisoners were brought in from cooperatives throughout the region.<sup>2351</sup> They included anyone who was accused of any “misconduct”,<sup>2352</sup> of being an “enemy”,<sup>2353</sup> or of being “Yuon”.<sup>2354</sup> Alleged

<sup>2342</sup> **D6.1.1057** Kaing Guek Eav alias Duch WRI, EN 00177588 [“I confirm that the Party took all the important decisions, ruling the country in an exclusive and absolute manner [...] These principles were obviously not compatible with the existence of tribunals and procedural safeguards.”]; **D1.3.29.7** Kaing Guek Eav alias Duch UNHCR Statement, 4-6 May 1999, EN 00185022-23 [“under the DK, there were no courts”].

<sup>2343</sup> **D118/178** Moul Van WRI, A72, EN 00981982.

<sup>2344</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 13.55.31-13.58.18 [Explaining that prisoners at Thkaol Office included those who had been evacuated from, *inter alia*, Phnom Penh right through until 1978. They had initially been placed in cooperatives and then moved to Thkaol prison.] *confirming* **D6.1.137** Lim Sat WRI, EN 00250762 [“There were the 17 [...] people [...] the 17 people were the post-liberation people”]; **D118/178** Moul Van WRI, A78, EN 00981983.

<sup>2345</sup> **D118/178** Moul Van WRI, A73, EN 00981982 [“including 18 April people”]; **D6.1.137** Lim Sat WRI, EN 00250762 [“There were the [...] 18 people (the 18 people were the old people [...])”].

<sup>2346</sup> **D6.1.137** Lim Sat WRI, EN 00250762 [“There were [...] soldiers”]; **D118/235** Khék Chan WRI, A31-32, EN 01057667-68; **D5/249.1** Lay Bony CPA (Annex), EN 00852193, 95 [Prisoners included “soldiers, all types of civil servants. [...] During the time that this Thkaol Office was under the control of the Southwest group, some former soldiers were caught and imprisoned”]; **D6.1.159** Ouk Savuth WRI, EN 002421[31], 33 [“My father died in 1977 [...] Because she was the spouse of a [Lon Nol] military officer, my mother and my youngest 5-year old sister were taken to be detained inside the detention center at Trapeang Chorn, Bakan district”]. Civil Party Lay Bony’s husband was a former Lon Nol soldier detained and executed at Svay Chrum in 1976 (*see* **D267.1.42** Lay Bony WRI, EN 00379156, 61-62), and she was detained at the same time on the basis of being his spouse (*see* **D267.1.42** Lay Bony WRI, EN 00379162 [“I was brought here because I followed my husband.”]). Although her husband’s detention and death appear to have occurred before the Southwest took control of Sector 7, Lay Bony’s continued detention without due process until 1978 (*see* **D118/288** Lay Bony WRI, A6, EN 01066756-57) fell squarely under their jurisdiction.

<sup>2347</sup> **D267.1.42** Lay Bony WRI, EN 00379163 [“Later on, three or four of the Khmer Rouge soldiers who were involved in the execution [at Svay Chrum] became prisoners themselves”]; **D6.1.137** Lim Sat WRI, EN 00250762 [“There were [...] cadres”].

<sup>2348</sup> **D6.1.137** Lim Sat WRI, EN 00250762 [“There were also some Cham prisoners.”].

<sup>2349</sup> **D118/288** Lay Bony WRI, A13, EN 01066758.

<sup>2350</sup> **D6.1.137** Lim Sat WRI, EN 00250762 [“There were [...] people from Svay Rieng and Kampong Speu provinces”].

<sup>2351</sup> **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.15.03-11.17.00 [“every day they sent people from different cooperatives”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [“They were trucked from cooperatives in districts, river and mountainous sectors, and from every place to be educated there.”]; **D6.1.137** Lim Sat WRI, EN 00250762 [“There were [...] cooperatives [people]”]; **D219/241** Am Sokhon WRI, A81-82, EN 01092968.

<sup>2352</sup> **D118/194** Ruos Narin WRI, A68, EN 00986737; **D118/178** Moul Van WRI, A73, EN 00981982; **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [Prisoners included “peasants who had been accused of all kinds of misconduct.”].

<sup>2353</sup> **D118/235** Khék Chan WRI, A58, EN 01057671.

<sup>2354</sup> **D118/235** Khék Chan WRI, A31, EN 01057667.



misdeemeanours included stealing food,<sup>2355</sup> behaving immorally,<sup>2356</sup> refusing a Party-arranged marriage,<sup>2357</sup> being “capitalist [or] feudalism”,<sup>2358</sup> speaking out against the regime, or encouraging others not to work.<sup>2359</sup> On entry, prisoners were categorised into “light-offence” and “serious-offence” prisoners depending on the “offence” they were alleged to have committed.<sup>2360</sup> If a light-offence prisoner was perceived to have made a further mistake, he could be recategorised.<sup>2361</sup>

645. Lim Sat, who was detained at Svay Chrum from late 1976 to late 1978,<sup>2362</sup> estimated that there were over 100 prisoners in the serious-offence section, and around 2,000 light-offence prisoners and their families.<sup>2363</sup> Although he did not recall any newcomers,<sup>2364</sup> others, including fellow prisoner Lay Bony, provided evidence of groups of up to hundreds at a time entering the centre;<sup>2365</sup> it was “very crowded”<sup>2366</sup> and there were “too many to count.”<sup>2367</sup> Even taking into account that both Lim Sat and Lay Bony likely arrived at Svay Chrum shortly before the Southwest Zone forces took control of Sector 7, it is clear from the totality of the evidence that thousands of people were arbitrarily

<sup>2355</sup> **D118/237** Tit Kas WRI, A69-70, EN 01056779. *See also* **D118/178** Moul Van WRI, A80-81, EN 00981983; **D5/748** Moul Van CPA, EN 01538059 [Describes seeing two friends being arrested by militiamen in Tram Seh Cooperative, and taken to Thkaol Detention Office, likely in 1976, because in their hunger, they had dug up root vegetables in the forest.].

<sup>2356</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [“They accused me of being immoral with a 17 April girl, but I had not been immoral.”].

<sup>2357</sup> **D118/194** Ruos Narin WRI, A54, EN 00986734-35 [Confirming the statement in her CPA (**D5/794**, Ruos Narin CPA, EN 01539662) that in 1977 a friend, Suon Sopha, refused to marry a man she had never met, and was sent to Thkaol or Ta Khin’s Office, accused of being a traitor.].

<sup>2358</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [Prisoners included those “accused of being capitalists, feudalists”].

<sup>2359</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [“Political prisoners, people who had spoken against the Khmer Rouge or who had told the people not to work, were put at the serious-offender location.”]

<sup>2360</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 13.58.18-14.00.14 [Explaining that categorisation “depends on the offence they committed.”]; **D118/288** Lay Bony WRI, A21, EN 01066759; **D6.1.137** Lim Sat WRI, EN 00250761; **D118/147.1.3** Toam Cheah (Torm Chas) CPA, EN 01531843.

<sup>2361</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [“As for the light-offense prisoners [...] If they did anything wrong again, they were put with serious offenders.”].

<sup>2362</sup> **D6.1.685** Lim Sat WRI, A11, EN 00412159.

<sup>2363</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [“In total, approximately more than 100 prisoners were [in the serious offender location] [...] There were approximately 2,000 light-offense prisoners; their entire families had been arrested by the Khmer Rouge.”]. *See also* **D219/336** Toam Cheah WRI, A29, EN 01117988 [“The Khmer Rouge took all of my family members.”].

<sup>2364</sup> **D6.1.137** Lim Sat WRI, EN 00250762.

<sup>2365</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852193-94 [Detained at Svay Chrum from mid-1976 until late 1978 (*see* **D118/288** Lay Bony WRI, A3-4, 6, 8, EN 01066756-57) “They were trucked in [...] It was crowded [...] Incidentally, one day hundreds of prisoners were trucked and dropped there.”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.13.49-11.15.03 [“on every – two-day basis, they brought up to 100 to 200 people for execution.”]; **D118/147.1.3** Toam Cheah (Torm Chas) CPA EN 01531843 [“Once the truck was full, it drove away to transport them to put them in Thkaol Office.”]; **D219/241** Am Sokhon WRI, A81-82, EN 01092968.

<sup>2366</sup> **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.13.49-11.15.03.

<sup>2367</sup> **D118/288** Lay Bony WRI, A14, EN 01066758.

imprisoned under Southwest and West Zone control.

Other Inhumane Acts (Inhumane Treatment)

646. Prisoners categorised as ‘serious’ by the Khmer Rouge were deprived of light for excessively long periods while locked under armed guard in a building known as the “Dark Prison”, so-called because it had no windows.<sup>2368</sup> As some prisoners in this category were not taken out to work,<sup>2369</sup> they were left in their dark and airless cells all day and night.<sup>2370</sup> These detainees were chained whilst transported to Svay Chrum,<sup>2371</sup> and were continuously shackled in detention while sleeping, working, relieving themselves, and eating.<sup>2372</sup> In a separate women’s room,<sup>2373</sup> prisoners were subjected to the humiliation of defecating and urinating inside the detention room into dishes also used for serving rice. The dish was tipped into a wooden box that was emptied only every few days, creating an unbearable stench<sup>2374</sup> and severely unhygienic conditions. The

<sup>2368</sup> **D118/288** Lay Bony WRI, A5, EN 01066756 [“Thkoul Prison was called the dark prison.”], A10, EN 01066758 [“The [serious] category of prisoners was those who were detained in the dark prison at all times”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.44.38-09.47.48; **D6.1.137** Lim Sat WRI, EN 00250761 [“There was just one building for the serious-offense prisoners; it was tightly closed and had no windows. There was just an entry door. At night it was locked and was under militia guard.”].

<sup>2369</sup> **D267.1.42** Lay Bony WRI, EN 00379162 [“My husband [a serious offence prisoner] did not go to work”]; **D118/235** Khek Chan WRI, A31, EN 01057667 [“They did not allow prisoners accused of serious wrongdoing to work outside.”]. *But see* **D6.1.137** Lim Sat WRI, EN 00250761 [“Serious-offense prisoners were also allowed outside to work”]; **D267.1.42** Lay Bony WRI, EN 00379162 [“The male prisoners who were shackled were kept within the prison compound doing work.”].

<sup>2370</sup> **D267.1.42** Lay Bony WRI, EN 00379162 [“My husband [...] was locked up in the prison cell. [...] I would give him food by handing it through a small hole at his cell, but without seeing him”]; **D118/288** Lay Bony WRI, A10, EN 01066758 [“The other category of prisoners was those who were detained in the dark prison at all times including eating or going to the toilet.”].

<sup>2371</sup> **D267.1.42** Lay Bony WRI, EN 00379161 [“My husband [a serious offence prisoner] was tied up in the back”]; **D219/336** Toam Cheah WRI, A29, EN 01117988 [“When I arrived, I saw many soldiers. Three people who were tied up on the vehicle were taken to be killed. [...] the remaining people who were tied up were taken to the southern security office.”]; **D118/147.1.3** Toam Cheah (Torm Chas) CPA, EN 01531843 [“The serious prisoners were chained. Once the truck was full, it drove away to transport them to put them in Thkoal Office.”].

<sup>2372</sup> **D6.1.137** Lim Sat WRI, EN 00250761; **D267.1.42** Lay Bony WRI, EN 00379162; **D118/288** Lay Bony WRI, A10, EN 01066758. *See also* **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Um Sitha, EN 00087331 [“The security centre of dambon 7 was near the Bakan district offices, in Thol [...] Um Sitha saw chains and iron shackles being moved around.”].

<sup>2373</sup> **D118/288** Lay Bony WRI, A10, EN 01066758.

<sup>2374</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852192 [“I was walked towards another room for female prisoners. That room would be unbelievable if I had not seen it with my eyes. The smell of human excrement and urine came out immediately when the door was opened. [...] A rice dish was used to collect human waste; then the waste was taken to be dumped in a square wooden container in the middle of the room. A day and a night later, the waste was taken away to be stored as fertilizer at another place.”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.47.48-09.49.35 [“the stench was horrible. [...] I had to place my nose close to a small hole so that I could breathe some oxygen.”].

room was so cramped that detainees were forced to sleep in a sitting position,<sup>2375</sup> sometimes while their clothes were still wet from working outside.<sup>2376</sup> Throughout the prison, detainees were brutally beaten, often with clubs and whips.<sup>2377</sup>

647. Food rations were woefully inadequate. Lim Sat, a light-offence prisoner, recalled being given only “a watery gruel, which was made in large pans with four cans of rice per 30 persons.”<sup>2378</sup> Even that meagre amount could be arbitrarily withheld. Prisoners who could not work due to illness were punished with reduced portions or beatings, so individuals who were ill attempted to work to avoid starvation.<sup>2379</sup> If they failed, militiamen killed them in the forest.<sup>2380</sup> Lay Bony was so desperate to eat that she volunteered several times to go to the “zone” where inmates were promised plentiful and delicious food. Only later, she realised that going to the “zone” meant execution.<sup>2381</sup> Detainees became exhausted, emaciated, and sick due to the poor sanitary conditions and paltry food rations.<sup>2382</sup>
648. Many prisoners were also required to work. After a morning sorting process to determine which of them would be “slaves” and which would be executed that day,<sup>2383</sup> the survivors worked outside under militia guard, digging canals or reservoirs, putting up paddy dikes,

<sup>2375</sup> **D267.1.42** Lay Bony WRI, EN 00379162 [“It was overcrowded in the room; there was no space to lie down; I could only bend down.”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852192 [“It was too narrow to have enough space to sleep, so all prisoners had to sleep sitting down.”].

<sup>2376</sup> **D118/288** Lay Bony WRI, A5, EN 01066756; **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [“It was the rainy season [...] I had only one set of clothes to wear, so I went to bed with soaked clothes. The next day I wore these wet clothes to work again.”].

<sup>2377</sup> **D6.1.137** Lim Sat WRI, EN 00250761-62 [“the Khmer Rouge mistreated the prisoners by [...] beating them. I personally saw them beating and mistreating [prisoners], hitting them with clubs and whips. Later the militia took the prisoners away and killed them. [...] I frequently saw prisoners being beaten and mistreated”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [“Due to the power of Angkar, this person could beat or kick any prisoner arbitrarily regardless of whether they were old, young, male or female.”]. *See also* **D267.1.42** Lay Bony WRI, EN 00379161 [“we reached a place called the Thkaol refashion centre [...] The soldiers gave a letter to the guard, and as soon as the guard read the letter, he beat up my husband until his body was soaked with blood.”].

<sup>2378</sup> **D6.1.137** Lim Sat WRI, EN 00250761. *See also* **D267.1.42** Lay Bony WRI, EN 00379162; **D219/336** Toam Cheah WRI, A29, EN 01117988.

<sup>2379</sup> **D6.1.137** Lim Sat WRI, EN 00250761 [“the Khmer Rouge mistreated the prisoners by depriving them of rice or gruel”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [“Those who were too sick to go and work outside got only a ladle of porridge with a seed of salt; thus those who were fairly sick tried to go out and work”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.59.08-12.01.51.

<sup>2380</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [“as they were too exhausted, they became too sick to walk home and no one helped them back; so they were taken and killed in the forest by the militiamen.”].

<sup>2381</sup> **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.49.35-09.52.54.

<sup>2382</sup> **D219/336** Toam Cheah WRI, A29, EN 01117988 [“Everyone was very exhausted because we used to eat cooked rice.”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852192 [“I looked around and saw three or four prisoners sleeping – too ill to go out to work.”], EN 00852194 [“I was skinny”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.59.08-12.01.51.

<sup>2383</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852194 [“In the mornings, people were ordered to queue. The chiefs of each unit pointed and moved the selected slaves to stand in a separate queue as required. [...] When the exchange and removal of people finished, the unit chiefs ordered them to go and work outside.”].

and farming paddies.<sup>2384</sup> Serious-offence prisoners worked with chains arounds their legs.<sup>2385</sup>

### Torture

649. Torture was inflicted on prisoners during interrogation at Svay Chrum in attempts to extract information and confessions.<sup>2386</sup> Methods included beatings, often with bamboo clubs and whips, immersion in water and waterboarding, and the extraction of prisoners' nails.<sup>2387</sup>

### Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

650. A few prisoners did in fact survive Svay Chrum.<sup>2388</sup> However, the majority were killed or disappeared in circumstances that indicate they were killed.<sup>2389</sup> The execution of prisoners, particularly at Prey Pheak, occurred on a massive scale throughout Svay Chrum's period of operation,<sup>2390</sup> especially during Southwest and West Zone control.

651. Prisoners disappeared from the prison "one after the other".<sup>2391</sup> Lay Bony described a

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<sup>2384</sup> **D6.1.137** Lim Sat WRI, EN 00250761 ["the militia guarded them while they were working. [...] The work of the light-offense prisoners was digging canals and putting up paddy dikes. As for the serious-offense prisoners, they dug water reservoir(s) near the office."]; **D267.1.42** Lay Bony WRI, EN 00379162 ["We farmed paddies and transplanted rice seedlings. [...] then I was moved to the spearhead unit where I performed heavy work."]; **D5/249.1** Lay Bony CPA (Annex), EN 00852194 ["They went out to work at the frontline, building dams, digging canals, and uprooting and transplanting rice seedlings at rice fields"]

<sup>2385</sup> **D6.1.137** Lim Sat WRI, EN 00250761; **D267.1.42** Lay Bony WRI, EN 00379162; **D118/235** Khek Chan WRI, A30-31, EN 01057667.

<sup>2386</sup> **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.59.08-12.01.51; **D118/147.1.3** Toam Cheah (Torm Chas) CPA, EN 01531843-44 ["They summoned my husband to be interrogated at the Ta Choek Office on three consecutive mornings, asking the same questions over and over again."]; **D118/194** Ruos Narin WRI, A54, 60, EN 00986734-36.

<sup>2387</sup> **D6.1.137** Lim Sat WRI, EN 00250762; **D118/288** Lay Bony WRI, A31, EN 01066761; **D118/194** Ruos Narin WRI, A54, 60, EN 00986734-36; **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.59.08-12.01.51 *confirming* **D267.1.42** Lay Bony WRI, EN 00379162; **D118/235** Khek Chan WRI, A31, EN 01057667;

<sup>2388</sup> **D118/235** Khek Chan WRI, A40, EN 01057669; **D6.1.137** Lim Sat WRI, EN 00250762 [The witness is himself a survivor of Svay Chrum. He reported that "Approximately 400 to 500 prisoners were still alive after 1978." *Note*, however, that he later confirmed that they were taken to Trach Kraol where he believed they were executed. *See* **D134/4** Lim Sat WRI, A8, EN 00974293.]; **D5/249.1** Lay Bony CPA (Annex), EN 00852194 [Former prisoner who explained that she survived by working hard, and was protected by her unit chief].

<sup>2389</sup> *See, e.g.* **D118/237** Tit Kas WRI, A70, 72, EN 01056779; **D118/235** Khek Chan WRI, A58, 60, EN 01057671-72; **D5/748** Moul Van CPA, EN 01538059 ["These two Friends have disappeared ever since they were held in the Thkaol detention office."]. *See also* **D118/178** Moul Van WRI, A85-87, EN 00981984.

<sup>2390</sup> With regard to specific killings occurring at Svay Chrum likely before the Southwest Zone cadres took control, *see, e.g.* **D134/3** Sat Chhang WRI, A17-18, 23, EN 00974281-82; **D267.1.42** Lay Bony WRI, EN 00379162.

<sup>2391</sup> **D6.1.137** Lim Sat WRI, 00250762. *See also* **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.15.03-11.17.00 ["we saw [the new prisoners] only one or two days, and then those people disappeared"].

high turnover of inmates and a systematic pattern of executions until the end of 1977.<sup>2392</sup> After new prisoners arrived at Svay Chrum, “it was crowded for only a few days; then it became quiet.”<sup>2393</sup> Some prisoners were executed almost immediately,<sup>2394</sup> but at least every three days, soldiers would choose at least 20-30 prisoners, sometimes as many as 200, at random (male, female, and even children) to be taken for execution while the rest were sent to work.<sup>2395</sup> Only the fittest and most useful survived.<sup>2396</sup> In a macabre comparison, one unit chief at the centre referred to this process as “screening for the main husked rice” which meant killing bad people and keeping good people of Angkar.<sup>2397</sup> One day, hundreds of prisoners were brought in to Svay Chrum, and by noon, most, if not all, had been slaughtered.<sup>2398</sup> Indeed, most of the serious-offence prisoners were killed.<sup>2399</sup> Lay Bony smelt the stench of corpses permeating the prison, and saw high numbers of blood-splattered clothes of those who perished.<sup>2400</sup>

<sup>2392</sup> Although Lay Bony refers to “the end of 1976” in one WRI (*see* **D267.1.42** Lay Bony WRI, EN 00379163), her Case 002/01 testimony (*see* **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.49.35-09.54.12 [“by 1977 about – approximately [...] 100,000 people had already been executed.”]) confirms the statement in her CPA that this high rate of executions occurred until the end of 1977 (*see* **D5/249.1** Lay Bony CPA (Annex), EN 00852193-94 [“They did this routinely every three days until the end of 1977 (the killing plan of Pol Pot).”]).

<sup>2393</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852193.

<sup>2394</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852193 [“Some would stay only for a night; then they were all sent to the zone, meaning that they were taken away and killed near that prison.”]; **D5/748** Moul Van CPA, EN 015380560 [“If the militia saw 17 people who [were] going around catching fish, stripping off paddy or digging out root vegetables, the militia would arrest them, gather them up and take all of them to kill and dispose of in the general area of the forest around Thkaol.”].

<sup>2395</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852193-94 [“Routinely, every three days, on the so-called [...] Working Days, all Middle-Aged, Men, Women, Boy and Girl Units, had to stay at their respective places. They were not allowed to work outside. Those days were also called Military Working days, during which two or three soldiers came to inform the prisoners that they needed 20 middle-aged people, or 30 boys and girls in total – of almost a hundred or more prisoners – to be dispatched to the Zone. They pointed out and selected any prisoners they wanted. They did this routinely every three days until the end of 1977 [...] Unfortunately, the term Zone was not the real Zone mentioned above – ‘Sending to the Zone’ meant sending someone to be killed. [...] The chiefs of each unit pointed and removed the selected slaves to stand in a separate queue. [...] When the exchange and removal of people finished, the unit chiefs ordered them to go and work outside.”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 11.13.49-11.15.03 [“on every – two-day basis, they brought up to 100 to 200 people for execution.”].

<sup>2396</sup> **D5/748** Moul Van CPA, EN 01538059-60 [“As for the minor prisoners whom they used until they had no more strength, they were similarly taken away to be killed.”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852194 [“I was energetic enough [...] Thus, the unit chief noticed me and kept me to work there.”].

<sup>2397</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852194.

<sup>2398</sup> **D5/249.1** Lay Bony CPA (Annex), EN 00852194.

<sup>2399</sup> **D219/336** Toam Cheah WRI, A29, EN 01117988 [“Most of the people who were taken to the southern security office were killed.”]; **D5/748** Moul Van CPA, EN 01538059 [“Prisoners who had been accused of serious offenses were immediately killed and disposed of in the forest south of the Thkaol office.”].

<sup>2400</sup> **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.49.35-09.52.54 [“And the clothes of the people who had been executed would be brought back to the remaining people to use.”], 11.15.03-11.17.00; **D267.1.42** Lay Bony WRI, EN 00379163 [“I believe the [100,000] figure is correct. I saw that the clothing of the prisoners who were taken away for execution was brought back to the prisoners, so I could estimate the number of those executed.”]; **D5/249.1** Lay Bony CPA (Annex), EN 00852194 [“the smell of the dead bodies of those

652. There were many eyewitnesses to murders at Svay Chrum. Lim Sat saw militia forcing victims to dig their own pits before execution in Prey Pheak, and witnessed the killing of five families.<sup>2401</sup> Killings were also seen by local villagers.<sup>2402</sup> Khmer Rouge executioners at Svay Chrum, who were themselves later imprisoned and killed at the site, described to fellow prisoner Lay Bony the high rate of killings at Prey Pheak since the prison opened, estimating that by the end of 1977, 100,000 people had been killed.<sup>2403</sup> Lim Sat reported a further mass killing in late 1978.<sup>2404</sup>
653. The life expectancy of Khmer Krom prisoners was even lower than most. As soon as prison officials had identified Khmer Krom by their accents, they were taken to be killed as soon as possible.<sup>2405</sup> In Lay Bony's group of prisoners, every Khmer Krom member was killed.<sup>2406</sup>
654. The total number of people killed at Svay Chrum while under Southwest and West Zone control cannot be calculated precisely, particularly since the pits and remains have been compromised in the intervening years.<sup>2407</sup> However, Lim Sat recalled that Prey Pheak contained 10 burial pits, each 10-by-10 metres square,<sup>2408</sup> and calculated that of the over 2,000 prisoners there when he arrived, 400 to 500 were alive at the end of 1978.<sup>2409</sup> Moul Van, who visited the site in 1979, described the pits at Prey Pheak as "very large" and said "there were so [many] human bones".<sup>2410</sup> As discussed above, former executioners told Lay Bony that over 100,000 people were executed before the end of 1977,<sup>2411</sup> and she personally observed between 20 and 200 people being taken for execution every three days.<sup>2412</sup> Even taking the most conservative number in the range of her estimate, 20

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who had been told the lie of being sent to the Zone was everywhere. I saw their stinking blood-splattered clothes scattered around."]

<sup>2401</sup> **D6.1.137** Lim Sat WRI, EN 00250762; **D118/15** Svay Chrum Site Identification Report, EN 00882969.

<sup>2402</sup> **D118/235** Khek Chan WRI, A33-34, 54, EN 01057668, 71.

<sup>2403</sup> **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.49.35-09.52.54; **D267.1.42** Lay Bony WRI, EN 00379162-63; **D5/249.1** Lay Bony CPA (Annex), EN 00852193-94 ["until the end of 1977 [...] in total around 100,000 prisoners were killed."]; **D118/288** Lay Bony WRI, A14-15, EN 01066758.

<sup>2404</sup> **D6.1.137** Lim Sat WRI, EN 00250762 ["Many prisoners were killed in late 1978."]. *See also* **D267.1.99** Lay Bony, T. 24 Oct 2012, 12.03.44-12.05.38 ["When they frogmarched us from [...] Thkoul [...] Prison to Boeng Kol Reeducation Centre, there were many members in our team disappeared. [...] we noticed that they must have been executed"].

<sup>2405</sup> **D118/288** Lay Bony WRI, A13, 16, 19, EN 01066758-59.

<sup>2406</sup> **D118/288** Lay Bony WRI, A19, EN 01066759.

<sup>2407</sup> **D118/237** Tit Kas WRI, A71, EN 01056779.

<sup>2408</sup> **D6.1.137** Lim Sat WRI, EN 00250762 ["There were about ten 10 by 10 meter square grave pits at the Thkaul Office."].

<sup>2409</sup> **D6.1.137** Lim Sat WRI, EN 00250762.

<sup>2410</sup> **D118/178** Moul Van WRI, A78-80, EN 00981983.

<sup>2411</sup> *See* para. 652.

<sup>2412</sup> *See* para. 651.

executions every three days, would indicate that over 1,200 people were killed in the second half of 1977 alone.<sup>2413</sup> Considering all of this evidence together, it is reasonable to conclude that thousands of people were killed at Svay Chrum pursuant to the Southwest Zone JCE of which **Yim Tith** was a leading contributor.

### Persecution

#### *Political Persecution of the Khmer Krom*

655. While the Southwest and West Zone cadres were in control of Bakan District, they systematically arrested and killed the Khmer Krom because of the CPK's perception that they were linked to the Vietnamese.<sup>2414</sup> Across Sector 7, the Khmer Rouge gathered up the Khmer Krom and eradicated them.<sup>2415</sup> Khmer Krom were singled out by their accents at Svay Chrum, and suffered a swifter and more certain death than other prisoners there.<sup>2416</sup>

#### *Political Persecution of Other Groups*

656. Persecution at Svay Chrum was also committed through the crimes described above against "17 April people", Northwest Zone cadres, and members of the former Lon Nol regime and their families. These groups were specifically targeted because of their actual or perceived membership of a political group.<sup>2417</sup>

### V. CRIMES FOR WHICH INDICTMENT IS SOUGHT

657. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Svay Chrum Security Centre:<sup>2418</sup> genocide of the

<sup>2413</sup> 20 prisoners killed every three days over 183 days is 1,220 people (61 x 20).

<sup>2414</sup> See, e.g. **D219/861** Sek Sam At alias Yeay Rim WRI, A83-84, 86-89, 102-103, 106-107, EN 01364081-83 [Ta Mok passed on orders on dealing with Yuon affiliates through Sarun, who then summoned Yeay Rim and cooperative members to carry out the orders.]; **D219/188** Phan Khorn WRI, A112-117, 121, 123-131, EN 01106440-42; **D240R** Video, *Enemies of the People, Additional Footage: Khuon Describes the Plan*, 2010, 1:00-3:58 [Phan Khorn states that he went to a meeting at the district office where Ta Peng (Pheng) "told us there were orders from above to wipe out the Khmer Krom communities" and they were given one week to kill all of the Khmer Krom.]; **D118/257** Chhat Phan WRI, A40, 42, 44, EN 01031957. See also **V.C.2.** Crimes – Crimes Against the Vietnamese – The Vietnamese and the Khmer Krom as a Distinct Group; **V.C.6.b.** Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Northwest Zone – Treatment of the Vietnamese and Khmer Krom in Sector 2 1977-1979.

<sup>2415</sup> **D118/225** Chea Pren WRI, A50, 62, EN 01061130, 32.

<sup>2416</sup> **D118/288** Lay Bony WRI, A13, 16, 19, EN 01066758-59.

<sup>2417</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy.

<sup>2418</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are: persecution on political grounds against former Lon Nol regime members, Northwest Zone cadres, and "17 April people"; torture, and extermination. The CIJs were seised of these crimes by **D1** Co-Prosecutors' Third Introductory Submission, paras 54-59 and **D65**

Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>2419</sup> and the crimes against humanity of murder; extermination;<sup>2420</sup> imprisonment; torture; persecution on political grounds against “17 April people”, Northwest Zone cadres, members of the former Lon Nol regime and their families, and Khmer Krom; and other inhumane acts (inhumane treatment and enforced disappearance).

c. TUOL SEH NHAUV AND PREY KRABAU EXECUTION SITES

i. INTRODUCTION

658. Tuol Seh Nhaus<sup>2421</sup> and Prey Krabau<sup>2422</sup> execution sites were located in Bakan Leu (later Bakan) District of Sector 2 during the DK regime. Southwest Zone and West Zone cadres acting in furtherance of the JCE of which **Yim Tith** was a leading member issued orders for the execution of thousands of Khmer Krom and East Zone evacuees at these sites.
659. In respect of both Tuol Seh Nhaus and Prey Krabau execution sites, the ICJ charged **Yim Tith** with the following crimes: genocide of the Khmer Krom; the crimes against humanity of murder, extermination, persecution on political and racial grounds against the Khmer Krom; and premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2423</sup>

ii. OPERATION AND LOCATION

660. The Tuol Seh Nhaus execution site (“Tuol Seh Nhaus”) consisted of a collection of pits located in Khnar Totueng Commune, Bakan District in Sector 2 in a large area on a hill just outside what is now Bak Meaek Village, formerly Seh Nhaus Village.<sup>2424</sup> The Prey

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Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, para. 16.

<sup>2419</sup> See **V.C.** Crimes – Crimes Against the Vietnamese.

<sup>2420</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Svay Chrum alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres and execution sites, and forced labour sites including those at Svay Chrum, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>2421</sup> Alternative spellings include Ses Nhov (see, e.g. **D118/147.1.43**, EN 00527091-92); Ses Nhoeuv (see, e.g. **D118/147.1.43**, EN 00527099-100); Ses Nho (see, e.g. **D6.1.615**); Tuol Svay (see, e.g. **D118/125** Chab Khuong WRI, A30); Seh Nheou (see, e.g. **D347/2.1.11**); Toul Sa Nhov (see, e.g. **D118/147.1.43**, EN 00527127); Seh Nhov (see, e.g. **D118/223**)

<sup>2422</sup> Alternative spellings include Prey Krabao (e.g. **D219/345**); Prey Kabav (e.g. **D6.1.758**); Prey Kra Baov (e.g. **D118/147.1.43**, EN 00527091-92); Preaek Krabau (e.g. **D5/202/4**); Prey Kabao (e.g. **D347/2.1.11**); Prey Kra Baou (e.g. **D219/639**). Since “prey” means “forest” in Khmer, the site is also known as Krabao forest (e.g. **D219/225**).

<sup>2423</sup> **D350.1** Notification of Amended Charges against Yim Tith, EN 01426069, 73, 78.

<sup>2424</sup> See, e.g. **D118/12** Tuol Seh Nhaus Pits Site Identification Report, EN 00882689-92; **D219/639** Keo Meur WRI, A110, EN 01198196 [“I know that Tuol Seh Nhaus is in Bak Meaek, Khnar Totueng Commune.”];



Krabau execution site (“Prey Krabau”) was located in Ta Lou Commune, Bakan District, Sector 2,<sup>2425</sup> near what was known during the DK regime as Office 42.<sup>2426</sup> During the DK regime, the nearest villages were Koah Andaet, Prey Krabau and Tuol Thma in Sraong Cooperative.<sup>2427</sup> The Khmer Rouge used both of these areas as killing sites from around mid-late 1977 until the end of the DK regime,<sup>2428</sup> and erected temporary stables or corrals to hold the victims prior to their execution.<sup>2429</sup>

### iii. AUTHORITY STRUCTURE

661. Ben, a Southwest cadre, became Secretary of Sector 2<sup>2430</sup> after the previous sector committee members were purged in around mid-1977.<sup>2431</sup> In late 1977 or early 1978,

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- D118/175** Voern Dara WRI, A67, EN 00981837; **D118/147.1.43** KRT Research Project Report, EN 00527091, 99-100 [referring to “villages in Khnar Totueng commune [including] Bak Meaek, which used to be called Ses Nhoeuv”]; **D219/664** Khiev Phan WRI, A103, 105, EN 01207569-70 [“Tuol Seh Nhauv [...] was located on the hill where pits were dug. [...] It was a vast plain”]; **D6.1.140** Thach Sokh WRI, EN 00279242-44 [“Tuol Seh Nhauv was a square approximately 400-500 meters on each side.”]; **D118/175** Voern Dara WRI, A62, EN 00981836 [“It was about two hectares.”].
- <sup>2425</sup> See, e.g. **D118/173** Van Chauk WRI, A72, EN 00981765 [“Prey Krabau (Ta Lou Commune)”]; **D6.1.758** Chab Khuong WRI, EN 00387496 [“Prey Kabav located in Ta Lou Commune.”]; **D219/587** Sok Pan WRI, A23, EN 01178727 [“Ta Lou is in Bakan District”]; **D118/13** Prey Krabau Killing Site Site Identification Report, EN 00882693-94, 96 [“GPS references: N 12 30 22.1 E 103 40 51.7 [...] Sector 2 – Northwest Zone [...] In order to locate Prey Krabau Killing Site area, [...] turn left in Ta Lou Commune and continue for approximately 600 meters until Prey Krabau Village”]; **D5/1559** Nuon Channa CPA, EN 01168163.
- <sup>2426</sup> **D118/175** Voern Dara WRI, A73, 84-85, EN 00981838, 40 [“[Office 42] was located in Ta Lou Cooperative [...] I have heard about other killing sites such as Prey Krabau, which was next to Office 42. [...] In fact it was the same place: some people called it Prey Krabau and some others called it Office 42.”]; **D5/1559** Nuon Channa CPA, EN 01168163 [“the Khmer Rouge took my mother to be killed in Preaek Krabau, at Office 42”]; **D118/147.1.43** KRT Research Project Report, Account of Seth Meas, EN 00527092 [“The Khmer Rouge took his father [...] with 20 other Khmer Krom People to be killed at Monti 42 in Prey Kra Baov, Ta Lao collective.”].
- <sup>2427</sup> See, e.g. **D219/188** Phan Khorn WRI, A117, EN 01106441 [“Prey Krabao in Sraong Cooperative”]; **D219/345** Noem Lorn WRI, A57, EN 01116104; **D219/225** Heng Sieng WRI, A12, EN 01112234-35 [“Q: How far is Koh Andaet Village to the Krabao forest? A12: It is about 150 to 160 meters.”]; **D219/344** Sok Phe WRI, A57, 82-83, EN 01116092-93 [“Prey Krabao in Tuol Thma Village. [...] Koh Andaet is located to the east of Prey Krabao. It is about 500 metres away from it.”].
- <sup>2428</sup> See, e.g. **D118/127** Pov Sinuon WRI, A53, EN 00979976; **D118/223** Koem Huoy WRI, A35, EN 01057644; **D118/173** Van Chauk WRI, A72, EN 00981764-65; **D118/122** Thek Bunroeun WRI, A48, EN 00975866-67.
- <sup>2429</sup> Tuol Seh Nhauv: **D118/241** Thach Sok WRI, A54-56, EN 01040497-98 [“And in 1979, I came to Bak Meaek Village, and I saw a corral surrounded by wires used to detain people before they were killed. [...] It was about 100 square metres. It could have accommodated thousands of people. [...] The stable was located about 500 to 600 metres northeast of Tuol Seh Nhov.”]; **D118/197** Yean Phan WRI, A56-63, EN 00985085-86; **D6.1.615** Prak Sarin SOAS Interview, EN 00352070. Prey Krabau: **D118/213** Yoem Khon WRI, A102, EN 00986242 [“Only after the Khmer Rouge regime did I see the corrals [...] in Prey Krabau”]; **D5/115** Thek Bunroeun CPA, EN 00426904 [“About 350 families were brought and [...] held in cow-sheds or corrals (kraol in Khmer) [at Prey Krabau]”] confirmed in **D118/122** Thek Bunroeun WRI, A48, EN 00975866; **D219/345** Noem Lorn WRI, A77, EN 01116105; **D219/344** Sok Phe WRI, A94, EN 01116094; **D6.1.615** Prak Sarin SOAS Interview, EN 00352070; **D347.3** DC-Cam Report, *Rumlech Subdistrict: Khmer Krom under Khmer Rouge*, Account of Van Muth, EN 01413632.
- <sup>2430</sup> **D219/223** Nuon Rin WRI, A28, EN 01088595; **D219/187** Phan Khorn WRI, A31, EN 01104747; **D219/8** Yang Sokhom alias Yang Han WRI, A124, EN 01047785; **D219/242** Ap Chroeng alias Ran WRI, A16, 25, EN 01092976-77.
- <sup>2431</sup> See **V.B.1.b.ii**. Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector

Vean Em *alias* Sarun, from the West Zone, took control of Sector 2.<sup>2432</sup> Ta Sarun met with and reported to Ta Mok and implemented Mok's orders.<sup>2433</sup> As Mok's loyal subordinate, he was a key member of the JCE. Around June 1978, Sarun was appointed to the Northwest Zone Committee together with Ta Mok and **Yim Tith**.<sup>2434</sup>

662. By early to mid-1977, the Northwest cadres who had formed the Bakan Leu District Committee had been purged and three women from the Southwest Zone, Yeay Ren (Secretary), Sek Sam At *alias* Yeay Rim (Deputy Secretary), and Yeay Yan (Member) replaced them.<sup>2435</sup> After a short time, likely when the West Zone cadres arrived, Ren and Yan were removed from the district committee and Yeay Rim became Secretary.<sup>2436</sup> During the administration of West Zone cadres Sarun and Pheng (then Bakan Kraom Secretary<sup>2437</sup>), Bakan Leu District was merged with Bakan Kraom District to form one district called Bakan District, which operated under Sarun's authority.<sup>2438</sup> While there is

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Level – Purges at the Sector Level – Sector 2.

- <sup>2432</sup> **D6.1.988** Sou Nan *alias* Yeay Nan WRI, A19, 24, EN 00508565-66; **D219/223** Nuon Rin WRI, A28-30, EN 01088595; **D219/187** Phan Khorn WRI, A31, EN 01104747. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 2.
- <sup>2433</sup> **D219/861** Sek Sam At *alias* Yeay Rim WRI, A102-104, 106-107, EN 01364083; **D219/869** Sek Sam At *alias* Yeay Rim WRI, A8, 42, EN 01365558, 61. *See also* **D1.3.29.2** Kaing Guek Eav *alias* Duch WRI, EN 00149916-17 [Confirming that Ta Mok became West Zone Secretary after the former Secretary, Chou Chet *alias* Si was purged. "Truckloads of Ta Mok forces and West forces belonging to Huot Heng *alias* Pal were transported to the Northwest."]; **D118/103.3** Kaing Guek Eav *alias* Duch Final Written Submission, 23 Nov 2009, EN 00412101, fn. 24; **D219/193** Vat Phat WRI, A215, 217, EN 01079904. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 2.
- <sup>2434</sup> **D6.1.616** Uk Soeum SOAS Interview, EN 00352106 ["Sarun was [...] also in the Northwest Zone Com, replacing Koe."]; **D6.1.1052** Kaing Guek Eav *alias* Duch WRI, EN 00160720; **D1.3.15.2** Timothy Carney, *The Organization of Power*, EN 00105152. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 2. With regard to Yim Tith's membership of the Northwest Zone Committee, *see* **IV.C.** CPK Authority Structure and Communication – Northwest Zone 1977-1979; **III.D.1.** Yim Tith's Positions, Acts, and Conduct – Yim Tith's Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith's Positions in the Northwest Zone.
- <sup>2435</sup> *See, e.g.* **D219/222** Touch Seng *alias* Yeay Yan WRI, A33, 119, EN 01088578, 84; **D219/345** Noem Lorn WRI, A25, EN 01116101; **D219/611** Lam Savuon WRI, A28-29, EN 01185829; **D219/187** Phan Khorn WRI, A33, EN 01104747; **D118/278** Nam Im WRI, A112, 119, EN 01031796-97; **D219/8** Yang Sokhom WRI, A53, 65, EN 01047775-77. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.
- <sup>2436</sup> *See, e.g.* **D219/345** Noem Lorn WRI, A26, EN 01116101; **D219/861** Sek Sam At *alias* Yeay Rim WRI, A44-45, EN 01364077-78; **D219/869** Sek Sam At *alias* Yeay Rim WRI, A99-100, EN 01365567; **D219/222** Touch Seng *alias* Yeay Yan WRI, A110, 120, EN 01088583-84; **D219/8** Yang Sokhan *alias* Yang Han WRI, A63, 66-67, EN 01047776-77. *See further* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.
- <sup>2437</sup> As set out in detail in **IV.C.5.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 - Sector 7, after the Northwest Zone cadres were purged in Bakan Kraom, Phal from the Southwest Zone became District Secretary, until he too was arrested in early 1978 and replaced by Ta Pheng from the West Zone.
- <sup>2438</sup> **D219/187** Phan Khorn WRI, A41, EN 01104748 ["When Ta Sarun arrived, he merged the two Bakans into just one Bakan."]; **D6.1.991** Uk Soeum WRI, A19, EN 00491354; **D219/6** Ouk Heang WRI, A112, EN 01047755; **D219/223** Nuon Rin WRI, A40, 53, EN 01088596, 98; **D219/861** Sek Sam At *alias* Yeay Rim WRI, A72-74, EN 01364080. For further details, *see* **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

conflicting evidence as to whether Pheng or Rim was Secretary of Bakan District once it was merged, the evidence is clear that these two leaders worked together until the end of the regime to control the district,<sup>2439</sup> including “sweeping clean the enemy”.<sup>2440</sup>

663. As described in further detail below, these district and sector secretaries received and implemented orders from Ta Mok to commit crimes at Tuol Seh Nhauv and Prey Krabau execution sites against the Khmer Krom and East Zone evacuees.

#### iv. CRIMES

##### Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

###### *The Plan to Eliminate the Khmer Krom in Bakan District*

664. After the Southwest cadres took control of Bakan District, Ta Mok issued orders for the elimination of the Khmer Krom community there.<sup>2441</sup> The plan was to “sweep clean the Khmer Krom people”.<sup>2442</sup> Sector and district officials, including Sarun and Rim, ensured the screening, “rounding-up”, and transfer of all Khmer Krom, those married to Khmer Krom, and their children from all over Bakan District to villages in Khnar Totueng Cooperative, including Kamprak Koun, Khnar Totueng, and Bak Meaek (Seh

<sup>2439</sup> See, e.g. **D219/8** Yang Sokhom WRI, A66, 81, 153, EN 01047777, 79, 88 [confirming that Rim and Ta Pheng gave orders to the cooperative committees]; **D219/187** Phan Khorn WRI, A43, EN 01104748-49; **D219/188** Phan Khorn WRI, A80, EN 01106436; **D219/223** Nuon Rin WRI, A40, 42, EN 01088596-97, A53-54, EN 01088598; **D219/590** Long Khlor WRI, A60, EN 01178805; **D219/861** Sek Sam At alias Yeay Rim WRI, A59-60, EN 01364079 but see **D219/869** Sek Sam At alias Yeay Rim WRI, A99, EN 01365567; **D219/611** Lam Savuon WRI, A38, EN 01185830; **D6.1.616** Uk Soeum SOAS Interview, EN 00352106. See further **IV.C.2.** CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2.

<sup>2440</sup> **D219/188** Phan Khorn WRI, A80, EN 01106436.

<sup>2441</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A83-84, 86-89, 102-103, 106-107, EN 01364081-83 [Bakan (Leu) District Secretary Yeay Rim: Ta Mok passed on orders to target, conduct research and do away with Vietnamese affiliates through Sarun, who then summoned Yeay Rim and cooperative members to carry out the orders.]. See also **D118/278** Nam Im WRI, A128, EN 01031798 [Killings of the Khmer Krom were planned after the arrival of the Southwest cadres in Bakan.].

<sup>2442</sup> **D219/188** Phan Khorn WRI, A112, EN 01106440 [Phan Khorn, battlefield committee in Sraong Cooperative (see **D219/187**, A6-8, EN 01104744), attended a meeting in 1978 of cooperative chiefs and battlefield committees chaired by Yeay Rim in which “they talked about the plan to sweep clean the Khmer Kraom people.”].

Nhauv).<sup>2443</sup> The purpose was to prepare for the mass execution of all these people.<sup>2444</sup>

665. The Khmer Krom in Bakan were targeted because of the CPK's perception that they were affiliated with the Vietnamese,<sup>2445</sup> and its fear that they could form a fifth column if the Vietnamese invaded DK.<sup>2446</sup> Across Bakan District, Khmer Rouge cadres called the

<sup>2443</sup> **D219/861** Sek Sam At alias Yeay Rim, A86-89, EN 01364082 and **D219/869** Sek Sam At alias Yeay Rim, A13-14, 16, 60-61, EN 01365559, 63 [Yeay Rim confirming that she received instructions from Sarun to identify and search out people with Vietnamese connections, which she forwarded on to the cooperatives.], A25-28, EN 01365560 [Yeay Rim, confirming that Sarun ordered her to send people to Khnar Totueng.]; **D118/1** Uk Soeum WRI, A17, EN 00876120 [Rumlech Cooperative Chief: "in approximately late 1978, there was an order from Bakan District Committee [...] They ordered me to collect and transfer all Khmer Kraom living in Rumlech cooperative to Khnar Totueng Cooperative because they were accused of being linked to the Vietnamese."]; **D219/188** Phan Khorn WRI, A111-112, EN 01106440 [Describing a 1978 meeting for cooperative chiefs and battlefield committees chaired by Yeay Rim: "Yeay Rim went to attend the meeting at the Sector. After her return, she said that 'now we have to round up all the Khmer Krom people from [every] cooperative and put them in one place'. After she rounded them up and put them in one place, she had a plan to sweep [them] clean[.] She collected all Khmer Kraom from every cooperative and sent them to be kept in Khnar Toteung Cooperative in Kamprak Kaun village."]; **D118/189** Phan Saray WRI, A70-71, 73, 75, 80, 98, EN 00986696-98, 700 [Attended a meeting with Yeay Rim and other district officials and unit leaders at which it was announced that "[t]here are two million Khmer Krom, all of whom are Yuon spies." Unit chiefs were required to collect biographies from Khmer Krom "for Angkar". As a result, unit leaders made biographies of 300 people per day. At a later meeting, the Khmer Rouge announced the establishment of a cooperative at Khnar Totueng for placement of the Khmer Krom.]; **D118/122** Thek Bunroeun WRI, A34-35, EN 00975864-65. Many witnesses and civil party applicants described the implementation of this screening and forced movement of the Khmer Krom and their families to Khnar Totueng from across Bakan District. *See, e.g.* **D219/676** Hok Sarin WRI, A62-63, 65-66, EN 01213365; **D118/173** Van Chauk WRI, A41, EN 00981760; **D118/226** Nget Vut WRI, A53, 55-56, 60-61, EN 01055751-53; **D118/177** Lorn Heng WRI, A38-39, EN 00981787; **D118/127** Pov Sinuon WRI, A22, EN 00979971; **D118/257** Chhat Phan WRI, A51-52, 75, 103, 107, EN 01031958, 60, 63-64; **D118/199** Uong Sav WRI, A41, EN 00985110-11; **D118/192** Ven Van WRI, A81, EN 00986187; **D118/256** Seng Eng WRI, A57-59, 64, EN 01025249-50; **D118/223** Koem Huoy WRI, A35, EN 01057644. *See further* **V.C.6.b.ii** Crimes – Crimes Against the Vietnamese – Crimes Against the Vietnamese in the Northwest Zone – Treatment of the Vietnamese and Khmer Krom in Sector 2 1977-1979 – The Forced Movement of Khmer Krom to Khnar Totueng and Killing.

<sup>2444</sup> *See, e.g.* **D219/188** Phan Khorn WRI, A112, EN 01106440 ["[Yeay Rim] collected all Khmer Kraom from every cooperative and sent them to be kept in Khnar Toteung Cooperative in Kamprak Kaun village. After that, they sent some of the Khmer Kraom people to be killed by the Khnar Toteung Cooperative and others to be killed by the Sraong Cooperative."]; **D219/639** Keo Meur WRI, A87, EN 01198193 ["Yeay Rim [...] evacuated people to be killed."]; **D118/197** Yean Phan WRI, A65, EN 00985086; **D118/188** Tit Sophary WRI, A47, EN 00986677; **D118/226** Nget Vut WRI, A60-61, EN 01055752-53; **D6.1.757** Pov Sinuon WRI, EN 00387501-02. While the ultimate intention was to execute the Khmer Krom, some were first forced to labour in Khnar Totueng Cooperative before they were killed. *See, e.g.* **D118/257** Chhat Phan WRI, A103, 107, EN 01031963-64 ["The victims had been rounded up and sent to be kept in Khnar Totueng and Bak Meaek before they were taken away to be killed in groups. [...] They had used Khmer Kroms to implant rice before they killed them."].

<sup>2445</sup> *See, e.g.* **D219/342** Soeum Thoeun WRI, A91, 93, 96, EN 01116077 [Witness was informed by Rumlech cooperative chief, Um Soeum, that his older brother and parents, who were Khmer Krom, had been killed at Tuol Seh Nhov. "He told me my parents were accused of being Vietnamese. They were taken away and killed."]; **D6.1.140** Thach Sokh WRI, EN 00279243 ["I know that my relatives were killed because people living in the village told me. [...] They told me that the Khmer Rouge accused the Kampuchea Kraom people of being connected to the Yuon and killed them."]. *See further* **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK's Animus Towards the Vietnamese and Khmer Krom.

<sup>2446</sup> **D219/184** Ham Sinuon WRI, A82, 89-91, EN 01079324-26 [Shortly before the Vietnamese arrived in Bakan District at the end of the DK regime, Ham Sinuon read a typed document addressed to a unit chief which said: "We have to kill the Khmer Krom. We have to kill them because the Yuon are now coming to

Khmer Krom “Yuon spies”, and accused them of betraying the Party.<sup>2447</sup> They referred to them as having “Yuon’s head and Khmer’s body”,<sup>2448</sup> repeating phrases used in meetings by both Sarun and Yeay Rim.<sup>2449</sup> Sarun told Rim that “the Yuon spies infiltrated among us and stole our land”,<sup>2450</sup> and at a meeting in Khnar Totueng Cooperative, Rim announced that “Khmer Kampuchea has the connection with the Yuon, and allowed the Yuon to come to Cambodia.”<sup>2451</sup>

666. Thousands of Khmer Krom were forced to move to Khnar Totueng,<sup>2452</sup> including 100 families from one village.<sup>2453</sup> Over the course of mid- to late 1977 and 1978,<sup>2454</sup> Khmer Rouge officials, including district secretaries Rim and Pheng, and Sector Secretary Sarun, called meetings of cooperative chiefs and “battlefields committees” (militia chiefs) across Bakan District to issue the execution orders.<sup>2455</sup> These orders were then

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liberate them”]; **D118/122** Thek Bunroeun WRI, A45, EN 00975866 [Told by Yeay Rim’s messengers “When the Yuon arrive, [Khmer Krom and East Zone evacuees] will join the Yuon to attack us.”]. *See also* **D118/226** Nget Vut WRI, A90, EN 01055758 [“In my opinion, the Khmer Rouge thought that the Khmer Krom were affiliated with the Yuon, and they were worried that the Yuon would attack them.”].

- <sup>2447</sup> **D118/215** Chea Aun WRI, A28, 36, EN 00985627, 29 [Khmer Krom survivor: “I was accused of being a Yuon network [...] and that was the reason they wanted to kill me.”]; **D118/197** Yean Phan WRI, A66, EN 00985086 [“They accused the Khmer Krom of being Yuon secret agents, Yuon links.”]; **D219/664** Khiev Phan WRI, A116-118, 120, EN 01207571-72 [Describing a meeting at which a unit chief “stood up and said that the Khmer Krom, the Svay Rieng and Prey Veng people could not be allowed to live.” Angkar “alleged that those people were Yuon. That was why they killed them.” During the DK regime, the witness heard it said that “the Yuon could not live on Khmer land.”]; **D118/175** Voern Dara WRI, A99, EN 00981842 [“Generally speaking, they accused the Khmer Krom and the East Zone people of ‘betraying the Party.’”]; **D6.1.758** Chab Khuong WRI, EN 00387496-97 [“The Kampuchea Krom Khmers were the target of arrest because they were accused of being the ‘Yuon’ [Vietnamese]”]; **D118/257** Chhat Phan WRI, A40, 42, 44, EN 01031957; **D219/345** Noem Lorn WRI, A87, EN 01116106; **D118/191** Nget Chat WRI, A101, EN 00986723; **D118/214** Choeng Phy WRI, A38, EN 00985618; **D118/173** Van Chauk WRI, A42, EN 00981760; **D118/258** Ruos Him WRI, A58, EN 01000657; **D5/113** Tit Sophary CPA, EN 00426992 [“The Khmer Rouge killed the Khmer Krom people because they assumed that they were linked to the Vietnamese.”].

- <sup>2448</sup> *See, e.g.* **D118/278** Nam Im WRI, A93-94, 96, EN 01031793-94 [Group chief in Bakan District who attended meetings organised by the cooperative committee in 1978 in which he was told that “Khmer Krom people should not be kept because they had Khmer body with Vietnamese head.” He confirmed that the killing of the Khmer Krom were planned after the arrival of the Southwest group in Bakan.]; **D118/122** Thek Bunroeun WRI, A45, EN 00975866; **D219/664** Khiev Phan WRI, A63, EN 01207564; **D118/175** Voern Dara WRI, A99-101, EN 00981842; **D219/184** Ham Sinuon WRI, A82, EN 01079324.

- <sup>2449</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A31-32, EN 01365561.

- <sup>2450</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A86, EN 01364082.

- <sup>2451</sup> **D118/257** Chhat Phan WRI, A71, EN 01031960. *See also* A65-71, EN 01031959-60.

- <sup>2452</sup> **D118/177** Lorn Heng WRI, A39, EN 00981787; **D6.1.757** Pov Sinuon WRI, EN 00387501-02.

- <sup>2453</sup> **D118/189** Phan Saray WRI, A96, EN 00986700. *See also* **D219/639** Keo Meur WRI, A[86], EN 01198192.

- <sup>2454</sup> **D118/175** Voern Dara WRI, A24, EN 00981830 [“In mid-1977, the Khmer Rouge started to kill the Khmer Krom”]; **D219/57** Kong Run WRI, A146, EN 01040576 [“The Khmer Krom were killed at the end of 1978”]; **D219/664** Khiev Phan WRI, A37-38, EN 01207560; **D219/344** Sok Phe WRI, A67, 73, EN 01116092-93; **D6.1.758** Chab Khuong WRI, EN 00387496-97; **D118/199** Uong Sav WRI, A30, EN 00985108.

- <sup>2455</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A13-14, 16, 19, 42, EN 01365559-61 [Sarun convened meetings with cooperative officials setting out plans for elimination of enemies connected with the Vietnamese, and passed on orders for their execution to Yeay Rim which she disseminated through meetings with her subordinates.]; **D219/188** Phan Khorn WRI, A112, EN 01106440 [Battlefield

disseminated to their subordinates, the local militia, and chhlorps,<sup>2456</sup> who carried out the executions, including at Tuol Seh Nhauv and Prey Krabau.<sup>2457</sup>

667. The Khmer Rouge arranged the selection and movement of Khmer Krom from Khnar Totueng to Tuol Seh Nhauv and Prey Krabau. Several witnesses described meetings in Khnar Totueng, at which Khmer Rouge cadres, including Yeay Rim herself, lured the Khmer Krom away to the execution sites by telling them they were going to pick

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Committee in Sraong Cooperative: “After [Yeay Rim had rounded up the Khmer Krom], they sent some of the Khmer Kraom people to be killed by the Khnar Toteung Cooperative and others to be killed by the Sraong Cooperative.” A131, EN 01106442 [“I went to attend the meeting where Yeay Rim gave me the order to do these things. It was the order for every cooperative. Yeay Rim ordered me to be in charge for killing all of those Khmer Kroams. This was the order passing on from one person to another in the hierarchy.”]; **D240R** Video, *Enemies of the People, Additional Footage: Khuon Describes the Plan*, 2010, 1:00-3:58 [Phan Khorn states that he went to a meeting at the district office where Ta Peng (Pheng) “told us there were orders from above to wipe out the Khmer Krom communities” and they were given one week to kill all of the Khmer Krom.]; **D118/1** Uk Soeum WRI, A19-22, 24-26, EN 00876120-21 [Former Rumlech Cooperative Chief describing a meeting he attended at the Koh Run district office in Sraong commune in 1978 with around 20-30 cooperative chiefs in Bakan district. Yeay Rim had returned from a meeting with Sector Secretary Sarun, and “spoke about the plan to execute the Khmer Krom.”]; **D118/217** Mey Sam WRI, A43, EN 00985659; **D6.1.757** Pov Sinuon WRI, EN 00387502 [“As for the order to kill [the Khmer Krom], I knew that this order came from the upper Angkar and from yeay (grandmother) Rim.”]. See also **D118/193** Vorn Moch WRI, A62, EN 00986200.

<sup>2456</sup> **D219/187** Phan Khorn WRI, A24-25, 28, EN 01104746-47 [“The cooperatives organized their own Chhlorp units. [...] each had its own Chhlorp unit separately. [...] [The person in charge of the Chhlorp unit] reported to the cooperative chief.”]; **D219/188** Phan Khorn WRI, A125, EN 01106442 [The order to the chhlorps came from the cooperative committee.]; **D219/344** Sok Phe WRI, A49, EN 01116091; **D118/122** Thek Bunroeun WRI, A34, EN 00975864; **D219/664** Khiev Phan WRI, A129, EN 01207573. See also **D219/184** Ham Sinuon WRI, A82, 90-91, EN 01079324-26 confirming **D219/793.1** Transcript of *Enemies of the People*, EN 01322983-84.

<sup>2457</sup> The evidence demonstrates that the victims taken to Tuol Seh Nhauv (located in Khnar Totueng Cooperative) were generally executed by the Khnar Totueng Cooperative militia, while those at Prey Krabau (located in Sraong Cooperative) were executed by the Sraong Cooperative militia. See **D219/188** Phan Khorn WRI, A112, EN 01106440 [“they sent some of the Khmer Kraom people to be killed by the Khnar Toteung Cooperative and others to be killed by the Sraong Cooperative.”]; **D219/664** Khiev Phan WRI, A50, EN 01207562 [“the people were divided into two groups. One group was sent to Tuol Seh Nhauv; another was sent to be executed at Prey Krabau.”]. With respect to the perpetrators at each site, see, e.g. *Tuol Seh Nhauv*: **D219/664** Khiev Phan WRI, A52, 59, EN 01207562-63; **D118/191** Nget Chat WRI, A76, 78, 81, EN 00986719-20; **D118/226** Nget Vut WRI, A60-61, EN 01055752-53; **D118/197** Yean Phan WRI, A39-40, 54, EN 00985085; **D118/147.1.43** KRT Research Project Report, Account of Chen Sokhom, EN 00527090-91; *Prey Krabau*: **D219/188** Phan Khorn WRI, A116-118, EN 01106441; **D219/187** Phan Khorn WRI, A60, EN 01104750; **D118/238** Kol Set WRI, A93, EN 01040479.

potatoes, yam, or corn,<sup>2458</sup> or were changing place/battlefield.<sup>2459</sup>

*The Plan to Kill the East Zone Evacuees in Bakan District*

668. The focus of the JCE members' enemies policy turned next to the East Zone evacuees living in the Northwest Zone.<sup>2460</sup> Between late 1977 and early 1979, Southwest Zone troops forcibly transferred people from the East Zone provinces to Pursat Province,<sup>2461</sup> including entire families, women, children, and the elderly.<sup>2462</sup> The Khmer Rouge authorities imposed the wearing of blue scarves on the East Zone evacuees, making it easy for cadres to identify their origin.<sup>2463</sup>

<sup>2458</sup> **D118/188** Tit Sophary WRI, A58, 60, EN 00986678 ["[Yeay Rim] said these forces were to go harvest corn and yam for instance. [...] They were sent for execution at Prey Krabau."]; **D118/254** Nget Loy WRI, A23-24, 29, EN 01025231-32 [The Khmer Rouge arrested the Khmer Krom and took them to be killed at Tuol Seh Nhauv and Prey Krabau by lying to them that they were going to cut corn.]; **D118/122** Thek Bunroeun WRI, A48, EN 00975866-67; **D118/173** Van Chauk WRI, A70, EN 00981764; **D118/147.1.43** KRT Research Project Report, Account of Chay Kim, EN 00527090, Account of Chen Sokhom, EN 00527090-91; **D347.3** DC-Cam Report, *Rumlech Subdistrict: Khmer Krom under Khmer Rouge*, Account of Van Muth, EN 01413632 ["The roundups of Khmer Krom to send them to the killing field at Tuol Seh Nhauv under the guise of sending them to 'dig potatoes at Prey Thom' went on continuously for three consecutive days. On the third day, Van Muth heard the sounds of gun shots from Tuol Seh Nhauv."]; **D118/191** Nget Chat WRI, A71, 73-75, EN 00986718; **D118/215** Chea Aun WRI, A28, EN 00985627-28; **D118/177** Lorn Heng WRI, A53, 55, 57, EN 00981789-90; **D118/192** Ven Van WRI, A65, EN 00986185; **D118/256** Seng Eng WRI, A79, EN 01025253.

<sup>2459</sup> **D219/664** Khiev Phan WRI, A40, EN 01207561 [Referring to Khmer Krom killed at Tuol Seh Nhauv and Prey Krabau: "Group 1 was informed by Angkar that they were to be transferred to another place. Actually, they were taken to be killed."]; **D118/257** Chhat Phan WRI, A45-46, EN 01031958 ["The Khmer Rouge told them that they were being moved to another place. In fact, they took those women to kill. [...] Those women were taken to be killed at different places; some of them were killed at a site called Tuol Seh Nhov"]; **D118/226** Nget Vut WRI, A60-61, 77, EN 01055752-53, 55; **D219/676** Hok Sarin WRI, A68, EN 01213365; **D118/175** Voern Dara WRI, A55, EN 00981835; **D118/127** Pov Sinuon WRI, A32, 43, EN 00979973, 75; **D118/193** Vorn Moch WRI, A14, EN 00986194.

<sup>2460</sup> See, e.g. **D118/122** Thek Bunroeun WRI, A45-46, EN 00975866 [Told by Yeay Rim's messengers 'they will kill all the Khmer Kroms first, and next they will kill Khmers from Svay Rieng and Prey Veng provinces']; **D219/345** Noem Lorn WRI, A60, EN 01116104 ["First, they took the Khmer Krom to be killed, and subsequently they took the Svay Rieng people to be killed."]; **D219/664** Khiev Phan WRI, A69, EN 01207565 ["After the Khmer Krom people were all taken to be killed, the Prey Veng and Svay Rieng people were moved to Khnar Totueng. At that time, they started to set aside the Svay Rieng and Prey Veng people."], A123, EN 01207572 ["When the Svay Rieng and Prey Veng people arrived at the village, almost all the Khmer Krom people had already been killed."]; **D118/256** Seng Eng WRI, A67, EN 01025250; **D118/175** Voern Dara WRI, A94, EN 00981841; **D118/257** Chhat Phan WRI, A119, EN 01031965.

<sup>2461</sup> See, e.g. **D219/223** Nuon Rin WRI, A77, 93, EN 01088600, 02 ["In 1978, many East Zone people were transported by trucks to Bakan District. They were everywhere. [...] In late 1977, the East Zone people also came there. They kept coming in until the middle of 1978."]; **D219/702.1.4** Lim Sat, T. 2 May 2013, 11.10.10-11.12.20, 13.46.53-13.48.58; **D219/282** Hel Uon WRI, A17, 63, EN 01098543, 47; **D134/4** Lim Sat WRI, A3-4, 11, EN 00974292-93; **D6.1.145** Ung Chhat WRI, EN 00284423; **D134/1** Ung Chhat WRI, A39-40, EN 00974268; **D219/182** Uon Heav WRI, A71, EN 01079790; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D118/124** Koem So WRI, A65-66, EN 00975893; **D134/5** Huot Moeng WRI, A6, 10, 28-29, EN 00974301-04; **D219/526** Tep Hoeun WRI, A48, 92, 99, EN 01168048-49, 54-55; **D6.1.129** Men Phuon WRI, EN 00250767; **D118/278** Nam Im WRI, A199-200, 286, EN 01031808, 21; **D6.1.143** Chak Muli WRI, EN 00288202; **D65.1.56** Khoem Samon WRI, EN 00327161; **D118/217** Mey Sam WRI, A18, 21, 31, EN 00985655-57.

<sup>2462</sup> **D6.1.417** Duong Uon WRI, EN 00268630; **D134/3** Sat Chhang WRI, A46, EN 00974286.

<sup>2463</sup> See, e.g. **D219/664** Khiev Phan WRI, A77-78, EN 01207566 ["They wore the same black costumes, but

669. The Khmer Rouge described the East Zone evacuees, like the Khmer Krom, as having a “Vietnamese head and a Khmer body.”<sup>2464</sup> The CPK perception was that they too had either collaborated with, were spying for or, at the very least, were sympathetic to the Vietnamese, and had thus betrayed the Party.<sup>2465</sup> Fear of rebellion from the East Zone evacuees if the Vietnamese invaded was also at the forefront of Khmer Rouge concerns.<sup>2466</sup>
670. At the end of 1978, many of these East Zone evacuees were transferred to Bakan District for execution.<sup>2467</sup> Office 870 issued orders for these executions.<sup>2468</sup> The orders were meticulously passed down by Ta Mok to the lower-echelon cadres in the district.<sup>2469</sup> Sector Secretary Sarun and Bakan District Secretary Rim ensured the implementation of these plans, issuing orders for the killings of East Zone evacuees,<sup>2470</sup> which were carried

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with blue scarves [around their necks], so it was easy to recognize the new evacuees. [...] According to my opinion, the Khmer Rouge wanted to take those people to be killed, and in this way they could easily recognize them by their blue scarves.”]; **D118/127** Pov Sinuon WRI, A51, EN 00979976; **D118/213** Yoem Khon WRI, A102, EN 00986242; **D118/177** Lorn Heng WRI, A82-83, EN 00981793; **D219/223** Nuon Rin WRI, A91, EN 01088601; **D134/5** Huot Moeng WRI, A30, EN 00974304; **D118/124** Koem So WRI, A65-66, EN 00975893.

<sup>2464</sup> **D219/340** Ke Y WRI, A43, EN 01117702-03; **D118/122** Thek Bunroeun WRI, A45, EN 00975866; **D219/553** Ky Pengly WRI, A73, EN 01178599; **D219/265** Khoem Sarun WRI, A64, EN 01098462.

<sup>2465</sup> *See, e.g.* **D219/225** Heng Sieng WRI, A87, EN 01112241 [“The militiamen who joined the meeting and learned this information told me that they had to kill the people from Svay Rieng because the Svay Rieng people were the CIA spies.”]; **D5/197** Mey Savoeun CPA, EN 01313274 [East Zone survivor: “Then there were four soldiers came to arrest me. They accused me of being a Vietnamese enemy from the east zone.”]; **D118/194** Ruos Narin WRI, A82-83, EN 00986739 [“I heard that Svay Rieng [people were] internal enemies. [...] I heard that those Svay Rieng people had fled into Vietnam, so the Khmer Rouge captured and evacuated them to my site on charges of being underground enemies.”]; **D118/175** Voern Dara WRI, A99, EN 00981842 [“Generally speaking, they [Khmer Rouge cadres] accused [...] the East Zone people of ‘betraying the Party.’”]; **D219/8** Yang Sokhom WRI, A147, EN 01047788 [“they [Khmer Rouge cadres] said, ‘The Svay Rieng and Prey Veng people are traitors.’”].

<sup>2466</sup> **D6.1.991** Uk Soeum WRI, A7, EN 00491350 [“Ta Mok mentioned the evacuation of people from the Eastern Zone about the reason of this evacuation. Since the Vietnamese armed forces invaded Cambodia, the situation along the Cambodian Vietnamese border became much tensed. Moreover, SAO Phim the zone chairman betrayed.”]; **D118/122** Thek Bunroeun WRI, A45, EN 00975866.

<sup>2467</sup> *See, e.g.* **D118/216** Hang Nget WRI, A75-76, EN 00985647 [“in Rumlech Commune [...] At the end of 1978 when I was evacuated here, there were full-scale killings of the Svay Rieng people.”]; **D219/188** Phan Khorn WRI, A133-134, EN 01106443 [“First, when the evacuees from the East Zone arrived here, they were divided up and sent stay in different cooperatives. [...] They evacuated the East Zone people to this Sector around October in late 1978. About half a month after the arrival of the East Zone people, they started to kill them.”]; **D118/188** Tit Sophary WRI, A72, EN 00986680.

<sup>2468</sup> **D118/278** Nam Im WRI, A184-186, EN 01031806.

<sup>2469</sup> **D118/278** Nam Im WRI, A171, 186, 194, EN 01031804, 06, 07 [Group chief in Bakan District (*see* A94): “Ta Mok [...] called Ta 15 [...] held a meeting to disseminate that plan to lower echelon cadres. The unit chief who attended that meeting to receive the plan told me about this. [...] Committee 870 had a meeting with the sector level and the sector level held a dissemination meeting with the district level. After that the district level disseminated to the cooperative level. Finally, the cooperative committee called me to attend a meeting.”]. *See also* **D6.1.991** Uk Soeum WRI, A5, EN 00491350.

<sup>2470</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A9-11, 13-14, EN 01365558-59 [Yeay Rim confirmed that as the Vietnamese attacked the border of DK, Mok and Sarun met. Immediately thereafter, people from Svay Rieng and Prey Veng were executed on her orders. Sarun also held meetings to inform the cooperatives.]; **D219/188** Phan Khorn WRI, A133-134, EN 01106443 [“There was an order telling us that



out at sites across Bakan, including Tuol Seh Nhauv and Prey Krabau.

*Killings at Tuol Seh Nhauv and Prey Krabau*

671. It was well known throughout Bakan District that Khmer Krom were executed in the thousands at a number of sites there, including most notoriously, Tuol Seh Nhauv and Prey Krabau.<sup>2471</sup> Many witnesses talked about the killings taking place in three stages,<sup>2472</sup> with hundreds of Khmer Krom killed on every occasion.<sup>2473</sup> Whilst witness recollections differ on the precise timing, execution site, and victim groups in each of these waves, it is clear that the killings took place in stages over the course of mid- to late 1977 and 1978,<sup>2474</sup> and that the Khmer Rouge targeted the strongest Khmer Krom first before moving onto the weaker victims, such as the elderly.<sup>2475</sup> Some victims could not even

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these East Zone people were in the Yuon's string like the Khmer Krom. The order to kill them came from the Sector to the district and then down to the cooperative and to the battlefield committee and the Chhlorp. After that, the killing of the East Zone people was done in each cooperative.”], A136-138, EN 01106443-44 [Battlefield Committee in Sraong Cooperative confirming that he was “in charge for the killing of the East Zone people,” and that, in late 1978, Yeay Rim “gave the order to kill the East Zone people” at a meeting with cooperative chairpersons and battlefield committees]; **D219/225** Heng Sieng WRI, A86-89, 95, EN 01112241 [Militia member in Sraong Cooperative told about the plan to kill evacuees from the East Zone by militiamen who had attended a meeting at the district office in Rumlech. They were told that “they had to kill the people from Svay Rieng because they Svay Rieng people were the CIA spies.”]; **D219/587** Sok Pan WRI, A111-114, EN 01178738 [The witness worked for Yeay Rim as a cook for one year. She overheard Yeay Rim talking about the evacuees from the East Zone. Yeay Rim issued an order to “[g]ather them and put them into the corral”].

<sup>2471</sup> See, e.g. **D118/256** Seng Eng WRI, A66-67, EN 01025250 [“I knew that many Khmer Krom people were taken for execution at Prey Krabau and Tuol Seh Nhov. Thousands were killed; not just 400 Khmer Krom people. [...] There were thousands of Khmer Krom people. [...] I did not count their number, but there were several thousands of them, possibly ten thousands of them.”]; **D6.1.758** Chab Khuong WRI, EN 00387496 [“In 1978, many Khmer Kampuchea Krom were also killed in two different locations that is at Tuol Seh Nhov and at Prey Kabav”]; **D118/217** Mey Sam WRI, A58, EN 00985662 [“They killed [the Khmer Krom] at many sites, such as Khnar Totueng, Seh Nhov”]; **D118/202** Prak Sarin WRI, A88, EN 00986222; **D219/611** Lam Savuon WRI, A112-113, EN 01185841-42; **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197582.

<sup>2472</sup> See, e.g. **D118/173** Van Chauk WRI, A71, EN 00981764 [“The killings of Khmer Krom were done in three stages, Stage 1, Stage 2, and Stage 3.”]; **D118/188** Tit Sophary WRI, A48, EN 00986677 [“The killings were done in three phases.”]; **D118/122** Thek Bunroeun WRI, A38, 48, EN 00975865-67; **D118/226** Nget Vut WRI, A77-79, 84, EN 01055755-56; **D118/191** Nget Chat WRI, A66, EN 00986717.

<sup>2473</sup> See, e.g. **D118/173** Van Chauk WRI, A71-72, EN 00981764-65 [Referring to the three phases: “In each killing, hundreds of Khmer Krom were killed.”]; **D118/226** Nget Vut WRI, A61-62, EN 01055753 [“same evening the Khmer Rouge sent the Khmer Krom to be killed at Tuol Seh Nhov. [...] More than 200 people were killed.”].

<sup>2474</sup> See, e.g. **D118/173** Van Chauk WRI, A71-72, EN 00981764-65 [The three stages of killing all took place in late 1977.]; **D118/122** Thek Bunroeun WRI, A38, EN 00975865 [“In late 1978, they [Khmer Rouge] took Khmer Krom to be killed.”]; **D118/223** Koem Huoy WRI, A35, EN 01057644.

<sup>2475</sup> See, e.g. **D118/122** Thek Bunroeun WRI, A38, EN 00975865 [“In the 1<sup>st</sup> phase, they killed only the strong adult Khmer Kroms. After that, they took the weaker persons to be killed. Finally, they screened the regular Khmers whose spouses were Khmer Kroms.”]; **D5/113** Tit Sophary CPA, EN 00426992 [“In 1977, the Khmer Rouge arrived in Khnar Tot Toeung commune and started to screen people according to their strength (first men, then the women and finally old people, sick people and people married to a Khmer Krom person). These people were sent to Prey Kabao village.”]; **D5/114** Suong Toeun CPA, EN 00426887 [“There were three steps taken by the Khmer Rouge to kill the Khmer Krom. First, all the strong men were to be killed. Second, all the women were to be killed. Third, all the old men, children and sickly people

walk.<sup>2476</sup> One militiaman from Sraong Cooperative explained that the Khmer Rouge approached the killings in this way because they feared rebellion from the Khmer Krom and wanted to ensure that the strongest had been eliminated first.<sup>2477</sup>

672. Villagers in Khnar Totueng Cooperative witnessed groups of Khmer Krom being taken away, and their clothes and belongings returned, meaning that they had been killed.<sup>2478</sup> In early 1978, Khiev Phan witnessed around 30 to 40 Khmer Krom families, split into smaller groups of around 60 people, being taken for execution over a period of around “half a month”. He was told by Mei, a “battlefield committee” from Khnar Totueng Cooperative,<sup>2479</sup> that they were split into two groups: one destined for Tuol Seh Nhauv (which he estimated to be around 100 people), and the other for Prey Krabau.<sup>2480</sup> The final resting place of some of those executed is unclear, as the Khmer Rouge never provided information on the victims’ fate. Surviving family members could only wonder why and to where their relatives had disappeared.<sup>2481</sup>

673. After the killings at Tuol Seh Nhauv and Prey Krabau, the Khmer Rouge held a meeting at which they announced that they had killed 3,000 Vietnamese enemies.<sup>2482</sup>

#### *Tuol Seh Nhauv*

674. Tuol Seh Nhauv was an infamous execution site in Bakan,<sup>2483</sup> where the Khmer Rouge

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were killed as well.”]; **D118/188** Tit Sophary WRI, A48, EN 00986677; **D219/221** Heng Sieng WRI, A25, 64-65, 75, EN 01104758, 64-65.

<sup>2476</sup> **D118/226** Nget Vut WRI, A77, 84, EN 01055755-56.

<sup>2477</sup> **D219/221** Heng Sieng WRI, A25, 64-65, 75, EN 01104758, 64-65.

<sup>2478</sup> See, e.g. **D118/192** Ven Van WRI, A65-68, EN 00986184-85 [Stating that one morning, in September or October 1978, around 200 to 300 Khmer Krom families from Kamprak Koun Village were told to go harvest corn and cut forests. Around 4 p.m. the same day, he saw the Khmer Rouge bringing back cartloads of clothes and belongings of these people, meaning that they had been taken to be killed.].

<sup>2479</sup> **D118/226** Nget Vut WRI, A60, EN 01055752.

<sup>2480</sup> **D219/664** Khiev Phan WRI, A35-59, EN 01207560-63. [Note: his estimate is based on there being around five to six people per family (see A57)].

<sup>2481</sup> See, e.g. **D118/193** Vorn Moch WRI, A14, 59-60, EN 00986194, 199-200 [“A14: At that time, I just heard that the Khmer Rouge had changed my wife’s battlefield (worksite) to Prey Thom and only after the Khmer Rouge regime did I learn that my wife and children were taken to be killed at Prey Krabau. (OCP translation) [...] A59: I do not know where they were killed, but I never saw them return. Q: How did you know that your wife and children were taken away to be killed at Prey Krabau? A60: Hearsay.”]; **D118/223** Koem Huoy WRI, A35, EN 01057644.

<sup>2482</sup> **D118/254** Nget Loy WRI, A29-34, EN 01025232-33. Many of those at the meeting were, like Nget Loy, spouses of Khmer Krom victims (see A34).

<sup>2483</sup> See, e.g. **D118/177** Lorn Heng WRI, A61-65, 67, EN 00981790-91 [In late 1977, Lorn Heng warned a man not to go to Tuol Seh Nhauv with other Khmer Kroms because he had heard from people who walked in the area that it was a killing site]; **D118/213** Yoem Khon WRI, A106, EN 00986242 [“I learned about the killings in 1978. There were killings of Khmer Krom at Snam Preah, and the Khmer Krom who lived there were taken to be killed at Tuol Seh Nhov.”]; **D118/189** Phan Saray WRI, A95, EN 00986700 [“I heard that the killings of the Khmer Krom people took place at Tuol Seh Nhov”]; **D118/241** Thach Sok WRI, A44-45, EN 01040495-96 [Thach Sok returned to Rumlech and Bak Meaek villages in 1979. “I asked the

forced children and Khmer Krom to dig the grave pits.<sup>2484</sup> Khiev Phan and Chab Khuong, who travelled around Bakan during the DK regime, recalled seeing bodies there.<sup>2485</sup> Nget Vut was sent to tend cattle near Tuol Seh Nhauv during the DK period and described seeing pits, including “four new big graves,” filled with partially buried naked bodies. Large clubs had been left at the gravesides.<sup>2486</sup> Others heard reports of bodies there from those who had walked by the area.<sup>2487</sup>

675. Eyewitnesses described seeing Khmer Krom being led away to Tuol Seh Nhauv from the villages in Khnar Totueng, including Bak Meaek (now Seh Nhauv) and Kamprak Koun,<sup>2488</sup> and Khmer Rouge cadres returning with the victims’ clothes the same day for redistribution.<sup>2489</sup> In August or September 1978, from a vantage point up a tree around

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villagers who lived nearby, and they said that during the Khmer Rouge regime, the Khmer Kampuchea Krom living in Rumlech Village were killed at Tuol Seh Nhov.”]; **D219/639** Keo Meur WRI, A110-111, EN 01198196; **D118/127** Pov Sinuon WRI, A52-54, EN 00979976.

- 2484 **D118/255** Sen Sinath WRI, A37, EN 01008095 [“Once they had Bang Mao dig pits at Tuol Seh Nhov, and my mother shouted and called my brother for help. Then my brother ran away.”]; **D118/127** Pov Sinuon WRI, A43-45, EN 00979974-75; **D118/191** Nget Chat WRI, A66, 70, EN 00986717 [“A66: [...] they had the Khmer Krom and me dig pits at Tuol Seh Nhov [...] Q: How many persons were there digging the pits? A70: Hundreds, all Khmer Krom.”]; **D118/147.1.43** KRT Research Project Report, Account of Chen Sokhom, EN 00527091 [“[Khmer Krom] were taken to be killed at Ses Nhov in Bak Mek village [...] Mr. Thiem [...] ordered him and a few children in the child unit to dig the graves”]; **D118/147.1.43** KRT Research Project Report, EN 00527127 [“At Toul Sa Nhov [...] All four graves were dug by Child Units.”].
- 2485 **D219/664** Khiev Phan WRI, A47-48, 103-105, EN 01207562, 69-70; **D6.1.758** Chab Khuong WRI, EN 00387496.

- 2486 **D118/226** Nget Vut WRI, A63, 65, 70, 73, EN 01055753-54.

- 2487 **D118/254** Nget Loy WRI, A40, EN 01025234 [“I secretly asked a person who went [to Tuol Seh Nhov] and returned. He said that he saw dead bodies there.”].

- 2488 **D118/173** Van Chauk WRI, A10, 25, 41, 52, 65, 70, 74-77, 80-81, 84, 96-98, EN 00981757, 59, 60, 62-66, 68 [Van Chauk, a Khmer married to a Khmer Krom wife, recalled that one day, after the Khmer Rouge had moved him to Bak Meaek Village in Khnar Totueng Cooperative, the Cooperative Committee gathered all Khmer Krom and their spouses on the pretext of going to harvest corn in Prey Thum. “All Khmer Krom in [the] entire village were assembled” before being taken to Tuol Seh Nhauv for execution. His wife, children and mother-in-law were among the victims. He survived because a company chairman in the Cooperative had attended a meeting in which he had been told that all the people gathered were being taken for execution at Tuol Seh Nhauv and warned him not to accompany his wife. The Khmer Rouge then forced him to marry to a woman whose spouse had also been killed at Tuol Seh Nhauv.]; **D118/257** Chhat Phan WRI, A42-53, EN 01031957-58 [Chhat Phan “saw the Khmer Rouge arresting and tying up Khmer Krom and marching them away to be killed”. The witness recalled chhlorps arresting groups of 10-20 Khmer Krom women at a time from her mobile unit in Kamprak Koun, Khnar Totueng Commune, to be taken for execution at sites including Tuol Seh Nhauv.]; **D118/226** Nget Vut WRI, A60-62, EN 01055752-53; **D118/216** Hang Nget WRI, A61-67, EN 00985645-46; **D5/114** Suong Toeur CPA, EN 00426887 [“July 1978: I saw the Khmer Rouge take around 2,000 Khmer Krom from Khnar Tor Toeung to Ses Nhov (Bak meaek village in Khnar Tor Toeung commune) by horse cart.”].

- 2489 **D118/175** Voern Dara WRI, A55-58, EN 00981835-36 [Three days after Voern Dara and his extended Khmer Krom family arrived in Kamprak Koun, his uncles and aunts – totalling 42 people (six families) – were told by the Khmer Rouge that they had to work at another place. He has never seen them since. Two or three hours after their departure, he saw an ox cart returning with their clothes so he knew that they had been killed. He later learned that the Khmer Krom had been killed at Tuol Seh Nhauv.]; **D118/226** Nget Vut WRI, A65, EN 01055753 [“All the clothes were distributed to the people, and I got a pair of shorts.”]; **D118/191** Nget Chat WRI, A20-22, 75-76, EN 00986710, 18-19 [Nget Chat’s older sister, Phen was killed at Tuol Seh Nhauv with her Khmer Krom husband. She recalled, “[t]hen the person who had taken and

300 metres away, east of Tuol Seh Nhauv, Ven Van witnessed around 20 Khmer Krom being marched in two queues. When he returned to the kitchen that night, he was told that those people had been taken to be killed.<sup>2490</sup> In 1978, Pov Sinuon saw people being taken to Tuol Seh Nhauv, and heard shots and the screams of adults and children.<sup>2491</sup> Vorn Moch and Tit Sophary, who worked and lived near Tuol Seh Nhauv, also gave detailed accounts of hearing gunshots and screaming coming from the site as Khmer Krom, including the elderly and children, were massacred by Khmer Rouge militia.<sup>2492</sup>

676. After the killings, Nget Vut overheard executioners from Tuol Seh Nhauv in the Bak Meaek communal kitchen, discussing stabbing and clubbing the victims to death. They teased each other about raping women before the murders.<sup>2493</sup> Nget Chat saw militia sharpening their knives at her house the same day as her husband had been taken away to Tuol Seh Nhauv for execution.<sup>2494</sup>
677. Many witnesses and civil parties described Khmer Krom family members being killed at Tuol Seh Nhauv.<sup>2495</sup> Victims also included Khmers married to Khmer Krom, as well as

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killed Phen brought clothes and a watch to show me and asked, ‘Comrade Chat, do you recognise these clothes?’ I said that ‘I recognise them. They belong to Phen.’ [Then] he asked, ‘Do you recognise this watch?’ I said, ‘It belongs to Phen.’”].

<sup>2490</sup> **D118/192** Ven Van WRI, A69-75, EN 00986185-86 *confirming* **D5/111** Ven Van CPA, EN 00426924.

<sup>2491</sup> **D118/127** Pov Sinuon WRI, A55-56, EN 00976676.

<sup>2492</sup> **D118/193** Vorn Moch WRI, A65-68, 71, EN 00986200-01; **D118/188** Tit Sophary WRI, A48-50, EN 00986677. *See also* **D347.3** DC-Cam Report, *Rumlech Subdistrict: Khmer Krom under Khmer Rouge*, Account of Van Muth, EN 01413632 [“The roundups of Khmer Krom to send them to the killing field at Tuol Seh Nhauv under the guise of sending them to ‘dig potatoes at Prey Thom’ went on continuously for three consecutive days. On the third day, Van Muth heard the sounds of gun shots from Tuol Seh Nhauv.”]; **D5/114** Suong Toeur CPA, EN 004268878 [“My sister Ms. Soeung Nhey saw the Khmer Rouge kill the Khmer Krom. She saw the Khmer Rouge tie their hands to their backs and beat the victims’ heads before putting them into the mass graves in Ses Nhov village”].

<sup>2493</sup> **D118/226** Nget Vut WRI, A67-68, 72, 74, EN 01055754-55.

<sup>2494</sup> **D118/191** Nget Chat WRI, A77-78, 80-81, EN 00986719-20. *See further* **D219/888.1.8** Nget Chat, T. 24 Oct 2016.

<sup>2495</sup> *See, e.g.* **D219/184** Ham Sinuon WRI, A14-16, 26-27, EN 01079314-16 [The witness’s father was Khmer Krom. She described the killing of her father in 1977, and then a few months later, her sister, brother-in-law and their child, all at Tuol Seh Nhauv.]; **D219/342** Soeurn Thoeun WRI, A91, 93, 96, EN 01116077 [Soeurn Thoeun was informed by Rumlech cooperative chief, Um Soeum, that his older brother and parents, who were Khmer Krom, had been killed at Tuol Seh Nhov. “He told me my parents were accused of being Vietnamese. They were taken away and killed.”]; **D118/214** Choeng Phy WRI, A35-37, EN 00985617-18 [Choeng Phy was told by Meas Chanthan, her relative and Rumlech Commune Chief after 1979, that her parents, six siblings, two uncles and their whole families (totalling at least 30 people) had been taken for execution at Tuol Seh Nhauv.]; **D118/254** Nget Loy WRI, A35, 39-41, EN 01025233-34 [Nget Loy recounted cadres taking her husband away to be killed at Tuol Seh Nhauv “long before the arrival of the Vietnamese”. She was later told by someone who had visited Tuol Seh Nhauv that there were dead bodies there.]; **D118/191** Nget Chat WRI, A20-22, 75-81, EN 00986710-11, 18-20; **D219/342** Soeurn Thoeun WRI, A96, EN 01116077. *See also* **D118/147.1.43** KRT Research Project Report, Account of Ley Hoeun, EN 00527078-79 [“15 members of his family were killed [...] including his parents and siblings, who were accused of being Vietnamese and therefore enemies. They were killed at Prey Krabao and Ses Nhov at the end of 1978.”].

children who had chosen to follow their Khmer Krom parents.<sup>2496</sup>

678. The Khmer Rouge also used Tuol Seh Nhauv for the execution of East Zone evacuees.<sup>2497</sup>

Yean Phan described being mistaken for a Svay Rieng person (because he was wearing a blue scarf) and taken to Tuol Seh Nhauv for execution with 20 other East Zone evacuees. He survived when the mistake was uncovered, but witnessed the killings of all the others.<sup>2498</sup>

679. Piles of swollen corpses were found at Tuol Seh Nhauv shortly after the liberation in January 1979.<sup>2499</sup> Locals who visited the area over the early years after the fall of the DK regime reported seeing many graves of different sizes full of bodies.<sup>2500</sup> The skulls were

<sup>2496</sup> **D118/255** Sen Sinath WRI, A8, 21-22, 34-38, EN 01008092-96 [Sen Sinath's father was Khmer Krom; her mother was Khmer. She was told by her brother that after her father and elder siblings had been taken away to be killed, her mother was executed at Tuol Seh Nhauv. The Khmer Rouge had forced her brother to dig pits at Tuol Seh Nhauv and he had seen his mother there calling him for help.]; **D118/226** Nget Vut WRI, A93-95, EN 01055758-59. Children of mixed Khmer-Khmer Krom parentage were often given the choice whether to follow their Khmer or Khmer Krom parent. Those who chose the Khmer Krom parent were considered Khmer Krom and executed. *See, e.g.* **D118/188** Tit Sophary WRI, A59, EN 00986678; **D118/122** Thek Bunroeun WRI, A38, EN 00975865.

<sup>2497</sup> **D6.1.140** Thach Sok WRI, EN 00279245-46 [After Thach Sok returned to Bak Mek Village in 1979, he was told by villagers that the Khmer Rouge had brought East Zone evacuees and put them in a corral near Tuol Seh Nhauv and killed them.]; **D118/147.1.43** KRT Research Project Report, Account of So Noeun, EN 00527071 ["During the Khmer Rouge Regime Mr. So Noeun was also living in Phum Bak Mek, a village in Pursat Province. [...] Mr. So Noeun recalled that on one early morning the Khmer Rouge forced around 8,000 people (who were tied) to march off from Romlech to a mass-grave at Tuol Ses Nhev. A Khmer Rouge chief of collective (Sahakor) came to Khnar Ta Teng to conduct the execution of the victims. Most of the victims were transferred from the eastern zones of the country 'Svay Rieng & Prey Veng Provinces'"].

<sup>2498</sup> **D118/197** Yean Phan WRI, A25-39, EN 00985081-83; **D118/191** Nget Chat WRI, A99-100, EN 00986722 [Nget Chat is now Yean Phan's husband (see **D118/191**, EN 00986707) and reported the same incident.].

<sup>2499</sup> **D118/241** Thach Sok WRI, A10, 44-45, 48-49, 52-54, EN 01040489, 95-97 [Thach Sok returned to Bak Meack (Seh Nhauv) village after the liberation in 1979. At that time, he visited Tuol Seh Nhov, where he "saw piles of swollen corpses", including "men, women, children and old people" and four to ten graves measuring 10 square metres. There was also a rotten odour. Some corpses were dressed in "black civilian clothes" and he noticed that some bore scars suggesting that they had been beaten.].

<sup>2500</sup> **D6.1.140** Thach Sokh WRI, EN 00279242 ["I saw thousands of bodies in pits. [...] There were approximately seven or eight pits. [...] There were large pits and small pits. The large pits were about 4-5 metres wide and about 10 meters long. There were about six small pits, squares about 4-5 meters on each side. [...] I saw bodies piled on top of one another and filling the pits."]; **D118/175** Voern Dara WRI, A59-66, EN 00981836-37 [Voern Dara saw five graves at Tuol Seh Nhauv, with the following dimensions: (i) 4x30m<sup>2</sup>; (ii) 3x40m<sup>2</sup>; (iii) 4x4m<sup>2</sup>; (iv) 8x8m<sup>2</sup>; and (v) 2x2m<sup>2</sup>. He estimated that they were two to three metres deep. The graves were "full of dead bodies, and there were many other dead bodies and bones scattered everywhere."]; **D118/147.1.43** KRT Research Project Report, EN 00527127 [The site visit, guided by Ream Sanh, identified four graves at Tuol Seh Nhauv. The report contains photographs of the four pits, together with a record of their dimensions. Two measured "length 20m and width 5", one had "length 10m and width 7" and the last measured "length 10m and width 10". The graves had been "full of victims' dead bodies, unburied and undressed."]; **D118/12** Tuol Seh Nhauv Pits Site Identification Report, EN 00882691 [Describing three sites identified by In Ngien, who had attended the pit in 1980: (i) a pit measuring 6x6x1m<sup>3</sup>, which had contained 30 to 40 bodies, male and female; (ii) a grave measuring 1x3m<sup>2</sup>, which had contained about 20 bodies, also male and female, buried less than a metre deep; and (iii) a site containing approximately 50 bodies but which the source could no longer locate.]. *See also* **D118/193** Vorn Moch WRI, A69-70, EN 00986201 [Explaining that he visited Tuol Seh Nhauv where he saw shallow mass graves filled with water.]. *See further* **D118/191** Nget Chat WRI, A66, 70, EN 00986717. [Explaining

observed to have cracks to the rear, and some bodies had their arms tied behind their backs.<sup>2501</sup> In the years after 1979, thousands of bodies were exhumed from Tuol Seh Nhauv and placed in Rumlech (Chanreangsei) pagoda as part of a project managed by Meas Chanthan, then Rumlech Commune Chief.<sup>2502</sup> There were so many remains the team required tractors and lorries to move them,<sup>2503</sup> and one participant estimated they had collected 6,000 to 7,000 skulls.<sup>2504</sup>

### *Prey Krabau*

680. Prey Krabau was equally notorious as an execution ground and final destination for Khmer Krom taken away from Khnar Totueng.<sup>2505</sup> Thek Bunroeun estimated that over 300 families had been killed there.<sup>2506</sup> Many witnesses and civil parties gave evidence about their family members being killed at Prey Krabau.<sup>2507</sup> Victims included children

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- that she dug pits that were “about 15 square metres and [...] very deep”].
- 2501 **D6.1.140** Thach Sokh WRI, EN 00279245 [“I saw cracks at the rear of the skulls; the Khmer Rouge had probably struck them. [...] I saw arms tied behind backs, but I did not see blindfolds.”].
- 2502 **D6.1.140** Thach Sokh WRI, EN 00279243-45; **D118/175** Voern Dara WRI, A59-66, EN 00981836-37; **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197582-83, 85 [describing collecting bones with commune chief, Meas Chanthan, in 1980 and placing them in Rumlech Pagoda] *confirmed by* **D118/202** Prak Sarin WRI, A11, EN 00986207. *See also* **D118/173** Van Chauk WRI, A85, EN 00981766; **D219/184** Ham Sinuon WRI, A26, EN 01079316.
- 2503 **D118/173** Van Chauk WRI, A85, EN 00981766; **D118/175** Voern Dara WRI, A61, EN 00981836; **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197583 [Confirming that the bones he unearthed as part of the project were “massive”: an “amount equal to two truck-loads”].
- 2504 **D6.1.140** Thach Sokh WRI, EN 00279245 [“A: Yes, I counted [the skulls], but I don’t remember clearly. Mr. Meas Chanthan recorded that, and he probably remembers more clearly than I do. Q: Can you estimate the total number of skulls that were in those pits? A: There were approximately 6,000 to 7,000. Mr. Meas Chanthan has the exact number.”]. *See also* **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197565 [“There were too many bodies in each grave so that I could not even walk near it from Seh Nheou up.”]; **D118/14** Chanreangsei Pagoda Execution Site Site Identification Report, EN 00882953 [Recording a grave at Chanreangsei Pagoda that contains the human remains of 300 to 400 Khmer Krom victims who were killed in different areas within the Khnar Totueng Cooperative, including Tuol Seh pits].
- 2505 **D118/124** Koem So WRI, A106, EN 00975897 [“I used to hear people saying that there were more people killed at Prey Krabau than in Veal Village. I heard that there were Khmer Kroms taken to be killed at that place also.”]; **D219/639** Keo Meur WRI, A105, EN 01198195 [“I heard people say that there were many mass graves [in Prey Kra Baou forest]”]; **D219/345** Noem Lorn WRI, A65, EN 01116104 [“I only know that the victims who were taken to be killed [at Prey Krabau] were from Khnar Torteung.”]; **D118/147.1.43** KRT Research Project Report, Account of Ven Von, EN 00527117-18 [“I also heard that 1000 people living in Kamprak Koun village, Khnar Totueng commune, Bakan district, Pursat province were transferred to cow sheds in Prey Krabau, and were subsequently killed.”].
- 2506 **D118/122** Thek Bunroeun WRI, A48, EN 00975866-67 *confirming* **D5/115** Thek Bunroeun CPA, EN 00426904.
- 2507 *See, e.g.* **D118/177** Lorn Heng WRI, A67-73, EN 00981791-92 [Lorn Heng’s wife was Khmer Krom. Two or three days after they had been “sent to the district”, he was told by the person in charge of Kamprak Koun village, Thai, that his wife and children had been killed at Prey Krabau.]; **D118/127** Pov Sinuon WRI, A46, EN 00979975 [“My uncle and my aunt were sent [to Prey Krabau]. After I returned from looking for fish at Tonle Sap, I asked for my uncle. The militia chief told me that they had already seen him been sent to Prey Krabau Battlefield.”]; **D118/188** Tit Sophary WRI, A26-30, EN 00986674 [In late 1978, Tit Sophary’s older brother was taken away to be killed. She later heard from villagers who transported rice that he had been killed in the forest at Prey Krabau. She was told that all the Khmer Krom had been killed.], A60-62, 66-69, EN 00986678-80 [At the end of 1978, Tit Sophary’s father was taken

and Khmers married to Khmer Krom.<sup>2508</sup>

681. During the DK period, Phan Saray was told by the wife of one of the executioners at Prey Krabau that many Khmer Krom were taken and killed there.<sup>2509</sup> Kol Set and Khiev Phan were both informed of murders by the executioners themselves.<sup>2510</sup> While Sok Phe, a group leader in Sraong Cooperative,<sup>2511</sup> was working around three kilometres from Prey Krabau, he twice saw armed militia walking 20 to 30 Khmer Krom, including young, old, male, and female, and sometimes whole families, from the Rumlech area to Prey Krabau. He noticed that over time, Rumlech “became quiet”.<sup>2512</sup> Sraong Battlefield Committee Phan Khorn told him that all the Khmer Krom had been killed.<sup>2513</sup>
682. Indeed, Khorn had been tasked by Yeay Rim with executions of both Khmer Krom and East Zone evacuees in 1978.<sup>2514</sup> Khorn described watching his subordinates carry out killings there: “First they struck the victims with a 1 meter long club, and then they slit the victims’ throat before dragging the bodies into the pit.”<sup>2515</sup> He reported that “over 100 persons,” including adults, children, and infants were sent to Sraong Cooperative to be

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away to be killed at Prey Krabau along with “a great many” other Khmer Krom. She saw “[h]undreds of them were walking together along the road.”]; **D118/193** Vorn Moch WRI, A5, 8-14, 57, 59-60, EN 00986193-94, 199-200 [Vorn Moch’s wife was Khmer Krom having lived in Rumlech all her life. She was taken away by the Khmer Rouge on the pretext of changing battlefield to Prey Thom, but never returned. Only after the Khmer Rouge regime did he hear that she had been killed at Prey Krabau]; **D118/226** Nget Vut WRI, A81, 84, EN 01055756 [Nget Vut’s grandparents and uncle were killed at Prey Krabau.]; **D118/124** Koem So WRI, A107, EN 00975897 [“I heard that they had taken my parents to be killed [in Prey Krabau] also.”]; **D118/147.1.43** KRT Research Project Report, Account of Ley Hoeun, EN 00527078-79 [“15 members of his family were killed [...] including his parents and siblings, who were accused of being Vietnamese and therefore enemies. They were killed at Prey Krabau and Ses Nhov at the end of 1978.”].

<sup>2508</sup> **D118/188** Tit Sophary WRI, A60, EN 00986678 [“Q: How about those who chose to live with their father or mother who was Kampuchea Krom? What happened to them? A60: They were sent for execution at Prey Krabau.”]; **D118/199** Uong Sav WRI, A43, EN 00985111 [“[My cousin] was taken to be killed at Prey Krabau. [...] At that time they took the spouses who were Khmer Krom to be killed. My cousin had married a Khmer Krom woman. He grieved and decided to sacrifice his life with his wife.”]; **D219/345** Noem Lorn WRI, A60, EN 01116104.

<sup>2509</sup> **D118/189** Phan Saray WRI, A93, EN 00986699-700.

<sup>2510</sup> **D118/238** Kol Set WRI, A90, 92-94, 96, EN 01040479-80; **D219/664** Khiev Phan WRI, A111-113, EN 01207570-71.

<sup>2511</sup> **D219/221** Heng Sieng WRI, A96, EN 01104768; **D219/225** Heng Sieng WRI, A80, EN 01112240; **D219/344** Sok Phe WRI, A41, EN 01116090.

<sup>2512</sup> **D219/344** Sok Phe WRI, A51-60, 64, 66, EN 01116091-92.

<sup>2513</sup> **D219/344** Sok Phe WRI, A70-71, 73, 76, EN 01116092-93.

<sup>2514</sup> **D219/188** Phan Khorn WRI, A131, 136, 143, EN 01106442-44.

<sup>2515</sup> **D219/188** Phan Khorn WRI, A117, EN 01106441 [“We killed [the Khmer Krom] at a site west of Prey Krabau in Sraong Cooperative. There were 20 persons in total including the killers and escorting guards.”], A120-121, EN 01106442 [“They killed [the Khmer Krom] [...] First they struck the victims with a 1 meter long club, and then they slit the victims’ throat before dragging the bodies into the pit. [...] I was there watching the killing.”].

killed at Prey Krabau.<sup>2516</sup>

683. A member of the Sraong Cooperative militia named as an executioner by Khorn,<sup>2517</sup> denied personally carrying out killings, but described seeing 200 to 300 people, including parents and young children, being walked in lines from Khnar Totueng to the Prey Krabau site late one afternoon. Later that same evening, he was ordered to collect the victims' clothes and bags and saw the bodies, not yet buried, filling the pits.<sup>2518</sup>
684. Many East Zone evacuees were killed at Prey Krabau.<sup>2519</sup> In one infamous incident in late 1978 or very early January 1979,<sup>2520</sup> hundreds, or likely thousands, of East Zone evacuees, including children,<sup>2521</sup> were herded into a corral next to Prey Krabau<sup>2522</sup> and placed under armed guard, in preparation for their execution.<sup>2523</sup> Many tried to escape and fled into Prey Krabau.<sup>2524</sup> Those guarding the corral began to massacre the detainees with guns and machetes.<sup>2525</sup> Heng Sieng, one of the militia guarding the corral, ran into

<sup>2516</sup> **D219/188** Phan Khorn WRI, A115-117, EN 01106440-41.

<sup>2517</sup> **D219/188** Phan Khorn WRI, A118, EN 01106441.

<sup>2518</sup> **D219/345** Noem Lorn WRI, A62-73, EN 01116104-05.

<sup>2519</sup> **D219/221** Heng Sieng WRI, A59, EN 01104763 [Sraong Cooperative militia confirming that victims at Prey Krabau included people from Svay Rieng and Khmer Krom.]; **D118/213** Yoem Khon WRI, A100-101, EN 00986241-42 ["After the Khmer Rouge regime, I learned that the Khmer Rouge built a corral encircled with barbed wire to hold East Zone people. After that, they sent the East Zone people to be killed at [...] Prey Krabau"]; **D118/147.1.43** KRT Research Project Report, Account of Sun Poeus, EN 00527076 ["From 1976 onwards she was living in Prey Krabao with her children. She was forced to plough the rice fields [...] at Prey Krabao. [...] While she was ploughing, she saw the Khmer Rouge bring the Khmer Krom people and people from Svay Rieng to be killed (she said that they were accused of being Vietnamese)."].

<sup>2520</sup> **D118/126** Mey Savoeun WRI, A49, 57, EN 00978758-59 [East Zone evacuee survivor of the corral incident: "it happened at the end of 1978 or early 1979"] confirming **D5/197** Mey Savoeun CPA, EN 01313274; **D219/587** Sok Pan WRI, A118, EN 01178739 [confirming that the killing of Svay Rieng people at the corral took place "one or two months before the Vietnamese arrived."]; **D219/225** Heng Sieng WRI, A13-15, EN 01112235 [Sraong Cooperative militia confirming that the killings at the corral occurred "about a month" before he fled the Vietnamese.]. See also **D219/345** Noem Lorn WRI, A77, EN 01116105. See also **D219/344** Sok Phe WRI, A91, EN 01116094.

<sup>2521</sup> **D219/225** Heng Sieng WRI, A65, EN 01112239.

<sup>2522</sup> **D219/225** Heng Sieng WRI, A2, 12, EN 01112234-35 ["A2: The corral was in Koh Andaet Village. [...] Q: How far is Koh Andaet Village to the Krabao forest? A12: It was about 150 to 160 meters."]; **D118/126** Mey Savoeun WRI, A51-52, 56, EN 00978758-59 [Although Mey Savoeun placed the corral in Koah Svay Village, rather than Koah Andaet, the details of the incident are so similar that it is reasonable to conclude that she was discussing the same event. Moreover, as Yoem Khon explained, the Khmer Rouge had built a corral at Koah Svay which it used to hold victims in preparation for execution at Prey Krabau. See **D118/213** Yoem Khon WRI, A100-101, EN 00986241-42; **D219/344** Sok Phe WRI, A85, 94, EN 01116094.

<sup>2523</sup> **D118/126** Mey Savoeun WRI, A52-54, EN 00978758-59; **D219/345** Noem Lorn WRI, A77-79, EN 01116105-06; **D219/225** Heng Sieng WRI, A2, 24, 40, EN 01112234-37; **D219/344** Sok Phe WRI, A88, 94, 98, EN 01116094-95.

<sup>2524</sup> **D118/126** Mey Savoeun WRI, A55, EN 00978759; **D219/344** Sok Phe WRI, A101-102, EN 01116095 **D118/147.1.43** KRT Research Project Report, Account of Ouk Ouern, EN 00527072.

<sup>2525</sup> **D118/126** Mey Savoeun WRI, A55, EN 00978759; **D219/345** Noem Lorn WRI, A78-80, EN 01116105-06; **D219/225** Heng Sieng WRI, A2, 24, 37, 39, 43, 45, 47, 84, EN 01112234-38, 40.



Prey Krabau under orders to search for and kill the escapees, and to burn the forest.<sup>2526</sup> Khmer Rouge militia finished off anyone they found who was still alive.<sup>2527</sup> A few escaped.<sup>2528</sup> Hundreds, if not thousands, were killed.<sup>2529</sup> The executioners were militia from Sraong Cooperative, led by Phan Khorn.<sup>2530</sup>

685. Both civilians and Khmer Rouge cadres described seeing hundreds of bodies at Prey Krabau during the DK regime.<sup>2531</sup> Machete wounds were visible on some corpses.<sup>2532</sup> Shortly after the regime fell, the stench of rotting corpses was still pungent.<sup>2533</sup> Although the area is now covered in rice fields,<sup>2534</sup> there were many witnesses to burial pits, bones, and skulls at Prey Krabau in the years following 1979. Lorn Heng and Nuon Rin both described finding bones and skulls scattered over the ground when they visited the site.<sup>2535</sup> Khiev Phan discovered several burial pits measuring up to 10 square metres.<sup>2536</sup>

<sup>2526</sup> **D219/225** Heng Sieng WRI, A2, 51, EN 01112234, 38; **D219/344** Sok Phe WRI, A101-102, EN 01116095.

<sup>2527</sup> **D219/225** Heng Sieng WRI, A75, EN 01112239.

<sup>2528</sup> **D5/197** Mey Savoeun CPA, EN 01313274 [“I escaped together with 30 other prisoners”]; **D219/587** Sok Pan WRI, A119, EN 01178739 [“Q: How did you learn about the plan in which the Svay Rieng people were placed in the corral to be killed? A119: I knew when I saw a survivor with a scar on her throat escaping. When she arrived at [Office] 22, she said, ‘Please give me a little rice to eat. I have just escaped from the corral. They killed thousands of people.’”]; **D219/225** Heng Sieng WRI, A62-64, EN 01112238-39.

<sup>2529</sup> **D118/126** Mey Savoeun WRI, A53-54, EN 00978758-59 [“Thousands of people [were killed there]. [...] Everybody was from the East Zone”]; **D219/345** Noem Lorn WRI, A85-86, EN 01116106 [Identifying that “around 200 people, including young children and adults, were killed at that time. [...] The dead bodies were buried wherever they were. They were buried across the rice fields, so I do not know the number of pits.”]; **D219/587** Sok Pan WRI, A119, EN 01178739; **D118/147.1.43** KRT Research Project Report, Account of Ouk Ouern, EN 00527072.

<sup>2530</sup> **D219/188** Phan Khorn WRI, A143, EN 01106444 [“I was in charge for killing the East Zone people on the site south of Koh Andet village.”]; **D219/345** Noem Lorn WRI, A81-82, EN 01116106 [He was ordered to collect the clothes by “cooperative committee, Khorn”]; **D219/225** Heng Sieng WRI, A29-30, 32, EN 01112236.

<sup>2531</sup> **D118/127** Pov Sinuon WRI, A46-47, EN 00979975 [At the end of 1978, the witness was sent to dig canals and construct dikes near Prey Krabau, where she saw “many corpses”]; **D219/225** Heng Sieng WRI, A2, EN 01112233-34 [Militia from Sraong Cooperative who found “several hundred” bodies, many of them women, piled on top of each other in Prey Krabau in late 1978.” They looked “extremely terrible and gory.”]; **D6.1.758** Chab Khuong WRI, EN 00387496 [Recalled seeing bodies at Prey Krabau in 1978 while he was transporting coconuts and vegetables around the area.]; **D5/202/4** Sles El CPA Supplementary Information, EN 01155658 [“He knew that the militiamen took very many people to be killed at Preaek Krabau [...] He knows this because the militiamen ordered him to fill in a mass grave there, and he saw that the grave was full of bodies. That place was a killing site.”].

<sup>2532</sup> **D219/225** Heng Sieng WRI, A2, EN 01112233-34.

<sup>2533</sup> **D118/147.1.43** KRT Research Project Report, Account of Mom Chhorn, EN 00527080 [“After the regime collapsed, they returned to live in Prey Krabao. When he arrived there he saw dozens of graves full of corpses from Prey Krabao to Kram Sosar and he could smell the rotting bodies.”].

<sup>2534</sup> **D118/13** Prey Krabau Killing Site Site Identification Report, EN 00882695; **D219/223** Nuon Rin WRI, A75, EN 01088600; **D219/188** Phan Khorn WRI, A117, EN 01106441.

<sup>2535</sup> **D118/177** Lorn Heng WRI, A74-75, EN 00981792 [“After the Khmer Rouge regime, I went there once to transport firewood. [...] I saw skulls, bones, and clothes scattered all over the ground.”]; **D219/223** Nuon Rin WRI, A75, EN 01088600 [“I saw people’s remains there. The dead bodies were left unburied. They were left to scatter all over the place and in the open pits.”]; **D118/13** Prey Krabau Killing Site Site Identification Report, EN 00882695.

<sup>2536</sup> **D219/664** Khiev Phan WRI, A106, 108, EN 01207570 [“They dug many 5m<sup>2</sup> or 10m<sup>2</sup> pits next to one

As at Tuol Seh Nhauv, there were so many bones they had to be dug out and transported in several tractors.<sup>2537</sup> The remains have since been placed in a stupa.<sup>2538</sup> Also found with the human remains at Prey Krabau were blue scarves of the type worn by the East Zone evacuees.<sup>2539</sup>

#### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

686. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to both Prey Krabau and Tuol Seh Nhauv execution sites:<sup>2540</sup> genocide of the Vietnamese national group in Cambodia (particularly Khmer Krom);<sup>2541</sup> and the crimes against humanity of murder, extermination,<sup>2542</sup> persecution on political grounds against the Khmer Krom and East Zone evacuees, and other inhumane acts (enforced disappearance).

#### d. WAT CHANREANGSEI EXECUTION SITE

##### i. INTRODUCTION

687. Wat Chanreangsei execution site (“Wat Chanreangsei”) was located in Bakan District of Sector 2 during the DK regime. Wat Chanreangsei was used as a temporary detention facility and execution site for East Zone evacuees. Those killed were buried nearby at

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another. [...] There were at least 10 pits.”].

<sup>2537</sup> **D219/664** Khiev Phan WRI, A49, 68, EN 01207562, 64; **D118/188** Tit Sophary WRI, A31-32, EN 00986675 [“A31: In 1979, my uncle Chanthan transported three or four tractor loads of the human remains. Q: Do you mean human remains collected from the Prey Krabau Forest? A32: Yes, they had been collected from that forest. I used to go there as well.”].

<sup>2538</sup> **D219/664** Khiev Phan WRI, A49, EN 01207562 [“After the country was at peace, I went [to Prey Krabau] to collect human bones to place in a wooden stupa.”]; **D118/124** Koem So WRI, A107, EN 00975897 [“I went to that place [Prey Krabau] two times after the fall of the Khmer Rouge regime to collect human skeletons and then took them to be kept in the pagoda.”].

<sup>2539</sup> **D118/213** Yoem Khon WRI, A102, EN 00986242; **D118/127** Pov Sinuon WRI, A47-51, EN 00979975-76.

<sup>2540</sup> The Co-Prosecutor notes that in relation to these sites, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are: persecution on political grounds against East Zone evacuees, and other inhumane acts (enforced disappearance). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, para. 59 [“The victims of this period included [...] truckloads of people brought in from the East Zone.”]; **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, para. 19 [“In late 1978, shortly before the arrival of Vietnamese forces, evacuees from the East Zone were gathered at a number of locations in the Northwest Zone and killed in mass executions.”].

<sup>2541</sup> See also **V.C.3.a.** Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese – The CPK’s Animus Towards the Vietnamese and Khmer Krom.

<sup>2542</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Tuol Seh Nhauv and Prey Krabau both individually and cumulatively. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres and execution sites, and forced labour sites including those at Tuol Seh Nhauv and Prey Krabau, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

Koun Thnaot Village.

688. As the deputy secretary and *de facto* leader of the Northwest Zone and a leading JCE member, **Yim Tith** was responsible for and had authority over events at and arising out of Wat Chanreangsei.
689. The ICIJ charged **Yim Tith** with the following crimes in relation to Wat Chanreangsei execution site: the crimes against humanity of murder, extermination, and persecution on political grounds against East Zone evacuees; and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2543</sup>

ii. OPERATION AND LOCATION

690. East Zone evacuees were executed at Wat Chanreangsei and nearby execution sites between late 1978 and early 1979.<sup>2544</sup> Wat Chanreangsei was located one kilometre from Rumlech Village, Rumlech Commune, Bakan District, Sector 2 of the Northwest Zone.<sup>2545</sup> The Wat was a temporary detention facility.<sup>2546</sup> East Zone evacuees were killed

<sup>2543</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426073, 78.

<sup>2544</sup> **D118/194** Ruos Narin WRI, A102, EN 00986742 [“at the time of the evacuation of the Svay Rieng people here, around the end of 1978.”]; **D65.1.56** Khoem Samon WRI, EN 00327161 [“During the harvest season in late 1978, I was evacuated”]; **D118/122** Thek Bunroeun WRI, A51, EN 00975867 [“Q: Now let us talk about the evacuation of the East Zone people. In what year did they [Khmer Rouge cadres] evacuate the East Zone people to Bakan district? A51: In late 1978.”]; **D118/216** Hang Nget WRI, A75-76, EN 00985647 [“A75: Svay Rieng people were killed in [...] Rumlech Commune. Q: When did that happen? A76: At the end of 1978 [...] there were full scale killings of the Svay Rieng people.”]; **D118/175** Voern Dara WRI, A96, EN 00981841 [“Q: When did the Khmer Rouge kill the people from Svay Rieng and Prey Veng? A96: Approximately at the end of 1978.”]; **D219/664** Khiev Phan WRI, A101, EN 01207569 [“Q: Did the killings in front of Wat Rumlech Pagoda happen in [19]78 or [19]79? A101: In late [19]78.”]; **D118/14** Chanreangsei Pagoda Execution Site Site Identification Report, EN 00882953 [“According to one OCIJ witness, [in] late 1978 beginning 1979 just before the [...] DK (Khmer Rouge Regime) collapsed [...] approximately 640 Eastern Zones Evacuees were executed at the Chanreangsei Pagoda.”]; **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“In October 1978, the Khmer Rouge soldiers took Eastern people [...] around 2,000 arrived [in] Rom Lech, Bakan [...]. Around 6:00pm that evening he heard gunshots[.] At 8:00pm that night the Khmer Rouge soldiers forced him and [a] cart group with 60 soldiers to take the dead bodies of 2,000 Eastern victims to bury in the grave [...] at Koun Thnaot Village”].

<sup>2545</sup> **D118/14** Chanreangsei Pagoda Execution Site Site Identification Report, EN 00882953 [“Chanreangsei Pagoda also known as Rumlech Pagoda [...] located in Rumlech Village, Rumlech Commune, Bakan District, Pursat Province”]; **D6.1.991** Uk Soeum WRI, A3, EN 00491348 [“During the Khmer Rouge Regime, Bakan District was in Sector 2 of the Northwest Zone”]; **D219/639** Keo Meur WRI, A57, EN 01198187 [“The pagoda is located between Rumlech Village and Pralay Rumdeng Village [...] is about one kilometre from Rumlech Village.”]; **D1.3.10.11** DC-Cam Burial Report, EN 00078062 [“Wat Chan Rainsey Rasmey Romlech is located in phum Romlech, khum Romlech, srok Bakan, khet Pursat. This criminal center is 15 kilometers from the district office of srok Bakan.”].

<sup>2546</sup> **D118/1** Uk Soeum WRI, A15, EN 00876120 [“Q: How many days did they stay there [Rumlech Pagoda] before they were shot dead? A15: They [East zone people] stayed there for one night before the Khmer Rouge soldiers executed them.”]; **D118/217** Mey Sam WRI, A54, EN 00985661 [“When we arrived, they had us work then they began killing us straightaway. Immediately [...] taken and killed.”]; **D6.1.143** Chak Muli WRI, EN 00288206 [“the Khmer Rouge then gathered the east people [...] and placed them in the Rumlech pagoda under their direct control. Two or three days later, at night, the Khmer Rouge shot all of them to death.”].

at the site or at nearby sites, including an adjacent secondary school.<sup>2547</sup>

691. The bodies of those killed were buried in mass graves at Koun Thnaot Village which was located a few kilometres from Wat Chanreangsei.<sup>2548</sup> Two to three graves that measured up to 20 by 30 metres in surface area and up to five metres in depth, remain visible today.<sup>2549</sup> These graves had been sand pits before the Khmer Rouge period.<sup>2550</sup>

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

692. Wat Changreangsei and Rumlech Commune were under the authority of the Bakan District Committee at the time of the killing of the East Zone evacuees.<sup>2551</sup> This committee was led by Rim, a former Southwest Zone cadre, and Pheng, a former West Zone cadre.<sup>2552</sup> The committee was under the overall authority of Sector 2 Secretary Ta

<sup>2547</sup> **D118/216** Hang Nget WRI, A75, EN 00985647 [“Svay Rieng people were killed in front of the secondary school here in Rumlech Commune.”]; **D219/664** Khiev Phan WRI, A94, EN 01207568 [“Q: [...] Do you know where the Svay Rieng and Prey Veng people were killed? A94: [...] I only knew about a place in front of junior high school near Wat Rumlech Pagoda.”]; **D6.1.757** Pov Sinuon WRI, EN 00387502-03 [“Those people [East zone people] were killed along the road in front of the school. [...] those people’s bodies [were] transported to be buried behind the school which was located in front of the Chan Rainssei Rumlech pagoda”]; **D6.1.134** Duong Sau WRI, EN 00250742 [“There were [...] large pits: one at Rumlech Village (south of Rumlech Pagoda)”]; **D6.1.140** Thach Sokh WRI, EN 00279243 [“The people who were living here after 1979 told me that the Khmer Rouge had taken evacuees from the East and had shot them to death near a school south of Rumlech Pagoda”]; **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“one day he and a few people were digging up three graves at the south of Rom Lech School.”]; **D1.3.10.11** DC-Cam Burial Report, EN 00078062 [“Wat Chan Rainsey Rasmey Romlech [...] A killing site west of the school in phum Romlech, khum Rom lech.”].

<sup>2548</sup> **D118/14** Chanreangsei Pagoda Execution Site Site Identification Report, EN 00882951 [“Kaun Thnoat or Cham Village Mass Grave [...] Location: [...] Kaun Thnoat or Cham Village Rumlech Commune, Bakan District, Pursat Province], EN 00882955 [“Kaun Thnoat or Cham Village Mass Grave is located about 1,5 kilometer away from the Pagoda direction west.”]; **D219/639** Keo Meur WRI, A57, EN 01198187 [“Q: How far is the pagoda from [...] Koun Tnaot Village [...]? A57: It is about five kilometres from Koun Tnaot Village.”]; **D118/122** Thek Bunroeun WRI, A57, 59, EN 00975868 [“Koun Tnaot village is also known as the Cham village. [...] after they [Khmer Rouge] had killed people, they dropped corpses in those pits.”]; **D118/175** Voern Dara WRI, A96, EN 00981841-42 [“Koun Tnaot (a Cham Village) in Rumlech Commune.”]; **D6.1.134** Duong Sau WRI, EN 00250742 [“There were [...] large pits: one at [...] Kaun Thnaot Village”].

<sup>2549</sup> **D118/175** Voern Dara WRI, A96, EN 00981842 [“In Koun Tnaot Village, there were three large graves.”]; **D118/14** Chanreangsei Pagoda Execution Site Site Identification Report, EN 00882953-54 [“in Kaun Thnoat Village [...] Two graves were discovered, [...] Each grave measured about 20x30 meters and were 4 to 5 meters deep”]; **D6.1.143** Chak Muli WRI, EN 00288206 [“in Cham Village, where a big square pit 10 metres on each side, three metres in depth had been dug.”]; **D6.1.134** Duong Sau WRI, EN 00250741 [“Khmer Rouge transported the bodies [...] to be buried in [...] pits, squares ten meters on each side, two meters deep, which were located at Kaun Thnaot Village [...] The grave pits at Kaun Thnaot Village still exist today; the traces have not yet disappeared.”]; **D118/188** Tit Sophary WRI, A76, EN 00986681 [“At [...] Koun Tnaot Village [...], the burial pits still exist today.”].

<sup>2550</sup> **D118/122** Thek Bunroeun WRI, A59, EN 00975868 [“Those graves were not reserved for burying corpses. They were sand pits left on that site after sand had been removed for other purposes.”]; **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“the grave (it was dug up before the Khmer Rouge took power) at Koun Thnaot Village”].

<sup>2551</sup> See **IV.C.2.a**. CPK Authority Structure and Communication – Northwest Zone 1977-1979 – Sector 2 – Bakan District.

<sup>2552</sup> See, e.g. **D219/8** Yang Sokhom alias Yang Han WRI, A66, 81, 153, EN 01047777, 79, 88; **D219/223** Nuon Rin WRI, A40, 42, 53-54, EN 01088596-98; **D219/590** Long Khlor WRI, A60, EN 01178805; **D219/861**

Sarun.<sup>2553</sup>

693. Ta Mok disseminated the orders to kill the East Zone evacuees at meetings at the sector and district level.<sup>2554</sup> These orders to kill were originally issued by Office 870.<sup>2555</sup> Yeay Rim personally gave orders to kill enemies in the district in furtherance of the JCE policy in Bakan District.<sup>2556</sup>

#### iv. CRIMES

##### Murder and Extermination

694. Between late 1977 and early 1979, CPK Southwest Zone troops forcibly transferred people from the East Zone provinces of Svay Rieng, Prey Veng, and Kampong Cham, to Pursat Province in the Northwest Zone.<sup>2557</sup> CPK military units forced East Zone residents to leave their homes, as it was perceived that they had collaborated with or were sympathetic to the Vietnamese and thus had “betray[ed] the Party” and were “enemies” and “traitors” of the CPK.<sup>2558</sup>
695. Of these East Zone evacuees, approximately 2,000 were transferred to Rumlech in Bakan District and were executed.<sup>2559</sup> East Zone evacuees were detained at Wat Chanreangsei

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Sek Sam At alias Yeay Rim WRI, A59-60, EN 01364079 *but see* **D219/869** Sek Sam At alias Yeay Rim WRI, A99, EN 01365567; **D219/611** Lam Savuon WRI, A38, EN 01185830; **D6.1.616** Uk Soeum SOAS Interview, EN 00352106.

<sup>2553</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A72-74, EN 01364080.

<sup>2554</sup> **D118/278** Nam Im WRI, A171, 186, 194, EN 01031804, 06, 07 [“Ta Mok [...] called Ta 15 [...] held a meeting to disseminate that plan to lower echelon cadres [...] Committee 870 had a meeting with the sector level and the sector level held a dissemination meeting with the district level. After that the district level disseminated to the cooperative level.”].

<sup>2555</sup> **D118/278** Nam Im WRI, A184, 185, EN 01031806 [orders coming from Ta 78 also known as Committee 870: “A unit chief secretly told me about a plan. [...] to kill all the East Zone people within five days.”].

<sup>2556</sup> **D6.1.757** Pov Sinuon WRI, EN 00387502 [“As for the order to kill, I knew that this order came from the upper Angkar and from yeay (grandmother) Rim.”]; **D219/639** Keo Meur WRI, A94, EN 01198193 [“Yeay Rim was the district committee member. People said that [...] she evacuated people to be killed.”].

<sup>2557</sup> *See* **V.B.6.b.iv**. Crimes – Northwest Zone – Sector 7 – Veal Bak Chunching Execution Site – Crimes – Murder and Extermination.

<sup>2558</sup> **D6.1.991** Uk Soeum WRI, A7, EN 00491350 [“Ta Mok mentioned the evacuation of people from the Eastern Zone about the reason of this evacuation. Since the Vietnamese armed forces invaded Cambodia, the situation along the Cambodian Vietnamese border became much tensed. Moreover, SAO Phim the zone chairman betrayed.”]; **D118/194** Ruos Narin WRI, A82-83, EN 00986739 [“A82: I heard that Svay Rieng [people were] internal enemies. Q: What else did you hear about the Svay Rieng people? A83: I heard that those Svay Rieng people had fled into Vietnam, so the Khmer Rouge captured and evacuated them to my site on charges of being underground enemies.”]; **D118/175** Voern Dara WRI, A99, EN 00981842 [“Generally speaking, they [Khmer Rouge cadres] accused [...] the East Zone people of ‘betraying the Party’.”]; **D219/8** Yang Sokhom WRI, A147, EN 01047788 [“they [Khmer Rouge cadres] said, ‘The Svay Rieng and Prey Veng people are traitors’.”].

<sup>2559</sup> **D118/216** Hang Nget WRI, A75-76, EN 00985647 [“in Rumlech Commune [...] At the end of 1978 when I was evacuated here, there were full-scale killings of the Svay Rieng people.”]; **D6.1.143** Chak Muli WRI, EN 00288202 [“The peoples from Kampong Cham, Svay Rieng, and Prey Veng came to Pursat. Particularly, many people from Svay Rieng Province came to live in Rumlech Commune.”]; **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“the Khmer Rouge

for one to three nights on their arrival in Rumlech after which they were taken to be killed.<sup>2560</sup> They were executed at multiple sites – next to the pagoda,<sup>2561</sup> at the nearby secondary school,<sup>2562</sup> and in Koun Thnaot Village.<sup>2563</sup>

696. The killings occurred every day, mainly during the night.<sup>2564</sup> Between 100 and 700

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soldiers took Eastern people [...] around 2,000 arrived Rom Lech [...] All of the victims were fired to death.”].

<sup>2560</sup> **D118/1** Uk Soeum WRI, A14, 15, EN 00876120 [“Q: During the time you were the cooperative chairman, was Rumlech Pagoda used as a prison? A14: No [...] A15: [East Zone people] stayed there for one night before the Khmer Rouge soldiers executed them.”]; **D118/217** Mey Sam WRI, A54, EN 00985661 [“When we arrived, they had us work then they began killing us straightaway. Immediately after we arrived [...] entire families were taken and killed.”]; **D6.1.143** Chak Muli WRI, EN 00288205-06 [the Khmer Rouge then gathered the east people [...] and placed them in the Rumlech pagoda under their direct control. Two or three days later, at night, the Khmer Rouge shot all of them to death.”].

<sup>2561</sup> **D118/194** Ruos Narin WRI, A88, 91, EN 00986740 [“Q: Later on, did they [Southwest Zone cadres] kill all those East Zone people? A88: Yes, they killed all those East Zone people in Rumlech. [...] A91: It was about one kilometre west of Wat Rumlech Pagoda.”]; **D118/217** Mey Sam WRI, A59-61, EN 00985662 [“the Khmer Rouge started to kill [...] East Zone people [...] west of Wat Rumlech Pagoda”]; **D118/175** Voern Dara WRI, A96-97, EN 00981842 [“A96: Then the Khmer Rouge killed them [people from Svay Rieng and Prey Veng] [...] along the route to Rumlech Village. Q: Did the machine-gunning of the people of Svay [Rieng] and Prey Veng happen in front of Wat Rumlech Pagoda? A97: Yes”]; **D118/122** Thek Bunroeun WRI, A56, EN 00975868 [“They killed people on a site right in front of the Pagoda.”]; **D118/188** Tit Sophary WRI, A75, EN 00986681 [“Also there was a case where some people from Svay Rieng were shot dead in front of Wat Rumlech Pagoda”]; **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“All of the victims were fired to death along the way in front of Rom Lech Pagoda”]; **D219/8** Yang Sokhom WRI, A141, EN 01047787 [“Q: Where did they [Khmer Rouge cadres] kill the Svay Rieng and Prey Veng people at Rumlech Cooperative? A141: They killed them near Rumlech Village, along a red gravel road”]; **D118/202** Prak Sarin WRI, A90, EN 00986222 [“Those East people were escorted in a line about 200 metres long out of Wat Rumlech Pagoda. They were all killed”]; **D6.1.134** Duong Sau WRI, EN 00250741 [“alongside the road near Rumlech Pagoda there was a killing site”]; **D118/147.1.44** Rogatory Letter Execution Report, Account of Daung Sau, EN 00277849 [“the Khmer Rouge had transported [...] evacuees from Svay Rieng and Prey Veng provinces to a place along the road near Rumlech Pagoda and had shot them to death west of Rumlech Pagoda.”].

<sup>2562</sup> **D118/216** Hang Nget WRI, A75, EN 00985647 [“Svay Rieng people were killed in front of the secondary school here in Rumlech Commune.”]; **D6.1.140** Thach Sokh WRI, EN 00279243 [“the Khmer Rouge had taken evacuees from the East and had shot them to death near a school south of Rumlech Pagoda”]; **D219/664** Khiev Phan WRI, A96, EN 01207568-69 [“Q: How did you know that the people from Svay Rieng and Prey Veng Provinces were taken to be killed [at the place] in front of the junior high school near Wat Rumlech Pagoda? A96: I learned about it from a man in the cart unit who carried dead bodies from that place to bury them in another place known as Koun Thnaot.”].

<sup>2563</sup> **D118/175** Voern Dara WRI, A96, EN 00981841-42 [“The Khmer Rouge took the people from Svay Rieng and Prey Veng [...] some others were killed at Koun Thnaot (a Cham Village)”]; **D118/241** Thach Sokh WRI, A88, EN 01040504 [“Q: You mentioned Cham Village. [...] how did you know it? A88: Cham Village was where they [Khmer Rouge cadres] killed the East Zone people.”].

<sup>2564</sup> **D6.1.143** Chak Muli WRI, EN 00288206 [“Two or three days later, at night, the Khmer Rouge shot all of them to death.”]; **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“At 8:00pm that night the Khmer Rouge soldiers [...] take the dead bodies”].

evacuees were shot at any one time,<sup>2565</sup> including men, women, and children.<sup>2566</sup> Many were killed with their hands tied behind their backs.<sup>2567</sup> Those shot but still alive were then shot in the grave<sup>2568</sup> or were driven over and crushed to death.<sup>2569</sup> Other evacuees were killed by being beaten or having their stomachs and throats cut or heads bashed.<sup>2570</sup>

697. After the killings, the Khmer Rouge cadres forced local villagers to take the bodies by ox cart to be buried at mass graves in Koun Thnaot.<sup>2571</sup> Chhuon Hok was forced along

<sup>2565</sup> **D118/175** Voern Dara WRI, A94-96, 98, EN 00981841-42 [“A94: [...] the Khmer Rouge started to kill the people from Svay Rieng and Prey Veng. [...] Q: How did you know that the Khmer Rouge killed the people from Svay Rieng and Prey Veng? A95: I saw it first-hand because the Khmer Rouge walked all of those people in queues to be killed. [...] A96: [...] the Khmer Rouge killed them with [machine gun] fire [...] Approximately 300 people”]; **D118/122** Thek Bunroeun WRI, A55, EN 00975867 [“Q: How many people were then killed? A55: There might be 200 persons.”]; **D6.1.991** Uk Soeum WRI, A8, EN 00491351 [“approximately 300 Eastern Zone civilians [...] soldiers started to open fire and killed those people.”]; **D118/1** Uk Soeum WRI, A15, EN 00876120; **D118/217** Mey Sam WRI, A59, EN 00985662 [“the Khmer Rouge started to kill about 500 East Zone people”]; **D6.1.143** Chak Muli WRI, EN 00288206 [“There were approximately 640 east people who were gathered in the Rumlech pagoda and killed”]; **D118/202** Prak Sarin WRI, A89-90, EN 00986222 [“Q: How many East people were killed by the Khmer Rouge during that time? A89: I do not know exactly [...] A90: [...] No fewer than 100 of them were killed according to the bones we collected.”]; **D219/639** Keo Meur WRI, A69, EN 01198189 [“Q: Do you know how many people were killed on the road near the pagoda? A69: I know about this from the people who took the dead bodies to be buried in the mass graves. They told me, ‘About 700 people were shot dead yesterday.’”]; **D6.1.991** Uk Soeum WRI, A8, EN 00491351 [“Later on, those soldiers [Khmer Rouge cadres] shot those people [...] to [death].”]; **D6.1.134** Duong Sau WRI, EN 00250741 [“approximately 300 people [...] evacuated from Svay Rieng and Prey Veng provinces [...] [were] lined [...] up with their hands tied. Then the Khmer Rouge shot and killed those people”].

<sup>2566</sup> **D6.1.991** Uk Soeum WRI, A8, EN 00491350-51 [“those soldiers [Khmer Rouge cadres] shot those people including male and female adults, elderly and children to [death].”]; **D118/124** Koem So WRI, A71, EN 00975894 [“First, they [Southwest Zone cadres] arrested strong adults, and then children and women.”]; **D118/202** Prak Sarin WRI, A90, EN 00986222 [“They [East people] were all killed, including their small children”].

<sup>2567</sup> **D6.1.134** Duong Sau WRI, EN 00250741 [“The Khmer Rouge [...] lined them [people from Svay Rieng and Prey Veng] up with their hands tied”].

<sup>2568</sup> **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“If the victims were not dead yet, the Khmer Rouge collected and killed down in the grave.”].

<sup>2569</sup> **D118/175** Voern Dara WRI, A96, EN 00981841-42 [“After the shootings, the Khmer Rouge drove their vehicles over those who were not yet dead and crushed them to death.”].

<sup>2570</sup> **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087 [“Some bodies were shot down, some people had their bellies cut, and some were chopped with the axe. [...] 30 Svay Rieng People to be killed by using the axe to beat the head and then use the knife to cut the throat of the victims.”]; **D118/216** Hang Nget WRI, A77, EN 00985647 [“After they [Khmer Rouge cadres] beat them to death”]; **D118/194** Ruos Narin WRI, A89, 91, EN 00986740 [“I helped cook for the soldiers [...] I heard the sounds of people being beaten to death there.”].

<sup>2571</sup> **D6.1.991** Uk Soeum WRI, A8, EN 00491351 [“I was instructed to assign people in my cooperative to transport the corpses by cart, throw them [...] and bury them in Kaun Thnaot Village, Rumlech Commune.”]; **D219/639** Keo Meur WRI, A61, 69, EN 01198188-89 [“soldiers shot a number of civilians [at Wat Rumlech Pagoda]. After shooting them, the corpses were disposed of [...] near Koun Thnaot [Village]. [...] I know about this from the people who took the dead bodies to be buried in the mass graves.”]; **D118/122** Thek Bunroeun WRI, A54, EN 00975867 [“the Khmer Rouge soldiers [...] used the villagers to take the corpses [of the East Zone] people to be buried in the mass graves at Kaun Thnoat village.”]; **D6.1.134** Duong Sau WRI, EN 00250741 [“Q: Did you see the grave pits and bodies after 1979? A: I personally saw the bodies in the two grave pits at Kaun Thnaot Village [...] I transported those skeletal remains in about three carts.”]; **D118/216** Hang Nget WRI, A77, EN 00985647 [“They [Khmer Rouge cadres] killed the Svay Rieng people, and then at night they transported the corpses to be kept at Kau Thnoat Village”]; **D6.1.143** Chak Muli WRI, EN 00288206 [“The next morning the ox cart driver was

with a cart group of 60 soldiers to take 2,000 corpses to be buried at Koun Thnaot.<sup>2572</sup> When local residents returned to Koun Thnaot, they found many corpses and human remains.<sup>2573</sup>

### Persecution

698. Persecution was committed through the crimes described above against the East Zone evacuees at Wat Chanreangsei and its related execution sites. This group was specifically targeted because of their actual or perceived membership of a political group.<sup>2574</sup>

## v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

699. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Wat Chanreangsei and its related execution sites: the crimes against humanity of murder, extermination,<sup>2575</sup> and persecution on political grounds against East Zone evacuees.

## e. SEXUAL VIOLENCE IN BAKAN DISTRICT

### i. INTRODUCTION

700. In 1968, the CPK created 12 precepts that it espoused as “the laws and rules of the Party”, instructing that “every revolutionary must respect and follow each provision” in order to build themselves into a “pure revolutionary”.<sup>2576</sup> These precepts endured beyond the early years of the Party and into the DK period and were widely known as the 12 codes

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called to transport the corpses in the ox cart [...] to be buried in Cham Village”]; **D118/202** Prak Sarin WRI, A87, EN 00986222 [“They [Khmer Rouge cadres] ordered the people to transport those dead bodies to Cham Village.”]; **D219/664** Khiev Phan WRI, A96, EN 01207569 [“Q: How did you know that the people from Svay Rieng and Prey Veng Provinces were taken to be killed [...] A96: I learned about it from a man in the cart unit who carried dead bodies from that place to bury them in another place known as Koun Thnaot.”].

<sup>2572</sup> **D118/147.1.43** KRT Research Project Report, Account of Chhuon Hok, EN 00527087.

<sup>2573</sup> **D118/216** Hang Nget WRI, A77, EN 00985647 [“I saw human brains and hair”]; **D219/639** Keo Meur WRI, A20, EN 01198182 [“When I returned, I saw a lot of corpses and bones. [...] near Koun Thnaot Village”].

<sup>2574</sup> See **V.B.5.d.iv.** Crimes – Northwest Zone – Sector 2 – Wat Chanreangsei Execution Site – Crimes – Murder and Extermination; **VIII.B.1.a** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **V.B.6.b.iv.** Crimes – Northwest Zone – Sector 7 – Veal Bak Chunching Execution Site – Crimes – Murder and Extermination; **V.B.6.a.iv.** Crimes – Northwest Zone – Sector 7 – Prison No. 8 – Crimes – Persecution.

<sup>2575</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Wat Chanreangsei alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Wat Chanreangsei execution site, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>2576</sup> **D219/370.1.15** *Revolutionary Youth*, Oct 1978, EN 00539988.



of conduct for combatants.<sup>2577</sup> Amongst the rules was Code #6, which has been most often referenced as the “rule against immoral offences”. It ordered:

**Do not behave in any way that violates females.**

Generally speaking, do not do anything that impacts male-female morality, because this issue impacts our honor and our influence as revolutionaries and impacts the clean and pure and dignified traditions of our people. [...] But even more importantly, when we impact male-female morality, that is the true corrupt and rotten nature of the enemies of all types and this enables the enemy to attract us. Therefore, this is dangerous for us and is dangerous for the revolutionary movement.

As for the current issue of setting up a family, there is no obstacle; this just based on two principles of the Party: First, both parties agree. Second, the collective agrees and then it is done. Why should this impact male-female morality?<sup>2578</sup>

701. The ICP submits that the precepts’ goal of keeping revolutionary cadres “pure” so as not to be tempted by “enemies” and the requirement that the collective must agree before someone could set up a family demonstrate that Code #6’s primary function was to prohibit sexual relations outside of state-sanctioned marriages. The goal was to pair loyal cadres with similarly-minded partners in order to perpetuate CPK rule. Venturing outside of Party-approved relationships was “dangerous for the revolutionary movement” and therefore the rule was applied not only to cadres but also to civilians. Numerous examples on the Case File demonstrate that men and women were punished during the DK regime for committing the “moral offence” of having sexual intercourse or romantic relations outside of the confines of marriage. However, in Bakan District, there were two regimes of enforcement – Code #6 was rigidly enforced against the civilian population, but when it came to the Party’s own cadres, violating women through acts of rape and sexual violence went largely unpunished.
702. The findings of a study published by the Cambodian Defenders Project in 2011 demonstrate that rape by Khmer Rouge cadres was a pervasive trend during the DK period, particularly in areas such as Pursat Province where mass executions occurred near the end of the regime. Almost two-thirds of the study’s respondents “were aware of rape perpetrated by agents of the Khmer Rouge” and 28.8 percent had actually witnessed acts of rape during the DK period.<sup>2579</sup> In all but one instance of gender-based violence

<sup>2577</sup> **D219/370.1.15** *Revolutionary Youth*, Oct 1978, EN 00539989.

<sup>2578</sup> **D219/370.1.15** *Revolutionary Youth*, Oct 1978, EN 00539994.

<sup>2579</sup> **D310/1.1.5** Katrina Natale, *I Could Feel My Soul Flying Away from My Body*, EN 00992119, 44-45.

(“GBV”) reported in the study, the perpetrator was identified as being an agent of the Khmer Rouge, yet the perpetrators were rarely punished.<sup>2580</sup> Most importantly, the study found that mass rapes took place later in the regime during purges of the population in Pursat, Svay Rieng, and Prey Veng provinces, which suggested “that the particular geographic location, political climate and leadership in the area may have significantly influenced what GBV took place” and indicated “that GBV was known and tolerated in at least some parts of the country and in particular circumstances.”<sup>2581</sup>

703. This was certainly the case in Bakan District, Pursat Province. During the time that **Yim Tith** was a leading member of the JCE in the Northwest Zone, rape and sexual violence against women in Bakan District was prolific. Young male cadres without sexual partners were told that entire categories of people had no rights and deserved inhumane treatment. As they carried out the crimes of the JCE, the cadres took opportunistic advantage of their positions of power over women and raped with impunity. Devastatingly, crimes of sexual assault and rape were usually a pre-cursor to death for most victims, ensuring anonymity for the perpetrators. While not all women who were raped were killed, this was a recurring trend.
704. Evidence on the Case File indicates that authorities in Bakan District who contributed to the JCE alongside **Yim Tith** were aware that rapes were occurring but failed to protect the vulnerable women or to punish the cadres who raped. During a time when most people were careful about everything they said so as not to make a punishable “mistake”, perpetrators in Bakan District flouted the prohibitions of Code #6 and openly boasted about their sexual crimes.<sup>2582</sup> Several leaders in positions of authority were committing

<sup>2580</sup> **D310/1.1.5** Katrina Natale, *I Could Feel My Soul Flying Away from My Body*, EN 00992121, 61-63.

<sup>2581</sup> **D310/1.1.5** Katrina Natale, *I Could Feel My Soul Flying Away from My Body*, EN 00992121 (emphasis added), EN 00992147-48, 63-64.

<sup>2582</sup> **D219/639** Keo Meur WRI, A99-102, EN 01198194-95 [the witness lived in Khnar Totueng Village and Rumlech Commune (see A36-37) in Bakan District during the DK period: “During the Khmer Rouge regime, I heard that before the women were killed, they stripped off their clothes and raped them. We, however, did not see that with our own eyes. This rumor about ‘the rape-and-kill’ was spread widely. [...] It was spread by rumor throughout the cooperative. [...] During the POL Pot era, the authorities knew about this, but they took no action. Everyone knew about it, including the leaders. [...] They were aware because the perpetrators, who raped the victims, went about and proudly talked about this. They used this as a threat against the rest.”]; **D118/256** Seng Eng WRI, A81, 83-84, 88, EN 01025253-54 [the witness was sent to Kamprak Koun Village in Bakan District with other Khmer Krom in July or August 1978 and the killings started the next month (see A57-65, 76): “I heard the executioners talking. [...] I heard them talking that pretty women and girls had been raped until they had satisfied their urge before they were killed and buried into pits. [...] I was at the place where the executioners were talking about it but I pretended to ignore it. [...] I heard them talking about the rapes before execution many times.”]; **D118/226** Nget Vut WRI, A67-68, 70-72, 74-75, EN 01055754-55 [in Bak Meaek Village where the Applicant was working, he overheard killers of the Khmer Krom at Tuol Seh Nhauv: “They were mocking one another,

rapes themselves, and even those who were not (such as female District Secretary Yeay Rim), knew about the rapes but took no action.<sup>2583</sup> This directly signalled to the perpetrators that such crimes would be tolerated. Thus, in the later days of the regime as large groups of civilians were killed as part of the plan to eliminate perceived enemies, numerous cadres in Bakan District singled out the beautiful women for sexual violence before executing them. Khmer Krom and East Zone women were the most frequent victims of rape, but female prisoners at security centres and other women who were considered enemies or were perceived to be affiliated with enemies were also violated.

705. The OCIJ was seised with allegations of sexual violence, including rape, against the Khmer Krom, East Zone evacuees, and “other CPK enemies or targeted groups” within

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saying, ‘You had sex with the dead bodies.’ In fact, they raped female victims before they killed them. [...] they were mocking one another.”]; **D118/234** Tum Nga WRI, A60-61, EN 01055607 [in 1977-1978 (*see* A57): “I heard of those moral offenses happening in Trach Kraol Prison. I heard killers say that they raped women before killing them. They happily made jokes with each other saying, ‘I rape and beat them before I kill them. I rape the pretty ones first and then I take them to be killed.’ [...] They were militiamen.”]; **D118/198** Chhim Srom WRI, A45-46, 49, EN 00985096-97 [while the witness was working in a transport unit in Stueng Kambot Village, Trapeang Chong Commune, Bakan District (*see* A20, 54): “Two militiamen were riding in my cart, and they were talking about a beautiful woman from the East Zone whom they had raped and killed. The event probably occurred in late 1978. [...] I overheard their conversation. [...] They said, ‘Last night, we killed East Zone people in the early morning and raped a beautiful woman.’”]; **D118/228** Meng Chhon WRI, A50-54, EN 01056762-63 [Ta Soeb told the Civil Party and others: “‘That girl was very pretty! I stuck a piece of bamboo up her vagina, and she was still pretty.’ [...] Ta Soeb continued, saying that when he cut out the gallbladders of those three people [including the pretty girl], the victims had not yet died. [...] I did not know her, but I knew [the girl] was from Svay Rieng. [...] It happened around November 1978. [...] At that time I worked at the kitchen, and they talked loudly about it. Sometimes they waved a knife at me, and sometimes they said, ‘If you do not get married, beware! Look at this knife!’ [...] Ta Soeb was Neak Ta Tvear Cooperative Committee.”]; **D118/127** Pov Sinuon WRI, A67-70, EN 00979977-78.

<sup>2583</sup> *See, e.g.* **D219/611** Lam Savuon WRI, A150-154, EN 01185846-47 [the witness worked for Yeay Rim while Yeay Rim was district secretary (*see* **D219/842** Lam Savuon WRI, A31, 36-38, EN 01485112) and said Yeay Rim was informed that beautiful women from Svay Rieng were raped by the militiamen. Yeay Rim also told her “They felt regret if they did not rape them before killing them.” *See* particularly: “Q: When the militiamen informed Yeay Rim of what they did, were you there? A154: I was. She said fine. She did not say anything.”], *but see* A158, EN 01185847 and **D219/869** Sek Sam At alias Yeay Rim, A72-77, EN 01365564-65 [Yeay Rim denied knowing that rapes of attractive girls from Svay Rieng and Prey Veng occurred]; **D219/639** Keo Meur WRI, A101-102, EN 01198194-95 [the witness lived in Khnar Totueng Village and Rumlech Commune (*see* A36-37) in Bakan District during the DK period: “During the POL Pot era, the authorities knew about [violence against women and children], but they took no action. Everyone knew about it, including the leaders. [...] A102: They were aware because the perpetrators, who raped the victims, went about and proudly talked about this.”]; **D118/124** Koem So WRI, A113, 116, EN 00975898; **D118/228** Meng Chhon WRI, A50-54, EN 01056762-63 [Ta Soeb of the Nak Ta Tvear Cooperative Committee openly told the Applicant and others about sticking a piece of bamboo up the vagina of a pretty girl from Svay Rieng and cutting out her gallbladder and those of two others while the victims were still alive]. *See also* **D219/676** Hok Sarin WRI, A128-140, EN 01213370-71 [in Trapeang Chong Cooperative in 1978 or mid-1978 (*see* A112, 115), senior Khmer Rouge cadres separated the beautiful East Zone women out and kept them to be raped].

Bakan District,<sup>2584</sup> but the OCIJ has yet to charge **Yim Tith** with the crime.<sup>2585</sup>

ii. CRIMES

Sexual Violence Against Khmer Krom and East Zone Women

706. During the time that **Yim Tith** was a leading member of the JCE in the Northwest Zone, Khmer Krom women in Bakan District were often sexually brutalised before they were executed.<sup>2586</sup> Khmer Rouge cadres also raped pretty East Zone women and virgins before killing them.<sup>2587</sup> Given orders to kill these young women, the executioners would hardly

<sup>2584</sup> **D191** Co-Prosecutors' Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 7, 10.

<sup>2585</sup> The ICIJ stated an intention not to further investigate these charges but then agreed to continue (*see* **D302** Request for Comments Regarding Alleged Facts Not to be Investigated Further, 4 Mar 2016, EN 01212440-42 and **D302/3** Notice of Provisional Discontinuance Regarding Individual Allegations, 25 Aug 2016, paras 1, 14(c), 32-34). *See also* **D365/3** Decision on the International Co-Prosecutor's Request for Investigative Action Regarding Prison No. 8 and Sexual Violence in Bakan District, 4 Sep 2017, paras 30, 50, and the reasoning in para. 40.

<sup>2586</sup> *See, e.g.* **D6.1.757** Pov Sinuon WRI, EN 00387502 ["In July 1978, the cooperative chief sent me back to Sdok Khla [in Bakan District] to work the rice fields again. [...] In the Sdok Khla cooperative, I heard members of the Khmer Rouge militia talking about the rape of one Khmer Kampuchea Krom female; and I saw her body on the bund about 700 metres from the Sdok Khla cooperative."] *read in conjunction with* **D118/127** Pov Sinuon WRI, A67-70, EN 00979977-78 ["I witnessed [a case of rape] once, in Sdok Khla. [...] I only heard the woman's scream. She screamed, 'Help! Don't rape me! Don't rape me! If you are going to kill me, just kill me!' The next morning when I went there, I saw her corpse."]; **D5/60** Nget Vut CPA, EN 01546519-20 ["In late 1977, the Khmer Rouge gathered all of the Khmer Krom people from Rumlech Cooperative to live in Khnar Tortung Cooperative [in Bakan District]."] *read in conjunction with* **D118/226** Nget Vut WRI, A53-57, EN 01055751-52, A59-61, EN 01055752-53 [three months after being sent to Khnar Totueng Cooperative, the Khmer Krom were gathered to be killed but the Applicant, his mother, and siblings were allowed to return to the cooperative because his mother was Khmer; his father and other Khmer Krom family members had to stay and were killed at Tuol Seh Nhauv], A67-68, 70-72, 74-75, EN 01055754-55 [the killers came to eat at the communal kitchen where the Applicant was working and were chatting about the killings of the Khmer Krom: "They were mocking one another, saying, 'You had sex with the dead bodies.' In fact, they raped female victims before they killed them."]; **D118/256** Seng Eng WRI, A57-62, 67, 76, EN 01025249-50, 52 [the witness was sent to Kamprak Koun Village in Bakan District with other Khmer Krom in July or August 1978 and the killings started the next month], A80-84, EN 01025253 [the witness heard the executioners talking about having the victims remove their clothes before killing them, and "I heard them talking that pretty women and girls had been raped until they had satisfied their urge before they were killed and buried into pits. [...] I was at the place where the executioners were talking about it but I pretended to ignore it.], A87-88, EN 01025254; **D118/262** Tep Phon WRI, A52, EN 01033054 [*confirming* her CPA (*see* D191.1.108 in Khmer or the English Summary of Complaint, D191.1.109) response that "In late July 1978, thousands of Khmer Krom people including the people evacuated from Svay Rieng, Prey Veng and [the Applicant's] family [...] were taken to be executed at Srah Rumdeng.], A61, EN 01033056 [placing Srah Rumdeng in Ta Lou Commune [Bakan District]], A70-72, 74, EN 01033057 ["A70: [...] I heard from those who fled the killing site, saying that beautiful women were not killed instantly, but were raped before they were killed. Q: Who told you this? A71: [...] He was a group chief supervising ten group members. [...] A72: Some of [the rape victims] were Khmer Krom, and some others were from Svay Rieng. [...] A74: The killers were the ones who raped these women. They were perhaps militiamen."]; **D118/223** Koem Huoy WRI, A40-43, EN 01057645 [the Civil Party's younger Khmer Krom cousins were among the beautiful women raped before execution in July 1977] *read in conjunction with* **D5/143** Koem Huoy CPA, EN 01539770 [stating that the younger "sisters" were sent to Sdok Khna Cooperative where "Before they killed them, they raped them. They cut their breasts, vaginas and cut open their stomachs to get their livers out for food."].

<sup>2587</sup> **D219/279** Kou Molly WRI, A86, 90, 94, EN 01098538 [in Ta Lou Commune, Bakan District, 1978: "the Svay Rieng people who were assigned to work at Sam San were all killed. [...] According to my estimation,

expect that their superiors were concerned with whether the women were sexually violated.

707. Khoem Samon recalled that at Ruk Peaek in late 1978, single East Zone women in mobile units were called by cadres to ostensibly “have their biographies recorded”, but no books were brought along for recording purposes — instead, the women were raped.<sup>2588</sup> East Zone evacuee Pang Han recounted how she had seen village militiamen call her three aunts into the forest, so she followed at a distance and saw them hack two of her aunts to

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about 30 to 40 people were killed. [...] Most of them were women. [...] I heard from elder brothers and sisters in the production unit that the beautiful Svay Rieng women were raped before being killed [...]. Only the beautiful women were raped.”]; **D219/243** Van Sang WRI, A39-40, 46-48, 53-58, EN 01092990-92 [at the 1978 killings of more than 200 East Zone evacuees at Tuol Prahout (aka Tuol Banghout) in Bakan District: “A53: [...] Only after killers fully enjoyed the young and beautiful women, did they take them to be killed. Q: What do you mean by ‘fully enjoyed’? A54: It means they took young virgin girls to be raped one by one before taking them to be killed. [...] A55: [...] Kung (now deceased) told me about this when he worked as a militiaman with me in 1979 after the Khmer Rouge regime. [...] He [walked] people there. He was offered a young woman to rape. [...] A56: [...] Each of them raped a young woman. [...] A58: They started raping them at about 7.00 p.m. or 8.00 p.m. After the women were raped they were taken to be killed.”]; **D118/248** Ly Lonn WRI, A66-70, 78, EN 01034980-82 [at the end of 1978 or early 1979, the witness saw the corpses of “countless” people from the East Zone at Tuol Pongro, which at the time was in Bakan District], A90-91, 94-95, EN 01034984 [“Q: Do you know about the rapes of the women before the killings? A90: Someone told me about those events. First they raped the women, and then they killed them. [...] A91: I saw it at Tuol Pongro. [...] A94: I saw it first-hand. [...] A95: [...] I saw many other women’s corpses who, I believed, had been raped. Some of the corpses were naked, with their knickers at their ankles and cuts on their throats.”]; **D118/262** Tep Phon WRI, A52, EN 01033054 [confirming her CPA (see the English Summary of Complaint, D191.1.109) response that in late July 1978, evacuees from Svay Rieng and Prey Veng were executed at Srah Rumdeng], A61, EN 01033056 [“They were taken to Kraol Kou at Srah Rumdeng in Ta Lou Commune [Bakan District].”, A70-72, 74, EN 01033057 [the beautiful women were raped before they were killed]; **D65.1.56** Khoem Samon WRI, EN 00327161-63 [the witness, who was evacuated to Pursat Province, east of Ta Lou Market, in late 1978, discussed the rape of Sary, a virgin girl from Prey Veng, that occurred after they were evacuated to Bakan District] *read in conjunction with* **D219/605** Khoem Samon WRI, A4-5, 65-69, 72, EN 01185793, 803-04 [the witness was evacuated to Pursat Province in late 1978. Sari, a girl from the witness’s village who lived in Ta Lou Cooperative after the evacuation, was killed immediately after she was raped]; **D118/228** Meng Chhon WRI, A40-54, EN 01056761-63 [discussing the killing of around 200 Svay Rieng people in Neak Ta Tvear Cooperative, Ou Ta Paong Commune, Bakan District, in November 1978, which included the rape of a pretty girl]; **D6.1.845** Pang Han WRI, EN 00402823-24 [the Applicant was evacuated in late 1978 from Svay Rieng to Bakan District, where she witnessed the rape of her aunt and others: “Beautiful girls were raped and this means that normally their parents were killed before their daughters were raped and killed. [...] Q: How many times [did] you [witness] rapes and killings? A: Two or three times. [...] Militiamen raped and killed the women.”]; **D118/198** Chhim Srom WRI, A20, 45-46-49, EN 00985093, 96-97; **D219/611** Lam Savuon WRI, A150-154, EN 01185846-47; **D219/691** Mean Mao WRI, A93, 96, 100-102, 106-109, EN 01215972-73; **D219/676** Hok Sarin WRI, A128-140, EN 01213370-71; **D5/1346** Pol Vann CPA, EN 01139663 [in Veal Village, Ta Lou Commune, Bakan District, Pursat Province, evacuees from Prey Veng Province were killed and “Virgin women had been raped prior to being killed.”]; **D5/946** Net Saveun CPA, EN 01194709, 12, 18-19.

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**D65.1.56** Khoem Samon WRI, EN 00327162-63 [“Many virgin girls were called to have their biographies made, then were raped amongst the termite mounds at night, for example, a girl named Sary, who came from Prey Veng.”] *read in conjunction with* **D219/605** Khoem Samon WRI, A3-4, 12-17, 20, EN 01185793-94, 96 [specifics regarding the timeframe and locations of the witness’s evacuation to Bakan District in late 1978, including that Ruk Peaek was located in Bakan District], A41-56, EN 01185799-802 [specifics regarding the rapes of four women in Ruk Peaek who were called to “have their biographies recorded”], A65-69, 72, EN 01185803-04 [Sari’s rape occurred in Ta Lou Cooperative (Bakan District)].

death and then rape and kill her youngest aunt, who was “22 years old and beautiful.”<sup>2589</sup> Other witnesses described incidents where Khmer Krom and East Zone women were violated with bamboo sticks or other objects before they were killed, and sometimes the cadres cut them open while still alive in order to harvest their gallbladders.<sup>2590</sup>

Sexual Violence Against “Other CPK Enemies or Targeted Groups”

708. Women who had been deemed “enemies” and were sent to security centres in Bakan District were also raped by Khmer Rouge cadres before they were killed. At Phum Veal Security Centre in Ta Lou Commune,<sup>2591</sup> the chairman of the prison regularly forced two young women to bathe with him and raped them “many times” before his actions were exposed. He then killed the young women he had been abusing.<sup>2592</sup> The only punishment meted out to the chairman/rapist was that the district military chairman ordered that he be “monitored” by one of his prisoners.<sup>2593</sup> Other cadres at Phum Veal raped female prisoners both by penile penetration and by cruelly inserting bamboo sticks or their toes

<sup>2589</sup> **D6.1.845** Pang Han WRI, EN 00402823-24 *read in conjunction with* **D5/1742** Pang Han CPA, EN 01210022 [stating the Applicant’s place of birth to be in Svay Rieng Province], EN 01210027 [specifying that her family was evacuated to Kandal Province in early 1978 and then in late 1978 to Bakan District] and **D5/1742/2.1** Pang Han Supplementary CPA Report, EN 01379805.

<sup>2590</sup> Khmer Krom women: **D6.1.757** Pov Sinuon WRI, EN 00387502 [“In July 1978, the cooperative chief sent me back to Sdok Khla [in Bakan District] to work the rice fields again. [...] In the Sdok Khla cooperative, I heard members of the Khmer Rouge militia talking about the rape of one Khmer Kampuchea Krom female; and I saw her body on the bund about 700 metres from the Sdok Khla cooperative.”] *read in conjunction with* **D118/127** Pov Sinuon WRI, A67-70, EN 00979977-78 [“I witnessed [a case of rape] once, in Sdok Khla. [...] I only heard the woman’s scream. She screamed, ‘Help! Don’t rape me! Don’t rape me! If you are going to kill me, just kill me!’ The next morning when I went there, I saw her corpse. [...] The woman got angry, so she bit that militiaman’s shoulder. The militiaman got angry and thrust a long bamboo stick through her buttocks to her head. I knew about this because that militiaman worked with me. He said, ‘She is too troublesome! She bit me! So, I stuck a long bamboo stick from her buttocks to her head!’ [...] I heard it directly from him. His name was Sarom.”]. East Zone women: **D118/248** Ly Lonn WRI, A66-70, 78, EN 01034980-82 [at the end of 1978 or early 1979, the witness saw the corpses of “countless” people from the East Zone at Tuol Pongro, Bakan District], A90-91, 94-95, EN 01034984 [regarding seeing a woman’s corpse at Tuol Pongro “with her knickers at her feet and a bamboo pole inserted into her vagina”]; **D118/228** Meng Chhon WRI, A40-54, EN 01056761-63 [discussing the killing of around 200 Svay Rieng people in Neak Ta Tvear Cooperative, Ou Ta Paong Commune, Bakan District, in November 1978], particularly A50-51, EN 01056762-63 [Ta Soeb boasted that he stuck a piece of bamboo up a pretty girl’s vagina and cut out her gallbladder while she was still alive; the girl was from Svay Rieng]; **D5/946** Net Saveun CPA, EN 01194709 [the Applicant was from Svay Rieng and was evacuated to Prek Chik Village, Daun Keo Commune, Bakan District], EN 01194712, 18-19 [in November 1978, the Applicant was one of approximately 30 women around the age of 19 who were tied and walked into the forest near Prek Chik by 13- or 14-year-old soldiers. The women were forced to strip, were asked questions about their genitalia, were raped, and then had objects such as axe handles or sticks rammed into their genitalia as the cadres “laughed with joy as though it were a fun game”. The Applicant was struck five times on the head with an axe and was left for dead along with the other women but later regained consciousness. She was the only survivor.].

<sup>2591</sup> **D118/11** Phum Veal Security Centre Site Identification Report, EN 00882686.

<sup>2592</sup> **D118/124** Koem So WRI, A113-115, EN 00975898.

<sup>2593</sup> **D118/124** Koem So WRI, A113, 116, EN 00975898.

into the women's vaginas before killing them.<sup>2594</sup> Former prisoner Chab Khuong recalled that in 1978, the cadres who worked at Phum Veal "[raped] pretty women and girls for pleasure before killing them."<sup>2595</sup> Chab Khuong also recounted how a Khmer Krom family was arrested and brought to the prison, where they were beaten and killed after cadres raped three of the daughters.<sup>2596</sup> At Trach Kraol Security Centre in Boeng Khnar Commune,<sup>2597</sup> former prisoner Moeu Pov saw soldiers who worked at the prison raping two female prisoners from the East Zone in the prison compound before killing them.<sup>2598</sup>

709. Other "enemies" were also subjected to sexual violence whenever opportunity arose. In 1978, East Zone evacuee Um Nit was sent to Bakan District, where "quite a lot of women" from her mobile unit were taken to be killed for unknown reasons, but first they were raped.<sup>2599</sup> In Phsar Andaet Village in 1978, Ek Virak saw three militiamen rape and kill three women.<sup>2600</sup> The third woman "vigorously resisted" and cursed the rapists, so

<sup>2594</sup> **D6.1.759** Koem So WRI, EN 00388621 [regarding the 1978 killing of two female prisoners – one woman from Kandieng District and the other a worker from the Samsan factory in Bakan District], EN 00388621 ["The female prisoners were also tortured before being taken to be killed. Some were raped. [...] I witnessed two females being raped by Kân and Tan at night. This event took place outside the detention centre near the killing site while I was there because I had to wait to bury the corpses."] *read in conjunction with* **D5/147** Koem So CPA, EN 00384366 ["a woman whose guilt was unknown was raped one by one. They tied her hands and made her fall over her back on the edge of the pit where they prepared for killing her. The killing was their pleasure. They inserted their toes into her vagina. She cried and solemnly asked them for mercy on her but they showed no mercy to her. After they maltreated her for their pleasure, they used their knife to cut off her head little by little until she died. I was more frightened when they arrested another woman from a factory and they tortured her like they did to the first woman. While they seriously mistreated her, she cried for her royal parents' help: 'Please dad and mom help me. Only you can help me.' Her cry for help did not finished yet, they pushed her down face up and killed her."]; **D5/1443** Net Phang CPA, EN 01135411 ["the Khmer Rouge arrested and put [Neak Yorn] in a prison in Veal Village, Ta Lau Commune. In the prison, they tortured her with all means, and later on, the perpetrator took a bamboo stick to insert into her vagina and tortured her until she died."], EN 01135407 [*noting* that the alleged crimes against Neak Yorn were committed in 1977].

<sup>2595</sup> **D5/161** Chab Khuong CPA, EN 00379340. *See also* **D6.1.758** Chab Khuong WRI, EN 00387496 ["One day, I had the opportunity to talk with that female cook. Her name was Vinh. She told me that she was raped by the Khmer Rouge soldiers. Later on, she disappeared and I found her body in the cassava plantation about 50 metres from the prison."]; **D118/125** Chab Khuong WRI, A88-91, EN 00976594-95.

<sup>2596</sup> **D5/161** Chab Khuong CPA, EN 00379339. *See also* **D6.1.758** Chab Khuong WRI, EN 00387495 ["in 1977, we were sent to the main prison in Veal Village"], EN 00387496 [regarding the family], EN 00387497 ["The Kampuchea Krom Khmers were the target of arrest because they were accused of being the 'Yuong' [Vietnamese]."].

<sup>2597</sup> **D118/16** Trach Kraol Security Centre Site Identification Report, EN 00882980, 82; **D118/174** Oem Pum WRI, A24, EN 00981775.

<sup>2598</sup> **D118/190** Moeu Pov WRI, A92-102, EN 00986168-70. *See also* **D118/147.1.7** Moeu Pov CPA, EN 01205015-16 [the witness was imprisoned at Trach Kraol in October 1978 and said female prisoners "were raped by the militiamen before they were killed near the security office."]; **D191.1.54** Moeu Pov Supplementary CPA, EN 01205019.

<sup>2599</sup> Although Um Nit was from the East Zone, it is not clear that her mobile unit was made up entirely of women from the East Zone. *See* **D219/170** Um Nit WRI, A57-60, 80-82, EN 01072579, 82-83.

<sup>2600</sup> **D118/289** Ek Virak WRI, A46-48, EN 01079690-91 [describing the incident and saying it occurred in Phsar Andaet Village three months before he (Ek Virak) was taken to be killed] *read in conjunction with* **D5/10** Ek Virak CPA, EN 01541072 [specifying that Phsar Andaet Village was located in Ou Ta Paong

one thrust his bayonet into her vagina after they had finished raping her.<sup>2601</sup>

710. Chan Phay was called a traitor when she refused to marry the chief of soldiers at her Bakan District worksite in late 1977 and was gang raped as punishment.<sup>2602</sup> At a 2013 women's hearing on gender-based violence, Chan Phay recalled:

Because I didn't get married to the chief, I was chained. He ordered other people to come and play with my breasts, to play with my vagina, to squeeze my breasts. Then they used a tool to mutilate my genitals. My feet were spread apart and then I became unconscious eight times. I said I would bite their penis but then they put their penises into my mouth. I tried to avoid it. I just prayed for the god to help me.<sup>2603</sup>

711. Hong Savath was a "17 April person" whose family had lived in Phnom Penh and was eventually evacuated to Bakan District in 1978.<sup>2604</sup> There, Hong Savath's younger sister died of malnutrition and was left to rot on a rice paddy and her other siblings were all killed for various "mistakes".<sup>2605</sup> Her father and mother were executed in front of Hong Savath,<sup>2606</sup> and the three militiamen who killed her parents then dragged Hong Savath into the bushes, stripped off her clothes, and raped her one by one until she went unconscious.<sup>2607</sup> At the Asia-Pacific Regional Women's Hearing in 2012, Hong Savath recounted how she initially struggled against her captors but got weak when the second cadre started to rape her.<sup>2608</sup> Meanwhile, the first rapist cut a slice of bamboo and nailed her hands to the ground. With her legs also stretched out and tied to a tree, she was unable

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Commune, Bakan District, Sector 7, Pursat Province, and specifying the dates he was taken to be killed to have been in mid-July 1978 and 17 August 1978].

<sup>2601</sup> **D118/289** Ek Virak WRI, A46, EN 01079690-91.

<sup>2602</sup> **D310/1.1.8** Belini Ye, *Report from the 2013 Women's Hearing with the Young Generation on Gender-Based Violence During the Khmer Rouge Regime*, Account of Chan Phay, EN 00992394; **D5/660/1** Chan Phay CPA Report, EN 00911290 [while the report does not mention the sexual violence incident, it states that "In late 1977, the applicant was forced to marry by the chief of the unit at 8 p.m to get married at 9 p.m. The applicant objected to this forced marriage."], EN 00911289 ["After being accused of being a traitor the applicant herself was arrested and thereafter sent to Wat Pouti Vong security center in Kandien District, Pursat Province"].

<sup>2603</sup> **D310/1.1.8** Belini Ye, *Report from the 2013 Women's Hearing with the Young Generation on Gender-Based Violence During the Khmer Rouge Regime*, Account of Chan Phay, EN 00992394.

<sup>2604</sup> **D191.1.15** Hong Savath CPA, EN 00332219; **D310/1.1.13** Report from the Asia-Pacific Regional Women's Hearing on Gender-Based Violence, 2012, EN 00992056, 82. *Note* that the OCIJ has formally interviewed Hong Savath, but that WRI only appears on Case File 002 (*see* E3/5591), not Case File 004.

<sup>2605</sup> **D191.1.15** Hong Savath CPA, EN 00332219; **D310/1.1.13** Report from the Asia-Pacific Regional Women's Hearing on Gender-Based Violence, 2012, EN 00992056, 82.

<sup>2606</sup> **D191.1.15** Hong Savath CPA, EN 00332219, **D310/1.1.13** Report from the Asia-Pacific Regional Women's Hearing on Gender-Based Violence, 2012, EN 00992056, 82-83.

<sup>2607</sup> **D191.1.15** Hong Savath CPA, EN 00332219; **D310/1.1.13** Report from the Asia-Pacific Regional Women's Hearing on Gender-Based Violence, 2012, EN 00992056, 83.

<sup>2608</sup> **D310/1.1.14R** Video, *Asia-Pacific Regional Women's Hearing on Gender-Based Violence in Conflict*, 11:22-11:53. Her segment runs in its entirety from 10:56-12:13.



to move. She told the audience: “It was like being crucified”.<sup>2609</sup>

iii. CRIMES FOR WHICH INDICTMENT IS SOUGHT

712. As discussed in the *Individual Criminal Responsibility* section of this Submission, *dolus eventualis* satisfies the *mens rea* to prove that **Yim Tith** and other members of the JCE are criminally responsible for the rapes that occurred in Bakan District.<sup>2610</sup> The ICP submits that in the circumstances existing at the time, rape was in fact an inevitable result of the JCE policies which categorised whole groups of persons as enemies with no rights and no legal protections and whom cadres were encouraged to “smash”. **Yim Tith** and other members of the JCE were certainly aware of the possibility that those they labelled “enemies” would be raped but reconciled themselves to that result and continued to act in furtherance of the criminal plan. As such, the ICP submits that **Yim Tith** should be charged and indicted for other inhumane acts (rape) in Bakan District.<sup>2611</sup>

6. SECTOR 7

a. PRISON NO. 8

i. INTRODUCTION

713. Prison No. 8 was located in Kandieng District of Sector 7 during the DK regime and served as a security centre for the region. Many thousands of people were detained at Prison No. 8 over its period of operation. At least 1,000 prisoners deemed as “enemies” of the CPK, which included a large number of East Zone evacuees, were killed at or near the prison.

714. As deputy secretary of the Northwest Zone from July 1978 and a leading JCE member, **Yim Tith** was responsible for events at and arising out of Prison No. 8.

715. The ICIJ charged **Yim Tith** with the following crimes in relation to Prison No. 8: the crimes against humanity of murder, extermination, enslavement, imprisonment, torture, persecution on political grounds against East Zone evacuees, other inhumane acts (confinement/working in inhumane conditions); and premeditated murder in violation of

<sup>2609</sup> **D310/1.1.14R** Video, Asia-Pacific Regional Women’s Hearing on Gender-Based Violence in Conflict, 11:54-12:13.

<sup>2610</sup> See **VIII.B.1.d.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Rape and Sexual Violence Outside of Forced Marriage.

<sup>2611</sup> The ICP notes that in relation to Bakan District, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are the crimes against humanity of other inhumane acts (rape). The CIJs were seised of these crimes by **D191** Co-Prosecutors’ Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 7, 10.

Articles 501 and 506 of the 1956 Penal Code.<sup>2612</sup>

ii. OPERATION AND LOCATION

716. Prison No. 8 was operational from at least 1977 until the end of the DK regime.<sup>2613</sup> The prison was located in Kbal Chheu Puk Village, Sya Commune, Kbal Chheu Puk Cooperative<sup>2614</sup> (aka Boeng Chak), Kandieng District, Pursat Province, in Sector 7 of the Northwest Zone.<sup>2615</sup> It was located one kilometre northeast of the village centre.<sup>2616</sup> The prison was a former Lon Nol army barracks and spanned approximately one to two hectares.<sup>2617</sup> Within the compound, there were three buildings used to detain prisoners.<sup>2618</sup> Also as part of the prison, there was a wooden dining hall with a thatched roof, a house for the cadres and militiamen, a special prison, a pond, and one grave.<sup>2619</sup>

<sup>2612</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426076, 79.

<sup>2613</sup> **D219/265** Khoem Sarun WRI, A40, 51, 60, EN 01098460-61; **D105/9** Heang Phoeun WRI, A11-12, 21, EN 00919435-36; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D219/553** Ky Pengly WRI, A110-111, EN 01178605; **D219/279** Kou Molly WRI, A23-24, EN 01098533; **D219/340** Ke Y WRI, A50, 52, 58, EN 01117703-04; **D219/526** Tep Hoeun WRI, A51, EN 01168049; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830.

<sup>2614</sup> **D105/9** Heang Phoeun WRI, A22, EN 00919436; **D2.1.78b** Touch Bun Sean CPA Report, EN 00522286; **D219/265** Khoem Sarun WRI, A12, 41, EN 01098459-60; **D219/555** Ker Tin WRI, A69, EN 01178636; **D219/279** Kou Molly WRI, A62, EN 01098536; **D219/553** Ky Pengly WRI, A76, EN 01178599.

<sup>2615</sup> **D219/553** Ky Pengly WRI, A34-36, 57, EN 01178592, 96 [“Boeng Chak Cooperative was located in Boeng Chak Village, Sya Commune”]; **D219/555** Ker Tin WRI, A24-27, EN 01178631; **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328; **D219/554** Nget Kuon WRI, A32, 34, 36-38, EN 01178616-17; **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803806 [“Prison Nr. 8 Security Center [...] Indication of the KR [...] zone: [...] Northwest Zone.”]; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085 [“District 22, [...] Northwest Zone[.] Kandieng district was District 22”].

<sup>2616</sup> **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803816; **D219/555** Ker Tin WRI, A70, EN 01178637; **D219/265** Khoem Sarun WRI, A41-42, EN 01098460.

<sup>2617</sup> **D219/555** Ker Tin WRI, A108, 115, EN 01178641-42; **D219/553** Ky Pengly WRI, A75, EN 01178599 [“Under the Lon Nol regime, the place was used as a military barracks, but under the Khmer Rouge regime, it was Prison 08.”]; **D5/831/3** Nget Kuon Supplementary CPA, EN 01238827; **D219/526** Tep Hoeun WRI, A42, EN 01168048.

<sup>2618</sup> **D105/9** Heang Phoeun WRI, A20-21, 23-24, EN 00919436-37 [“A20: [...] I was in prison for two years and three months. [...] A21: Upon Vietnam’s arrival in 1979, I fled out. [...] A23: There were small, but long houses [...]. There were three such houses. [...] Q: Were prisoners placed at all three houses? A24: Yes.”]; **D219/279** Kou Molly WRI, A60, 63, EN 01098535-36 [“One evening, because I missed my mother badly, I dropped by Office 08 to visit her. [...] Inside Prison 08 there were many houses that looked like huts [...] used for detaining prisoners. Each hut was long and there were about three or four huts.”]; **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803807 [“the prisoners were kept inside three stables”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 [“Prison 8 [...] [witness] remained there till 7<sup>th</sup> January 1979. The prison consisted of 4 main buildings: one for children, 2 for men and 1 for women.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830 [“After the liberation, I went to the prison, and I saw [...] three storerooms [...]. The storerooms were places to keep the prisoners.”]; **D5/831/3** Nget Kuon Supplementary CPA, EN 01238828 [“In the prison, there were rice storerooms to keep prisoners.”]; **D5/807/3** Ngeth Eam Supplementary CPA, EN 01238823-24 [“Prison 8 [...] I know about the conditions in the prison from the description from my mother, who was a prisoner there. [...] In the prison, there were four or five huts [...] for the prisoners to sleep.”].

<sup>2619</sup> **D219/265** Khoem Sarun WRI, A41, 43, 46, EN 01098460-61; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328; **D219/265** Khoem Sarun WRI, A47, EN 01098461; **D105/9** Heang Phoeun WRI, A58, EN 00919440.

717. After prisoners were executed, their corpses were buried outside the compound close to the prison. These included sites at Boeng Tralaeng, Srah Tralach pond, and Ta Mao Village.<sup>2620</sup> The burial pits ranged in size to hold from a few bodies to over 200 corpses.<sup>2621</sup>

iii. AUTHORITY STRUCTURE AND COMMUNICATION

718. Prison No. 8 was under the authority of the Kandieng District Committee. After the Northwest cadres had been purged in Kandieng in early to mid-1977,<sup>2622</sup> Southwest cadre Tri led the district committee for only a few months<sup>2623</sup> before he was arrested and sent to S-21 for execution, replaced by West Zone cadre Yeay Nan,<sup>2624</sup> who remained until the end of the DK regime.<sup>2625</sup>
719. Kandieng District was under the control of Sector 7 and Ta Sarun in his role as Sector 7 Secretary. Ta Sarun attended meetings with Ta Mok, during which Ta Sarun received

<sup>2620</sup> **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803808; **D1.3.10.6** DC-Cam Report, *Pursat Genocide Report*, EN 00217581 [“there was a prison called ‘S’ Prison 8 [...] and the corpses were buried in mass graves”]. See also **V.B.6.a.iv.** Crimes – Northwest Zone – Sector 7 – Prison No. 8 – Crimes – Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance).

<sup>2621</sup> **D219/526** Tep Hoeun WRI, A79-82, EN 01168052-53 [“There was one grave on a small hill around 500 or 600 metres from Prison 8. [...] In each row, there were ten corpses, and in total there were approximately 200 corpses. Some rows that consisted of 10 corpses, and some other rows consisted of five corpses. [...] I personally saw them, because [...] I walked past that place every day [...] during the rule of the Khmer Rouge.”], A79, 90, EN 01168052-54 [“About 400 metres to the north of Prison 8, there was another big grave with around 300 corpses. [...] [a]round 10 metres square, and the depth was around 1.5 metres.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830; **D219/553** Ky Pengly WRI, A89-90, EN 01178601; **D219/555** Ker Tin WRI, A122, 125, EN 01178643 [“In one mass grave in Srah Ta Lach, I saw over 700. [...] I saw those dead bodies two weeks before the Vietnamese arrived”]; **D6.1.161** Suy Sengchhorn WRI, EN 00242118 [“MOK Ny survived [the killing] in late 1978 [...]. She told me that they took about 2,000 people detained in Kbal Chhoeupuk to beat to death in the pond next to that security office.”]; **D219/340** Ke Y WRI, A49, 58, 60, EN 01117703-04; **D219/55** Ker Tin WRI, A122, EN 01178643; **D1.3.10.6** DC-Cam Report, *Pursat Genocide Report*, EN 00217581 [“the corpses were buried in mass graves-each of the 10m x 10m size and the depth of between 2,50m and 3m.”].

<sup>2622</sup> See **V.B.1.b.ii** Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges At The Sector Level – Sector 7.

<sup>2623</sup> **D134/3** Sat Chhang WRI, A28, 31, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A7-8, EN 00974301; **D6.1.617** Sat Sakhom SOAS Interview, EN 00352087; **D134/4** Lim Sat WRI, A32, EN 00974296; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78].

<sup>2624</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78]; **D134/3** Sat Chhang WRI, A28, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A19-20, EN 00974303; **D219/849** Sou Nan alias Yeay Nan WRI, A21-22, EN 01356228; **D219/869** Sek Sam At alias Yeay Rim WRI, A51-53, EN 01365562-63; **D6.1.643** Ung Chhat WRI, EN 00373918; **D6.1.617** Sat Sokhom SOAS Interview, EN 00352087; **D219/279** Kou Molly WRI, A95, EN 01098539.

<sup>2625</sup> **D134/3** Sat Chhang WRI, A28, 43, EN 00974283-85; **D6.1.988** Sou Nan alias Yeay Nan WRI, A15, 20, EN 00508564-65; **D219/849** Sou Nan alias Yeay Nan WRI, A21-22, EN 01356228; **D219/869** Sek Sam At alias Yeay Rim WRI, A55, 57, EN 01365563.

orders to disseminate in his sector. Such orders included which people to target, investigate, and kill, such as those associated with the Vietnamese.<sup>2626</sup> Ta Sarun appointed Nan as district secretary.<sup>2627</sup>

720. After Nan took power in the district, the killings intensified. Yeay Nan issued orders to cadres at the commune and cooperative level to kill East Zone people and “17 April people”, including women, children, and the elderly.<sup>2628</sup> She also spoke at and chaired meetings in the district and elsewhere in the province, during which she ordered 100 to 300 attendees “to work hard to achieve the plans”.<sup>2629</sup> Cooperative and unit chiefs convened regular self-criticism meetings,<sup>2630</sup> during which they spoke about smashing internal enemies.<sup>2631</sup>
721. Among the cooperatives under Nan’s authority were Stueng Village Cooperative led by Soeun,<sup>2632</sup> Nan’s sister from Kampong Chhnang,<sup>2633</sup> and Sya Cooperative headed by military leader Nat,<sup>2634</sup> who was also Nan’s sister.<sup>2635</sup> Both of Nan’s sisters ordered arrests and killings, including of East Zone evacuees.<sup>2636</sup>
722. At the cooperative level where Prison No. 8 was located, the chief of Kbal Chheu Puk

<sup>2626</sup> **D219/861** Sek Sam At alias Yeay Rim WRI, A103, 104, 106-107, EN 01364083 [Bakan District Secretary: “A103: [Ta Mok] gave orders through Sarun. [...] A104: [...] I knew that Ta Sarun attended the meetings with [Ta Mok]. [...] Q: [...] Ta Sarun told you that he had attended the meetings with Ta Mok. He further told you that Ta Mok had ordered which people to target, conduct research and do away with – they were those people who were affiliated with the Vietnamese people. Is that right? A106: Yes, it is. [...] A107: [Sarun] received the plan. He called all the people for the meetings. Then, the plan was delivered to us.”]; **D219/869** Sek Sam At alias Yeay Rim WRI, A8, 42, EN 01365558, 61 “[Ta Mok and Ta Sarun] went to meet each other in Battambang. [...] Ta Sarun gave the instructions and he went to meet the higher echelon”].

<sup>2627</sup> **D6.1.988** Sou Nan alias Yeay Nan WRI, A20, 22-33, EN 0050865-68 [Sou Nan admitted she was appointed by Sarun to be the Kandieng District Com, but claimed she did not accept the position]. *See also* **D219/869** Sek Sam At alias Yeay Rim WRI, A51, EN 01365562 “[Yeay Nann [...] came at the same time as Uncle Sarun.”].

<sup>2628</sup> **D134/3** Sat Chhang WRI, A34, 38-39, 46, EN 00974284-86; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085; **D219/183** Sok Khan WRI, A50, 54, 56, EN 01079299-300.

<sup>2629</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A55, EN 01365563; **D134/5** Huot Moeng WRI, A25-27, EN 00974304; **D134/1** Ung Chhat WRI, A29, 31, EN 00974267.

<sup>2630</sup> **D219/58** Yim Sovann WRI, A49-50, EN 01053853-54; **D6.1.761** Yim Sovann WRI, EN 00379314-15; **D6.1.161** Suy Sengchhorn WRI, EN 00242120.

<sup>2631</sup> **D219/58** Yim Sovann WRI, A49, 51-54, EN 01053853-54.

<sup>2632</sup> **D134/3** Sat Chhang WRI, A37, 43, EN 00974284-85; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085; **D134/5** Huot Moeng alias Sat Sokhom WRI, EN 00974305-06.

<sup>2633</sup> **D134/3** Sat Chhang WRI, A37, EN 00974284. *See further* **D118/179** Sou Hoeun WRI, A4, 22, EN 01040681, 83; **D6.1.988** Sou Nan alias Yeay Nan WRI, A4, EN 00508563. *Note*, however, that both sisters, Sou Nan and Sou Hoeun, have denied this, *see* **D118/179** Sou Hoeun WRI, A49, 51-53, EN 01040686-87; **D134/2** Sou Nan alias Yeay Nan WRI, A36, EN 00974276.

<sup>2634</sup> **D219/183** Sok Khan WRI, A52, 54-55, EN 01079299.

<sup>2635</sup> **D134/2** Sou Nan alias Yeay Nan WRI, A35, EN 00974275; **D219/183** Sok Khan WRI, A50, EN 01079299.

<sup>2636</sup> **D134/3** Sat Chhang WRI, A38-39, 48-49, EN 00974284-86; **D219/183** Sok Khan WRI, A50, 54, 56, EN 01079299-300.

Cooperative ordered arrests and killings.<sup>2637</sup> Similarly, unit chiefs in the area ordered the arrest of individuals to be detained in the prison.<sup>2638</sup> By mid-1978 and after the arrival of new chiefs at the village, commune, and district unit levels including Kbal Chheu Puk Cooperative, all prisoners in Prison No. 8 were killed.<sup>2639</sup>

723. In early 1978, Pol Pot, Ta Mok, Nuon Chea, and Son Sen with other military commanders decided to purge the East Zone.<sup>2640</sup> In early 1979, the Khmer Rouge cadres carried out the last killings as a result of a final plan to eradicate all East Zone evacuees, as ordered by Office 870 and Northwest Zone Secretary Ta Mok.<sup>2641</sup>

724. Towards the end of the DK period at the security centre, the leadership of the prison

<sup>2637</sup> **D219/279** Kou Molly WRI, A51-52, EN 01098535 [“When Phim came to control Kbal Chhoeur Puk Cooperative, he took many people to be killed. In my unit, he took all the elderly people to be killed. My father was also taken to be killed by him. [...] In my unit, six people, including my five uncles (distant relatives) and my father, were taken to be killed. They were killed in late 1977.”].

<sup>2638</sup> **D5/796** Bich Hach CPA, EN 00888499 [“a militia, reported to Bien, then Bien ordered the arrest of her and detained at Chheu Puk Security Office”], EN 00888497 [“in Kbal Chheupuk Village [...] Bien, the unit chief”]; **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328; **D219/553** Ky Pengly WRI, A104, 105, EN 01178604; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network*, Account of Chav Kim Tit, EN 00087327.

<sup>2639</sup> **D5/796** Bich Hach CPA, EN 00888500 [“In mid-1978, there was always shift of militias [...] All prisoners in Chheu Puk Security Office were executed and new chief of cooperative came to supervise the Chheu Puk cooperative.”].

<sup>2640</sup> **D6.1.98** Chhouk Rin WRI, EN 00268871 [“The decision to purge [...] the East Zone was made after the Party Annual General Assembly in early 1978, with Pol Pot, Nuon Chea, Ta Mok, and Son Sen holding a special meeting with military commanders including myself in Phnom Penh.”].

<sup>2641</sup> **D134/3** Sat Chhang WRI, A47-49, EN 00974286 [“Q: In the report of the human rights organization, we notice that the people who were evacuated from the east [...] in late 1978 [...] were gathered together and killed. Later, when the Vietnamese entered Phnom Penh, the killing of the people from the East Zone intensified. Did you really provide this information to the human rights organization? A47: Yes, I did. The Khmer Rouge really wanted to kill the rest as per their final plan. Q: In the same report, you said that you got the information because Soeun liked you and wanted to kill your wife in order to get you to be her husband. She also told you about the plan to eradicate the evacuees from the East Zone. Is that content correct? A48: Yes [...] A49: I knew the information because I was always close to Soeun. I heard Soeun ordered the chief of militia to gather the people from the east together and take them to be killed.”]; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085; **D118/278** Nam Im WRI, A184-188, EN 01031806-07 [“A unit chief secretly told me about a plan. He said that ‘Ta 78 planned to kill all the East Zone people within five days.’ [...] Ta 78 was referred to Committee 870. [...] Committee 870 laid down a plan to Ta 15. Ta 15 held a meeting to disseminate that plan to lower echelon cadres. [...] unit chief [...] Chea secretly told me about this in around January in 1979 because the Vietnamese had already arrived in Pursat Town [...] He was also from Bak Chenhchien.”] (*Note* **D118/278** Nam Im WRI, A171, EN 01031805 [“Ta Mok [...] was called Ta 15.”]), A212-213, 216, 219-220, EN 01031810-11 [“A212: The cooperative committee attended a meeting. When they returned, they held a meeting and told me that ‘Committee 870 laid down a plan to kill all the East Zone people within five days.’ Q: Was the plan implemented? A213: Yes [...] The soldiers came and arrested many people, and they were walked away in lines. During that time they no longer kept it secret; the East Zone people were killed everywhere. [...] A216: They killed everywhere in Bak Chenhchien Cooperative [...] approximately 50 people were killed each day [...]. Four days later they decided to stop killing the East Zone people. [...] Q: [...] who killed the East Zone people? [...] A219: [T]hey were district and sector soldiers. [...] A220: [C]hhlob also took part.”].

included Ta Soeun,<sup>2642</sup> Chheang, Paong, and Maong.<sup>2643</sup> Chheang replaced the first prison chief, Heng.<sup>2644</sup> These prison officials passed on orders to kill prisoners that had originated at the zone level.<sup>2645</sup> Prison chiefs were seen participating in the killings.<sup>2646</sup> Armed militia, including young boys, guarded the security centre.<sup>2647</sup>

#### iv. CRIMES

##### Imprisonment, and Other Inhumane Acts (Inhumane Treatment)

725. Individuals were arrested and sent to Prison No. 8 simply because they belonged to

<sup>2642</sup> **D105/9** Heang Phoeun WRI, A33, EN 00919437-38 [“Ta Mi was the top chief, Ta Cheang, the deputy, and Ta Soeun, the second deputy.”]; **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328 [“Cheang was the chief of the security center”].

<sup>2643</sup> **D219/555** Ker Tin WRI, A51, EN 01178634 [“Chheang was from Srae Sdok”], A47, EN 01178634 [“Q: Was Sae Sdok located in Bakan District? A47: Yes”], A73-74, EN 01178637 [“Q: Do you remember who the Prison 08 chief was? A73: [...] Cheang [...] A74: the office chairmen.”], A81-82, EN 01178638 [“Q: [...] Do you mean that there were guards at Prison 08 who were perpetrators? A81: Yes [...] A82: [...] Paong.”]; **D5/811/3** Ker Tin Supplementary CPA, EN 01190635 [“two militiamen named Cheang and Paong march [...] people to be killed in Ta Mao village near Office 08.”]; **D219/279** Kou Molly WRI, A64, 84, EN 01098536-37 [“A64: Paong was the Chief of Prison 08.”], A39, EN 01098534 [“Q: Who was in charge of the militiamen in Khbal Chhoeur Puk Cooperative? A39: The militia chief in my cooperative was Chheang.”]; **D1.3.10.6** DC-Cam Report, *Pursat Genocide Report*, EN 00217581 [“The two witnesses reported that the cruel killers of ‘S’ Prison 8 were: 1- Chieng [...] 2- Pao (dead), the most cruel killer”]; **D5/1132** Choeu Kimthik CPA, EN 01144099; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631; **D5/835/1** Vorn Orn CPA Report, EN 00951569; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238829-30 [“Prison 08 [...] the chairman in charge [...] was Ach Pang from the West Zone.”]; **D2.1.86b** Ham Kaoy Summary of Complaint, EN 00461318 [“Kbal Chheu Puk security center [...] Pao was the chief of the security center.”]; **D219/279** Kou Molly WRI, A64-65, EN 01098536 [“A64: Paong was the Chief of Prison 08. Q: Where was he from? A65: [...] generally, most of them were from the western part of the country.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238829-30 [“Prison 08 [...] Ach Pang from the West Zone.”].

<sup>2644</sup> **D219/555** Ker Tin WRI, A73, EN 01178637.

<sup>2645</sup> **D105/9** Heang Phoeun WRI, A33-34, EN 00919438 [“A33: The trio were not the killers, but they received kill orders from the upper echelon. Q: Who did you think gave orders to the trio? A34: Those from the province.”]; **D219/340** Ke Y WRI, A60, EN 01117704 [“The militiamen [...] would kill people only when there was an order.”].

<sup>2646</sup> **D219/555** Ker Tin WRI, A85-86, EN 01178638 [“I saw Paong walking people away to be killed [...] three times.”], A99, EN 01178640 [“Q: Were those people walked out of the prison? A99: Yes”]; **D5/811/3** Ker Tin Supplementary CPA, EN 01190635 [“two militiamen named Cheang and Paong [...] He knew that the people who took people to be killed in Office 08 or near Office 08 were named Cheang and Paong because he frequently saw them marching people to be killed.”]; **D5/1132/3** Choeu Kim Thik Supplementary CPA, EN 01344775 [“Office 08 [...] the person who frequently took people from there to be killed was Paong. [...] [H]e used to go close to that place when he went to work.”]; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631.

<sup>2647</sup> **D219/182** Uon Heav WRI, A47, EN 01079787; **D219/555** Ker Tin WRI, A94, EN 01178639; **D219/183** Sok Khan WRI, A73, 76, 80, EN 01079303-04; **D219/553** Ky Pengly WRI, A44-45, EN 01178593-94; **D219/279** Kou Molly WRI, A60, EN 01098535; **D219/58** Yim Sovann WRI, A22, 25, 31, EN 01053848-49; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238829-30; **D5/807/3** Ngeth Eam Supplementary CPA, EN 01238823; **D219/554** Nget Kuon WRI, A54, EN 01178619; **D219/553** Ky Pengly WRI, A44-45, EN 01178593-94 [“Those militiamen were small boys and armed. [...] only two of them. [...] Those militiamen were small [...] They were about 15 or 16 years old. They carried rifles, but some of them could not carry their rifles off the ground.”]; **D219/279** Kou Molly WRI, A60, EN 01098535.

groups deemed “enemies” by the CPK. The prisoners were of all ages<sup>2648</sup> and included former Lon Nol soldiers and their families,<sup>2649</sup> evacuees from Phnom Penh,<sup>2650</sup> “feudalists”,<sup>2651</sup> “imperialists”,<sup>2652</sup> and those accused of being CIA spies<sup>2653</sup> or enemies of Angkar.<sup>2654</sup> The prisoners also included “ordinary people”<sup>2655</sup> from villages, cooperatives, and districts in Sector 7.<sup>2656</sup> These people were arrested for diverse reasons, including committing “immoral offences”,<sup>2657</sup> attempting to flee,<sup>2658</sup> evading work,<sup>2659</sup> stealing food,<sup>2660</sup> and failing to follow the collective eating policy.<sup>2661</sup> Prisoners from Prison No. 7 who were viewed to have committed more serious breaches of CPK policy were transferred to Prison No. 8.<sup>2662</sup>

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- <sup>2648</sup> **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D219/58** Yim Sovann WRI, A7, EN 01053845, A46-47, EN 01053853; **D219/555** Ker Tin WRI, A85, 99, EN 01178638-39; **D219/265** Khoem Sarun WRI, A72, EN 01098462; **D219/553** Ky Pengly WRI, A14, 69, 80-82, EN 01178588, 598, 600; **D219/526** Tep Hoeun WRI, A48, EN 01168048-49; **D219/183** Sok Khan WRI, A77, EN 01079303; **D219/554** Nget Kuon WRI, A61, 64, EN 01178620; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28; **D2.1.85a** Kou Molly CPA, EN 00888109.
- <sup>2649</sup> **D219/526** Tep Hoeun WRI, A53, 57, EN 01168049-50; **D219/183** Sok Khan WRI, A77, EN 01079303; **D219/265** Khoem Sarun WRI, A60, EN 01098461-62; **D5/831/3** Nget Kuon Supplementary CPA, EN 01238827-28; **D2.1.86b** Ham Kaoy Summary of Complaint, EN 00461318; **D2.1.79b** Chuop Kep Summary of Complaint, EN 00461271.
- <sup>2650</sup> **D219/554** Nget Kuon WRI, A66, EN 01178620; **D5/831/3** Nget Kuon Supplementary CPA, EN 01238828.
- <sup>2651</sup> **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631; **D5/787/1** Ky Pao CPA Report, EN 00915833.
- <sup>2652</sup> **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631.
- <sup>2653</sup> **D219/279** Kou Molly WRI, A24, 26, EN 01098533; **D2.1.85a** Kou Molly CPA, EN 00888108-09; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631.
- <sup>2654</sup> **D219/279** Kou Molly WRI, A66, EN 01098536; **D219/340** Ke Y WRI, A59, EN 01117704; **D2.1.81b** Ke Eu Summary of Complaint, EN 00461282; **D2.1.83b** Uy Lok Summary of Complaint, EN 00522347.
- <sup>2655</sup> **D219/526** Tep Hoeun WRI, A53, EN 01168049-50.
- <sup>2656</sup> **D219/58** Yim Sovann WRI, A15-16, EN 01053847.
- <sup>2657</sup> **D219/265** Khoem Sarun WRI, A60, EN 01098461-42; **D219/526** Tep Hoeun WRI, A57, EN 01168050; **D219/58** Yim Sovann WRI, A89, EN 01053859; **D6.1.761** Yim Sovann WRI, EN 00379316; **D2.1.74b** Sim Sokheng Summary of Complaint, EN 00522211 (*Note* that although the civil party refers to the office as security center 09, she locates it in Kbal Chheu Puk Village. *See* EN 00522211).
- <sup>2658</sup> **D219/182** Uon Heav WRI, A63, EN 01079789, A40, 42-43, EN 01079785-86; **D2.1.77b** Aun Hiev Summary of Complaint, EN 00522273; **D219/340** Ke Y WRI, A52, EN 01117704; **D5/1132** Choeru Kimthik CPA, EN 01144100; **D5/807/3** Nget Eam Supplementary CPA, EN 01238823-24 (*Note* **D5/807/1** Ngeth Eam CPA Report, EN 00918472-73); **D219/979.1.9** Sok Khan CPA, EN 01547996; **D5/812/1** Bin Chhea CPA Report, EN 00918558.
- <sup>2659</sup> **D219/265** Khoem Sarun WRI, A60, EN 01098461-62; **D219/526** Tep Hoeun WRI, A57, EN 01168049-50.
- <sup>2660</sup> **D5/450/3** Yim Sovann, T. 19 Oct 2012, 15.46.24-15.51.00 (*Note* **D219/58** Yim Sovann WRI, A47, EN 01053853); **D6.1.761** Yim Sovann WRI, EN 00379316; **D6.1.161** Suy Sengghorn WRI, EN 00242118; **D219/526** Tep Hoeun WRI, A47, EN 01168048; **D219/265** Khoem Sarun WRI, A8-9, 12, 40, 60, EN 01098459-62; **D219/279** Kou Molly WRI, A66, EN 01098536; **D2.1.73b** Ty Ron Summary of Complaint, EN 00522193; **D5/796** Bich Hach CPA, EN 00888499.
- <sup>2661</sup> **D105/9** Heang Phoeun WRI, A14, 17-21, EN 00919436.
- <sup>2662</sup> **D5/450/3** Yim Sovann, T. 19 Oct 2012, 15.58.55-16.01.20; **D6.1.761** Yim Sovann WRI, EN 00379315; **D219/340** Ke Y WRI, A52, EN 01117704.

726. The CPK forces also imprisoned large numbers of East Zone evacuees at Prison No. 8.<sup>2663</sup> These evacuees were particularly targeted for execution.<sup>2664</sup> Yim Sovann described how

<sup>2663</sup> **D219/526** Tep Hoeun WRI, A96, EN 01168055 [“Around 40 people from Svay Rieng were sent to Prison 8. Those who had been very rebellious in Svay Rieng were sent to Prison 8”]; **D5/834** Tep Hoeun Supplementary CPA, EN 01547967 [“In 1977-1978, I saw the East Zone group being transported on a train to Pursat province. They were tied up and walked in lines to Office 08.”]; **D219/340** Ke Y WRI, A42-43, 50-54, EN 01117702-04 [“A42: [...] Svay Rieng people [...] A43: [...] The Khmer Rouge arrested all of them. [...] A50: [...] They transported them to Kbal Chhoeur Puk Office [...] A51: [...] I saw it every evening. I lived near that place. [...] A52: It lasted from 1977 until the POL Pot regime collapsed. [...] Q: According to your estimate, how many Svay Rieng people were arrested? A53: At least 5000 people disappeared. Q: Did you sometimes see the Svay Rieng people being arrested? A54: Yes, I did. The Khmer Rouge walked them past this way; their children cried.”], A75, EN 01117705 [“Q: Now let us talk about the Svay Rieng people. How did you recognize them? A75: I noticed their accents, and they all had blue scarves around their necks. We asked them when they came to work with us. They had fair complexion, different from us who were peasants.”]; **D219/265** Khoem Sarun WRI, A62-64, EN 01098462 [“Q: During the Khmer Rouge period, were people evacuated from Svay Rieng, and Prey Veng to this area? A62: Yes [...]. Q: Were they detained at this prison as well? A63: Yes [...]. A64: [...] As soon as the Svay Rieng people arrived they were arrested and detained here. Any people from Svay Rieng who were accused of committing even a minor mistake would be arrested and detained at this Kbal Chhoeur Puk Security Office.”]; **D219/553** Ky Pengly WRI, A14, 68-69, EN 01178588, 98 [“When POL Pot cadre came, they sent the Svay Rieng people to the village. [...] All the Svay Rieng people were sent to be detained at the office. [...] The Svay Rieng people arrived in the village one after another when Khmer Rouge arrived in the village. They sent those people from Phnom Penh to cooperatives. I saw those people arrive one after another. [...] I saw them because my house was near the office. People from Svay Rieng spoke with an accent similar to a Yuen accent. That’s why I knew that they were Svay Rieng people.”]; **D5/830** Ky Pengly CPA, EN 01540992 [“At night, I heard the sound of screams of those being beaten and marched off [...] to Office 08. The majority of those taken away to be killed were Easterners coming from Svay Rieng and having blue scarves.”]; **D219/554** Nget Kuon WRI, A66, EN 01178620 [“Q: Do you know the type of the people [...]? A66: [...] Svay Rieng [...] people [...] detained in that office.”]; **D5/831/3** Nget Kuon Supplementary CPA, EN 01238828 [“Some people from Svay Rieng [...] were taken to be tempered in Office 08 as well.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“The prison [...] in particular people from Svay Rieng.”]; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631 [“in 1977, she noticed almost every day that the militiamen [...] walked people [...] to Office 8 [...] She [...] heard the people in the mobile unit say that some of them were [...] from the East Zone”]; **D5/811** Ker CPA, EN 01539674 [“700 people who came from Svay Rieng, Koh Thorn and Kien Svay were taken to Security Office 08.”] (Note **D219/555** Ker Tin WRI, A64, EN 01178636 [“Q: Do you remember the year in which the Svay Rieng people and the Prey Veng people arrived in your cooperative? [...] A64: [...] They lived in the cooperative for two years, and then the Vietnamese arrived.”]); **D2.1.75b** Nhoeng Long Summary of Complaint, EN 00461114 [“In 1978, many people were transferred from Svay Rieng Province to [...] Kandiang District, Pursat Province. [...] some were [...] arrested and detained at Kbal Chheu Puk security center.”]; **D2.1.84b** Ear Roth Summary of Complaint, EN 00480643 [“She also witnessed that people from Svay Rieng Province were arrested and sent to Kbal Chheu Puk security center”].

<sup>2664</sup> **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33, EN 01027920 [“Q: [...] the question was about 500 prisoners being killed at that centre, and your reply was [...] ‘I saw people who were evacuated from the East Zone of Svay Rieng province being tied in a line and taken to Security Centre 8 to be executed.’ Is that correct? A: Yes”] read in conjunction with **D6.1.761** Yim Sovann WRI, EN 00379315 and **D219/979.1.6** Yim Sovann CPA, EN 00385233 [this took place in late 1978]; **D219/340** Ke Y WRI, A51, EN 01117703 [“Q: Did you see first-hand when people were [...] being escorted to Kbal Chhoeur Puk Prison? A51: Yes [...] I saw it every evening. I lived near that place.”]; **D219/553** Ky Pengly WRI, A14, EN 01178588 [“People from Svay Rieng, especially, were taken in groups to be detained at the office and killed. [...] My house was near Office 08.”], A87, EN 01178601 [“Q: How did you know that Svay Rieng people were killed in Prison 08? A87: Because some people [...] who went to work saw such incidents. Most of the Svay Rieng people were killed.”] (Note **D5/830** Ky Pengly Supplementary CPA, EN 01540992 [“At night I heard the sound of screams of those being beaten and marched off concentrations of young and old to Office 08. The majority of those taken away to be killed were Easterners coming from Svay Rieng and having blue scarves.”]); **D219/554** Nget Kuon WRI, A66, EN 01178620 [“Q: Do you know the



on one occasion, a group of 500 East Zone evacuees were sent to the prison to be executed after they had allegedly staged a rebellion in Kandieng Cooperative.<sup>2665</sup>

727. Arrestees were taken to the security centre at regular intervals and in large numbers. From 1977, they were arrested in groups almost every night.<sup>2666</sup> Prisoners filled the prison to its capacity.<sup>2667</sup> New prisoners were regularly brought in as the old prisoners were taken out and killed.<sup>2668</sup> Hundreds of prisoners were held at any one time,<sup>2669</sup> and it is estimated

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type of the people who were taken to be killed? A66: [...] from [...] Svay Rieng [...] detained in that office.”]; **D219/526** Tep Hoeun WRI, A51, EN 01168049 [“Those from Svay Rieng were killed [...] at Prison 8 around ten days or half a month before the Vietnamese arrived.”]; **D5/834** Tep Hoeun CPA, EN 01547967 [“In 1977-1978, I saw the East Zone group being transported on a train to Pursat province. They were tied up and walked in lines to Office 08.”]; **D5/1132** Choeu Kimthik CPA, EN 01144099-100 [“Office 08 [...] The people brought to be killed here were the people from Svay Rieng.”]; **D2.1.84b** Ear Roth Summary of Complaint, EN 00480643 [“people from Svay Rieng Province were arrested and sent to Kbal Chheu Puk security center [...] in order to be killed.”].

- <sup>2665</sup> **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33, EN 01027919-20 [“I’m [...] referring to [...] your OCIJ statement [...]. And the question was about 500 prisoners [...] at that centre, and your reply was – and I quote: ‘I saw people who were evacuated from the East Zone of Svay Rieng province being tied in a line and taken to Security Centre 8 [...].’ Is that correct? A: Yes [...] it was right before the liberation by the Vietnamese troop -- the people were sent from Svay Rieng province to Kandieng Cooperative. [...] I saw people from the Eastern Zone [...] And I realized that those people were sent to Security Centre Number 8.”]; **D6.1.761** Yim Sovann WRI, EN 00379315; **D219/58** Yim Sovann WRI, A7, 12, 17-19, EN 01053845-47 [“A7: [...] in late 1978 [...] I saw [...] Svay Rieng people [...] an old woman among those people [...] told me that they were from a cooperative in Kandieng District. [...] I knew for certain that they were taking those people to Security Office 08. [...] Q: How did you know that those 500 people came from the East Zone? A12: I recognized their blue scarves. [...] Q: [...] How did you know that 500 East Zone people were sent to Security Office 08? A17: I saw that those people were tied up. [...] I estimated that there were approximately 500 people. [...] A18: I saw them escorting the people many times. The people were marched in groups. [...] A19: I saw them escorting the East Zone people for two or three days. I asked my unit chief about the East Zone people, and he told me that there had been a rebellion in Kandieng Cooperative, and the Svay Rieng people had killed the cooperative chairman. Consequently, they arrested and took the people in Kandieng Cooperative to be killed. At that time, the Khmer Rouge hated the East Zone people very much.”].

- <sup>2666</sup> **D219/340** Ke Y WRI, A17-18, 50-52, EN 01117700, 03-04 (Note: **D2.1.81b** Ke Eu Summary of Complaint, EN 00461282); **D219/553** Ky Pengly WRI, A15, 80-81, EN 01178589, 600; **D6.1.161** Suy Sengchhorn WRI, EN 00242118; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631; **D5/811/3** Ker Tin Supplementary CPA, EN 01190635.

- <sup>2667</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 [“Chav Kim Tit [...] in [...] Prison 8 [...] on 6th June 1976 [...] till 7th January 1979. [...] The prison was always full.”].

- <sup>2668</sup> **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803808 [“at Prison Nr. 8 [...] the new prisoners would come after the old prisoners disappeared.”].

- <sup>2669</sup> **D219/554** Nget Kuon WRI, A57, EN 01178619 [“Q: Do you know the approximate number of people detained at Office 08? A57: There were around 200 people. There were many people because they gathered people to be detained and work there.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“The shackles were 6 m long, for 10 detainees. There were 6 khnoh one after the other, so 60 people per row and 4 rows per shack or some 240 prisoners. The prison was always full.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238829 [“There were approximately 300 prisoners.”]. See contra **D219/183** Sok Khan WRI, A77, EN 01079303 [“Q: [...] how many prisoners were detained in Kbal Chheu Puk Prison? A77: Approximately 30 or 40 people were detained there. In 1978”]; **D5/796** Bich Hach CPA, EN 00888499 [“at Chheu Puk Security Office [...] there were around 50 to 60 prisoners”]. See also **D5/837/3** Tob Ngoch Supplementary CPA, EN 01190642 [“She heard people on the same mobile unit say that there were many prisoners detained in Office 08.”].

that up to 10,000 people were imprisoned at the security centre during its operation.<sup>2670</sup>

728. Prisoners were forced to live in inhumane conditions. Male and female prisoners were mixed together and tied in lines on the ground, feet facing each other.<sup>2671</sup> Those arrested for “serious offences” were shackled at night.<sup>2672</sup> The food provided to prisoners was insufficient in both quality and quantity.<sup>2673</sup>

729. Prisoners were also forced to work for prolonged periods. Under armed guard, they were made to work outside of the prison compound farming rice, digging dams and canals, clearing land, building dykes, and other tasks.<sup>2674</sup> A typical day included at least 11 hours of work.<sup>2675</sup> Guards mistreated those accused of not working hard enough.<sup>2676</sup> Kou Molly further highlighted the inhumanity to which the prisoners were treated. She described prisoners being ordered to lie in the mud so a militiaman could walk on top of them to avoid getting muddy shoes.<sup>2677</sup> Prisoners often worked with insufficient food<sup>2678</sup> and

<sup>2670</sup> **D105/9** Heang Phoeun WRI, A42, EN 00919439 [“Q: During your imprisonment there, could you know how many prisoners there were? A42: Tens of thousands – at least ten thousand.”]; **D6.1.161** Suy Sengchhorn WRI, EN 00242118 [“I saw [...] the prisoners in Kbal Choeupuk office. Thousands [of] people were detained there [...] in late 1977 or early 1979 (original text “to 1978”).”]; **D219/265** Khoem Sarun WRI, A52, EN 01098461 [“Q: How many prisoners were at this security office? A52: I do not recall how many prisoners [...]. But many people worked here. There could be hundreds or thousands of them.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“in that prison [...] Several thousands [...] up to 10,000. More conservative figure would be 3 to 4,000. [...] During the last night [...], before the arrival of the Vietnamese, some 1,500 prisoners have been slaughtered”].

<sup>2671</sup> **D105/9** Heang Phoeun WRI, A25, EN 00919436; **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803807.

<sup>2672</sup> **D219/58** Yim Sovann WRI, A11, EN 01053846; **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803807; **D105/9** Heang Phoeun WRI, A23, EN 00919435-37 (Note **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328); **D5/807/3** Nget Eam Supplementary CPA, EN 01238823-24 (Note **D5/807/1** Nget Eam CPA Report, EN 00918472); **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328.

<sup>2673</sup> **D105/9** Heang Phoeun WRI, A11-12, 21, 26, EN 00919435-37; **D5/807/3** Net Eam Supplementary CPA, EN 01238823-24; **D2.1.77b** Aun Hiev Summary of Complaint, EN 00522273.

<sup>2674</sup> **D219/183** Sok Khan WRI, A71, 73, EN 01079302-03; **D219/58** Yim Sovann WRI, A9, 10, 30-31, EN 01053846, 49; **D219/553** Ky Pengly WRI, A44-45, EN 01178593-94; **D5/807/3** Nget Eam Supplementary CPA, EN 01238823; **D105/9** Heang Phoeun WRI, A27, 28, EN 00919437; **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803807; **D219/183** Sok Khan WRI, A71-73, EN 01079302-03; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328; **D219/182** Uon Heav WRI, A45-46, EN 01079786, A60, EN 01079788; **D219/979.1.6** Yim Sovann CPA, EN 00385233; **D219/526** Tep Hoeun WRI, A61-62, EN 01168050; **D219/265** Khoem Sarun WRI, A8, 12, 47-48, EN 01098459, 61.

<sup>2675</sup> **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328 (Note **D105/9** Heang Phoeun WRI, A11-12, 21, EN 00919435-36). See also **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328; **D5/807/3** Nget Eam Supplementary CPA, EN 01238823-24. See contra **D219/526** Tep Hoeun WRI, A61-62, EN 01168050.

<sup>2676</sup> **D219/183** Sok Khan WRI, A71, 73, EN 01079302-03; **D219/58** Yim Sovann WRI, A30-31, EN 01053849; **D219/265** Khoem Sarun WRI, A67, EN 01098462; **D219/553** Ky Pengly WRI, A44, EN 01178593.

<sup>2677</sup> **D219/279** Kou Molly WRI, A61, EN 01098536 (Note **D2.1.85a** Kou Molly CPA, EN 00888110).

<sup>2678</sup> **D219/183** Sok Khan WRI, A78-79, EN 01079303 [“Q: Do you know what happened to the prisoners in Prison 08? A78: The prison chief mistreated them by providing them less food and forcing them to do hard

many died from overwork.<sup>2679</sup> Some prisoners disappeared while working and were never seen again.<sup>2680</sup>

### Torture and Other Inhumane Acts (Rape)

730. Prisoners were regularly beaten in Prison No. 8, often while being ordered not to scream and subjected to other forms of torture.<sup>2681</sup> Prison guards used chains to restrict prisoners' movement, used large knives to mutilate body parts and remove organs, and used plastic bags to suffocate prisoners.<sup>2682</sup>

731. Guards forced detainees to carry fellow prisoners – dead and alive – to execution sites

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labour. Q: How do you know that? A79: Because I transplanted rice seedlings there for between half a month and one season.”], A73, EN 01079303; **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328 [“During the daytime, [complainant and her husband] were forced to perform labor. [...] with inadequate food.”] (*Note D105/9* Heang Phoeun WRI, A26, EN 00919437); **D2.1.81b** Ke Eu Summary of Complaint, EN 00461282 [“her relatives [...] were arrested in 1977 [...]. Later, their wives were [...] detained in Kbal Chheu Puk security center. [...] At that place, they were forced to perform labor and were starved. One example involved her sister and sister-in-law named KE Soem and SENG Huor, who were arrested in mid 1977.”].

<sup>2679</sup> **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328 [“Many people who were imprisoned died from starvation and overwork.”]; **D105/9** Heang Phoeun WRI, A11-12, 21, EN 00919435-36.

<sup>2680</sup> **D5/837/3** Tob Ngoch Supplementary CPA, EN 01190642 [“During the day the prison guards would make a pretense of releasing the prisoners to work, but those people were never seen returning.”]; **D5/837/1** Tob Ngoch CPA Report, EN 00951601 [“she observed that prisoners being taken out of the prison mostly in the morning and evening, but they were never returned.”].

<sup>2681</sup> **D219/279** Kou Molly WRI, A60-61, EN 01098535-36 [“I saw them mistreating people at Office 08 because my mother was detained at that office. [...] I dropped by Office 08 to visit her. At that time, I saw a young militiaman and 20 prisoners lining up when sitting. And then, that young militiaman took an axe to beat the heads of all the prisoners. Each prisoner was hit once. [...] After they were beaten some prisoners moaned in agony. Some did not dare to moan and covered their heads with their hands.”], A23-24, EN 01098533; **D2.1.85a** Kou Molly CPA, EN 00888110 [“about early 1977, [...] I saw only one militia and twenty prisoners sitting in two lines. The militiaman took a steel hammer as thick as our thumb and struck the prisoners' heads. I heard the militiaman threaten them not to scream. I did not understand why he struck them.”]; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 15.58.55-16.01.20, EN 01027919 [“Q: [...] I'm referring to your OCIJ statement. [...] You said [...] ‘[...] At Security Centre 8, the treatment was miserable for the prisoners; they were [...] severely tortured.’ Is that correct? A: Yes”]; **D6.1.761** Yim Sovann WRI, EN 00379315 (*Note D219/58* Yim Sovann WRI, A8-9, EN 01053845-46); **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328 [“in Kbal Chheu Puk security center [...] Kruy was a militiaman who tortured the people.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 [“Prison 8 [...] a den of torture.”]; **D2.1.87b** Som Tan Summary of Complaint, EN 00522358 [“in Kbal Chheu Puk Village [...], he also witnessed many people being tortured [...] in a security center and in the forest nearby.”] (*Note* that the civil party says he was in Voat Luon cooperative in 1978 before then moving to work at Kbal Chheu Puk cooperative); **D5/787/1** Ky Pao CPA Report, EN 00915833 [“In January 1978 [the applicant's parents were arrested and detained at Kbal Chheu Puk Security Centre] [...] In the prison, they were chained and tortured. The next morning after their arrest, the applicant and her grandmother found the applicant's parents in chain along with other 30 prisoners and tortured when they visited them at the security centre.”]; **D2.1.85b** Kou Molly Summary of Complaint, EN 00461296 [“In 1977, [...]. As she worked close to the security center, she often saw security guards torturing prisoners.”].

<sup>2682</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 [“He could see the tortures outside. Prisoners were tied with chains. Large knives were used to cut any part of the body and the breasts of women [...]. Blood gushed. Plastic bags were also used. [...] men saw their liver and bile taken to drink with alcohol.”].

and to bury the bodies.<sup>2683</sup> Cadres tortured some female prisoners by raping them before killing them.<sup>2684</sup> “Pretty women” were kept separate from other prisoners for this purpose.<sup>2685</sup>

Murder, Extermination, and Other Inhumane Acts (Enforced Disappearance)

732. Prisoners were killed daily at multiple locations near the prison. They were killed every

<sup>2683</sup> **D219/526** Tep Hoeun WRI, A79, 83-84, EN 01168052-53 [“on a small hill around 500 or 600 metres from Prison 8 [...] I saw skinny prisoners on zinc sheets carried by other prisoners and escorted by militiamen. [...] Some were dead; others were alive. Those still alive were thrown into the pits alive. I saw some trying to get out of the pits, but they were then hit with hoes by the persons and dropped in the pits that had carried them.”] (*Note D5/834/3* Tep Hoeun Supplementary CPA, EN 01238829); **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328-29 [“During the last night, [...] before the arrival of the Vietnamese, some 1,500 prisoners have been slaughtered [...]. Chav Kim Tit [...] to be executed last, in the morning. [...] In the morning, he was asked to bury the dead. Some were not quite dead and crawled like crabs. [...] He was forced to bury at gun point and always thought it would be his turn.”].

<sup>2684</sup> **D219/340** Ke Y WRI, A84-85, EN 01117706 [“At Prison 08, before the Khmer Rouge killed the women they raped them. Then they beat them to death [...] under the trees. I saw naked bodies under the trees. It was approximately in 1979 [...]. When the regime collapsed, we escaped to the upper areas. We [...] saw it. People saw it. I heard from a man who stayed near Prison 08.”]; **D219/554** Nget Kuon WRI, A76, 78, EN 01178622 [“A76: My elder sisters were [...] raped before being killed. My three or four female relatives were raped before being killed. [...] Q: How do you know that those women were raped before being killed? A78: [...] the Vietnamese were approaching [...]. That night, they played with those women before killing those women.”], A82, 84, EN 01178622-23 [“A82: A man who fled with me told me about this. [...] Q: Did Vauch also tell you about the rape of your three relatives? A84: Yes, he did.”] (*Note* that Vauch was detained at the security centre. *See* A83, EN 01178623); **D219/526** Tep Hoeun WRI, A76-77, EN 01168052 [“Q: You mentioned that women in Prison 8 were raped. How did [you] learn about the rapes? A76: Because I saw that the corpse had been stripped of its trousers. One side of the trousers leg was burnt, and the other trouser leg still remained on one leg, and there was a club near the corpse. [...] A77: [...] I concluded that she had been raped”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830 [“I saw a corpse of a nude 40 year old woman. I think she had been raped. I heard her scream early one evening, and I saw the dead body the next day.”]; **D219/279** Kou Molly WRI, A67, EN 01098536 [“Q: Did you ever hear about the rape of women who were detained in Prison 08? A67: Yes, I did. I heard from my grandmother. One of my aunts was raped in Prison 08 and after that she was taken to be killed.”]; **D219/553** Ky Pengly WRI, A92, EN 01178602; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 000873228-29; **D5/807/3** Nget Eam Supplementary CPA, EN 01238823-24 [“Prison 8 [...]. My mother told me that my elder sister and my elder sister-in-law were each raped by the Khmer Rouge before they were killed. Vuoch told the others that he also saw the rapes”]; **D2.1.106b** Tann Sinath Summary of Complaint, EN 00664678 [“her sister named TANN Nary was imprisoned, raped and killed in early 1979 at detention center 08.”].

<sup>2685</sup> **D219/340** Ke Y WRI, A84-85, EN 01117706; **D219/554** Nget Kuon WRI, A77-78, EN 01178622.

night<sup>2686</sup> outside of the prison compound<sup>2687</sup> at Boeng Tralaeng,<sup>2688</sup> Srah Tralach pond,<sup>2689</sup> and Ta Mao Village.<sup>2690</sup>

- <sup>2686</sup> **D2.1.82b** Heang Phoeun Summary of Complaint, EN 00522328 [“In 1977, the complainant [...] sent to be detained in Kbal Chheu Puk security center [...]. The complainant witnessed that every night, militias took around 20 to 30 people away to be killed.”] (*Note D105/9* Heang Phoeun WRI, A11-12, 21, EN 00919435-36); **D219/340** Ke Y WRI, A50-52, EN 01117703-04 [“The Svay Rieng people, in July 1977 “They transported them to Kbal Chhoeur Puk Office and killed them. When they were tired of killing, they would wait until the next night to call more people to be killed again. They transported people every night. [...] I saw it every evening. [...] It lasted from 1977 until the POL Pot regime collapsed.”]; **D6.1.161** Suy Sengchhorn WRI, EN 00242118 [“Almost every night, the militiamen walked people [...] by my house to [the Kbal Chhoeupuk office].”, EN 00242119; **D5/811/3** Ker Tin Supplementary CPA, EN 01190634-35 [“When he [w]as living in Kbal Chheu Puk village, he saw people [...] detained in Office 08 [...] taken to be killed near that office [...]. He knew that ma[n]y people were being taken to be killed there because his hut was located [...] about 100 metres from Office 08. [...] he frequently saw them marching people to be killed.”]; **D219/526** Tep Hoeun WRI, A103, 106, 112-113, EN 01168056-57 [“Those from Svay Rieng [...] were all killed before the arrival of the Vietnamese soldiers. [...] I just know that it was at night. [...] in the morning all of the people from Svay Rieng had disappeared.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328; **D5/1132** Choeu Kimthik CPA, EN 01144100 [“In 1978, at 1800 they escorted ten to twenty people tied in a queue from the barracks to be [...] killed at Tuol Ta Leng.”] (*Note D5/1132/3* Choeu Kim Thik Supplementary CPA, EN 01344775 [“Several times he saw people being taken to be killed when he went to work in a paddy field near Tuol Ta Leng.”]); **D5/796** Bich Hach CPA, EN 00888499; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190630-31.
- <sup>2687</sup> **D219/526** Tep Hoeun WRI, A79, 81-82, EN 01168052-53 [“There was one grave on a small hill around 500 or 600 metres from Prison 8 [...] I personally saw [...], because [...] I walked past that place every day [...] during the rule of the Khmer Rouge.”], A87, EN 01168052-53; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238829-30; **D219/553** Ky Pengly WRI, A89-90, EN 01178601 [“I just saw Khmer Rouge carry dead bodies to be buried [...] east of Prison 08 [...] about 200 metres from the office”]; **D105/20** Prison No. 8 Centre Site Identification Report, EN 00803808 [“There was a mass grave [...]. [M]ore than one mass grave was discovered in the immediate vicinity of Prison Nr. 8”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“He could see the tortures outside. [...] There were many [grave] pits.”]; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631 [“In 1977 she noticed almost every day that the militiamen [...] walked people in lines to Office 8 [...] The people who were walked to Office 8 were taken to be killed or buried in the jungle [...] behind the security office.”]; **D5/835/1** Vorn Orn CPA Report, EN 00951569.
- <sup>2688</sup> **D219/555** Ker Tin WRI, A91, EN 01178639; **D5/811** Ker Tin CPA, EN 01539674 [“all these people were taken out and killed at Tuol Ta Leng.”] (*Note D219/555* Ker Tin WRI, A64, EN 01178636); **D5/1132** Choeu Kimthik CPA, EN 01144099-100 [“Office 08 [...] From 1977 to 1978, I saw them escorting people [...] to be killed at Tuol Ta Leng”]; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631 [“In 1977, she noticed almost every day that the militiamen [...] walked people in lines to Office 8 [...] The people who were walked to Office 8 were [...] taken to Boeng Damleng Lake”]; **D5/835/1** Vorn Orn CPA Report, EN 00951569; **D5/812/1** Bin Chhea CPA Report, EN 00918557; **D5/834** Tep Hoeun CPA, EN 01547967 [“In 1977-1978 [...] [a]t Boeung Ta Leng [...] I saw several pits that they did not fully cover them with dirt.”]; **D5/821/1** Thlang Phan CPA Report, EN 00951347 [“The applicant also encountered some 10-20 corpses buried near Boeng Tralaeng [...] while herding buffaloes.”].
- <sup>2689</sup> **D219/266** Pen Sith WRI, A74-75, EN 01098469-70 [“The prisoners [the Svay Rieng people] were taken from the office to be killed at [...] Srah Tralach pond.”], A40, EN 01098467.
- <sup>2690</sup> **D219/555** Ker Tin WRI, A87, 90, EN 01178639-40 [“Q: Each time, how many people did you see Paong walking to be killed? A87: The first time, I saw him walking 47 people [...] A90: [...] to Ta Mao Village.”]; **D5/811** Ker Tin CPA, EN 01539672, 74 (*Note D219/555* Ker Tin WRI, A64, EN 01178636); **D5/1132** Choeu Kimthik CPA, EN 01144100 [“In [...] 1978 [...] they escorted forty-two people from Security Office 08 to be killed in Ta Mao Commune.”] (*Note D5/1132/3* Choeu Kim Thik Supplementary CPA, EN 01344775); **D5/834** Tep Hoeun Supplementary CPA, EN 01547967 [“In 1977-1978 [...] [a]t [...] Ta Mao village I saw several pits that they did not fully cover them with dirt.”].

733. Under escort by armed militia,<sup>2691</sup> prisoners were walked in groups from the security centre to the execution sites with their hands tied together<sup>2692</sup> in lines.<sup>2693</sup> Ngeth Eam described how one prisoner was shackled before being executed.<sup>2694</sup> Skinny prisoners – dead and alive – were carried on zinc sheets by other prisoners for burial and execution.<sup>2695</sup>

<sup>2691</sup> See regarding armed militia: **V.B.6.a.iii.** Crimes – Northwest Zone – Sector 7 – Prison No. 8 – Authority Structure and Communication.

<sup>2692</sup> **D219/183** Sok Khan WRI, A80, 83, EN 01079304 [“I just saw soldiers walk people with both hands tied behind their backs taking them to be killed. [...] Svay Rieng people [...] to be killed [...] in the forest.”]; **D219/555** Ker Tin WRI, A85-87, 90-91, 94-95, EN 01178638-40; **D5/811** Ker Tin Supplementary CPA, EN 01539674 [“all these people were taken out and killed at Tuol Ta Leng, Ta Mao Village and at Sras Ta Lach”]; **D219/266** Pen Sith WRI, A42-45, 74, EN 01098468-69 [“Q: [...] [Y]ou seemed to be stating that in 1978 the Svay Rieng people were killed at Security Office 08. Did you state that? A74: Yes [...] The prisoners were taken from the office to be killed at another place. [...] walked away by the Khmer Rouge.”] (Note that Although the civil party refers to the office as Prison No. 07, she locates it in Kbal Chhoeur Puk village and mistakenly says Security Office 08 was in Wat Banteay Yuon pagoda. See A37-38, EN 01098467); **D219/554** Nget Kuon WRI, A58-59, 61-62, EN 01178619-20 [“Q: Did you hear of the killing of prisoners in Office 08? A58: [...] I saw them walking prisoners in that direction. [...] A59: I saw around 15 people [...] A61: I saw two militiamen walking those prisoners [...] A62: Afterwards, I saw those militiamen return, but those people disappeared. Those people were killed in the bamboo thickets.”]; **D5/831** Nget Kuon CPA, EN 01547959 [“In 1976-1977 [...] I saw militia walking a group of about 30 people. They were male and female, young and old. They were being walked to a bamboo forest which was about 500 meters in Ta Mao village. There were three militia men and they tied all the people. They had a hooked knife, a palm juice container and two guns. After about an hour, I saw the three militia men return [...] heading to Office 08.”]; **D2.1.85a** Kou Molly CPA, EN 00888109.

<sup>2693</sup> **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D6.1.761** Yim Sovann WRI, EN 00379315 (see also **D219/979.1.6** Yim Sovann CPA, EN 00385233); **D219/183** Sok Khan WRI, A73, 80, 83, EN 01079303-04 [“In 1978 [...] I [...] saw soldiers [...] walking Svay Rieng people in many columns to be killed [...] in the forest.”]; **D2.1.85a** Kou Molly CPA, EN 00888109 [“From mid-1977, [...] I saw around ten people who were tied in a line; and once there were three to four lines.”]; **D5/1132** Choeu Kimthik CPA, EN 01144100 [“From 1977 to 1978, I saw them escorting people en mass about twenty to thirty each time [...] to be killed at Tuol Ta Leng [...] In 1978 [...] they escorted ten to twenty people tied in a queue from the barracks to be [...] killed at Tuol Ta Leng.”] and [“forty-two people from Security Office 08 to be killed in Ta Mao Commune.”] (Note **D5/1132/3** Choeu Kim Thik Supplementary CPA, EN 01344775 [“During the Khmer Rouge regime, [...] [s]everal times he saw people being taken to be killed when he went to work in a paddy field near Tuol Ta Leng.”]).

<sup>2694</sup> **D5/807/1** Ngeth Eam CPA Report, EN 00918472-73 [“In 1977-1978 [...] in Security Centre 08 [...] NGET CHHOEUN [...] was [...] detained [...] shackled, and taken to be killed.”].

<sup>2695</sup> **D219/526** Tep Hoeun WRI, A83-85, EN 01168053 [“A83: I saw skinny prisoners on zinc sheets carried by other prisoners and escorted by militiamen. [...] Some were dead; others were alive. Q: Were those people carried away on galvanized sheeting dead or alive? A84: Some were dead; others were alive. Those still alive were thrown into the pits alive. I saw some trying to get out of the pits, but they were then hit with hoes by the persons and dropped in the pits that had carried them. Q: How many times did you see such incidents? A85: I saw that twice. I did not dare to go often.”].

734. Prisoners were killed with different weapons, including knives,<sup>2696</sup> clubs,<sup>2697</sup> hoes,<sup>2698</sup> axes,<sup>2699</sup> wooden sticks, machetes, and bayonets.<sup>2700</sup> Some prisoners were raped before they were killed.<sup>2701</sup> During the executions, prisoners were heard to scream and cry for help.<sup>2702</sup>
735. Prisoners' bodies were thrown into pits once they were believed to be dead.<sup>2703</sup> However, some prisoners were buried alive.<sup>2704</sup> Some bodies were naked.<sup>2705</sup> Immediately before the Vietnamese arrived, prisoners were executed. Men were executed first, then children

<sup>2696</sup> **D5/811/3** Ker Tin Supplementary CPA, EN 01190635 [“he saw two militiamen named Cheang and Paong march 47 people to be killed in Ta Mao village [...] he was plowing the field and saw the militiamen marching the people about 50 meters from the field [...] he heard the screams of the victims ‘When will we reach the killing place?’ [...] Then about an hour later he saw the militiamen returning, cleaning their blood-covered knives in the water of the rice paddy, but he did not see the people who were being marched return with them.”].

<sup>2697</sup> **D219/526** Tep Hoeun WRI, A65-66, 71, 73, EN 01168051-52 [“Q: You previously said prisoners were killed in Prison 8 just before the regime collapsed [...]. How did you learn this? A65: The day the Vietnamese arrived, I was tending buffalos. I saw a club under a tree, and I saw a decomposed, withered corpse there [...] A66: [...] Her neck was broken, probably from a blow to the neck.”] (Note that the civil party also regularly saw club(s) at a grave 400 metres north of Prison 8 when he walked past it every day. See A79, 87, EN 01168052-53).

<sup>2698</sup> **D219/340** Ke Y WRI, A60, EN 01117704 (Note that Mok Ny was buried in Srah Tralach pond at the end of the DK regime. See **D219/340** Ke Y WRI, A49, 58, 60, EN 01117703-04); **D219/554** Nget Kuon WRI, A67, 83, 86-87, EN 01178620, 23; **D219/55** Ker Tin WRI, A122, 130, EN 01178643-44; **D5/1132** Choeu Kimthik CPA, EN 01144100; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 [“Prison 8 [...] During the last night, [...] before the arrival of the Vietnamese, [...] prisoners [...] were executed first, knocked down at the back of the head with [...] a hoe”].

<sup>2699</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28.

<sup>2700</sup> **D5/1132** Choeu Kimthik CPA, EN 01144100.

<sup>2701</sup> **D219/340** Ke Y WRI, A84-85, EN 01117706 [“At Prison 08, before the Khmer Rouge killed the women they raped them. Then they beat them to death [...] under the trees. I saw naked bodies under the trees.”]; **D5/807/1** Ngeth Eam CPA Report, EN 00918473 [“sister NGET Kroeun was [...] detained in Security Centre 08 [...] raped and killed [...] in early 1979.”].

<sup>2702</sup> **D5/811/3** Ker Tin Supplementary CPA, EN 01190635; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830 [“I saw a corpse [...] I heard her scream early one evening, and I saw the dead body the next day.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28.

<sup>2703</sup> **D219/555** Ker Tin WRI, A122, 125, 127, 129, 137, EN 01178643-44 [“in Srah Ta Lach, [...] I saw them burying those dead bodies first-hand.”]; **D219/266** Pen Sith WRI, A40, 42, EN 01098467-68 [“I lived near the security office [...] I saw that people were taken in and out for execution.”], A74-75, EN 01098469-70; **D219/526** Tep Hoeun WRI, A79, 87, 89, EN 01168052-54 [“About 400 metres north of Prison 8 [...] I saw clothes, blood coming [out] of the ground [...] I saw such scenes every day, because I walked past that place. [...] those corpses had already been buried.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830 [“prisoners were taken to be killed in a pond north of the prison [...] just before the liberation. I saw this pond of corpses when the Vietnamese entered [...]. At that time, newly-buried dead bodies filled the stream.”].

<sup>2704</sup> See **V.B.6.a.iv**. Crimes – Northwest Zone – Sector 7 – Prison No. 8 – Crimes – Torture and Other Inhumane Acts (Rape).

<sup>2705</sup> **D219/555** Ker Tin WRI, A122, 125, 132, 137, EN 01178643-44 [“in Srah Ta Lach, I saw over 700 [...] dead bodies two weeks before the Vietnamese arrived in the cooperative. [...] They were all naked.”].

and older people,<sup>2706</sup> and then they were buried at Srah Tralach pond.<sup>2707</sup>

736. Nearly all of the prisoners from Prison No. 8 were killed,<sup>2708</sup> with the last executions taking place at the end of the DK regime.<sup>2709</sup> These remaining prisoners were executed

<sup>2706</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28.

<sup>2707</sup> **D219/553** Ky Pengly WRI, A110-111, EN 01178605 [“one night, they took all the people who were detained at the office to be killed at Tralach Pond. Then they buried those dead bodies. [...] I saw the pond and blood stains from those that had just been buried. [...] The incident occurred when the Vietnamese approached.”]; **D219/340** Ke Y WRI, A49, 58, EN 01117703-04 [“When the Vietnamese troops were approaching, they took the people in 08 to be killed at that lake [Srah Tralach Lake].”]; **D219/555** Ker Tin WRI, A91, 121, 125, EN 01178639, 43 [“in Srah Ta Lach [...] I saw [...] dead bodies two weeks before the Vietnamese arrived”]; **D5/811/3** Ker Tin Supplementary CPA, EN 01190634-35 (*Note D219/555* Ker Tin WRI, A64, EN 01178636); **D6.1.161** Suy Sengghorn WRI, EN 00242118 [“MOK Ny survived [the killing] in late 1978 [...]. She told me that they took [...] people detained in Kbal Chhoeupuk to beat to death in the pond next to that security office.”] (*Note* that Mok Ny was buried in Srah Tralach pond. *See D219/340* Ke Y WRI, A49, 58, 60, EN 01117703-04 [“A49: They took people to be killed at Srah Tralach Lake [...] A58: [...] [w]hen the Vietnamese troops were approaching [...] A60: Only Yeay MAK Ly had survived.”]; **D219/555** Ker Tin WRI, A122, 130, EN 01178643-44); **D219/554** Nget Kuon WRI, A68-69, 73-74, EN 01178621-22 [“At 7.00 a.m. I saw the Khmer Rouge walking those people away. I waited over there to see them but when those militiamen came back, I did not see those people; they disappeared. [...] At the end, the Khmer Rouge killed all the people [...] and their dead bodies were thrown into that pond. [...] When they heard that the Vietnamese were approaching, they killed all remaining prisoners.”]; **D5/831/3** Nget Kuon Supplementary CPA, EN 01238828; **D219/265** Khoem Sarun WRI, A51, 55, EN 01098461 [When the Vietnamese were approaching [...] all [...] prisoners [...] were killed at this security office. [...] [T]his pond was filled with dead bodies.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830 [“[J]ust before the liberation. I saw this pond of corpses when the Vietnamese entered, and when there were no more Khmer Rouge there. At that time, newly-buried dead bodies filled the stream.”]; **D5/807/3** Ngeth Eam Supplementary CPA, EN 01238823-24.

<sup>2708</sup> **D6.1.761** Yim Sovann WRI, EN 00379315; **D219/340** Ke Y WRI, A49, 51, 60, EN 01117703-04 [“Everyone who was sent to 08 never returned.”]; **D6.1.161** Suy Sengghorn WRI, EN 00242118 [“I saw the militiamen walking the people to execute at Kbal Chhoeupuk office [...] Most of those detained in that office must have died there. However, there was a woman named MOK Ny. [...] She pretended to be dead by falling onto other corpses in that pit.”]; **D219/553** Ky Pengly WRI, A48, EN 01178594; **D219/182** Uon Heav WRI, A55, 57, EN 01079788; **D219/265** Khoem Sarun WRI, A52-53, EN 01098461 [“There could be hundreds or thousands of [prisoners]. [...] only three people have made it alive. Yeay Phoeun, [...] MAK Ni, [...] Ta Vauch”]; **D219/554** Nget Kuon WRI, A56, 69, EN 01178619, 21 [“[T]he Khmer Rouge killed all the people before they fled [...] They did not spare anyone.”]; A83, 86-87, EN 01178623 [“Three people survived and crawled out of the pond because other dead bodies were thrown on them. [...] MOK Ny [...] Vauch and that man”]; **D219/279** Kou Molly WRI, A82-83, EN 01098537; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Sum Alat, EN 00087327 [“At prison No 8, all prisoners were killed.”]; **D5/835/3** Vorn Orn Supplementary CPA, EN 01190631.

<sup>2709</sup> **D219/554** Nget Kuon WRI, A68, 73-74, EN 01178621-22 [“I saw the Khmer Rouge walking those people away [...] but when those militiamen came back, I did not see those people; they disappeared. [...] Around 100 were killed [...] When they heard that the Vietnamese were approaching, they killed all remaining prisoners.”]; **D6.1.161** Suy Sengghorn WRI, EN 00242118 [“MOK Ny survived [the killing] in late 1978 [...]. She told me that they took about 2,000 people detained in Kbal Chhoeupuk to beat to death in the pond next to that security office.”]; **D219/553** Ky Pengly WRI, A110-111, EN 01178605; **D219/526** Tep Hoeun WRI, A59, EN 01168050 [“Another 300 people were killed when the Yuon arrived.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830 [“The last 100 prisoners were taken to be killed [...]. I saw this pond of corpses when the Vietnamese entered, and when there were no more Khmer Rouge there.”]; **D219/555** Ker Tin WRI, A122, 125, 129, EN 01178643 [“Srah Ta Lach, I saw over 700 [...] dead bodies two weeks before the Vietnamese arrived [...] I saw them burying those dead bodies first-hand.”], A138, EN 01178644; **D219/340** Ke Y WRI, A58, EN 01117704; **D219/265** Khoem Sarun WRI, A8, 12, EN 01098459 [“[Brother] LAU Pon [...] was detained at Kbal Chhoeur Puk Security Office”], A51, EN 01098461 [“When the Vietnamese were approaching, he was killed and so were all other prisoners.”];



as part of the CPK's "final solution."<sup>2710</sup> The plan was to kill all prisoners by 5 January 1979, as CPK cadres considered: "If they are killed, no loss; if they are kept, no gain."<sup>2711</sup> Prisoners were killed irrespective of age or gender.<sup>2712</sup>

737. It is clear Prison No. 8 was a central location to kill individuals perceived to be enemies of the CPK on a massive scale. Multiple witnesses confirmed the large-scale killings. Tep Hoeun, who lived and worked next to the prison, saw militiamen escorting about 30 people to be killed every day and saw graves filled with corpses.<sup>2713</sup> Witnesses confirmed

**D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 ["During the last night, [...] before the arrival of the Vietnamese, some 1,500 prisoners [...] slaughtered"]; **D219/182** Uon Heav WRI, A52, 55, EN 01079787-88 ["Q: In that same application, you stated, 'When the Vietnamese were about to enter the area, all the prisoners were killed.' Is that correct? A52: Yes."].

<sup>2710</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 ["He was told this is the place for the 'final solution'."].

<sup>2711</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087327-28 ["Angkar had told that all prisoners must be executed before 5th January. All roots had to be torn, and all families cleaned. 'If they are killed, no loss; if they are kept, no gain' - the lazy ones, the sick"].

<sup>2712</sup> **D219/553** Ky Pengly WRI, A110-111, EN 01178605 ["When my sister was detained at the office, one night, they took all the people who were detained at the office to be killed [...]. I saw the pond and blood stains from those that had just been buried. Therefore, I concluded that my sister was also taken and killed that night."]; **D5/830** Ky Pengly CPA, EN 01540992 ["My older sister [...] was killed by them at Office 08, a fortnight after they took her husband away and killed him [...] in 1977."] (Note that the sister's husband was also detained at Office 08. See **D219/553** Ky Pengly WRI, A105, EN 01178604); **D219/265** Khoem Sarun WRI, A8, 12, EN 01098459; **D219/279** Kou Molly WRI, A23-24, EN 01098533; **D219/554** Nget Kuon WRI, A67, 69, EN 01178621; **D5/831** Nget Kuon CPA, EN 01547960 ["Six members of my family including my mother, elder brothers and sisters were arrested and detained in Office 08. They were killed in Office 08 in later 1978."]; **D219/340** Ke Y WRI, A43, 48, EN 01117703 ["In July 1977, [...] [m]y older sister KE Soeum and her husband KUNG Chiv [...] were killed at Kbal Chhoeur Puk Office."]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 ["During the last night, [...] before the arrival of the Vietnamese, [...] prisoners [...] slaughtered [...] 65 men were executed first [...] Then the children and old people."]; **D5/1132** Choeu Kimthik CPA, EN 01144100; **D2.1.73b** Ty Ron Summary of Complaint, EN 00522193; **D2.1.80b** Ny Lork Summary of Complaint, EN 00464148 ["In late 1978, the whole family of the complainant's sister, consisting of 5 members, was killed at Roneam Kraom and Kbal Chheu Puk security center"]; **D2.1.83b** Uy Lok Summary of Complaint, EN 00522347; **D5/811/3** Ker Tin Supplementary CPA, EN 01190635; **D5/811** Ker Tin CPA, EN 01539672, 74 (Note **D219/555** Ker Tin WRI, A64, EN 01178636); **D2.1.74b** Sim Sokheng Summary of Complaint, EN 00522211; **D2.1.106b** Tann Sinath Summary of Complaint, EN 00664678.

<sup>2713</sup> **D5/834** Tep Hoeun CPA, EN 01547967 ["In 1977-1978, I saw the East Zone group being transported on a train to Pursat province. They were tied up and walked in lines to Office 08. They were taken out in the evening."]; **D219/526** Tep Hoeun WRI, A61-62, 79-80, 83, EN 01168050, 52-53 ["one grave [...] around 500 or 600 metres from Prison 8 [...] About 400 metres to the north of Prison 8, there was another big grave with around 300 corpses."]; **D5/830** Ky Pengly CPA, EN 01540992 ["At night I heard the sound of screams of those being beaten and marched off concentrations of young and old to Office 08."]; **D219/340** Ke Y WRI, A51, EN 01117703 ["Q: Did you see first-hand when people were [...] being escorted to Kbal Chhoeur Puk Prison? A51: Yes [...] I saw it every evening. I lived near that place."]; **D219/58** Yim Sovann WRI, A18-19, EN 01053847 ["I saw them escorting people many times. [...] Consequently, they arrested and took the people [...] to be killed."]; **D5/1132** Choeu Kimthik CPA, EN 01144100 ["In [...] 1978 [...] they escorted forty-two people from Security Office 08 to be killed in Ta Mao Commune."] (Note **D5/1132/3** Choeu Kim Thik Supplementary CPA, EN 01344775 ["Several times he saw people being taken to be killed when he went to work in a paddy field near Tuol Ta Leng."]); **D5/1132** Choeu Kimthik CPA, EN 01144100 ["From 1977 to 1978, I saw them escorting people en mass about twenty to thirty each time

that hundreds, if not “thousands of people were killed” at Prison No. 8,<sup>2714</sup> with the number of killings per day reaching their peak as the Vietnamese forces approached.<sup>2715</sup>

738. It is reasonable to conclude from the evidence that at least 1,000 people were killed at Prison No. 8. However, it is likely the actual number is in the thousands, with the highest estimate at 10,000 prisoners killed.<sup>2716</sup> Numerous mass graves of the corpses of former prisoners in the area support figures of over 1,000 prisoner deaths at a minimum.<sup>2717</sup>

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[...] to be killed at Tuol Ta Leng [...] In 1978 [...] they escorted ten to twenty people tied in a queue from the barracks to be [...] killed at Tuol Ta Leng. In the same year, 1978 [...] they escorted forty-two people from Security Office 08 to be killed in Ta Mao Commune.”] (*Note D5/1132/3* Choeu Kimthik Supplementary CPA, EN 01344775 [“During the Khmer Rouge regime, [...] he [...] continued to live in Kbal Chheu Puk Village. [...] Several times he saw people being taken to be killed when he went to work in a paddy field near Tuol Ta Leng.”]).

- <sup>2714</sup> **D219/526** Tep Hoeun WRI, A59, EN 01168050 [“Q: Do you know how many people were killed in Prison 8? A59: Thousands of people were killed over time. Another 300 people were killed when the Yuon arrived.”]; **D219/340** Ke Y WRI, A50, 52-53, EN 0117703-04 [“According to what the Svay Rieng people said, [...] the Khmer Rouge [...] transported them to Kbal Chhoeur Puk Office and killed them. [...] It lasted from 1977 until the POL Pot regime collapsed. [...] At least 5000 people disappeared.”]; A51-52, EN 0117703-04 [“I lived near that place [...] 08”]; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D6.1.761** Yim Sovann WRI, EN 00379315 and which occurred in late 1978 (*See D219/979.1.6* Yim Sovann CPA, EN 00385233); **D2.1.87b** Som Tan Summary of Complaint, EN 00522358 [“In Kbal Chheu Puk cooperative in Kbal Chheu Puk Village [...] witnessed many people being [...] killed in a security center and [...] nearby. He said that around 770 people were killed there.”].

- <sup>2715</sup> **D219/555** Ker Tin WRI, A122, 125, EN 01178643 [“In one mass grave, I saw over 700. [...] I saw those dead bodies two weeks before the Vietnamese arrived”]; **D219/526** Tep Hoeun WRI, A51, EN 01168049 [“Those from Svay Rieng were killed [...] at Prison 8 around ten days or half a month before the Vietnamese arrived.”], A103, 106, 112-113, EN 01168056-57 [“it was at night [...]. In the morning all the people from Svay Rieng had disappeared.”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“During the last night [...], before the arrival of the Vietnamese, some 1,500 prisoners have been slaughtered”]; **D219/553** Ky Pengly WRI, A110-111, EN 01178605 [“one night, they took all the people who were detained at the office to be killed at Tralach Pond. Then they buried those dead bodies. [...] I saw the pond and blood stains from those that had just been buried. [...] The incident occurred when the Vietnamese approached.”]; **D219/340** Ke Y WRI, A49, 58, EN 0117703-04 [“When the Vietnamese troops were approaching, they took the people in 08 to be killed”]; **D219/554** Nget Kuon WRI, A73-74, EN 01178621-22 [“When they heard that the Vietnamese were approaching, they killed all remaining prisoners.”]; **D219/265** Khoem Sarun WRI, A51, 55, EN 01098461 [When the Vietnamese were approaching [...] all [...] prisoners [...] were killed at this security office. [...] [T]his pond was filled with dead bodies.”]; **D5/834/3** Tep Hoeun Supplementary CPA, EN 01238830; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“There were many [grave] pits.”].

- <sup>2716</sup> **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*, Account of Chav Kim Tit, EN 00087328 [“Some 30 persons are killed each week. Several thousands were killed in all – up to 10,000. More conservative figure would be 3 to 4,000.”]; **D1.3.10.6** DC-Cam Report, *Pursat Genocide Report*, EN 00217581 [“S’ Prison 8, in which about 800 prisoners were killed by the KR”].

- <sup>2717</sup> **D105/20** Prison No. 8 Security Centre Site Identification Report, EN 00803808, 12-14; **D1.3.10.6** DC-Cam Report, *Pursat Genocide Report*, EN 00217581 [“S’ Prison 8 [...] the corpses were buried in mass graves”]; **D219/526** Tep Hoeun WRI, A79-80, EN 01168052-53 [“one grave [...] around 500 or 600 metres from Prison 8 [...] approximately 200 corpses.”], A79, EN 01168052 [“north of Prison 8 [...] big grave with around 300 corpses.”]; **D219/555** Ker Tin WRI, A122, 125, EN 01178643 [“In one mass grave, I saw over 700.”].

### Persecution

739. Persecution at Prison No. 8 was committed through the crimes described above against “17 April people”, members of the former Lon Nol regime and their families, “feudalists”, “imperialists”, and East Zone evacuees. These groups were specifically targeted because of their actual or perceived membership of a political group.<sup>2718</sup>
740. In particular, the East Zone evacuees were considered to be the “enemy link” and therefore enemies of the CPK.<sup>2719</sup> The Khmer Rouge hated the East Zone people and described them as having “a Vietnamese head and a Khmer body.”<sup>2720</sup>

#### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

741. Based on the foregoing evidence, the ICP seeks the indictment of **Yim Tith** for the following crimes against humanity in relation to Prison No. 8:<sup>2721</sup> murder; extermination;<sup>2722</sup> enslavement; imprisonment; torture; persecution on political grounds against “17 April people”, former members of the Lon Nol regime and their families, “feudalists”, “imperialists”, and East Zone evacuees; and other inhumane acts (inhumane treatment, rape, and enforced disappearance).

#### b. VEAL BAK CHUNCHING EXECUTION SITE

##### i. INTRODUCTION

742. Veal Bak Chunching execution site (“Veal Bak”) was located in Kandieng District of Sector 7 during the DK regime. The site was used to execute at least 1,000 East Zone evacuees taken from surrounding communes.
743. As deputy secretary of the Northwest Zone Committee and a leading JCE member, **Yim**

<sup>2718</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **V.B.6.b.iv.** Crimes – Northwest Zone – Sector 7 – Veal Bak Chunching Execution Site – Crimes – Murder and Extermination.

<sup>2719</sup> **D219/266** Pen Sith WRI, A63, EN 01098469; **D219/340** Ke Y WRI, A50, EN 01117703.

<sup>2720</sup> **D219/553** Ky Pengly WRI, A73, EN 01178599; **D219/265** Khoem Sarun WRI, A64, EN 01098462; **D219/340** Ke Y WRI, A43, EN 01117702-03.

<sup>2721</sup> The ICP notes that in relation to this site, he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These crimes are persecution on political grounds against former Lon Nol regime members, “17 April people”, “feudalists”, and “imperialists”; and other inhumane acts (rape and enforced disappearance). The CIJs were seised of these crimes by **D1** Co-Prosecutors’ Third Introductory Submission, 20 Nov 2008, para. 72.

<sup>2722</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Prison No. 8 alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including those at Prison No. 8, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

**Tith** was responsible for and had authority over events at Veal Bak following the arrival of Southwest Zone cadres in the Northwest Zone during the DK regime.

744. The ICIJ charged **Yim Tith** with the following crimes in relation to Veal Bak Chunching execution site: the crimes against humanity of murder, extermination, and persecution on political grounds against East Zone evacuees; and the crime of premeditated murder under Articles 501 and 506 of the 1956 Penal Code.<sup>2723</sup>

ii. OPERATION AND LOCATION

745. The executions at Veal Bak occurred in 1978 and early 1979.<sup>2724</sup> The execution site was located in Srae Sdok Commune, Kandieng District, Pursat Province, in Sector 7 of the Northwest Zone.<sup>2725</sup> The site is about 17 kilometres northeast of Inchhea Village and six kilometres to the northwest of Tuol Po Chrey.<sup>2726</sup> The site was about 100 metres wide and 200 metres long.<sup>2727</sup> It also included a pit and an eight-hectare lake that was surrounded by trees and high vegetation.<sup>2728</sup>

<sup>2723</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426076, 79.

<sup>2724</sup> **D6.1.145** Ung Chhat WRI, EN 00284423 [“Q: Can you describe what you saw happened to the East Zone people [...] who had been evacuated [...] to Pursat province? A: [...] Those people arrived here around December 1977, and about three months later they were rounded up to be killed at Veal Bak Chunching. I personally knew about this story because I was in the ox-cart-transportation unit.”]; **D134/1** Ung Chhat WRI, A39, EN 00974268 [“Q: Do you remember when the East Zone citizens arrived? A39: They arrived in January 1978 and stayed there for three months before they were killed.”]; **D134/3** Sat Chhang WRI, A56, EN 00974287 [“I know there were killings of the people from the East Zone at Veal Boeng Bak Chunching starting from 1978. The final killing was in 1979.”]; **D219/182** Uon Heav WRI, A71, EN 01079789-90 [“Q: [...] Did you ever see the Svay Rieng people being transported to be killed at Veal Bak Chunching? [...] A71: About halfway through the Khmer Rouge regime.”].

<sup>2725</sup> **D134/6** Veal Bak Chunching Execution Site Site Identification Report, EN 00947352 [“Veal Bak Chunching Field, Srae Sdok Commune, Kandieng District, Pursat Province”], EN 00947353 [“Sector 7 - Northwest Zone”], EN 00947354 [“The grave sites have been located in the District of Kandieng, in the Commune of Srei Sdok in a place known by the residents as Veal Bak Chunching Field.”]; **D134/1** Ung Chhat WRI, A4, EN 00974263 [“Q: Could you tell in which village, commune, [...] this Veal Boeng Bak Chonh Ching was located? A4: The place was not included in any specific village, but it was located in Srae Sdok Commune.”].

<sup>2726</sup> **D134/7** WRIA, EN 00953876 [“Veal Bak Chunchung Field [...] 16.9 Km North East from Inchhea Village and approximately 6 Km South East to Tuol Puchrey”].

<sup>2727</sup> **D134/1** Ung Chhat WRI, A21, EN 00974266 [“Q: Can you tell us how big the killing field was? A21: [...] The location was about 100 metres in width and 200 metres in length”]; **D219/183** Sok Khan WRI, A93, EN 01079305 [“Veal Bak Chunching was an empty field”].

<sup>2728</sup> **D134/6** Veal Bak Chunching Execution Site Site Identification Report, EN 00947354 [“During the Democratic Kampuchea Regime the Veal Bak Chunching [...] lake was surrounded by trees and high vegetation. [...] The lake measures eight (8) hectares as it was measured in 2006”]; **D134/1** Ung Chhat WRI, A22, EN 00974266 [“The investigators asked the witness to make a drawing showing the exact size of Veal Boeng Bak Chonh Ching [...] Q: What does this area look like nowadays? A22: [...] no more hedges or trees.”]; **D219/183** Sok Khan WRI, A93-94, EN 01079305 [“Veal Bak Chunching was an empty field; there were no houses. Q: Were there lakes in Bak Chunching? A94: Yes”]; **D118/278** Nam Im WRI, A285, EN 01031821 [“Q: Did you ever hear of Veal Bak Chunching? A285: Yes, there was lake at Veal Bak Chunching.”]; **D219/182** Uon Heav WRI, A66, EN 01079789 [“Veal Bak Chunching [...] in this place there was a pit about 50 metres square.”].

### iii. AUTHORITY STRUCTURE AND COMMUNICATION

746. Kandieng District was overseen by Sector 7 Secretary Ta Sarun.<sup>2729</sup> Ta Sarun attended meetings with Ta Mok, during which he received orders to disseminate in his sector. Such orders included which people to target, investigate, and kill, such as people perceived to be associated with the Vietnamese.<sup>2730</sup>
747. After the Northwest cadres had been purged in Kandieng in early to mid-1977,<sup>2731</sup> Southwest cadre Tri led the district committee for only a few months<sup>2732</sup> before he was arrested and sent to S-21 for execution, replaced by West Zone cadre Yeay Nan in early 1978,<sup>2733</sup> who remained until the end of the DK regime.<sup>2734</sup> Ta Sarun appointed Nan to this position.<sup>2735</sup>
748. After Nan took power in the district, the killings intensified. Nan issued orders to cadres at the commune and cooperative level to kill East Zone people and “17 April people”, including women, children, and the elderly.<sup>2736</sup> She also spoke at and chaired meetings in the district and elsewhere in the province, during which she ordered 100 to 300

<sup>2729</sup> See **IV.C.5.a.** CPK Authority Structure and Communication – Northwest Zone 1977 – 1979 – Sector 7 – Kandieng District.

<sup>2730</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A8, 42, EN 01365558, 61 [“Ta Mok and Ta Sarun] went to meet each other in Battambang. [...] Ta Sarun gave the instructions and he went to meet the higher echelon”]. **D219/861** Sek Sam At alias Yeay Rim WRI, A103, EN 01364083 [“Ta Mok] gave orders through Sarun.”], A106-107, EN 01364083 [“Q: Ta Sarun told you that he had attended the meetings with Ta Mok. He further told you that Ta Mok had ordered which people to target, conduct research and do away with – they were those people who were affiliated with the Vietnamese people. Is that right? A106: Yes, it is. [...] A107: [Sarun] received the plan. He called all the people for the meetings. Then, the plan was delivered to us”].

<sup>2731</sup> See **V.B.1.b.ii.** Crimes – Northwest Zone – The Purge – Purges of the Northwest at the Zone and Sector Level – Purges At the Sector Level – Sector 7.

<sup>2732</sup> **D134/3** Sat Chhang WRI, A28, 31, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A7-8, EN 00974301; **D6.1.617** Sat Sokhom SOAS Interview, EN 00352087; **D134/4** Lim Sat WRI, A32, EN 00974296; **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694 [Muy Try, Assistant, Rom Dieng District in Sector 7, before work in Division 703 (Committee Chief of Kandieng District, in Sector 2 before work in Division 703), 01-Apr-78].

<sup>2733</sup> **D219/825.1.2** OCIJ S-21 Prisoner List, Number 8936, EN 01222694; **D134/3** Sat Chhang WRI, A28, EN 00974283; **D134/5** Huot Moeng alias Sat Sokhom WRI, A19-20, EN 00974303; **D219/849** Sou Nan alias Yeay Nan WRI, A21-22, EN 01356228; **D219/869** Sek Sam At alias Yeay Rim WRI, A51-53, EN 01365562-63; **D6.1.643** Ung Chhat WRI, EN 00373918; **D6.1.617** Sat Sakhom SOAS Interview, EN 00352087; **D219/279** Kou Molly WRI, A95, EN 01098539.

<sup>2734</sup> **D134/3** Sat Chhang WRI, A28, 43, EN 00974283-85; **D6.1.988** Sou Nan alias Yeay Nan WRI, A15, 20, EN 00508564-65; **D219/849** Sou Nan alias Yeay Nan WRI, A21-22, EN 01356228; **D219/869** Sek Sam At alias Yeay Rim WRI, A55, 57, EN 01365563.

<sup>2735</sup> **D6.1.988** Sou Nan alias Yeay Nan WRI, A20, 22-33, EN 0050865-68 [Sou Nan admitting she was appointed by Sarun to be the Kandieng District Com, but claiming she did not accept the position.]. See also **D219/869** Sek Sam At alias Yeay Rim WRI, A51, EN 01365562 [“Yeay Nann [...] came at the same time as Uncle Sarun.”].

<sup>2736</sup> **D134/3** Sat Chhang WRI, A34, 38-39, 46, EN 00974284-86; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085; **D219/183** Sok Khan WRI, A50, 54, 56, EN 01079299-300.

attendees “to work hard to achieve the plans”.<sup>2737</sup> Cooperative and unit chiefs convened regular self-criticism meetings<sup>2738</sup> during which they spoke about smashing internal enemies.<sup>2739</sup>

749. Among the cooperatives under Nan’s authority were Stueng Village Cooperative led by Soeun,<sup>2740</sup> Nan’s sister from Kampong Chhnang,<sup>2741</sup> and Sya Cooperative headed by military leader Nat,<sup>2742</sup> who was also Nan’s sister.<sup>2743</sup> Both of Nan’s sisters ordered arrests and killings, including of East Zone evacuees.<sup>2744</sup>

#### iv. CRIMES

##### Murder and Extermination

750. Between late 1977 until 1979,<sup>2745</sup> CPK Southwest Zone troops forcibly transferred people from the East Zone provinces of Svay Rieng, Prey Veng, and Kampong Cham, to Pursat Province in the Northwest Zone.<sup>2746</sup> These military units forced thousands of East Zone residents to leave their homes in two to three waves.<sup>2747</sup> Entire families, including

<sup>2737</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A55, EN 01365563; **D134/5** Huot Moeng WRI, A25-27, EN 00974304; **D134/1** Ung Chhat WRI, A29, 31, EN 00974267.

<sup>2738</sup> **D219/58** Yim Sovann WRI, A49-50, EN 01053853-54; **D6.1.761** Yim Sovann WRI, EN 00379314-15; **D6.1.161** Suy Sengchhorn WRI, EN 00242120.

<sup>2739</sup> **D219/58** Yim Sovann WRI, A49, 51-54, EN 01053853-54.

<sup>2740</sup> **D134/3** Sat Chhang WRI, A37, 43, EN 00974284-85; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085; **D134/5** Huot Moeng alias Sat Sokhom WRI, EN 00974305-06.

<sup>2741</sup> **D134/3** Sat Chhang WRI, A37, EN 00974284. *See further* **D118/179** Sou Hoeun WRI, A4, 22, EN 01040681, 83; **D6.1.988** Sou Nan alias Yeay Nan WRI, A4, EN 00508563. *Note*, however, that both sisters, Sou Nan and Sou Hoeun, have denied this, *see* **D118/179** Sou Hoeun WRI, A49, 51-53, EN 01040686-87; **D134/2** Sou Nan alias Yeay Nan WRI, A36, EN 00974276.

<sup>2742</sup> **D219/183** Sok Khan WRI, A52, 54-55, EN 01079299.

<sup>2743</sup> **D134/2** Sou Nan alias Yeay Nan WRI, A35, EN 00974275; **D219/183** Sok Khan WRI, A50, EN 01079299.

<sup>2744</sup> **D134/3** Sat Chhang WRI, A38-39, 48-49, EN 00974284-86; **D219/183** Sok Khan WRI, A50, 54, 56, EN 01079299-300.

<sup>2745</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 13.46.53-13.48.58; **D219/266** Pen Sith WRI, A61, EN 01098469; **D219/282** Hel Uon WRI, A17, EN 01098543; **D134/3** Sat Chhang WRI, A43, EN 00974285; **D134/4** Lim Sat WRI, A3, EN 00974292; **D6.1.145** Ung Chhat WRI, EN 00284423; **D134/1** Ung Chhat WRI, A39, EN 00974268; **D219/182** Uon Heav WRI, A71, EN 01079790; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D6.1.759** Koem So WRI, EN 00388621; **D6.1.129** Men Phuon WRI, EN 00250767; **D134/5** Huot Moeng WRI, A6, 10, 28-29, EN 00974301-04; **D118/278** Nam Im WRI, A199, EN 01031808; **D219/526** Tep Hoeun WRI, A92, EN 01168054; **D219/526** Tep Hoeun WRI, A92, EN 01168054. *See contra* **D219/553** Ky Pengly WRI, A68-70, EN 01178598.

<sup>2746</sup> **D134/3** Sat Chhang WRI, A44, EN 00974285; **D134/4** Lim Sat WRI, A4, EN 00974292; **D219/282** Hel Uon WRI, A63, EN 01098547; **D6.1.145** Ung Chhat WRI, EN 00284423; **D6.1.129** Men Phuon WRI, EN 00250767; **D118/278** Nam Im WRI, A199, 286, EN 01031808, 21; **D6.1.143** Chak Muli WRI, EN 00288202; **D65.1.56** Khoem Samon WRI, EN 00327161; **D118/217** Mey Sam WRI, A18, 21, 31, EN 00985655-57.

<sup>2747</sup> **D6.1.417** Duong Uon WRI, EN 00268629-30; **D118/217** Mey Sam WRI, A18, 31, EN 00985657; **D219/58** Yim Sovann WRI, A14, EN 01053846; **D219/526** Tep Hoeun WRI, A97, EN 01168055; **D219/282** Hel Uon WRI, A37, 62, EN 01098545, 47; **D118/278** Nam Im WRI, A201-202, EN 01031808; **D219/555** Ker Tin WRI, A64, EN 01178636.

women, children, and the elderly,<sup>2748</sup> were sent to Pursat Province by train.<sup>2749</sup> Evacuees were given a blue scarf or krama<sup>2750</sup> in order for CPK cadres to easily identify them as originating from the East Zone.<sup>2751</sup> The evacuees were considered to have “enemy links” and were therefore enemies of the CPK.<sup>2752</sup> The Khmer Rouge described the East Zone people as having “a Vietnamese head and a Khmer body.”<sup>2753</sup>

751. Thousands of these East Zone evacuees arrived in Kandieng District,<sup>2754</sup> where they were assigned to cooperatives, including Kbal Chheu Puk and Boeng Chak,<sup>2755</sup> and were ordered to farm or harvest rice.<sup>2756</sup> They were later arrested and taken for mass execution in groups of 10 to 200.<sup>2757</sup> Many young women were raped before they were killed.<sup>2758</sup> In early 1979, the Khmer Rouge cadres carried out the last killings as a result of a final

<sup>2748</sup> **D6.1.417** Duong Uon WRI, EN 00268630; **D134/3** Sat Chhang WRI, A46, EN 00974286.  
<sup>2749</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 11.10.10-11.12.20; **D219/526** Tep Hoeun WRI, A48, 92, 99, EN 01168048-49, 54-55; **D134/1** Ung Chhat WRI, A40, EN 00974268; **D118/124** Koem So WRI, A65-66, EN 00975893; **D219/282** Hel Uon WRI, A47, 62, EN 01098546-47; **D118/278** Nam Im WRI, A199-200, EN 01031808; **D134/4** Lim Sat WRI, A11, EN 00974293.  
<sup>2750</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 13.46.53-13.50.43; **D134/4** Lim Sat WRI, A11, EN 00974294; **D134/5** Huot Moeng WRI, A30, EN 00974304; **D219/282** Hel Uon WRI, A36-38, EN 01098545; **D134/3** Sat Chhang WRI, A57, EN 00974287; **D134/1** Ung Chhat WRI, A16, EN 00974265; **D6.1.643** Ung Chhat WRI, EN 00373917; **D219/58** Yim Sovann WRI, A13, EN 01053846; **D6.1.159** Ouk Savuth WRI, EN 00242134. *See contra* **D118/278** Nam Im WRI, A206-208, EN 01031809.  
<sup>2751</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 13.48.58; **D219/282** Hel Uon WRI, A38, 66, EN 01098545, 47; **D118/124** Koem So WRI, A65, EN 00975893; **D134/5** Huot Moeng WRI, A30, EN 00974304; **D219/279** Kou Molly WRI, A88, EN 01098538; **D219/340** Ke Y WRI, A75, EN 01117705; **D219/526** Tep Hoeun WRI, A48, EN 01168048-49; **D219/553** Ky Pengly WRI, A68, EN 01178598; **D219/555** Ker Tin WRI, A67-68, EN 01178636; **D219/553** Ky Pengly WRI, A207, EN 01031809.  
<sup>2752</sup> **D219/266** Pen Sith WRI, A63, EN 01098469; **D219/340** Ke Y WRI, A50, EN 01117703.  
<sup>2753</sup> **D219/553** Ky Pengly WRI, A73, EN 01178599; **D219/265** Khoem Sarun WRI, A64, EN 01098462; **D219/340** Ke Y WRI, A43, EN 01117702-03.  
<sup>2754</sup> **D6.1.643** Ung Chhat WRI, EN 00373917; **D118/278** Nam Im WRI, A217, EN 010317811.  
<sup>2755</sup> **D219/702.1.4** Lim Sat, T. 2 May 2013, 13.46.53-13.48.58; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 16.01.20-16.03.33; **D134/5** Huot Moeng WRI, A30, EN 00974304; **D219/526** Tep Hoeun WRI, A93-94, EN 01168054; **D6.1.643** Ung Chhat WRI, EN 00373917; **D219/282** Hel Uon WRI, A52-53, EN 01098546; **D118/278** Nam Im WRI, 201-202, 210, EN 01031808; **D219/279** Kou Molly WRI, A85, EN 01098537, A37, EN 01098534; **D219/265** Khoem Sarun WRI, A5, 23, 62, EN 01098458-59, 62; **D219/340** Ke Y WRI, A18-19, 42, EN 01117700, 02; **D219/555** Ker Tin WRI, A24, 64, EN 01178631-32, 36; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085.  
<sup>2756</sup> **D219/182** Uon Heav WRI, A68-70, EN 01079789-90; **D219/282** Hel Uon WRI, A53, EN 01098546; **D118/278** Nam Im WRI, A210, EN 01031809.  
<sup>2757</sup> **D134/3** Sat Chhang WRI, A46, EN 00974286; **D219/282** Hel Uon WRI, A65, 68, 70-71, EN 01098547-48; **D134/5** Huot Moeng WRI, A28-29, 31-32, EN 00974304-05; **D219/182** Uon Heav WRI, A23-24, 68-70, EN 01079782, 89-90; **D219/279** Kou Molly WRI, A86-87, 90, EN 01098538; **D134/1** Ung Chhat WRI, A11, 15, EN 00974264 *reiterating* **D6.1.643** Ung Chhat WRI, EN 00373917; **D219/183** Sok Khan WRI, A83-87, EN 01079304; **D219/266** Pen Sith WRI, A62-63, 68-71, EN 01098469; **D134/4** Lim Sat WRI, A16-17, 19, 22, EN 00974294; **D6.1.685** Lim Sat WRI, A12, EN 00412159-60; **D6.1.159** Ouk Savuth WRI, EN 00242133-34; **D219/526** Tep Hoeun WRI, A102-104, 106, EN 01168055-56; **D219/553** Ky Pengly WRI, A72, EN 01178598-99; **D219/182** Uon Heav WRI, A65, EN 01079789; **D5/821/1** Thlang Phan CPA Report, EN 00951347.  
<sup>2758</sup> **D219/282** Hel Uon WRI, A75, EN 01098548; **D219/279** Kou Molly WRI, A86-87, 90, EN 01098538; **D118/278** Nam Im WRI, A232-234, 237, EN 01031813.

plan to eradicate all East Zone evacuees, as ordered by Office 870 and Ta Mok.<sup>2759</sup>

752. In 1978 in Kandieng District at Thlea Ampil Cooperative, the cooperative chief held a meeting where he gave orders to kill the East Zone evacuees. After the meeting, ox cart drivers from the transport unit were instructed to take all East Zone evacuees to Veal Bak.<sup>2760</sup> The same instructions were given to ox cart drivers in other cooperatives in the district.<sup>2761</sup> In a meeting at Steung Village Cooperative, the village chief gave the same orders to kill the East Zone evacuees.<sup>2762</sup>

<sup>2759</sup> **D118/278** Nam Im WRI, A184-188, EN 01031806-07 [“A184: A unit chief secretly told me about a plan. He said that ‘Ta 78 planned to kill all the East Zone people within five days.’ [...] A185: Ta 78 was referred to Committee 870. [...] A186: Committee 870 laid down a plan to Ta 15. Ta 15 held a meeting to disseminate that plan to lower echelon cadres. [...] A187: [...] unit chief [...] Chea secretly told me about this in around January in 1979 because the Vietnamese had already arrived in Pursat Town [...] A188: He was also from Bak Chenhchien.”] (*Note D118/278* Nam Im WRI, A171, EN 01031805 [“Ta Mok [...] was called Ta 15.”]), A212-213, 216, 219-220, EN 01031810-11 [“A212: The cooperative committee attended a meeting. When they returned, they held a meeting and told me that ‘Committee 870 laid down a plan to kill all the East Zone people within five days.’ Q: Was the plan implemented? A213: Yes [...]. The soldiers came and arrested many people, and they were walked away in lines. During that time they no longer kept it secret; the East Zone people were killed everywhere. [...] A216: They killed everywhere in Bak Chenhchien Cooperative [...] approximately 50 people were killed each day [...]. Four days later they decided to stop killing the East Zone people. [...] Q: [...] who killed the East Zone people? [...] A219: [T]hey were district and sector soldiers. [...] A220: [C]hhlob also took part.”].

<sup>2760</sup> **D134/1** Ung Chhat WRI, A33, 42, EN 00974267-68 [“Q: Who was the chief of your cooperative? A33: Comrade Nom was. I do not know whether he is still alive. I heard that he was from Kampong Chhnang.”], A42, EN 00974268 [“Q: Where was the meetings held? A42: [...] In my cooperative, Comrade Nom was the one who called for a meeting to send those people to Veal Boeng Bak Chonh Ching.”]; **D6.1.145** Ung Chhat WRI, EN 00284423 [“in my Thlea Ampil cooperative [...] Those people arrived here around December 1977, and about three months later they were rounded up to be killed at Veal Bak Chunnhching. I personally knew about this story because I was in the ox-cart transportation unit. [...] Q: Who ordered the transportation of the East Zone people away? A: I didn’t know, but I saw the soldiers of the cooperative and the district holding a meeting, and afterward the cooperative committee told the ox-cart unit to gear up in order to transport people from Svay Rieng to cut and collect rice at Veal Bak Chunnhching.”].

<sup>2761</sup> **D134/1** Ung Chhat WRI, A18, EN 00974265 [“Q: Your group, from Thlea Ampil, was instructed to transport these people (from the East Zone). Did you know if there were other groups being instructed to do the same job? A18: [...] I heard that there were groups from Koh Prateal and Tuol Kou in Kandieng.”], A42, EN 00974268 [“Q: Where were the meetings held? A42: They were held at each cooperative [...] to send those people to Veal Boeng Bak Chonh Ching.”]; **D6.1.145** Ung Chhat WRI, EN 00284423-24 [“Q: Who ordered the transportation of the East zone people away? A: [...] Those people had been transported by the Khmer Rouge from all cooperatives to be killed in the pond of Veal Bak Chunnhching.”]; **D134/5** Huot Moeng WRI, A4, 6, 31-32, EN 00974300-01, 04-05 [“A4: I was working in [...] Stueng Village Cooperative [...] A6: [...] in Kandieng District. [...] Q: How did you know that the Khmer Rouge had taken the eastern people to be killed at Boeng Bak Chunnhchinh field? A31: [...] through the Cart Unit people saying that they had transported the eastern people to be killed at Boeng Bak Chunnhchinh field the previous night [...] at the end of 1978 [...] A32: [...] some of them were taken from this cooperative [...] others were taken from another cooperative”].

<sup>2762</sup> **D134/3** Sat Chhang WRI, A47-49, EN 00974286 [“Q: In the report of the human rights organization, we notice that the people who were evacuated from the east [...] in late 1978 [...] were gathered together and killed. Later, when the Vietnamese entered Phnom Penh, the killing of the people from the East Zone intensified. Did you really provide this information to the human rights organization? A47: Yes, I did. The Khmer Rouge really wanted to kill the rest as per their final plan. Q: In the same report, you said that you got the information because Soeun liked you and wanted to kill your wife in order to get you to be her husband. She also told you about the plan to eradicate the evacuees from the East Zone. Is that content correct? A48: Yes [...] A49: I knew the information because I was always close to Soeun. I heard Soeun



753. Ung Chhat, one of the ox cart drivers from Thlea Ampil, stated that his ox cart unit was unaware of the plan to kill the evacuees.<sup>2763</sup> The East Zone people believed that they were being sent to Veal Bak to harvest rice.<sup>2764</sup>
754. Over the next three to four days, about 30 ox carts per night brought East Zone evacuees from various cooperatives in the district to Veal Bak.<sup>2765</sup> When they arrived, the ox cart drivers were ordered to offload the evacuees and then leave.<sup>2766</sup> Ung Chhat said that one night when he was leaving the site, he saw members of the militia hiding in nearby bushes and a short time later heard gunshots.<sup>2767</sup> Another driver, Chheang Mey, saw Khmer

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ordered the chief of militia to gather the people from the east together and take them to be killed.”]; **D6.1.618** Sat Chhang SOAS Interview, EN 00352085.

<sup>2763</sup> **D6.1.145** Ung Chhat WRI, EN 00284423 [“the cooperative committee told the ox-cart unit to [...] transport people from Svay Rieng to cut and collect rice at Veal Bak Chhnhching. [...] neither I nor the people themselves knew that they were being transported to be killed. They looked as nothing happened and chatted in the cart.”]; **D134/1** Ung Chhat WRI, A11, 43, EN 00974264, 69 [“The Khmer Rouge told these people that they were being sent to do rice harvesting at Veal Beong Bak Chhnh Ching. This was in fact a lie. [...] the chief of cooperative had told them that there were many rice fields that needed to be harvested [...] I did not know about Angkar’s plan. I only took those people to the place according to the instructions.”], A19, 46, EN 00974265-66, 69 [“we were told that we were sent there to do rice harvesting. I also had no idea why they (the evacuated citizens) were sent there. [...] I did not know why they had taken the East Zone citizens to be killed.”]. *See also* **D134/3** Sat Chhang WRI, A63, EN 00974288 [“Q: Do you know if the eastern people refused to go to Veal Boeng Bak Chhnhching? A63: They did not refuse because they had not known the plan and the geography. In particular, the Khmer Rouge told them that they would be taken to harvest rice there.”]; **D219/182** Uon Heav WRI, A68, EN 01079789 [“at Veal Bak Chhnhching [...] First they told them to go to farm, but in fact they took the Svay Rieng people there to be killed.”]; **D134/5** Huot Moeng WRI, A32, EN 00974305 [“They were taken to be killed [...] They were told the lie that they were ordered to work or harvest rice there”].

<sup>2764</sup> **D6.1.145** Ung Chhat WRI, EN 00284423 [“the cooperative committee told the ox-cart unit to [...] transport people from Svay Rieng to cut and collect rice at Veal Bak Chhnhching. [...] neither I nor the people themselves knew that they were being transported to be killed. They looked as nothing happened and chatted in the cart.”]; **D134/1** Ung Chhat WRI, A11, 43, EN 00974264, 69 [“The Khmer Rouge told these people that they were being sent to do rice harvesting at Veal Beong Bak Chhnh Ching. This was in fact a lie. [...] the chief of cooperative had told them that there were many rice fields that needed to be harvested.”]; **D134/3** Sat Chhang WRI, A63, EN 00974288 [“Q: Do you know if the eastern people refused to go to Veal Boeng Bak Chhnhching? A63: They did not refuse because they had not known the plan and the geography. In particular, the Khmer Rouge told them that they would be taken to harvest rice there.”]; **D219/182** Uon Heav WRI, A68, EN 01079789 [“at Veal Bak Chhnhching [...] First they told them to go to farm, but in fact they took the Svay Rieng people there to be killed.”]; **D134/5** Huot Moeng WRI, A32, EN 00974305 [“They were taken to be killed [...] They were told the lie that they were ordered to work or harvest rice there”].

<sup>2765</sup> **D134/4** Lim Sat WRI, A22, EN 00974294 [“I knew this because the Khmer Rouge had collected those eastern people from cooperatives and taken them there. Those cooperatives included Syar, Kanhchor, Stung Village and Boeng Chhuk.”]; **D219/182** Uon Heav WRI, A13, 17, 69-70, EN 01079781, 89-90 [“A13: The Khmer Rouge evacuated me to Sdau Chrum [...] A17: [...] cooperative [...] Q: [...] Did you ever see the Svay Rieng people being transported to be killed at Veal Bak Chhnhching? A69: Yes [...] they told me that they transported the Svay Rieng people by vehicles from Svay Rieng to a location in Pursat town. After that, they had those Svay Rieng people [...] stay here for one night. [...] A70: [...] The Svay Rieng people travelled continuously in columns.”].

<sup>2766</sup> **D134/1** Ung Chhat WRI, A11, 19, EN 00974264, 66 [“After I transported [...] the East Zone evacuees to that place, the Khmer Rouge instructed me and my group to leave. [...] When we arrived, a few Khmer Rouge soldiers came to instruct us to [...] drop the citizens there. Then we were instructed to go back.”].

<sup>2767</sup> **D6.1.145** Ung Chhat WRI, EN 00284423 [“During that journey there were no Khmer Rouge militias or soldiers escorting the carts. But when we arrived in Veal Bak Chhnhching, we saw Khmer Rouge soldiers

Rouge soldiers escorting two different groups of people towards Veal Bak while he was driving an ox cart and working in the rice fields.<sup>2768</sup>

755. After the killings, some members of the militia who had been involved in the executions at Veal Bak bragged about how they had surprised the victims prior to shooting as they hid nearby. These militia also brought back blue scarves which had been given to the murdered evacuees before they were transferred to Pursat.<sup>2769</sup>
756. A month after Ung Chhat took the evacuees to Veal Bak, he returned to the site and saw bodies of men, women, and children with gunshot wounds wearing blue scarves.<sup>2770</sup> Lim Sat went to Veal Bak to harvest rice in late 1978 and observed 60 decaying corpses, including babies, along with clothes, backpacks, and blue scarves. He believed the victims had been beaten to death.<sup>2771</sup> Sat Chhang was at the site in early 1979 and

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were already hiding in the reed bushes nearby. [...] Then I saw the Khmer Rouge soldiers walked people away and shot them dead at a place about one hundred metres away from where I stopped my cart”] *read in conjunction with D134/1* Ung Chhat WRI, A11-12, 15, EN 00974264-65 [“A11: [...] The Khmer Rouge told these people that they were being sent to [...] Veal Boeng Bak Chonh Ching. [...] After I transported [...] the East Zone evacuees to that place, [...] I was leaving, I heard gunshots from the place where the people were taken to. [...] Q: In your recorded answer [...] you mentioned that you saw the Khmer Rouge shooting the East Zone evacuees. Was that true? A12: This was not true. I did not see the killing with my own eyes. As I mentioned in that record, I only heard gunshots after I was about 500 metres away from the killing site. [...] Q: As to those corpses you saw one month after [...] Did you know how those people were murdered? A15: I could see that they obviously died of gunshots.”].

<sup>2768</sup> **D5/1056** Chheang Mey CPA, EN 01143107 [“Later, I was moved to work in a mobile unit, ploughing and pulling out rice seedlings, in Veal Bak Chenhchien, Srae Sdok Commune, Bakan District, Pursat Province. [...] While I was riding an ox cart to plough the rice fields, I saw Khmer Rouge soldiers dressed in black beating, cursing, and escorting people, whose hands were tied, in a line to Veal Bak Chenhchien [...] Then, while I was working, I saw a militiawoman and a militiaman who were in love with each other. The militiawoman was probably pregnant. They both were walked to be killed in Veal Bak Chenhchien, having been accused of having committed a moral offense.”].

<sup>2769</sup> **D134/3** Sat Chhang WRI, A57, EN 00974287 [“I heard from Ta Tuon and other people who went there talk proudly to each other that they hid somewhere in order to shoot those people secretly at Veal Boeng Bak Chuhchhing; they even brought the blue scarves when they came back. The people evacuated from the east had told me that before they came to Pursat, Angkar had handed all of them a blue scarf.”].

<sup>2770</sup> **D134/1** Ung Chhat WRI, A13, 15, EN 00974264-65 [“Q: When you were there, did you see any corpses with your own eyes? A13: Yes, I did. Q: As to those corpses you saw one month after [...] Did you know how those people were murdered? A15: I could see that they obviously died of gunshots. They were wearing civilian clothes. There were men, women and children; each of them had a blue scarf.”], A20-21, EN 00974266 [“I could see the corpses of most of the East Zone citizens there [...] scattering untidily to the south, west and north of the lake.”]; **D6.1.643** Ung Chhat WRI, EN 00373917 [“I did not see bodies in every location; they saw some, and I saw some, during late 1978 after the killings of the evacuees from the East Zone at Veal Bak Chenhchhing”].

<sup>2771</sup> **D134/4** Lim Sat WRI, A18-21, 24-25, EN 00974294-95 [“Q: Do you know anything about the killings of people at Boeng Bak Chuhchinh field? A18: I only know that there were killings of people at Boeng Bak Chuhchinh field [...] A19: [...] when I went to harvest rice in October 1978 [...] I saw many corpses. [...] A20: I saw a lot of bodies, clothes and backpacks - together with blue, red and black scarves. [...] A21: [...] I [...] saw that the bodies had been dried by the sun; but they had not yet decayed completely. Some of them stank [...] A24: I think sticks might have been used to beat them to death because no one told me that they had heard any gunshots. Q: Did you identify any children among those sixty bodies? A25: I saw corpses of young and grown children, including babies.”].

described finding decomposing bodies scattered in the area.<sup>2772</sup>

757. Other bodies of East Zone evacuees were buried in a pit in the area.<sup>2773</sup> In total, it is estimated that no less than 1,000 East Zone evacuees were killed at Veal Bak.<sup>2774</sup> Those killed included women and children ranging from one to 15 years of age.<sup>2775</sup>

### Persecution

758. Persecution was committed through the crimes described above against the East Zone evacuees. This group was specifically targeted because of their actual or perceived membership of a political group.<sup>2776</sup>

### v. CRIMES FOR WHICH INDICTMENT IS SOUGHT

759. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the following crimes in relation to Veal Bak Chunching execution site: the crimes against

<sup>2772</sup> **D134/3** Sat Chhang WRI, A59-60, EN 00974288 [“Q: Have you ever been to Veal Boeng Bak Chunchching? A59: [...] after the complete liberation of Pursat Province, maybe in March or April, I went there [...]. I found a lot of decomposed dead bodies there. [...] A60: [...] I looked at those dead bodies from a distance due to the bad smell.”].

<sup>2773</sup> **D219/182** Uon Heav WRI, A66, 68, EN 01079789 [“Veal Bak Chunchching was located near the river, and in this place there was a pit about 50 metres square. Many people were killed and thrown in this pit. They used a tractor to cover the pit. [...] Q: What kinds of people were killed at Veal Bak Chunchching? A68: The Svay Rieng people were killed at Veal Bak Chunchching.”].

<sup>2774</sup> **D6.1.145** Ung Chhat WRI, EN 00284423 [“There were so many people, in thousands, I estimated”]; **D134/1** Ung Chhat WRI, A11, 15, 17, EN 00974264-65 [“One month later, [...] I went to that place and I saw corpses everywhere. In fact, I went there again after the Vietnamese liberation in 1979 [...] There were corpses everywhere. [...] each of them had a blue scarf. [...] there were no less than 1,000 corpses.”]; **D6.1.643** Ung Chhat WRI, EN 00373917 [“And others also saw bodies in many other locations while tending cattle [...] I saw some, during late 1978 after the killings of the evacuees from the East Zone at Veal Bak Chunchching”]; **D134/3** Sat Chhang WRI, A62, EN 00974288 [“Q: Do you know the number of victims who were killed at Veal Boeng Bak Chunchching? A62: [...] there were many victims - from hundreds to thousands.”]; **D6.1.685** Lim Sat WRI, EN 00412159 [“At Bak Chornh Ching field, there were mass killings of evacuees”]; **D134/5** Huot Moeng WRI, A33, EN 00974305 [“Q: Do you know how many East Zone people were taken to be killed? A33: I only know that there were a lot”]; **D134/6** Veal Bak Chunching Execution Site Site Identification Report, EN 00947354 [“According to witnesses about 1000 East Zone Evacuees were transported to Veal Bak Chunching in March or during the dry season in 1978.”].

<sup>2775</sup> **D6.1.145** Ung Chhat WRI, EN 00284423-24 [“Q: Who ordered the transportation of the East zone people away? A: [...] I personally saw the Khmer Rouge shooting [those people] dead in the pond and on the ground of Veal Bak Chunchching. Those people had been transported by the Khmer Rouge from all cooperatives to be killed in the pond of Veal Bak Chunchching. [...] Those people included children and adults, women and men.”]; **D134/1** Ung Chhat WRI, A13, 15, 44, EN 00974264-65, 69 [“Q: [...] Veal Boeng Bak Chonh Ching [...] When you were there, did you see any corpses [...]? A13: Yes [...] A15: There were men, women and children [...] A44: There were children between 1 and 15 years old. According to how the corpses were arranged, it looked like those people were killed with their family members.”]; **D134/6** Veal Bak Chunching Execution Site Site Identification Report, EN 00947354 [“Many children and women were executed at [...] Veal Bak Chunching”].

<sup>2776</sup> See **VIII.B.1.a**. Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **V.B.6.a.iv**. Crimes – Northwest Zone – Sector 7 – Prison No. 8 – Crimes – Persecution.

humanity of murder, extermination,<sup>2777</sup> and persecution on political grounds of East Zone evacuees.

## 7. **FORCED MARRIAGE AND RAPE**

### a. INTRODUCTION

760. The evidence on the Case File establishes that **Yim Tith** and other members of the JCE implemented CPK policies to coerce couples to marry and engage in sexual relations without their free consent. Forced marriages were prevalent in Sector 1 in Samlout District and at the Kampong Kol Sugar Factory in Sangkae District, and in Sector 4 in Kampong Prieng and Reang Kesei communes. **Yim Tith** and other members of the JCE contributed to the arrangement and notification of impending marriages, participated in the wedding ceremonies themselves, and ordered the monitoring of newlywed couples to ensure that the marriages were consummated. The scale and frequency of these forced marriages and the similarities shared with marriages across Democratic Kampuchea, show that the forced marriages and coerced consummation of the marriages (rape) were part of a well-organised policy that was part of a widespread and systematic attack on Cambodian civilians.
761. The ICIJ has charged **Yim Tith** with the crimes against humanity of other inhumane acts (forced marriage) in Samlout District, Kampong Prieng Commune, and Reang Kesei Commune.<sup>2778</sup>

### b. POLITICAL BACKGROUND

#### i. CONCEPT OF FAMILY

762. The CPK first published its views on family building in a February 1974 issue of the *Revolutionary Youth* propaganda magazine. A mere six weeks after capturing Phnom Penh, the Party reprinted the document for wider circulation, reflecting the importance that it placed on the matter and its desire to ensure that all policies detailed in the

<sup>2777</sup> The ICP submits that the element of massiveness for the crime of extermination is substantiated on the evidence for Veal Bak Chunching execution site alone. In the alternative, the ICP takes the position that, when considering the element of massiveness required to prove extermination, the killings at all security centres, execution sites, and forced labour sites, including Veal Bak, should be aggregated. All sites formed part of a single, organised system implementing the policy to persecute and kill enemies, and the killings at each of these sites were facilitated by the same words and actions of Yim Tith.

<sup>2778</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426072, 74, 75.

document were fully implemented throughout the country.<sup>2779</sup>

763. Central to this document and subsequent pronouncements of the Party's stance was the concept that a new form of family – the revolutionary family – was to replace the traditional one. The revolutionary family required absolute loyalty to Angkar (the organisation), which was considered to be the population's new “parents” while all other familial ties were rendered insignificant.<sup>2780</sup> The sole purpose of the revolutionary family was to advance the country's revolutionary goals.<sup>2781</sup> In serving the mission to rebuild the country, families no longer needed to live together and were typically separated, sent to different and sometimes distant worksites.<sup>2782</sup> Very young children were removed from

<sup>2779</sup> **D310/1.1.1** CPK Publication, *Revolutionary and Non-Revolutionary World Views Regarding the Matter of Family Building*, reprinted from 2 Feb 1974 on 2 Jun 1975 (“Family Building policy document”).

<sup>2780</sup> **D179/1.2.8** Kaing Guek Eav alias Duch, T. 20 Mar 2012, 11.13.29-11.16.30 [“I think this ideology was already written in a song [...]. They say that parents could only create you, but Angkar would be the one who controlled you and who owned you.”]; **D219/702.1.140** Kaing Guek Eav alias Duch, T. 2 Sep 2009, 14.27.58-14.31.18 [“They regarded children, or the children of the cadres or the peasants, as the property of Angkar and Angkar were their parents.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 15.13.40-15.16.17 [the Civil Party attended a meeting in Phnom Penh in 1975 at which Khieu Samphan instructed “that we should not have any feelings toward our parents and that we should detach ourselves from our parents”], 15.16.17-15.19.38 [“As for the parents and siblings, we were completely detached from one another [...] Angkar said [...] we were under the supervision of Angkar, and that we should not look for the parents because Angkar was the parents.”]; **D219/883.1.83** Him Huy, T. 4 May 2016, 09.23.50-09.25.50 [the witness was a guard at S-21: “During the study sessions [at S-21], there were many participants, including myself, [who were instructed] that we were the children of Angkar and not the children of our parents, although our mothers were the ones who bore [...] us, but it was Angkar who were our real parents and that we had to implement any instruction or activity imposed by Angkar.”]; **D219/370.1.5** Henri Locard, *Pol Pot's Little Red Book*, EN 00394900-01 [“in this revolutionary society, the very nature of the nuclear family was transformed. [...] The only social relation – and equally, emotional relation – that counted was the vertical relation of filial affection toward – in truth, submission to – the Angkar. At the same time, the Khmer Rouge kept other words of kinship (‘uncle,’ ‘aunt,’ ‘brother,’ etc.) in order that the revolutionary society be seen as ‘one big family,’ with the Angkar at its head, at once tutor and parent of an entire people that they had infantilized. All affection and love that a son or daughter had for his or her mother and father, and that parents had for their children, had to be transferred to the Angkar.”]; **D1.3.17.1** Elizabeth Becker, *When the War was Over*, EN 00237930-31 [“As in many societies relatively untouched by modernity, Cambodians are extremely attached to their families. That was the primary loyalty, certainly the most threatening to Angkar. Nearly all directives of the Khmer Rouge led somehow toward the dissolution of the family.”]; **D117/36.1.23** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396533; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421891; **D6.1.595** Michael Vickery, *Cambodia 1975-1982*, EN 00397102.

<sup>2781</sup> **D310/1.1.1** Family Building policy document, EN 00417942-43 [“we consider matters of family as being inseparable from matters of the entire nation and people. [...] So, building our revolutionary families is [...] so that the revolution may achieve its highest mission, to liberate the nation, the people, and the poor class and then advance toward socialism and communism, which are societies in which people no longer exploit other people.”]; **D347/2.1.19** Elizabeth Becker, T. 9 Feb 2015, 13.35.32-13.37.45 [“except for in the model co-ops, I didn't see [traditional] family groupings and there was no disguising that it was by and large discouraged so they would be working, working, working, as they kept saying, ‘Work is their major resource.’”]; **D219/370.1.5** Henri Locard, *Pol Pot's Little Red Book*, EN 00394900 [“The Angkar willed that all family ties be more utilitarian and less emotional. It was a matter of producing children.”]; **D117/36.1.23** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396533 [“Marriage – not merely between Party members [...] but between any two people – was a Party, not an individual affair.”].

<sup>2782</sup> **D347/2.1.19** Elizabeth Becker, T. 9 Feb 2015, 13.35.32-13.37.45 [“children were no longer living with their families by and large [...]. And, at one point I saw a row of very young children gathering firewood

their mothers so that the mothers could focus on work while the children were encouraged to see Angkar rather than their parents as their primary authority figure.<sup>2783</sup>

764. Relationships with the opposite sex were also considered distractions from the all-important goal of rebuilding the nation.<sup>2784</sup> Seeking spouses out of family interest or happiness was viewed as “private ownership” that contravened the collective interests of the country,<sup>2785</sup> and those who valued such interests were deemed to be renouncing the

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and that was called the Children’s Brigade. Other times, you’d see a truckload of what looked like, sort of, pre-teens, teenagers, and by gender, they would be either young girls or boys, and they would be in brigades.”]; **D315.1.4** Ry Pov, T. 12 Feb 2015, 11.28.55-11.29.54 [in Tram Kak District, Takeo Province, Southwest Zone: “At that time men were separated from women, and we were put into different groups according to our age. For example, children will be grouped into the children’s unit and for the adults would be put into the adults group, and we could not live or mingle together”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 14.24.54-14.29.35 [in Siem Reap Province, North Zone: “During Khmer Rouge regime, husbands and wives and children were all separated from each other. The children were in the children’s mobile unit. The mothers were in the female units and the husbands were in the male units and for the very small ones and infants they were with elderly women. [...] They put us to work in different locations and even our children, they were not allowed to come back home. They stayed at their worksites.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421891 [“each family member was separated from each other to contribute to the revolutionary cause. Children were separated from their parents to work in mobile groups or as child soldiers.”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322866 [“After the wedding ceremony, most couples were separated for forced labor in different areas and they were not allowed to live together. [...] In many cases, a wife was allowed to stay in her own village, while her husband was sent away from his wife and children. [...] Therefore, they could not have a marriage life per se.”]; **D310/1.1.5** Katrina Natale, *I Could Feel My Soul Flying Away from My Body*, EN 00992134.

- <sup>2783</sup> **D219/888.1.3** Kasumi Nakagawa, T. 14 Sep 2016, 09.43.49-09.45.27 [“When the mother stopped breastfeeding, [the] mother was not allowed to see a child even during the lunch time.”]; **D347/2.1.20** Elizabeth Becker, T. 10 Feb 2015, 10.43.49-10.45.56 [“Children were divided from their parents often at very young ages. That children were discouraged from seeing their parents as their authority figures, that it would be the Khmer Rouge, the cadre who would be the authority figure.”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 14.08.13-14.09.33 [in Siem Reap Province, North Zone: “After I delivered my baby I spent time, only one month and a half with my baby. But during that one month and a half, I did not stay close to my baby at home because I was assigned to grind rice at the cooperative.”], 15.11.46-15.14.03 [“my children were not considered as my children anymore because they were separated away from me. They were managed by Angkar. For the children aged two or three years old were looked after by elderly women. I had no children with me.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421891 [“Children were separated from their parents to work in mobile groups or as child soldiers. The Angkar educated child soldiers to spy [on] what their parents were saying against the Angkar to dissolve the tie between children and parents.”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322875, 78; **D310/1.1.5** Katrina Natale, *I Could Feel My Soul Flying Away from My Body*, EN 00992134; **D1.3.31.1** David Chandler *et al.*, *Pol Pot Plans the Future*, EN 00104076 [Pol Pot delivered before the Party Centre an explanation of the Party’s plan for 1977-1980, stating, *inter alia*: “mothers must not get too entangled with their children; there should be time (for the mothers) to go and work”].

- <sup>2784</sup> **D1.3.17.1** Elizabeth Becker, *When the War was Over*, EN 00237929 [“they thought sex should be restricted because it took up too much time and detracted from the chores at hand, overnight industrialization and glorification of the motherland. [...] Young people were segregated by sex and expected to work, learn utter devotion to Angka, and forget about the opposite sex.”]; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449489 [“love and family relationships [...] were considered a distraction to the goals of the revolution.”].

- <sup>2785</sup> **D6.1.753** *Revolutionary Flag*, Sep-Oct 1976, EN 00450538 [“manifestations [of private ownership]: [...] organizing by one’s personal sentiments, by one’s family, by one’s clique, and not standing upon the political, ideological, and organizational line of the Party. So then, that is wrong.”]; **D310/1.1.1** Family Building policy document, EN 00417942 [“many youths have absorbed the world views of the oppressor class. They search out spouses or build families only out of personal material greed. That is to say, they

revolution.<sup>2786</sup> As journalist Elizabeth Becker explained: “the Khmer Rouge were threatened by all expressions of love—between husband and wife, parents and children, friends and colleagues. Everyone had to renounce personal intimacies.”<sup>2787</sup>

765. The CPK thereby took absolute control over “family building”. It implemented policies to strictly control marriages and prohibited all relationships not expressly authorised by Angkar.<sup>2788</sup> The central policy document pronounced:

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seek out family interests or happiness by completely breaking from the interests and the fate of the entire nation and people.”]; **D322/8.1.14** CPK Publication, *Sharpen the Ideology of the Proletarian Class*, EN 00743806-07 [“Starting from the beginning of our struggle and, subsequently, during our political struggle and during the war, the private possession affected the revolution’s interest. For example, any ones who are concerned about their family’s interest too much always deviate from the revolution. They leave the revolution to live separately, seeking happiness in their family but not in the Party. Then, in one day, their quality is changed, and they have the conflict with the Party.”]; **D1.3.22.1** *Revolutionary Youth*, Oct 1975, EN 00357909-10 [“There is still the ideology of personalism, seeing and thinking only [of] one’s personal surroundings, only one’s family and clique surroundings, not yet seeing far away and broadly all over the country, [...] and thinking even less of the interests of the entire nation”]; **D117/36.1.23** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396533 [“Similarly, if a man felt a sentimental attachment developing with a woman, he should ‘take a collectivist stand, and resolve it ... To do otherwise is to have a strong private stance.’”]; **D219/370.1.5** Henri Locard, *Pol Pot’s Little Red Book*, EN 00394900 [“Let us all live as one huge new family and think only of the interest of the collective. [...] Give up all personal belongings: renounce your father, your mother, all your family.’ Here is one of [the] fundamental commandments of the society created by the Khmer Rouge, although it broke all the country’s traditions.”].

<sup>2786</sup> **D6.1.753** *Revolutionary Flag*, Sep-Oct 1976, EN 00450539 [“No aspect of private ownership is good. [...] private ownership has always had a negative impact on the revolution. For example, anyone who thinks a lot about family interests always deceives the revolution, renounces the revolution, and lives separately seeking family happiness, not seeking happiness inside the Party.”].

<sup>2787</sup> **D1.3.17.1** Elizabeth Becker, *When the War was Over*, EN 00237929. See also **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421891.

<sup>2788</sup> See, e.g. **D5/1704/3** Yos Phal, T. 27 May 2013, 15.34.58-15.39.19 [in Takeo Province, Southwest Zone: “My fiancée was a woman whom I understood her well and she understood me well and we were ready to get married. [...] Then the unit chief said [that because] the older brother of the woman was smashed by Angkar, that Angkar would prohibit me from marrying her”]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.24.56-14.26.27 [in Monduliri Province, Northeast Zone, 1977: “I [already] had a fiancée at my village. [...] I agreed to the arrangement for [a different] marriage despite my unsettling feeling”]; **D347/2.1.37** Seng Soeun, T. 29 Aug 2016, 15.06.45-15.08.32 [the Civil Party was in charge of organising weddings in S’Dang District, Kandal Province, Southwest Zone: “I witnessed one case where a civilian youth fell in love with a soldier secretly, they violated the morality and they were arrested and shot dead”]; **D6.1.688** Bun Thoeun WRI, EN 00384409 [at a sector level meeting in Phnom Penh, 1977: “‘They’ talked about a one-husband-one-wife policy. Anyone committed moral offence would be smashed.”]; **D6.1.591** Mour SETHA WRI, EN 00373370; **D219/294** Moul En WRI, A222-224, EN 01111848; **D219/36** Chhuom Savoeun WRI, A18-19, EN 01053603; **D119/131** Thang Thoeuy WRI, A54-57, EN 01025296; **D5/1050/3** Nap Somaly WRI, A159-161, EN 01069373-74; **D1.3.17.1** Elizabeth Becker, *When the War was Over*, EN 00237858 [“Gaiety was suspect. Flirting was banned and punished as severely as gambling.”], EN 00237929 [“Any sex before marriage was punishable by death in many cooperatives and zones.”], EN 00237962 [“In Democratic Kampuchea a couple could marry only with the approval of cooperative elders; in practice that meant marriages were generally arranged by the party.”]; **D6.1.595** Michael Vickery, *Cambodia 1975-1982*, EN 00397102 [“Marriages in DK could be contracted only after securing the permission of the authorities”], EN 00397104 [“family relationships were subject to the same suffocating authority as all other aspects of life.”]; **D219/370.1.7** Gina Chon and Thet Sambath, *Behind the Killing Fields*, EN 00757496; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421891-93; **D310/1.1.4** Bridgette Toy-Cronin, “I Want to Tell You”, EN 00449476; **D117/36.1.23** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396533 [“Free choice of spouses’ was explicitly condemned.”].

In the matter of building a family, no matter the outcome of the Organization's and the collective's assessments and decisions, they must be absolutely respected. Do not have hard feelings. Do not be disappointed. This is because only the Organization and the collective are able to make a thorough assessment from every aspect.<sup>2789</sup>

ii. NEED FOR POPULATION GROWTH

766. With a population that was quickly dwindling due to executions and deaths, and with relations with Vietnam further deteriorating, the top CPK leadership decided to implement policies to quickly increase the population, as they felt that the country needed more soldiers to defend its territory and more workers to build the economy.<sup>2790</sup>
767. CPK leaders announced that Democratic Kampuchea required a population of 15 to 20 million within five to ten years to “meet the needs of [the] land.”<sup>2791</sup> Pol Pot himself

<sup>2789</sup> **D310/1.1.1** Family Building policy document, EN 00417943. *See also* **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 15.19.38-15.23.29 [referring to the above passage from the Family Building policy document: “The content of the document is consistent with what I experienced during the regime. We had to respect the opinion of the collective and that could not be changed.”]; **D310/1.1.1** Family Building policy document, EN 00417945 [“Only by handing over the family for the Organization, for the collective, to help educate and build and by having them go down into the fray inside the mass movement can our families prosper well in the direction of the Party.”].

<sup>2790</sup> **D6.1.739** *Revolutionary Flag*, Sep 1977, EN 00486263 [“We must double our efforts and rapidly raise the standard of living of our people [...] so the Kampuchean population can increase in number rapidly enough to effectively defend and build our Kampuchea into a prosperous and developed country by leaps and bounds.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.48.56-13.51.10 [the Civil Party attended a meeting in Phnom Penh in 1975 at which Khieu Samphan spoke: “Q: When [Khieu Samphan] said that older male and female youths should be arranged to get married, did he explain the reason why they should get married? A: He said that they should [...] get married so that they would produce children to – and [...] when they produce children, we will have more forces to defend our territory.”]; **D347/2.1.42** Say Naroeun, T. 25 Oct 2016, 11.06.54-11.08.48 [at the Civil Party’s marriage in Chamkar Leu District, Sector 42, North Zone, 1975: “The announcement was made for me, and I was asked to repeat the words, that is, to bear as many children as possible since Angkar needed people to defend the motherland.”]; **D117/36.1.3** Chuon Thi WRI, A4, EN 00513314; **D219/406** You Phnom WRI, A188, EN 01139573; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“The main purpose of the marriages was not to form privatized families as in a traditional context, but to ‘produce children to serve the revolution.’”].

<sup>2791</sup> **D6.1.755** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491435 [“So then, the essence of socialist revolution and building socialism is the goal of building the country well, defending the country well, and sorting out the livelihood of the people quickly. We need from 15 to 20 million people to meet the needs of our land.”]. *See also* **D6.1.739** *Revolutionary Flag*, Sep 1977, EN 00486262-63 [“we need to increase our Kampuchean population to 15 to 20 million over the next 10 years. [...] Today, our population, which is nearly eight million, falls short of the country’s potential need, which is for more than 20 million people. Therefore, our aim is to increase the population as quickly as possible.”]; **D6.1.1257** Ieng Sary Statement to the UN General Assembly, 11 Oct 1977, EN 00079815, paras 60, 63 [“We are endeavouring very rapidly to improve the living conditions and the health of our people because we need a population of 15 to 20 million in 10 years’ time.”]; **D257/1/3.11** Pol Pot Statement at Meeting of CPK Central Committee Discussion with the Belgium-Cambodian Association Delegation, 5 Aug 1978, EN 00574566 [“The Communist Party of Kampuchea and the Government of Democratic Kampuchea plan to increase the number of its population from 15 to 20 [million] within 10 to 15 years.”]; **D310/1.1.11R** Video, *Red Wedding*, 2011, 51:24-52:28 [audio footage of Pol Pot]; **D6.1.745** *Revolutionary Flag*, Sep 1978, EN 00488637; **D219/370.1.10** Nuon Chea Written Record of Adversarial Hearing, 19 Sep 2007, EN 00148699; **D219/370.1.11** Summary of World Broadcasts, *Interviews with DK Leader (Nuon Chea) on Population*



explained that this goal was to be achieved through the organisation of marriages, and relevant instructions were passed down to cadres for implementation.<sup>2792</sup> As hostilities with Vietnam intensified, the matter became more urgent and the number of wedding ceremonies across the country increased accordingly.<sup>2793</sup> In keeping with the goal of inflating the population, couples were typically monitored immediately after their weddings to ensure that the unions were consummated.<sup>2794</sup>

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*Policy and Struggle against Vietnam*, 27 Oct 1981, EN S 00030349; **D6.1.532** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498284.

<sup>2792</sup> **D117/36.1.3** Chuon Thi WRI, A4, EN 00513314 [the witness attended a meeting of leaders and cadres in Kampong Chhnang Province, West Zone, June 1978: Pol Pot stated that “within 10 to 20 years we must increase number of population up to between 20 and 30 million in order to have enough forces to protect our country.” Pol Pot added that he “required arrangement for marriage to increase number of population by instructing lower echelons to arrange the wedding for people.”]. *See also* **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.47.14-13.51.10 [in Phnom Penh, 1975: “[During the meeting at Ounalom Pagoda, Khieu Samphan] said that all female cadres needed to work for the state and those with the age above 19 from all ministries needed to be arranged to get married. [...] He asked all ministries to arrange marriage for all male and female youths. We should not [keep] them all without marriage, only those who were still young should be kept unmarried. [...] Not long after he said that, my forces were arranged to get married during the DK regime.”], 15.04.52-15.06.55 [“Q: [...] Khieu Samphan said that the purpose of getting married [...] was to produce children? A: That’s what he said and [it was] not only him who said that. During all meetings that I attended they talked about the same thing, all cadres raised the same point during the study sessions or meetings.”]; **D219/398** Ruos Suy WRI, A87-88, EN 01147811 [the witness was a cadre at the State Warehouse Ministry in Phnom Penh (*see* A23-24, 30-31): he recalled two ministry leaders speaking about the need to increase the population through organised marriages]; **D219/406** You Phnom WRI, A188, 191-192, 195, EN 01139573-74; **D219/370.1.7** Gina Chon and Thet Sambath, *Behind the Killing Fields*, EN 00757496 [“Because they wanted to double the population, the Khmer Rouge wanted to increase the number of marriages. [...] Marriage became a government policy”].

<sup>2793</sup> **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037079 [“Case studies suggest a spike in forced marriage in the second half of 1978.”]. *See also* **D219/243** Van Sang WRI, A64, EN 01092992-93 [in Bakan District, Pursat Province, Northwest Zone (*see* A3-A4): “Forced marriages occurred in late 1977 and in late 1978. [...] the number of people forced to get married in late 1978 was larger than that in late 1977.”]; **D118/212** Meas Nakry WRI, A113, EN 00985165 [in Sector 1, Northwest Zone: “[Forced marriage] happened from 1977 to 1978. Angkar said that they needed the next generation of people.”]; **D219/398** Ruos Suy WRI, A77-78, 84, 90-91, EN 01147809-11; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482541 [“In keeping with what seems to have been a shift in Democratic Kampuchea in 1978 towards solidifying Khmer Rouge wedding and post-wedding protocol, respondents spoke of a range of Khmer Rouge huts being built specific for wedding nights.”].

<sup>2794</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.26.47-14.28.40 [“Q: Did the couples that were forcibly married -- did you hear accounts that said they were being monitored by the Khmer Rouge local authorities to ensure that the marriage was consummated? Did you hear accounts of that nature? A: Yes, I heard those stories, particularly by the people who were forced to marry against their will.”]; **D310/1.1.4** Bridgette Toy-Cronin, *“I Want to Tell You”*, EN 00449490 [“The coercion was not limited to forcing people to marry but continued after the wedding ceremony. Newlyweds were required to spend the first and often three or more nights together. For couples who had never seen each other before, the first night of their marriage was difficult. Almost all the informants reported that they believed that the Angkar required that they had sex with their new spouse. Chhlop would come and observe under the ‘honeymoon’ houses arranged by the Angkar to see if the newlyweds were fighting and if they were having sex.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Married couples stayed with each other a few days following the wedding, often with Khmer Rouge spies, or chhlob, making sure they consummated the marriage with sexual relations.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045677 [“Those forced to marry were also required by

768. At odds with the goal of population growth was the practice of sending spouses to different worksites in order to rebuild the country. To serve both objectives, separated couples were allowed periodic visitations.<sup>2795</sup> Elizabeth Becker explained:

On the one hand they thought sex should be restricted because it took up too much time and detracted from the chores at hand, overnight industrialization and glorification of the motherland. Yet they also decided there should be many more Cambodians to carry out this program and ordered that the population double. The solution was no sex, no romance, but regular visitation rights for husband and wife.<sup>2796</sup>

c. MARRIAGES BEFORE THE DK REGIME

769. Before the CPK took control of the country, marriage in Cambodian society was anchored in rich tradition, entailing sacred rituals, the participation of a couple's family members, and, most crucially, the consent of both bride and groom.
770. From the outset, the families of the prospective couple managed the marriage process, carefully assessing a range of factors, including the economic situation and compatibility of the two individuals.<sup>2797</sup> Customarily, a potential groom or his parent, sometimes

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the Khmer Rouge to consummate the marriage. Almost all the ethnic minority respondents forced to be married reported being watched by the Khmer Rouge at night to ensure consummation.”], EN 01045714 [“Because the purpose of forced marriage was to produce children for Angkar, newly wed couples were almost universally pressured to engage in sex under the watchful eye of the Khmer Rouge.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421896 [one interviewee stated: ‘After the ceremony the soldiers came to observe us, ensuring that we loved each other and had sex, if not they would kill us. [...] My husband asked me first whether I loved him or not. I said, love or not, I had to follow Angkar or we would be killed. He thought this too.’].

<sup>2795</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.53.00-13.54.26 [“after, maybe, three months or if he’s lucky, one month, [the husband] came back to see the wife.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045714 [“After [the initial phase of the marriage] some couples lived separately and were only allowed to come together every couple of months.”]; **D301/2.1.21** Theresa De Langis et al., *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Then, the pair went back to their respective workgroups, meeting for conjugal visits every seven to ten days—or as long as months apart”]; **D1.3.17.1** Elizabeth Becker, *When the War was Over*, EN 00237962 [“The puritanism of the regime restricted many newlyweds from living together and provided for conjugal visits a few times a month when the wife believed herself fertile.”].

<sup>2796</sup> **D1.3.17.1** Elizabeth Becker, *When the War was Over*, EN 00237929.

<sup>2797</sup> **D301/2.1.21** Theresa De Langis et al., *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037039 [quoting from May Ebihara’s 1968 dissertation (Svay, a Khmer Village in Cambodia): “Marriages were largely arranged by parents, primarily mothers, and ‘in most cases, the child’s own inclinations and desires [were] taken into consideration and he/she [was] not forced into doing something distasteful.’ In return, parents generally received ‘obedience, deference, and devotion from their children.’ Marriage relationships ranged from those of necessity or convenience to deep mutual ‘sentiment and regard,’ and are most accurately described as alliances between whole families rather than contracts between individuals.”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322864 [“Forced marriages found in this study can be distinguished from traditional marriages in Cambodia because there was no parental involvement in the process”]; **A259.1.5** Heuveline & Poch, “Do Marriages Forget Their Past? Marital stability in Post-Khmer Rouge Cambodia”, *Demography*, Feb 2006, EN 01051848; **D257/1/3.1.41** Annuska Derks, *Khmer Women on the Move*, EN

employing a “matchmaker” as an intermediary, expressed interest in a potential bride.<sup>2798</sup> The bride’s family then investigated the background of the groom and consulted an *achar* (religious astrologer) for an auspicious time to marry.<sup>2799</sup>

771. Upon the agreement of both parties, the groom presented the bride’s family with gifts or money to seal the marriage.<sup>2800</sup> The subsequent wedding ceremony lasted multiple days,<sup>2801</sup> comprising numerous religious and cultural rituals and symbolising the union

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01151585 [“Ideally, marriage arrangements involve the families of both the young woman and the man, where reputation and economic position play an important role.”].

<sup>2798</sup> **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322854 [“Commonly a man’s mother approached a woman’s mother to inquire about a marriage proposal. It could be a proposal made by the boy himself or [his] parents may have chosen an appropriate bride for their son.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037040 [quoting from May Ebiara’s 1968 dissertation (*Svay, a Khmer Village in Cambodia*)]; **A259.1.5** Heuveline & Poch, “Do Marriages Forget Their Past? Marital stability in Post-Khmer Rouge Cambodia”, *Demography*, Feb 2006, EN 01051849 [“Either the groom or his parents can initiate contacts with a potential bride’s family, but a matchmaker is often involved in identifying an acceptable match.”]; **D257/1/3.1.41** Annuska Derks, *Khmer Women on the Move*, EN 01151585 [“The betrothal procedures do not take place directly between the families on both sides, but through a go-between who, on behalf of the young man’s parents, contacts the parents of the young woman, as well as the spirits, to ensure their acceptance of the new relationship”].

<sup>2799</sup> **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482484 [“According to tradition, an *achaa* sets the date of the marriage. [...] The wedding day is determined by the horoscopes of the bridal couple (with preference for the female’s reading) as a way of indicating good fortune days and avoiding dangerous dates.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037039 [“Ebiara points out the ‘critical importance’ of a couple’s horoscope being examined by the *achha* [religious layperson] to assess astrological compatibility and to set the most auspicious wedding date.”]; **A259.1.5** Heuveline & Poch, “Do Marriages Forget Their Past? Marital stability in Post-Khmer Rouge Cambodia”, *Demography*, Feb 2006, EN 01051849.

<sup>2800</sup> **A259.1.5** Heuveline & Poch, “Do Marriages Forget Their Past? Marital stability in Post-Khmer Rouge Cambodia”, *Demography*, Feb 2006, EN 01051849 [“Once engaged, the potential groom is expected to work for his in-laws (*twee bomrae*, in Khmer) during a prenuptial period of coresidency of up to a year. This arrangement can be thought of as a form of bridewealth, but it is also intended to test his personal qualities. The wedding is traditionally sealed by the acceptance of gifts from the potential groom to his future parents-in-law.”]; **D257/1/3.1.41** Annuska Derks, *Khmer Women on the Move*, EN 01151585 [“These betrothal procedures include negotiations concerning the bridewealth, which is variously called *cumnuun* (gift), *tlay tik doh* (price of the mother’s milk), *tlay pteah* (price of a house), or *khanslaa* (payment during the wedding ritual with sword and betel).”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322855 [Ms. Muy Kea recalled: “My father married again when I was 9 years old. His wedding was a huge celebration because he was rich. The second wife, my stepmother, required a lot of money from him for the wedding, as it was her first wedding ceremony.”].

<sup>2801</sup> **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045714 [“traditional Cambodian weddings [...] typically run for two to three days”]; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482484 [“Across documented material, wedding rites have involved preparations for a ceremony that occur[s] within one to three days.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037039 [“Ebiara’s two-volume 1968 dissertation provides one of the most comprehensive anthropological surveys of village life of the pre-Khmer Rouge period, including weddings and marriages. She describes weddings as elaborate ceremonies of multiple days that carried deep cultural meaning”]; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449488.

of the couple as well as the two families in the eyes of their communities.<sup>2802</sup>

772. While these marriages were often arranged by the couple's parents and based on practical considerations, they also required consent from the bride and groom.<sup>2803</sup> Cambodian Civil Code provisions in force before the DK period allowed either the man or the woman to break off an engagement and either spouse, once married, to annul the marriage if consent was vitiated by coercion.<sup>2804</sup>

#### d. MARRIAGES DURING THE DK REGIME

##### i. NATIONAL IMPLEMENTATION OF THE POLICY

##### Arrangement and Notification

773. Marriage practices in Cambodia changed drastically once the CPK came into power. Forced marriage victim Chea Dieb testified: "If you compare the marriage [that] took place under the Khmer Rouge to the previous practice before and after the Khmer Rouge regime [...] it's like you compare the earth to the sky."<sup>2805</sup>
774. While traditionally families had been heavily involved in all stages of the marriage process, during the DK regime, the State took complete control.<sup>2806</sup> This exercise of

<sup>2802</sup> **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 14.15.48-14.17.12 [on marriage practice before and after the Khmer Rouge regime: "Only [one] couple is celebrated [...] and they are surrounded by their relatives, parents and grandparents who all bless them. There are traditional procession and blessing."]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033, 39; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482489 ["The monk is central to family and community's wellbeing from the beginning to end of the wedding rites of passage. Monks provide counselling for the couples, and make links to deceased ancestors as a way of honouring their presence during the celebration."], EN 00482490-91; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045714; **D310/1.1.4** Bridgette Toy-Cronin, "I Want to Tell You", EN 00449488.

<sup>2803</sup> **D219/125** Srey Soeum WRI, A140-142, EN 01067745; **D219/289** Penh Va WRI, A1-2, EN 01111779-80; **D219/406** You Phnom WRI, A51-52, EN 01139555; **D219/83** Suon Yim WRI, A13, EN 01054033; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033, 39-40; **A259.1.5** Heuveline & Poch, "Do Marriages Forget Their Past? Marital stability in Post-Khmer Rouge Cambodia", *Demography*, Feb 2006, EN 01051849 ["Parents are discouraged [...] from marrying a daughter against her will."]; **D257/1/3.1.41** Annuska Derks, *Khmer Women on the Move*, EN 01151585 ["These betrothal procedures include negotiations concerning the bridewealth [...] Marriage arrangements, however, do not take place without the consent of the spouse-to-be."].

<sup>2804</sup> **D257/1/3.1.5** Code Civil et de Procédure Civile Cambodgiens, 1920, FR 01151445, Art. 163 ["Le mariage est annulable lorsque le consentement de l'un des conjoints fut vicié, par erreur ou par contrainte."].

<sup>2805</sup> **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 14.15.48-14.17.12 [the Civil Party was forced to marry a soldier in Phnom Penh, 1975].

<sup>2806</sup> **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045709 ["In order to subordinate the role of family and religion in people's lives, the regime assumed complete control over the selection of spouses to be married, arrangements for marriage, where couples would live and consummation of the marriage."]. See also **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 11.27.10-11.28.17, 13.31.15-13.32.29; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence*

power resulted in two scenarios. Under the most common scenario, Khmer Rouge authorities excluded families from the practice of selecting a prospective spouse<sup>2807</sup> and matched couples in accordance with criteria such as political class, ethnicity, and background.<sup>2808</sup> Even CPK cadres and former soldiers were paired using this methodology,<sup>2809</sup> while disabled soldiers were often forcibly married as a “reward” for

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during the Khmer Rouge Regime, EN 00421892 [“No marriage was carried out without an instruction by the Angkar. A slogan of the Angkar said, ‘Angkar endorses (your partner). If you do not obey Angkar’s discipline, you will be sent to a study session for a time’. Marriage was not an individual matter, but was regarded as an important ceremony to make an oath to the Angkar. Therefore, it was strictly controlled by the Angkar at the village level.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449488.

<sup>2807</sup> **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.54.56-13.56.22 [in Phnom Penh, 1975: “I never consulted with my parents or siblings because they were living far away from me, although I wanted to ask for permission to visit them but they did not allow me to do so. So I simply followed the order from Angkar.”]; **D219/888.1.8** Preap Sokhoeun, T. 24 Oct 2016, 10.33.18-10.36.19 [after being forcibly married in Prey Chhor District, Kampong Cham Province, Central Zone, 1977: “I did not feel happy because I did not want to get [married] and as a Cambodian woman, I did not want a marriage ceremony that was not arranged by my parents.”]; **D219/113** Keo Theary WRI, A22, EN 01057763 [in Kampong Siem District, Kampong Cham Province, Central Zone, 1977: “Normally in Cambodia before the Khmer Rouge, most marriages were arranged by the parents. However, during that regime everything was decided by the Khmer Rouge.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Family members [...] were not consulted in marriage arrangements or matches.”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322845 [“The forced marriages were different from traditional arranged marriages because parents had no power in the decision process of their daughters’ marriage, but instead, the KR became ‘parents’ to those who were marrying.”].

<sup>2808</sup> **D347/2.1.37** Seng Soeun, T. 29 Aug 2016, 09.55.14-09.56.58 [the Civil Party was in charge of organising weddings in S’Dang District, Kandal Province, Southwest Zone: “I simply followed the order from the district chief [...] that I needed to collect the biographies from the male mobile units and female mobile units and then decided whom should be arranged to get married. I simply followed the instruction from the district committee.”], 09.59.46-10.01.08 [“the instruction from the district committee, which was relayed to me, that New People should be matched only with New People, while the Base People would be matched to the Base People.”]; **D5/1334/3** Seng Soeun, T. 30 Aug 2016, 11.11.22-11.12.50, 11.17.43-11.18.43 [in S’ang District, Kandal Province, Southwest Zone, mid-1978 (*see* **D 6.1.679** Seng Soeun WRI, A70, EN 00412185): “The two mobile units, that is, the male and female mobile units, according to the plan of the district committee, had to select, let’s say, 20 to 30 couples or 25 couples on one particular occasion. Then the respective mobile units would select the numbers and submitted those names to Phon (phonetic) and Phon (phonetic) would [assign] me to match those people based on where they lived and their age range and that the men had to be three to five years older than the women and that’s what I did.”]; **D219/702.1.87** You Vann, T. 14 Jan 2016, 15.36.18-15.38.30 *read in conjunction with* **D219/138** You Vann WRI, A81, EN 01059292; **D219/702.1.94** You Vann, T. 18 Jan 2016, 10.53.47-10.55.00 [“[Kampong Siem District Secretary] Prak Yut announced on the microphone that the marriage should be [taking] place between people of the same ethnicity. [For] people of different ethnicity, the [marriages] were forbidden.”]; **D219/113** Keo Theary WRI, A78, 80, EN 01057773 [in Kampong Siem District, Kampong Cham Province, Central Zone, 1977: “the old people married old people, and the new people married new people. [...] If a man wished to marry a woman, he could make a request to Angkar. However, they could marry only women in their same category.”]; **D118/242** Khoem Boeun WRI, A112, 120, EN 01057695, 97; **D117/68** Va Limhun WRI, A23-24, EN 01046941-42; **D219/171** Nhim Kol alias Say WRI, A39, EN; **D219/293** Cheam Pao WRI, A30, EN 01111820; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482531; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449488.

<sup>2809</sup> *See, e.g.* **D219/702.1.139** Kaing Guek Eav alias Duch, T. 16 Sep 2009, 09.08.45-09.11.46 [“I was the cadre of the Democratic Kampuchea. And I had no right to get married with any people who were evacuated. I had no right to get married to the 17th of April people, people who were evacuated from Phnom Penh. I

their sacrifice for the nation.<sup>2810</sup>

775. Typically, on the day of the ceremony or shortly before, local officials informed individuals that they would be getting married and ordered them to report for the ceremony.<sup>2811</sup> Some people had no advance notice at all, arriving for what they thought would be a meeting and leaving with a new spouse<sup>2812</sup> who was often a complete

would like to reiterate that the wife I got married to was the candidate, a member of the CPK.”]; **D219/294** Moul En WRI, A222-224, EN 01111848 [the witness was a soldier in Koh Andet District, Takeo Province, Southwest Zone: “Even I could not choose some[one] I loved to get married. Q: Were you in love with a relative of a Lon Nol soldier? A: Yes, I was. She was related to the Lon Nol soldier. Q: Were you prohibited from marrying her because her background was not cleared? A: Yes, I was.”].

- <sup>2810</sup> **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.58.20-14.02.17 [at her forced marriage in Phnom Penh, 1975: “Among the 12 couples, the female sides were also female combatants and the male sides were also male combatants, but the male combatants were all handicapped. Because they could not fight [against] the enemy any longer, they were brought in to get married. Some of them lost legs, some lost one arm; some had one eye blind. Many of them could not walk properly. All were handicapped soldiers.”]; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 15.39.06-15.40.48 [in Prey Chhor District, Kampong Cham Province, Central Zone, 1977: “I heard from others that handicapped men were allowed to marry women as an incentive because they had engage[d] in the battlefields and had liberated the country. So those handicapped men would be allowed to marry to beautiful women.”]; **D219/24** Preap Sokhoeurn WRI, A12, EN 01050562, A24, EN 01050566 [“Back then, the handicapped people were the ones who had made sacrifices on the battlefield, so they selected those people to marry women as an incentive for those handicapped soldiers.”]; **D219/504** Sat Pheap WRI, A146-148, EN 01167914; **D267.1.1** Seng Ol WRI, A20, 27, EN 00413906-07; **D219/406** You Phnom WRI, A136-137, EN 01139567; **D219/171** Nhim Kol alias Say WRI, A35, EN 01076950; **D219/293** Cheam Pao WRI, A31, EN 01111820; **D219/582** Toy Meach WRI, A129, EN 01179839; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Other details and variances mentioned by researchers is the practice of marrying beautiful young women to disabled Khmer Rouge soldiers”]; **D219/370.1.8** Norodom Sihanouk, *Prisoner of the Khmer Rouge*, EN 00632939.
- <sup>2811</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.01.21-14.02.40 [“There are many patterns but most commonly both men and women they were informed that they were going to marry early in the morning or one day before, afternoon or one day before. And the marriage ceremony was conducted by the evening of that day. So it was very short, within 24 hours.”]; **D347/2.1.37** Seng Soeun, T. 29 Aug 2016, 09.56.58-09.59.46 [the Civil Party was in charge of organising weddings in S’Dang District, Kandal Province, Southwest Zone: “For those who would be arranged to get married, they were not aware [...] in advance about their marriages. It was their chiefs who were aware of this and who would call on them to the wedding ceremony place [...] I can confirm that those couples were not informed beforehand about the fact that they would be arranged to get married.”]; **D219/702.1.110** Khin Vat, T. 30 Jul 2015, 09.36.43-09.39.39 [in Kampong Chhnang Province, West Zone, 1977: “I was told that at 5 a.m. the next morning, I had to be ready to depart for Kampong Chhnang [for the wedding ceremony].”]; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 10.56.18-10.59.10; **D219/136** Than Yang WRI, A24, 26, EN 01072528-29; **D219/323** Mut Sophon WRI, A28, EN 01113699; **D219/405** Chhim Bunserey WRI, A58, EN 01148845; **D5/1168** Oam Pove CPA, EN 01143527 [in Chamkar Leu District, Kampong Cham Province, Sector 42, Central Zone, 1978: “I did not even know about this marriage arrangement until the declaration day.”]; **D191.1.23** Kao San CPA, EN 01320633; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322863 [“Women who were commanded to marry were simply informed by the KR and then ordered to attend the ceremony. According to this study, in most cases of forced marriage, women were ordered to attend a meeting or the marriage ceremony in the morning and then, were married by nightfall. Thus, making the first encounter with their future spouse and marriage occur all on the same day.”], EN 01322863 [Ms. Touch Oun said: “My wedding was very sudden and a surprise to me. One day, the KR called me, and they ordered me to get married. They [...] told me on the day of the marriage.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045710, 12.

- <sup>2812</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.47.50-13.49.55 [“The wedding ceremony was very different from the weddings before the Khmer Rouge. To put it [simply], it was just like a meeting. People were mobilized to have a meeting and, indeed, many men and women were called for meeting and it was

stranger.<sup>2813</sup>

776. In the second, less typical scenario, men—particularly Khmer Rouge soldiers, officials, or others favoured by someone in authority—petitioned their local officials for permission to marry specific women.<sup>2814</sup> Even those who sought out marriages, however, had to await authorisation from the State, and many requests were denied despite the

a wedding.”]; **D219/702.1.10** Cheang Sreimom, T. 2 Feb 2015, 09.25.18-09.27.16 [in Nhaeng Nhang Commune, Takeo Province, Southwest Zone, 1977: “And even on that wedding day, we were only called to attend that meeting and we were not even aware that it was our wedding. And only then we were informed that we were chosen to be married.”]; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.41.00-15.44.38; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.25.17-14.29.27; **D219/24** Preap Sokhoeurn WRI, A34, EN 01050569; **D6.1.648** Uk Phorn WRI, EN 00372932 [in Angkor Chey District, Kampot Province, Southwest Zone, 1975: “Initially Angkar called me to a meeting; when I arrived, they arranged for me to make the marriage vows.”]; **D219/234.1.7** Tae Ry WRI, A117, EN 01079944; **D219/113** Keo Theary WRI, A26, 28, EN 01057764; **D219/687** Mao Saroeung WRI, A71, EN 01214825; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037053 [“15 [16 %] of the respondents did not know before the wedding procedure that they were to be married.”].

<sup>2813</sup> See, e.g. **D219/702.1.110** Khin Vat, T. 30 Jul 2015, 09.36.43-09.39.39 [in Kampong Chhnang Province, West Zone, 1977: “I did not know the man, my future husband, at that time, and I only learned of his name when I met him in the evening on our wedding day. We had never seen each other before that time.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.54.56-13.56.22 [in Phnom Penh, 1975: “We knew each other only on the day that we were matched up. I did not have any knowledge about him before the wedding.”]; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.42.39-15.47.01, 15.54.28-15.56.06; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.25.17-14.27.27 [in Prey Chhor District, Kampong Cham Province, Central Zone, 1977: “we did not know each other before”], 15.06.30-15.08.15 [“I almost forgot his face when he returned for his next visit. And one day when my husband came to visit me, somebody said why I did not go to receive him, but because I forgot his face already”]; **D219/24** Preap Sokhoeurn WRI, A34, EN 01050569; **D219/511.1.2** Chhouk Rin WRI, A71, EN 01118174; **D118/304** Phos Chhean WRI, A56, EN 01045513; **D219/113** Keo Theary WRI, A27, EN 01057764; **D219/323** Mut Sophon WRI, A28, EN 01113699; **D219/83** Suon Yim WRI, A8, EN 01054031; **D219/582** Toy Meach WRI, A113, EN 01179837; **D219/405** Chhim Bunserey WRI, A53-54, EN 01148844; **D219/47** Khauv Net WRI, A18, 23, EN 01050697; **D5/1168** Oam Pove CPA, EN 01143527 [in Chamkar Leu District, Kampong Cham Province, Sector 42, Central Zone, 1978: “We had not known or loved each other before, but we did not have the right to object to Angkar’s arrangement.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322864; **D310/1.1.11R** Video, *Red Wedding*, 2011, 7:49-8:13 [Pen Sochan, forced to marry in Doeurn Roka Village, Khnar Totueng Commune, Bakan District, Pursat Province in 1978 (see **D5/1338** Pen Sochan CPA, EN 01143725-26): “We didn’t know each other. I didn’t know where he lived. I didn’t know where he came from.”].

<sup>2814</sup> **D219/406** You Phnom WRI, A146, EN 01139568 [the witness was a commune militiaman in Kouk Prech Commune, Kirivong District, Takeo Province, Southwest Zone, from 1977: “There were two types of marriages, requested and assigned.”]; **D219/234.1.7** Tae Ry WRI, A97, 107-114, EN 01079942-43; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033 [“The case study interviews indicate that many men had opportunity to request a spouse during the regime, this being reported by half of all responses.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421894 [“several cases were reported that the KR soldiers/officials were given privileges to choose a wife [...] The Angkar provided a special award to [handicapped] soldiers: to select a woman whom they prefer to get married with”]; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482531 [“According to the soldier respondents, if a soldier had a pre existing relationship with a base or new person or was attracted to someone, he could make a request to a leader, which was often granted.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045732.

willingness of one or both partners.<sup>2815</sup>

### The Ceremony

777. As for the ceremony itself, gone were the sacred traditions and rituals intended to forge, celebrate, and bless the coming together of two families.<sup>2816</sup> Family members were generally excluded from participating in or even attending the wedding.<sup>2817</sup> Cadres and

<sup>2815</sup> **D5/1704/3** Yos Phal, T. 27 May 2013, 15.37.03-15.39.19 [in Treang District, Takeo Province, Southwest Zone: “the unit chief said [...] that Angkar would prohibit me from marrying her [his fiancée prior to the KR regime] because I was the son of Angkar and it was up to Angkar to organize the marriage.”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.06.45-09.07.54 [in Chamkar Leu District, Kampong Cham Province, Sector 42, Central Zone, in late 1977 or early 1978: “One day before the wedding day, I was told that I was proposed. [...] At that time, he was known as Om Phon (phonetic). When he came to visit me, he noticed me, and he proposed to me. However, on the day that I got married, it was another man.”]; **D219/488** Moeng Veth WRI, A164-165, EN 01170600 [the witness was a soldier in Sector 505, Kratie Province, 1977-1978: “Sometimes when a man proposed marriage to Woman ‘A’, at the actual ceremony, he had to marry Woman ‘D’. [...] In some cases, when names were called for people to stand up in rows and if the proposed couples could not stand in their proper positions, they held hands with different people. Then they could not reject that person. [...] I never saw someone daring to refuse because everyone followed the policy of the Party.”]; **D219/113** Keo Theary WRI, A80, 85, EN 01057773-74; **D219/24** Preap Sokhoeurn WRI, A34, EN 01050569; **D310/1.1.5** Katrina Natale, “*I Could Feel My Soul Flying Away from My Body*”: A Study on Gender-Based Violence during Democratic Kampuchea in Battambang and Svay Rieng Provinces, EN 00992156 [“another female respondent in Svay Rieng reported that even when Khmer Rouge cadre requested certain brides, these requests were not always granted.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037065.

<sup>2816</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.49.55-13.51.17 [“Q: [Were] there any Buddhist rituals at the wedding ceremony; was there any religious element as was present in the pre-DK period? A: The Khmer Rouge abolished the religion, so there was no religious ceremony at all and no monks present at [...] the wedding.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 14.14.05-14.15.48 [in Phnom Penh, 1975: “[T]here were no traditional procession of prayer or blessing. We were called – our names were called out to match up with the male side. Then Angkar gave us some instructions and then we had to salute the Party’s flag. That’s basically the process. It lasted for less than an hour.”]; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 11.06.26-11.10.47; **D219/702.1.106** Meas Layhuor, T. 26 May 2015, 15.21.25-15.23.40; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.50.40-15.54.28; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 14.23.08-14.24.54, 14.24.54-14.27.47; **D118/276** Uk Him WRI, A34, EN 01031764 [in Takeo Province, Southwest Zone, 1975: “When they forced me to get married to my second husband, I said that how [could I] get married and live with him because we did not follow traditional ceremony; I was afraid that ancestors would harm us.”]; **D267.1.126** Prom Kem WRI, A3, EN 01151111; **D219/293** Cheam Pao WRI, A38-39, EN 01111822-23; **D219/99** Khet Sokhan WRI, A83, EN 01077083; **D219/24** Preap Sokhoeurn WRI, A13, EN 01050563; **D219/159** Ni Huon WRI, A118, EN 01067866; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322865 [“Most marriage ceremonies during the KR regime were just like a meeting held by the KR leaders or village chief. Similarities were found regardless of location of marriages. Mostly, there were no special meals, no music, and no family members in attendance.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body: A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033, 41; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482478, 91-92; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045713-14.

<sup>2817</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.47.50-13.49.55 [“There was no [participation] from the family members, relatives, or friends, but only those who were marrying because it was [a] mass ceremony.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.59.18-14.02.17; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.27.27-14.31.22 [in Prey Chhor District, Kampong Cham Province, Central Zone, 1977: “We were weeping; we wanted to have the presen[ce] of our parents. [...] During the wedding, none of my parents or relatives attended”]; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.50.40-15.52.38; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 10.59.28-11.03.04; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 11.06.26-



militiamen took their place,<sup>2818</sup> while CPK officials from all echelons arranged and presided over the nuptials.<sup>2819</sup>

- 11.08.25; **D219/702.1.96** Or Ho, T. 19 May 2015, 14.37.52-14.39.46; **D219/24** Preap Sokhoeurn WRI, A22, EN 01050565; **D219/136** Than Yang WRI, A32, EN 01072530; **D219/83** Suon Yim WRI, A12, EN 01054032; **D219/47** Khauv Net WRI, A17, EN 01050696; **D219/234.1.7** Tae Ry WRI, A118, EN 01079944; **D219/55** Hor Yan WRI, A38, EN 01053838; **D5/1168** Oam Pove CPA, EN 01143527; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Family members were not allowed to attend the wedding”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045713 [“In every case except one, family did not attend. Many respondents found this very upsetting.”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322864-65 [“Almost all wedding ceremonies were prepared by the KR. Parents and relatives were not allowed to attend.”]; **D310/1.1.4** Bridgette Toy-Cronin, *“I Want to Tell You”*, EN 00449488 [“The Angkar did not notify or invite the families of the newlyweds”].
- <sup>2818</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 13.38.11-13.40.24 [at her marriage ceremony in Siem Reap Province, late 1975: “There were cadres; namely, Rom (phonetic), Son (phonetic), and Sea, and the rest were bodyguards for these three people and the rest were those 60 couples. There was no presence of parents from any couple.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.54.56-13.56.22 [in Phnom Penh, 1975: “My parents and siblings did not attend the ceremony. Only the Angkar people attended it.”]; **D219/702.1.87** You Vann, T. 14 Jan 2016, 15.34.53-15.36.18 [in Kampong Siem District, Kampong Cham Province, Central Zone: “usually the village chiefs of those people who were to be married would be present together with [District Secretary] Prak Yut.”]; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.25.17-14.27.27, 15.41.55-15.43.36; **D219/702.1.96** Or Ho, T. 19 May 2015, 14.37.52-14.39.46; **D219/406** You Phnom WRI, A60, 63-64, EN 01139556-57; **D219/687** Mao Saroeung WRI, A85, EN 01214826; **D219/405** Chhim Bunserey WRI, A61, EN 01148844; **D219/136** Than Yang WRI, A30, EN 01072529; **D219/113** Keo Theary WRI, A28, EN 01057764; **D219/47** Khauv Net WRI, A16, EN 01050696; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045713 [“Cadre were often in attendance, sometimes in large numbers.”].
- <sup>2819</sup> **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037064 [“All wedding procedures were arranged and officiated by Khmer Rouge actors at various levels, including leadership positions.”]. Party Centre, Ministry, and Zone-Level Authorities: **D219/702.1.5** Khiev Neou, T. 21 Jun 2012, 14.02.29-14.03.53 [the witness was Ta Mok’s nephew, who married in Takeo Province, Southwest Zone, 1977: “Ta Mok organized this marriage for me – for my couple.”]; **D219/268** Nom Phoun WRI, A69, EN 01098487 [at a forced marriage ceremony in Battambang Province, Northwest Zone: “Ta Mok arranged for his subordinates, who were the Southwest Zone people and took them to get married in Battambang.”]; **D219/294** Moul En WRI, A20, EN 01111829 [in Takeo Province, Southwest Zone, 1978: “Ta Mok had arranged my wedding in Takeo Province.”]; **D219/504** Sat Pheap WRI, A33, EN 01167889 [the witness worked at the sector commerce office and was forced to marry in Prey Chhor District, Kampong Cham Province, Central Zone, 1978: “I saw [Ta Pauk] twice - once at a meeting and once at my wedding.”], A140, EN 01167912 [“Q: You said that Ke Pauk presided over your wedding. What did he say at the time? A140: He told us to love each other and live in unity.”] (*Note* that Ke Pauk was Secretary of the Central Zone at that time. *See, e.g.* **D117/66** Orn Kim Eng WRI, A1-2, EN 001040459 [“In early 1977, I was a zone soldier, and my company was stationed at Phnom Pros. [...] Ke Pork was a zone secretary and he also took charge of the zone military.”]); **D219/315** Sat Pheap WRI, A62, EN 01111976; **D219/454** Chum Neou WRI, A4, EN 01151155; **D123/1/2.7a** Ma Chhoeun DC-Cam Statement, EN 00969949 [in Kampong Som Province, *circa* 1977-1978: “Q: Who gave instruction for you to get married? A (by Vat, Chhoeun’s wife): Ta Mut.”]. Sector and District-Level Authorities: **D219/702.1.95** Prak Yut, T. 19 Jan 2016, 13.38.44-13.41.08 [the witness was the Kampong Siem District Secretary and was a member of the Sector 41 Committee: “Q: [...] Is it correct that Ta An would preside where there were ceremonies involving five to 10 or more couples? A: [...] I personally acknowledge that Ta An participated in the wedding ceremony and I, myself, [was] also involved in the wedding ceremony where 10 couples were organized to get married.”]; **D219/702.1.87** You Vann, T. 14 Jan 2016, 15.32.34-15.36.18 [the witness worked as a messenger for Kampong Siem District Secretary Prak Yut and later served on the Ro’ang Commune Committee there: “Q: [...] once a marriage was approved, who would preside over the wedding ceremony? A: It was Prak Yut with the respective village chiefs where those people came from. [...] for a [...] fewer number of couples then [Ao An] would let Prak Yut be presiding over the ceremony.”]; **D219/138** You

778. Couples were gathered *en masse* in austere hand-holding ceremonies that more closely resembled a meeting than a significant life event.<sup>2820</sup> The services were collective, short, and held after a full workday so as to avoid wasting any working hours.<sup>2821</sup> Most

Vann WRI, A31, EN 01059279; **D219/435** Touch Chamroeun WRI, A39-40, EN 01142989; **D219/582** Toy Meach WRI, A116-126, EN 01179838-39; **D219/837** So [Sau] Saren WRI, A131, EN 01364071 (*Note* that Bang Aun was the Sector 41 Office Chairman. *See, e.g.* **D219/776.1.1** So [Sau] Saren DC-Cam Statement, EN 01309862-63 [“The Sector Chairperson was called Bang An. [...] Next came Aun, who was in charge of the Office.”]); **D219/762** Saray Hean WRI, A129, EN 01309808; **D219/471** Toem Phal WRI, A71, EN 01154815; **D219/191** Keo Voeun WRI, A10-11, EN 01079859-60; **D117/42** Khoem Neary WRI, A16, EN 01034078; **D219/323** Mut Sophon WRI, A28, EN 01113699; **D5/678** Than Yang CPA, EN 00981085. Cooperative and Commune-Level Authorities: **D219/323** Mut Sophon WRI, A28, EN 01113699 [in Kampong Siem District, Kampong Cham Province, Central Zone, 1977: “[District Secretary] Yeay Yuth once asked the commune committee to look for a woman to be my wife.”]; **D219/138** You Vann WRI, A2, EN 01059272; **D117/42** Khoem Neary WRI, A16, EN 01034078; **D219/171** Nhim Kol alias Say WRI, A35-37, EN 01076950; **D219/405** Chhim Bunseray WRI, A52, 58, EN 01148844-45; **D219/609** Samrith An WRI, A41, EN 01185819; **D5/1168** Oam Pove CPA, EN 01143527; **D5/1498** Kas Hon CPA, EN 01090075. Village Authorities and Work Unit Chairpersons: **D219/888.1.7** Preap Sokhoeun, T. 20 Oct 2016, 14.25.17-14.27.27 [in Prey Chhor District, Kampong Cham Province, Central Zone, 1977: “the chief of the union was the top person who chaired the wedding.”]; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 10.54.00-10.56.18; **D117/68** Va Limhun WRI, A27, EN 01046942; **D219/24** Preap Sokhoeun WRI, A23, 34, EN 01050566, 69; **D219/687** Mao Saroeung WRI, A72, EN 01214825.

<sup>2820</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.47.50-13.49.55 [“The wedding ceremony was very different from the weddings before the Khmer Rouge. To put it [simply], it was just like a meeting.”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 14.23.08-14.24.54 [60 couples, Siem Reap Province, late 1975]; **D219/888.1.7** Preap Sokhoeun, T. 20 Oct 2016, 15.45.25-15.46.51 [15 couples, Prey Chhor District, 1977]; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.50.40-15.52.38 [12 couples, Chamkar Leu District, late 1977 or early 1978]; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 10.54.00-10.56.18 [25 couples, 1<sup>st</sup> January Dam, 1977]; **D219/702.1.96** Or Ho, T. 19 May 2015, 13.52.33-13.54.28 [the witness was the chief of Prey Srangae Village, Baray District, Kampong Thom Province, Central Zone, from 1975 to July 1978 and confirms that he arranged marriages for 30 to 40 couples at a time]; **D6.1.688** Bun Thoeun WRI, EN 00384409 [in Takeo Province, Southwest Zone: wedding ceremonies were “held in the same manner as holding a meeting”]; **D219/55** Hor Yan WRI, A38, EN 01053838-39; **D219/723** Lim Saloeun WRI, A17, EN 01218610; **D6.1.410** Meas [Laihuo] Layhuor WRI, EN 00244165t occasion.”]; **D219/323** Mut Sophon WRI, A28, EN 01113699 [65 couples, Kampong Siem District, April 1977]; **D219/113** Keo Theary WRI, A20, EN 01057763 [57 couples, Kampong Siem District, 1977]; **D117/42** Khoem Neary WRI, A16, EN 01034078 [72 couples, Kampong Siem District, 1978]; **D219/24** Preap Sokhoeun WRI, A32, EN 01050568-69; **D219/234.1.7** Tae Ry WRI, A87, EN 01079941 [17 couples, Boeng Srei, Kampong Som, 1975]; **D267.1.126** Prom Kem WRI, A3, EN 01151111 [in Kampong Som (No time frame specified – “A3: In that era”): “group or communal marriages of ten and sometimes fifteen couples”]; **D219/136** Than Yang WRI, A24, EN 01072528 [150 couples, Kampong Siem District, three months before the arrival of the Vietnamese]; **D219/171** Nhim Kol alias Say WRI, A35, EN 01076950 [17 couples (3 were forced), Kampong Siem District, late 1978]; **D117/60** Sum Pet WRI, A3, EN 01044582 [10 couples, Kampong Siem District, 1977]; **D219/463** Pen Thol WRI, A23, EN 01151240 [2 couples and 60 couples at two weddings, Kampong Siem District, near the end of the regime under the administration of the Southwest cadres.”]; **D219/138** You Vann WRI, A32-33, EN 01059279 [two wedding ceremonies presided over by Ao An in Prey Chhor District: 7 couples and 11 couples (all base people, all previously “aware” of their partners)]; **D219/502** Muok Sengly WRI, A34-36, EN 01152376 [20 couples at two weddings, Kampong Siem District, after the arrival of the Southwest cadres]; **D219/405** Chhim Bunseray WRI, A50-52, EN 01148844 [12 couples, Prey Chhor District after the arrival of the Southwest cadres]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045713 [“Anywhere from three or four couples to hundreds of couples were married at any one time.”]; **D219/370.1.5** Henri Locard, *Pol Pot’s Little Red Book*, EN 00394888 [“Marriage was replaced by austere, collective, civil ceremonies”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037064.

<sup>2821</sup> **D219/293** Cheam Pao WRI, A35, EN 01111822 [in Prey Chhor District, Kampong Cham Province, Central Zone, after the arrival of the Southwest cadres (*see* A31): “During the Khmer Rouge regime, the wedding ceremonies took place at 1800 because the Khmer Rouge did not want to waste their working hours. The

frequently, the pairs were announced by name, or men and women were aligned in rows facing each other and were instructed to hold hands with the persons across from them.<sup>2822</sup> In some cases, because of the large number of couples, the rushed nature of the event, and the dimness of the evening, individuals lost track of whom they had been assigned to marry.<sup>2823</sup>

779. Matched couples were required to make a “resolution” to 1) serve Angkar—which encompassed a wide variety of promises, such as working hard, producing a certain quota of rice, and obeying Angkar—and 2) commit to their respective mates forever.<sup>2824</sup> With

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ceremonies lasted for about one hour.”]; **D219/113** Keo Theary WRI, A29, EN 01057764 [in Kampong Siem District, Kampong Cham Province, 1977: “Q: What happened after the wedding ceremony? A29: We had lunch and continued to work until late afternoon.”]; **D219/406** You Phnom WRI, A54, EN 01139556 [the witness was a commune militiaman in Kouk Prech Commune, Kirivong District, Takeo Province, Southwest Zone, from 1977: “[The Khmer Rouge] wanted people to spend less time for their weddings, because they had a lot of work to do. They did not want to waste time and resources on wedding ceremonies.”]; **D219/55** Hor Yan WRI, A38, EN 01053838 [in Kirivong District, Takeo Province, Southwest Zone, between 1976 and 1978: “Most of the time marriages were arranged at night.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045712-13; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037064.

<sup>2822</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.06.25-14.08.09 [“when they were brought to the wedding ceremony place, they were ordered to sit in one line, females in one line and males in one line. And normally, the person that you are marrying is in front. They were matched together already or sometimes they were given the numbers”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.59.18-14.02.17; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.25.17-14.27.27; **D219/47** Khauv Net WRI, A17, EN 01050696-97; **D219/315** Sat Pheap WRI, A44, EN 01111975; **D219/113** Keo Theary WRI, A28, EN 01057764; **D219/405** Chhim Bunseray WRI, A52, EN 01148844; **D219/294** Moul En WRI, A20, EN 01111829; **D219/454** Chum Neou WRI, A4, EN 01151155; **D219/234.1.7** Tae Ry WRI, A96, EN 01079942; **D5/1337** Khov Net CPA, EN 01143721; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449488.

<sup>2823</sup> See, e.g. **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.06.25-14.08.09 [“when they were brought to the wedding ceremony place, [...] if there are too many people you cannot see who is the husband.”]; **D219/494.1.14** Mean Loeuy, T. 2 Sep 2015, 14.14.51-14.17.50 [in Thnal Dach Village, Banteay Meanchey Province, Northwest Zone, 1977: “some couples did not know each other in advance, and after the marriage they could not even find their spouses.”]; **D219/494.1.3** Mam Soeurn, T. 29 Jul 2015, 10.01.32-10.03.29 [at Trapeang Thma Dam, Banteay Meanchey Province, Northwest Zone, 1977: “I can say that on some occasions, right after the wedding ceremonies, because it was dark and the brides and the grooms did not know each other well, they went off with a different spouse.”], 10.06.15-10.08.19; **D6.1.359** Chhoeung Uo WRI, EN 00316786 [at a wedding for 100 couples at Trapeang Thma Dam, Banteay Meanchey Province, Northwest Zone: “Some couples lost their partners at the end of the ceremony because there were too many pairs at the same time.”]; **D118/304** Phos Chhean WRI, A56, EN 01045513; **D310/1.1.11R** Video, *Red Wedding*, 2011, 7:49-8:13 [Kim Chhean Lay: “When they forced you to marry, you couldn’t see each other’s faces?” Pen Sochan: “It was as dark as it is now. We didn’t see much when we entered the canteen.” (Note the wedding took place in Bakan District, Pursat Province, Northwest Zone, 1978)].

<sup>2824</sup> **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.59.18-14.02.17 [in Phnom Penh, 1975: “And then each of the couples had to make the commitment to their marriage and we had to make commitments in front of the symbols of the Angkar that was the sickle and the rice. [...] Angkar gave us instructions to follow and simply adhere to the disciplines of Angkar [...] and to strive to work hard to build the country.”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 13.38.11-13.40.24 [in Siem Reap Province, North Zone, late 1975: “Cadres who married us, the 60 couples, made an announcement that the newlywed couples had to [...] take care of one another, and to strive to engage in production to increase the produce, so that our economics could develop and that we could smash the enemies [...] each couple was called, later, to make a commitment.”]; **D219/702.1.96** Or Ho, T. 19 May 2015, 14.39.46-14.42.18 [the witness was the chief of

regard to the second aspect of the resolution, cadres routinely instructed the couples to “love one another”, to get along, and to “have children for Angkar”.<sup>2825</sup> Despite the different words used, the message was clear: the newlyweds were expected to consummate their marriages to increase the population.<sup>2826</sup>

### Lack of Consent

780. In the coercive environment that prevailed during the DK regime, true consent to marriages arranged by DK authorities was not possible. Those who were instructed to marry feared that any refusal would brand them as enemies<sup>2827</sup> and could result in

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- Prey Srangae Village, Baray District, Sector 43, Kampong Thom Province, Central Zone, from 1975 to July 1978: “Angkar would introduce those who were to get married and the couples would also be asked to make a resolution to follow Angkar.”]; **D267.1.1** Seng Ol WRI, A34, EN 00413908; **D6.1.688** Bun Thoeun WRI, EN 00384409; **D117/60** Sum Pet WRI, A25, EN 01044588; **D219/511.1.2** Chhouk Rin WRI, A84, EN 01118175; **D219/113** Keo Theary WRI, A28, EN 01057764; **D117/68** Va Limhun WRI, A26, EN 01046942; **D219/83** Suon Yim WRI, A8, EN 01054032; **D219/405** Chhim Bunserrey WRI, A52, EN 01148844; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045713; **D310/1.1.4** Bridgette Toy-Cronin, “I Want to Tell You”, EN 00449488.
- 2825 See, e.g. **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 13.38.11-13.40.24 [in Siem Reap Province, North Zone, late 1975: “Cadres who married us, the 60 couples, made an announcement that the newlywed couples had to love one another, to take care of one another, [...] and we had to produce more children for Angkar.”]; **D219/702.1.87** You Vann, T. 14 Jan 2016, 15.40.03-15.43.25 [in Kampong Siem District, Kampong Cham Province, Central Zone: “Q: [...] Do you remember Prak Yut telling you that Ta An had made this rule that husbands and wives had to sleep together for national progress? A: Yes, that’s what I heard and that is for the progress and the development of the nation.”]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 15.11.34-15.14.20 [in Monduliri Province, Northeast Zone, 1977: “They said that if we did not produce children for Angkar, then we were against the law”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 13.59.18-14.02.17; **D219/504** Sat Pheap WRI, A139, EN 01167912; **D219/582** Toy Meach WRI, A133, EN 01179839; **D219/138** You Vann WRI, A34, EN 01059279; **D219/159** Ni Huon WRI, A149, EN 01067870; **D5/1337** Khov Net CPA, EN 01143721; **D5/1663** Sok Pha CPA, EN 01155033 [in Kampot Province, Southwest Zone, 1977: “My brother Vit Roeun told me that he got married one evening during rainy season, 1977. Ten couples were wed in Prey Nob District Office. [...] The couples made a vow to love each other for the rest of their lives and to produce babies for Angkar.”].
- 2826 **D347/2.1.42** Say Naroeun, T. 25 Oct 2016, 10.49.44-10.51.27 [forcibly married in 1975, and her sister in 1978, in Chamkar Leu District, Sector 42, Central Zone: “[As part of the wedding vows, authorities instructed the couples that] we had to love each other from the time onward [...] and to produce babies, as many as possible, in order to meet the targets of Angkar. The Angkar needed more people to defend our country better. [...] We had to repeat those words.”], 10.53.07-10.54.55 [“My pregnancy was not out of my decision or planning, but it was the target by Angkar that we were required to produce children.”], 11.08.48-11.10.21 [“Q: When you heard that you had to bear as many children as possible, did you therefore think that it was then necessary to consummate the marriage in order to make this possible? A: I thought that if I did not consummate the marriage with my husband, then I might risk being taken away and killed”]; **D219/888.1.7** Preap Sokhoeun, T. 20 Oct 2016, 15.32.17-15.36.18; **D219/24** Preap Sokhoeun WRI, A35, 40, EN 01050570-71; **D219/504** Sat Pheap WRI, A27-28, EN 01167888-89; **D219/171** Nhim Kol alias Say WRI, A44, 01076952; **D219/113** Keo Theary WRI, A32, 36, EN 01057765-66; **D219/47** Khauv Net WRI, A30, EN 01050699; **D219/502** Muok Sengly WRI, A37, EN 01152377; **D219/406** You Phnom WRI, A46, EN 01139554.
- 2827 **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 10.59.10-11.01.51 [at the 1<sup>st</sup> January Dam, Sector 42, Central Zone, 1977: “Q: Did you feel free back then to refuse the marriage? A: I did not dare to refuse the marriage and if I dared to do so I would be accused of opposing them. I would be accused of being against Angkar; I had to accept that.”]; **D219/899.1.5** Moeng Vet, T. 27 Jul 2016, 10.08.23-10.09.41 [in Kirivong District, Takeo Province, Southwest Zone, 1975-77: “According to the Party’s policies, if we were to disobey the Party’s line, it meant we opposed the Party. [...] If I was arranged to marry someone and I refused, then I would be considered as opposing the Party, and people were afraid of doing that.”]; **D219/294** Moul En

reeducation, execution, and the endangerment of their families.<sup>2828</sup> As a result, many accepted Angkar's instruction to marry without protest.<sup>2829</sup> Kul Nem, a victim of forced marriage in the Northeast Zone, testified: "I did that in order to survive so that I could see the open sky again".<sup>2830</sup>

781. Those who hesitated or refused the order to marry were often threatened<sup>2831</sup> or were

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WRI, A209, EN 01111847 [in Koh Andet District, Takeo Province, Southwest Zone, 1978 (*see* A9): "I was told that if I did not agree to get married I was opposing the Angkar."]; **D6.1.846** Heng Lai Heang WRI, A26, EN 00414567; **D117/60** Sum Pet WRI, A30, EN 01044589; **D310/1.1.4** Bridgette Toy-Cronin, *"I Want to Tell You"*, EN 00449488.

<sup>2828</sup> See, e.g. **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 11.28.09-13.31.21 [in Siem Reap Province, North Zone, 1975: "because we were afraid to be killed, that's why we accepted to get married"]; **D347/2.1.37** Seng Soeun, T. 29 Aug 2016, 10.04.26-10.06.50 [the Civil Party arranged marriages as the S'Ang District Office Chairperson in Kandal Province, Southwest Zone, *circa* 1978: "if someone protested about that, the person would disappear."], 10.14.35-10.15.40 [the Civil Party was himself forcibly married: "It is difficult to describe about the situation of fear during the regime. Everyone was under their leadership, and it is a very difficult situation during the regime. Sometimes, people died or disappeared without reasons, and that's what made us think that if we were forced or instructed to marry, then we just simply did."]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.28.57-14.31.18 [the Civil Party was forcibly married in Kaoh Nheak District, Mondulhiri Province, Northeast Zone, 1977: "I was scared of death. [...] Had I dared to be courageous, I would have died."]; 15.20.57-15.22.48, 15.24.14-15.26.14; **D219/888.1.7** Preap Sokhoeun, T. 20 Oct 2016, 15.04.09-15.06.30 [the Civil Party was forcibly married in Prey Chhor District, Kampong Cham Province, Central Zone, 1977: "Under the regime, nobody dared to oppose the Angkar or the Party whether we could or could not go along with one another, we could not show it in public. We had to keep it to ourself. If we expressed ourselves, we would end up dead. [...] if we did not obey the disciplines or orders, then we would be killed like animals."], 15.21.44-15.23.05 ["I only felt the terror and fear. [...] At the time, there was nothing besides the killings. We could see and hear about the killing almost on a daily basis and we were instilled with such a constant fear."]; **D5/1166/3.1** Sou Sotheavy, T. 23 Aug 2016, 15.14.21-15.16.23; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 10.59.10-11.01.51; **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.08.09-14.09.50; **D6.1.846** Heng Lai Heang WRI, A30, EN 00414567; **D219/294** Moul En WRI, A210, EN 01111847; **D219/406** You Phnom WRI, A40, EN 01139553; **D5/1050/3** Nap Somaly WRI, A154, EN 01069373; **D219/435** Touch Chamroeun WRI, A77-79, EN 01142994, A226-227, EN 01143013; **D219/234.1.7** Tae Ry WRI, A87-89, 95, EN 01079941-42; **D219/323** Mut Sophon WRI, A28, EN 01113699; **D219/83** Suon Yim WRI, A6-7, EN 01054031; **D219/136** Than Yang WRI, A35, EN 01072530; **D117/60** Sum Pet WRI, A30, EN 01044589; **D219/159** Ni Huon WRI, A111-112, 115-116, EN 01067866; **D219/47** Khauv Net WRI, A16, 26, EN 01050696, 98; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, 2014, EN 01045710 ["One third of these respondents submitted to be married when asked. These respondents unanimously indicated that they feared either they or family members would be killed, they would be assigned more difficult work or would be relocated for refusing."].

<sup>2829</sup> See, e.g. **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.18.16-14.20.09 ["people's lives were filled with terror. They were terrified and they were scared all the time. So it could have been impossible to raise their voices to say no."]; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.47.01-15.50.40 [in Chamkar Leu District, late 1977 or early 1978: "I did not dare to protest any longer because I observed that there were cases where people protested or refused to get married and then they disappeared. [...] Mostly, they disappeared when they were told that they would be sent to Baek Chan or to 41 (phonetic) and they disappeared since then. [...] Based on my observation, I saw many cases of people who disappeared because they refused to get married."]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.24.56-14.26.27, 14.28.57-14.31.18; **D219/398** Ruos Suy WRI, A83, EN 01147810; **D219/24** Preap Sokhoeun WRI, A19-21, EN 01050565; **D219/47** Khauv Net WRI, A16-17, EN 01050696; **D5/172** Nhip Try CPA, EN 01195901; **D310/1.1.4** Bridgette Toy-Cronin, *"I Want to Tell You"*, EN 00449488.

<sup>2830</sup> **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.24.56-14.26.27.

<sup>2831</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.12.51-14.14.14 ["There are two patterns. One was that the Khmer Rouge or the village chief explicitly said so that they would be killed or a family member was killed if they refused"]; **D219/702.1.104** Chum Samoeun, T. 24 Jun 2015, 14.25.08-14.27.34 [in

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Chhouk District, Kampot Province, Southwest Zone, 1978: “When I was forced to get married, I refused and I was threatened that [...] if I had been caught smiling at a man, I would have risked being killed.”]; **D5/1166/3.1** Sou Sotheavy, T. 23 Aug 2016, 14.32.49-14.37.09 [in Bati District, Kampong Speu Province, Southwest Zone, 1978: “It was the unit chief who forced me, threatened me to marry. If I did not agree, I would be taken to study. I would be taken to be killed. [...] every time I talk about this I feel so tense, because every time that we protested or disagreed with them we were threatened that we would be taken away to be killed.”]; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 15.25.20-15.27.07; **D219/24** Preap Sokhoeurn WRI, A12, EN 01050562; **D219/113** Keo Theary WRI, A30, EN 01057765; **D219/83** Suon Yim WRI, A8, EN 01054031; **D117/68** Va Limhun WRI, A27, EN 01046942-43; **D219/294** Moul En WRI, A209-210, EN 01111847; **D5/172** Nhip Try CPA, EN 01195901; **D5/1675** Bit Sok CPA, EN 01155068-69; **D191.1.36** Khy Hean Supplementary CPA, EN 01140028; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421918-19 [story from a female respondent who was forced to marry at age 17: “[My current husband] had some connection with a commune chief and it was difficult for me to refuse. I did not love my husband so I said that I would die instead, but they would not allow me to. They said that dying is not enough but they must put a shame on me before they kill me. They said that they would take off my clothes in front of a crowd of men from the whole village and then they would kill me. Therefore, I had no choice but to agree to be his wife.”], EN 00421920 [story of Thang – threatened with torture if she refused to marry]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033 [“Penalties for refusing to marry [...] included verbal threats”], EN 01037038 [“the system was coercively enforced through real or threatened punishment—‘re-education,’ imprisonment, sexual violence and torture, or death.”], EN 01037052 [69.1% of respondents were verbally threatened for refusing to marry during the KR regime]; EN 01037053 [“72 of respondents (75.0%) reported being forced to marry despite it not being their choice due to verbal threats”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045677 [“Of the 42 respondents who initially refused to marry, 35 were threatened or punished in some way.”], EN 01045711 [“People were threatened with relocation to a more dangerous area, with more difficult work, re-education, or with the execution of them and/or their family members”], EN 01045713 [“Two women described being forced to marry at gunpoint and their resulting fear”]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322863; **D310/1.1.4** Bridgette Toy-Cronin, *“I Want to Tell You”*, EN 00449488 [“Those charged with organizing the marriages met refusals with threats of violence or actual violence”].

punished with reeducation,<sup>2832</sup> physical violence,<sup>2833</sup> rape,<sup>2834</sup> and/or execution.<sup>2835</sup> In

- <sup>2832</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.16.57-14.18.16 [“I heard many stories of the punishment of refusal to the marriage. One of the recent ones I heard was from Ratanakiri. She was in the child group [in] ‘Kong Koh Chhmar’ (phonetic) and she was 15 years old when she was forced to marry. That was the end of 1978. [...] she was sent to the re-education camp for three months. Then the Vietnamese came. And also in my research in ‘Motherhood at War’ [...] I recall now one woman in Siem Reap that I interviewed. She told me she was sent to the re-education camp because she refused the marriage”]; **D6.1.408** Van Sorn WRI, EN 00244170 [at the 1<sup>st</sup> January Dam, Sector 42, Central Zone, 1978: “If we objected and did not agree with them, they would take us for refashioning.”]; **D219/234.1.7** Tae Ry WRI, A97, 100-101, EN 01079942; **D219/24** Preap Sokhoeurn WRI, A12, EN 01050562; **D5/1050/3** Nap Somaly WRI, A141, EN 01069371; **D219/134** Net Savoeun WRI, A53, 55, EN 01059982-83; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037038 [“in all cases, the system was coercively enforced through real or threatened punishment—‘re-education’; imprisonment, sexual violence and torture, or death.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421892 [a former Khmer Rouge soldier stated: “I spoke to Angkar because I did not agree with this (the marriage), then Angkar took me to prison.”].
- <sup>2833</sup> **D219/234.1.7** Tae Ry WRI, A97-107, EN 01079942-43 [in Boeng Srei, Kampong Som Province, 1975: the Civil Party told her unit chief that she would not marry a soldier who had asked to marry her. That night, she was taken at gunpoint to a location near the worksite, where the unit chief told two soldiers to do whatever they wanted to her because she was “stubborn”. The soldiers beat her until dawn and told her that if she had followed the orders of the unit chief, she would not have been beaten. They then ordered her to go back to work and the wedding ceremony was held a week later.]; **D118/276** Uk Him WRI, A22, EN 01031762 [in Tram Kak District, Takeo Province, Southwest Zone, 1975: “I refused to get married. Then the Khmer Rouge walked me around the village for three days and beat me with a bamboo stick.”]; **D5/1050/3** Nap Somaly WRI, A141, EN 01069371 [in Kampong Tralach District, West Zone, November 1978: “There was a beautiful girl I think may have been a student. She was ordered to marry to a disabled militiaman. She refused and was slapped several times until blood came out from her mouth and she was taken to be re-educated.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045712 [“In 10 cases, respondents were tortured for refusing to marry. In the following case, the woman’s husband was executed just prior to her being asked by the regime to marry. When she refused, she was imprisoned and tortured”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033, 38; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421919 [one interviewee stated: “I was a new person in Battambang province and my husband was killed shortly after Khmer Rouge took [...] power. [...] I was forced to marry a soldier, together with approximately 30 couples. I refused to follow the order, and then Angkar took me to a field and beat my legs until both legs were broken. Angkar also pulled out my fingernails, but I still refused to marry.”]; **D310/1.1.4** Bridgette Toy-Cronin, *“I Want to Tell You”*, EN 00449488.
- <sup>2834</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 11.16.02-11.24.42 [in Siem Reap Province, North Zone, 1975: the Civil Party refused to marry and was subsequently raped at gunpoint by five CPK cadres. Two days later, she was married.]; **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.12.51-14.14.14 [“Q: Did you hear any accounts or you referred to some in your reports of women that were raped because they refused to marry; is that correct? A: Yes, I think in my first research I heard that story. And I also heard a woman who had to witness another woman’s rape because she refused to marry.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421893 [a female respondent: “they told me I had to marry but I refused. They took me to the forest and raped me. After they raped me I said to them, ‘kill me’ ... I said, ‘six of my children have already died so please dig a hole and bury me together with my four remaining children’ but I won’t agree to marry ... Now I am almost mad.”]; **D310/1.1.4** Bridgette Toy-Cronin, *“I Want to Tell You”*, EN 00449489; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033, 38.
- <sup>2835</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 15.49.18-15.51.07 [in Siem Reap Province, North Zone, 1975: “Q: [...] And you stated that two couples refused to get married and then they were taken away and killed, and do you happen to know the names? A: It was Comrade Thol and Comrade In. They refused to get married and they would rather die.”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.15.51-09.18.26 [in Chamkar Leu District, Sector 42, Central Zone, prior to the Civil Party’s marriage in late 1977 or early 1978: “I had a cousin named Heng Vanny, alias Voeun. She was forced to marry a husband. She refused

some cases, victims were forced to remarry shortly after their original spouses had been killed and they did not refuse because they knew firsthand the consequence that could bring.<sup>2836</sup>

782. Amidst the atmosphere of terror that prevailed during the DK regime, the majority of those who initially protested ultimately agreed to the marriages.<sup>2837</sup> Others chose to commit suicide rather than accept their assigned matches.<sup>2838</sup> While there is some evidence that men and women who refused to marry were not punished, such examples were rare.<sup>2839</sup> Even marriages sought out by one of the partners often lacked true consent

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for one or two times, and she was taken away and killed. And in the afternoon of the day she was killed, I noticed that somebody was wearing her shirt because I noticed that her name tag was on that shirt.”]; **D219/47** Khauv Net WRI, A17, EN 01050696; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033, 38; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421892; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449488 [“Sokhanya said that ‘I knew if I refused the marriage I would be beheaded because I saw this many times.’”], EN 00449489-90 [Lena described seeing her niece raped because she refused to marry a husband selected by the Angkar. [...] Lena never saw her niece again and assumes the soldiers killed her after the rape.”].

- <sup>2836</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 11.13.35-11.16.02 [in Siem Reap Province, North Zone, 1975: “[My husband] was sent for re-education and never returned until now. [...] two or three months after that, I was forced to remarry.”]; **D118/276** Uk Him WRI, A14, EN 01031760; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045709 [“Previous research and the Khmer Rouge’s own documentation show that the regime forced many single or widowed people to marry for ‘Angkar’. This sometimes followed execution by the Khmer Rouge of a person’s husband or wife from a previous marriage, particularly if the spouse was deemed an enemy of the revolution.”], EN 01045712 [describing a case in which a Khmer Krom woman’s husband was executed just prior to her being asked by the regime to marry].

- <sup>2837</sup> See, e.g. **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037033 [“Resistance to forced marriage and enforced conjugal relations was common. The majority of respondents (70.2 %) refused requests to marry at least once, but in the end virtually all (97.2%) were forced to marry, and virtually all (97.0%) reported the marriage was not their choice.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045677 [“Of the 42 respondents who initially refused to marry, 35 were threatened or punished in some way. Of those who initially refused, all except two eventually married either that spouse or a subsequent spouse selected by the Khmer Rouge.”].

- <sup>2838</sup> **D5/1166/3.1** Sou Sotheavy, T. 23 Aug 2016, 15.49.56-15.52.36 [in Treang District, Takeo Province, Southwest Zone: “When I was at my native homeland in 1975 and ’76, there were cases of forced marriage but the transgender people would refuse even though they had to commit suicide. They would commit suicide by drinking the poisonous substance. They refused to get married.”]; **D6.1.846** Heng Lai Heang WRI, A26, EN 00414567 [in Sector 505, Kratie Province, 1976: “Some people [forced to marry] committed suicide either by drowning into the water or poisoning themselves.”]; **D219/582** Toy Meach WRI, A115, 135, EN 01179837, 40 [in Prey Chhor District: “The weddings were held after the arrival of the Southwest group. Women were forced to marry the disabled. Some of them refused to accept marriage and committed suicide. [...] [Two women] committed suicide on the night of their wedding before their husbands could sleep with them. When their husbands were not around they swallowed saluy salat, which is as hot as liniment.”]; **D219/315** Sat Pheap WRI, A111-113, EN 01111979-80.

- <sup>2839</sup> See, e.g. **D315.2.4** Em Phoeung, T. 16 Feb 2015, 13.43.11-13.47.10; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449489 [“There were some variations in how strictly the local administration applied the policy. As Sophon explained: ‘I declined to marry two times on the pretext that I lacked a dress or a scarf but I decided to marry when they asked the third time ... In that area people were not forced to marry as they did at others. Some areas were very strict that people could not deny their orders, but Kampong Trach district where I lived was not so strict, that is why I could reject their order.’”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced*



of the other.<sup>2840</sup>

### Forced Consummation (Rape)

783. After the wedding ceremony, officials usually required newlyweds to spend several nights together to consummate the marriage before sending them back to their respective worksites.<sup>2841</sup> In many cases, officials set up small huts or rooms for the purposes of consummation.<sup>2842</sup> To ensure that intercourse occurred, militiamen were typically

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*Marriage under the Khmer Rouge Regime*, EN 01037041, 52; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322864.

<sup>2840</sup> **D219/488** Moeng Veth WRI, A162-164, EN 01170600 [the witness was a soldier in Sector 505, Kratie Province, 1977-1978: “They allowed those who loved each [other] to make a request to marry. Such couples were called ‘the proposed couples’. [...] The proposal was from the man [...] The women could not refuse.”]; **D219/234.1.7** Tae Ry WRI, A97-107, EN 01079942-43 [in Boeng Srei, Kampong Som Province, 1975: the Civil Party was beaten for her initial refusal to marry a soldier who had asked to marry her]; **D119/131** Thang Thoeuy WRI, A65, 68, EN 01025297-98; **D310/1.1.5** Katrina Natale, “*I Could Feel My Soul Flying Away From My Body*”: *A Study on Gender-Based Violence during Democratic Kampuchea in Battambang and Svay Rieng Provinces*, EN 00992156; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421894 [a former child soldier interviewed by Kasumi Nakagawa stated: “You can marry anyone you love but you have to ask her and then suggest to the Angkar. If she did not agree then the Angkar would force her.”], EN 00421895 [a victim of forced marriage recalled: “The man who I married was a Khmer Rouge soldier. The top leaders forced me to marry him since he loved me and asked the top leaders to make me marry him.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037065.

<sup>2841</sup> See, e.g. **D219/494.1.3** Khin Vat, T. 29 Jul 2015, 15.31.16-15.33.32 [in Kampong Chhnang Province, West Zone, 1977: “After I got married to my husband and after I spent a week there [with him], I was asked to return. And I had to return because that was the instruction.”]; **D219/702.1.104** Chum Samoeurn, T. 24 Jun 2015, 15.29.08-15.31.55 [in Chhouk District, Kampot Province, Southwest Zone, 1978: “Three days after my marriage I went to work in [a] different place from that of my husband.”]; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 11.10.47-11.13.00 [at the 1<sup>st</sup> January Dam, Sector 42, Central Zone, 1977: “We were told to stay together for three days and after that we went our different ways to do our work assignments”]; **D6.1.842** Tes Ding WRI, EN 00377171 [in Kampot Province, Southwest Zone, 1978: “we had to live together for one or two days before they would permit us to return to our units.”]; **D219/24** Preap Sokhoeurn WRI, A36, EN 01050570; **D219/293** Cheam Peou WRI, A33, EN 01111821; **D219/762** Saray Hean WRI, A111, EN 01309805; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Married couples stayed with each other a few days following the wedding, often with Khmer Rouge spies, or chhlob, making sure they consummated the marriage with sexual relations.”].

<sup>2842</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.53.00-13.54.26 [“Khmer Rouge provided a small hut for the newlywed couples to stay for, my research shows, maybe maximum one day -- one week, so it depends like maybe three days to one week. The newlywed were allowed to stay in that hut for the evening, but during the daytime, they had to work somewhere separately and after, perhaps, one week, they were already removed”], 14.21.43-14.23.15 [“for those people who were forced against their will to marry [...] They were prepared a hut to stay a night or several nights together. So they were instructed to stay together overnight in those places and mostly they were instructed to consummate the marriage”]; **D219/888.1.4** Peggy Levine, T. 10 Oct 2016, 15.56.43-15.57.34; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.07.54-09.11.33; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.29.27-14.31.22; **D219/47** Khauv Net WRI, A28, EN 01050698; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482541 [“In keeping with what seems to have been a shift in Democratic Kampuchea in 1978 towards solidifying Khmer Rouge wedding and post-wedding protocol, respondents spoke of a range of Khmer Rouge huts being built specific for wedding nights.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041.

stationed in the vicinity of the huts to monitor the couple's night-time activities.<sup>2843</sup>

784. Aware of the militiamen and fearful of the consequences of refusal to consummate, newlyweds often felt compelled to have intercourse with the strangers they had just married.<sup>2844</sup> In some cases, the groom forced his new wife to have sex if she refused, and

<sup>2843</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 13.43.25-13.47.43 [in Siem Reap Province, North Zone, 1975: "the militia people could hear us, then three of them got into the house and threatened us to sleep with one another."]; **D315.1.4** Ry Pov, T. 12 Feb 2015, 13.52.54-13.54.40 [in Tram Kak District, Takeo Province, Southwest Zone: "And we were also instructed to monitor the activities of the newlywed couples, whether they got along well or they actually consummate their marriage. And then we can inform the units nearby."]; **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.26.47-14.28.40 ["Q: Did the couples that were forcibly married -- did you hear accounts that said they were being monitored by the Khmer Rouge local authorities to ensure that the marriage was consummated? [...] A: Yes, I heard those stories, particularly by the people who were forced to marry against their will."]; **D219/294** Moul En WRI, A212, EN 01111847; **D219/406** You Phnom WRI, A20-24, EN 01139551; **D119/142** Sem Nuon WRI, A65, EN 01044821; **D6.1.682** Phneou Yav WRI, A32, EN 00410250; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421896; **D310/1.1.4** Bridgette Toy-Cronin, "I Want to Tell You", EN 00449490 ["Chhlop would come and observe under the 'honeymoon' houses arranged by the Angkar to see if the newlyweds were fighting and if they were having sex."]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045677, 714.

<sup>2844</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.23.15-14.24.57 ["Q: From speaking to witnesses did you come across accounts of witnesses that didn't want to consummate the marriage but were in fear not to do so? A: Yes, both men and women. They said that they didn't want to. Not all but some explicitly said that they didn't want to and they had to for their survival."], 14.36.55-14.38.06 ["The consent to the marriage, the forced marriage, was of course not their own free will and the decision to sexuality was also not their own. They were terrified and they were scared. So it was not from their genuine decision, both men and women."]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 15.08.17-15.10.02 [in Mondulkiri Province, Northeast Zone, 1977: "We were afraid, so we had to consummate the marriage and that happened three days after the marriage. I had to think during the initial three days and then after that I decided to consummate the marriage because we had been monitored. Q: You said that you decided to consummate the marriage. Was your young wife in agreement? A: Because we were to get married and we both were afraid and that's what we had to do and that's what we had to respect them, otherwise we would risk being killed or tortured."]; **D219/702.1.106** Meas Layhuor, T. 26 May 2015, 09.46.36-09.48.56 [at the 1<sup>st</sup> January Dam, Sector 42, Central Zone, 1978: "They came to watch over whether we got along with each other and whether we consummated our marriage. [...] We were not the only couple being watched over by militiamen, the militiamen would come to watch over every newlywed couple."]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.18.26-09.20.29 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978: "at night time, the guards monitored us. And if we did not consummate our marriage, then measures would be taken. And for that reason, I agreed to sleep with my husband because, during the night time, I went downstairs -- went out the house to relieve myself, and I noticed that there were militiamen there."]; **D219/888.1.8** Preap Sokhoeurn, T. 24 Oct 2016, 10.47.05-10.48.43; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.31.22-14.33.00, 14.35.06-14.37.33 ["Ta Horn (phonetic) and Yeay Kim (phonetic) [...] said that comrade, in this period, after the marriage, you had to have sexual intercourse; otherwise, you would be killed if you opposed Angkar. They repeatedly said that to me."]; **D219/294** Moul En WRI, A212, EN 01111847; **D219/136** Than Yang WRI, A41-43, EN 01072531-32; **D117/60** Sum Pet WRI, A33-34, 41, 45, EN 01044589-92; **D219/83** Suon Yim WRI, A19, EN 01054034; **D117/68** Va Limhun WRI, A34-37, 42, 48, EN 01046944-47; **D219/405** Chhim Bunserey WRI, A56, EN 01148845; **D219/159** Ni Huon WRI, A135-137, EN 01067868-69; **D219/47** Khauv Net WRI, A16, 28-29, 32, 39, EN 01050696, 698-700 and **D5/1337** Khauv Net CPA, EN 01143721 ["On the first night, I did not agree to live as husband and wife, but I did not dare to scream because the militiamen walked around to eavesdrop on us."]; **D219/687** Mao Saroeung WRI, A81-82, EN 01214825-26; **D219/83** Suon Yim WRI, A21-22, 24-25, EN 01054034-35; **D219/24** Preap Sokhoeurn WRI, A36, EN 01050570; **D219/171** Nhim Kol alias Say WRI, A44-45, EN 01076952-53; **D5/1491** Dan Mom CPA, EN 01145642; **D5/1498** Kas Hon CPA, EN 01090075; **D5/172.1** Nhip Try Supplementary

occasionally militiamen intervened.<sup>2845</sup> While some couples successfully hid the fact that they had not consummated their marriage,<sup>2846</sup> those who were discovered were threatened

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CPA, EN 01195898; **D5/1168** Oam Pove CPA, EN 01143527; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045714 [“Of the 40 ethnic minority respondents who married when they were first asked, 36 said that they felt forced to have sex because they were watched by Khmer Rouge cadre who patrolled sleeping areas at night.”]; **D310/1.1.4** Bridgette Toy-Cronin, “*I Want to Tell You*”, EN 00449490; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421896; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037054 [“Why did you feel forced to have sex after the wedding? [...] 32.6% Surveillance; 16.3% Fear of punishment”].

<sup>2845</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 14.24.57-14.26.47 [“Apparently, some men used violence. It could be because he was also scared that he has to consummate the marriage and that drove him to use the violence against his wife. But I also met men who were very scared and who could not do it”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.08.47-09.11.33 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978: “when I entered the room, my husband was there. [...] I was frightened. I resisted his advance. He was upset [...] He simply wanted to rape me violently.”], 11.11.12-11.15.02 [after the Civil Party refused to have sex with her husband, he informed the village chief, who subsequently raped the witness and threatened her with death. She then agreed to sleep with her husband.]; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 14.37.33-14.39.18 [describing her rape at the hands of her new husband in Prey Chhor District, Kampong Cham Province, Central Zone, 1977], 15.12.50-15.15.38 [“I did not know whether Angkar instructed him to do that [rape] or not [...] but when I cried and started to scream and he said that what he did was following Angkar’s instructions otherwise we both would be killed. So I did not know whether Angkar instructed him to do or whether he did it on his own initiative.”]; **D219/24** Preap Sokhoeurn WRI, A43-45, 48, EN 01050572-74; **D219/136** Than Yang WRI, A42, 45-47, EN 01072532-33; **D5/1168** Oam Pove CPA, EN 01143527; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421892, 96; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Forced marriages included sexual violence in that sexual relations to consummate the marriage was also forced. Researchers have documented this practice. [...] Ye discusses how the order to consummate marriages led to rape and sexual violence for many women by their assigned husbands.”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045677 [“Some husbands also forced their new wives to have sex. Forced sex in forced marriages was very distressing for male and female victims alike”]; **D219/738.1.35** CDP Questionnaire No. 92 Transcript, A12, EN 01221163.

<sup>2846</sup> See, e.g. **D289.7** Prak Doeun, T. 2 Dec 2015, 15.56.47-15.58.56 [in Kampong Chhnang Province, West Zone, 1977 or 1978: “from my recollection, there were two couples who were caught not to consummate the marriage. And the rest, although they might or might not consummate the marriage, they kept quiet.”]; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482540 [“Nearly thirty percent (55 of 192) stated that they were under surveillance; most said that they pretended to have sexual relations by lying close to each other.”].

by cadres<sup>2847</sup> and/or harshly punished for their disobedience.<sup>2848</sup>

785. After a short period of time when they were expected to consummate the marriage, newlyweds were sent back to work, often far from their respective spouses, to serve the other revolutionary goal of rebuilding the country.<sup>2849</sup> Authorities arranged visits

<sup>2847</sup> **D6.1.842** Tes Ding WRI, EN 00377170 [in Kampot Province, Southwest Zone, 1978: “We were told, ‘Angkar has the eyes of a pineapple.’ So, Angkar was able to know everything. If we did not get along with our mates, Angkar would tell us that they would take us for re-education.”]; **D6.1.682** Phneou Yav WRI, A32, EN 00410250 [in Takeo Province, Southwest Zone: “If any couple did not get on well, and it was known by the militiamen, they would report to the upper echelon. Next morning, they were called to be advised; they were threatened that they would be taken to some places such as being taken to keep at Krang Ta Chan.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037054 [48.8% of respondents said they felt forced to have sex after the wedding because they were verbally threatened]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045714 [“Some [of the respondents forcibly married and monitored by militiamen] were threatened by the Khmer Rouge if they did not consummate the marriage.”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421896 [a respondent stated: “When I refused to have sex with him after the marriage, he reported it to the cadres [...] They said if I do not agree they will kill me. If I agree to have sex with him they will leave. So I had to agree because I had no choice.”].

<sup>2848</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 13.43.25-13.46.03 [in Siem Reap Province, North Zone, 1975: “[T]he militia people could hear us, then three of them got into the house and threatened us to sleep with one another. They pointed their guns at us. We were ordered to take off our clothes so that we could consummate the marriage. [...] We had no choice but to take off our clothes, but then I still refused to consummate the marriage. They threatened us again and they used the torch on us and they actually got hold of his penis and to insert it into my thing. It was so disgusting, but we had no choice.”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.11.33-09.14.42 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978: “[When my husband left the room because I resisted consummating the marriage] [h]e went to report the matter to his chief. [...] Then Comrade Phan called me to see him. [...] I was called to a quiet room, and when I was in the room, I was questioned why I didn’t consent to have sex with my husband. He did not ask me further, then [Comrade Phan] simply forced upon me and raped me in that very room. [...] He said that if he -- he raped me and I shouted, then I would be shot dead. And after that warning, after the rape, that I had to shut my mouth and that I had to agree to live with my newlywed husband.”], 11.11.12-11.12.54 [“I was asked the reasons that I refused to consummate the marriage, and then I told him the reasons and then he forced upon me and he wanted to -- to rape me. I resisted, but I failed. And he had a pistol with him. And I was afraid that I would be killed. For that reason, I let him raped me. And that was also the reason that I decided to live with my husband because I was afraid that I would be killed.”]; **D315.2.5** Phneu Yav, T. 17 Feb 2015, 10.55.51-10.59.11 [in Takeo Province, Southwest Zone: “They wanted to know whether the couple consummate[d] their marriage, and if they did not do that, they were called for reprimand or for education. Any couple who get along or consummated the marriage are fine and they can go to work as usual in their respective units.”]; **D219/888.1.8** Preap Sokhoeurn, T. 24 Oct 2016, 09.21.45-09.23.38; **D219/702.1.87** You Vann, T. 14 Jan 2016, 15.41.44-15.45.38; **D219/138** You Vann WRI, A78, 81, EN 01059291-92; **D117/60** Sum Pet WRI, A31, 35, EN 01044589-90; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421896; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041.

<sup>2849</sup> **D219/888.1.3** Kasumi Nakagawa, T. 14 Sep 2016, 09.35.18-09.38.43 [“The overall goal of the Khmer Rouge, to my understanding, was to achieve the revolution. And for that, the people had to engage in the hard labour. [...] Because of this strategy, husband and wife had to be engaged in a labour in a different place, and mostly, husband was assigned to work in the group unit which is far away from their own house, what they call mobile team that they are moving around the locations depending on the plan of the Khmer Rouge. This is what I said, that the husband and wife were separated.”]; **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.53.00-13.54.26; **D219/702.1.104** Chum Samoeurn, T. 24 Jun 2015, 15.29.08-15.31.55 [in Chhouk District, Kampot Province, Southwest Zone, 1978: “Three days after my marriage we went to work in different locations. [...] We lived separately at that time.”]; **D219/494.1.3** Khin Vat, T. 29 Jul 2015, 15.31.16-15.33.32 [in Kampong Chhnang Province, West Zone, 1977: “After I got married to my

between couples, ordering or authorising them to see each other approximately once or twice a month, although implementation varied.<sup>2850</sup>

ii. IMPLEMENTATION OF THE MARRIAGE POLICY IN THE NORTHWEST ZONE

786. **Yim Tith**, as a leading member of the JCE in the Northwest Zone, including in his capacities as Sector 1 Secretary and *de jure* and *de facto* Deputy Secretary of the Northwest Zone,<sup>2851</sup> ensured that the CPK's marriage policy was implemented in accordance with Party directives in the areas under his control. As detailed below, **Yim Tith** personally participated in marriage ceremonies, and his subordinates actively arranged and presided over local marriage ceremonies on his behalf. This was particularly the case in Sector 1 in Samlout District and at Kampong Kol Sugar Factory in Sangkae District, and in Sector 4 in the areas known today as Reang Kesei and Kampong Prieng communes.

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husband and after I spent a week there, I was asked to return. And I had to return because that was the instruction. So I got separated from my newlywed husband and returned to Pochentong.”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.15.51-09.18.26; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 11.10.47-11.13.00; **D6.1.842** Tes Ding WRI, EN 00377171 [in Kampot Province, Southwest Zone, 1978: “So, we had to live together for one or two days before they would permit us to return to our units.”]; **D219/47** Khauv Net WRI, A28, EN 01050698 and **D5/1337** Khauv Net CPA, EN 01143721; **D219/293** Cheam Pao WRI, A33, EN 01111821; **D219/762** Saray Hean WRI, A111, EN 01309805; **D117/36.1.23** Philip Short, *Pol Pot: The History of a Nightmare*, EN 00396534.

<sup>2850</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 13.53.00-13.54.26 [“[A]fter, maybe, three months or if he’s lucky, one month, [the husband] came back to see the wife.”]; **D5/1166/3.1** Sou Sotheavy, T. 23 Aug 2016, 15.28.06-15.30.28 [in Bati District, Kampong Speu Province, Southwest Zone, 1978: “[E]very 10 days we were allowed to meet each other.”]; **D219/702.1.105** Kong Uth, T. 25 Jun 2015, 11.10.47-11.13.00 [at the 1<sup>st</sup> January Dam, Sector 42, Central Zone, 1977: “we were allowed to meet each other every tenth day.”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.15.51-09.20.29 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978: “Between 10 to 15 days, we were allowed to meet each other. [...] Yes, we [would have sexual intercourse]. I was afraid that I was being monitored because when we came there were seven or eight others who also came and I was afraid that I was being monitored. [...] And if we did not consummate our marriage, then measures would be taken.”]; **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 15.10.15-15.11.22 [in Prey Chhor District, 1977: “After we got married, Comrade Sau convened a meeting and we were told that for the newly married people you could not sleep together, stay together every time, and that there would be an arrangement for us to meet, that is, we could meet three nights per month and if we did more than that we would be disciplined. And that also happens to other couples who got married later on.”]; **D219/24** Preap Sokhoeurn WRI, A34, EN 01050570; **D6.1.842** Tes Ding WRI, EN 00377171 [in Kampot Province, Southwest Zone, 1978: “A month or two after we had lived [apart], Angkar told us to meet one another again. If we refused to meet again, Angkar would ask, ‘What is the reason for this?’”]; **D6.1.846** Heng Lai Heang WRI, A33, EN 00414568 [in Sector 505, Kratie Province, 1976: “[W]e would meet once every two weeks or once a month.”]; **D219/83** Suon Yim WRI, A27, EN 01054035; **D219/113** Keo Theary WRI, A50-51, EN 01057768; **D219/47** Khauv Net WRI, A41, EN 01050700-01; **D219/687** Mao Saroeung WRI, A81, EN 01214825; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037041 [“Then, the pair went back to their respective workgroups, meeting for conjugal visits every seven to ten days-or as long as months apart”].

<sup>2851</sup> For a full discussion on Yim Tith’s positions, see **III.D.1**. Yim Tith’s Positions, Acts, and Conduct – Yim Tith’s Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith’s Positions in the Northwest Zone.

787. Ta Mok and **Yim Tith** personally played roles in the forced marriage of 38 couples in Samlout District.<sup>2852</sup> Ta Mok arranged the marriage and presided over the ceremony, while **Yim Tith** made a speech advising the couples to “love each other, have solidarity, and try hard to do agricultural production.”<sup>2853</sup> On Ta Mok’s orders, he also provided the newlyweds with bedding shortly after the wedding.<sup>2854</sup>
788. **Yim Tith**’s subordinates followed his lead. After **Yim Tith** appointed Yan as chief of the Kampong Kol Sugar Factory,<sup>2855</sup> Yan and his subordinates (and then his successor, Eung) organised and presided over wedding ceremonies there.<sup>2856</sup> In Reang Kesei, Yeay Chan and Ta Loek held meetings in which they communicated CPK decisions and policies to villagers about collective marriages,<sup>2857</sup> and militiamen under their

<sup>2852</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.38.14-10.41.32 [the witness was the deputy district secretary of Samlout District under Leng, who reported to Yim Tith], 10.45.36-10.47.52 [in 1978], 11.00.52-11.03.00 [the witness was one of 38 couples forcibly married in 1978, as instructed by Ta Mok through Leng, who was also forced to marry], 11.06.50-11.07.54 [“It was Ta Mok who actually organized the wedding for us, and a few days after the ceremony, Ta Tith came to ask how we were all going or anybody did not consent to living together, and he advised us to live together happily.”]; **D219/835** Nop Ngim WRI, A143-144, EN 01432969; **D219/62** Preap Kap WRI, A29, 46, EN 01053907, 10.

<sup>2853</sup> **D219/62** Preap Kap WRI, A29, 46, EN 01053907, 10. *See also* **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.06.50-11.07.54.

<sup>2854</sup> **D219/62** Preap Kap WRI, A44, EN 01053909-10.

<sup>2855</sup> For a full discussion of the leadership at the factory, *see* **V.B.2.d.iii**. Crimes – Northwest Zone – Sector 1 – Kampong Kol Sugar Factory – Authority Structure and Communication. **D118/106** Huon Choeum WRI, A12, EN 00978419 [“A Zone soldier told me that Ta Tit had personally led his forces to see the situation at the Kampong Kul white sugar refinery [...] Ta Tit assigned female Yan from the Southwest to control that sugar refinery instead.”]; Huon Choeum, who heard of Yan’s appointment from a Northwest Zone soldier and did not personally know Yan, appears to be mistaken about Yan’s gender. However, a number of workers at the sugar factory identified Yan as chief of Kampong Kol Sugar Factory: **D118/108** Loem Tim WRI, A5, EN 00976922 and identified Yan as a male at A10, EN 00976923; **D219/88** Pol Sot WRI, A16, EN 01077052, and identified Yan as a male at **D219/656** Pol Sot WRI, A20, EN 01207537; **D219/157** Khay Chhauy WRI, A11, EN 01066846.

<sup>2856</sup> **D219/656** Pol Sot WRI, A19-20, 25-27, 30-31, EN 01207537-39 [The witness attended two weddings at the sugar factory during the time the Southwest cadres were in control. The first was for 10 couples who worked at the factory and was organised by “The persons in charge of the factory. Their names were Brother Yan (male) and Sister Ri (female).” Only the factory committee members were present at the ceremony. The second wedding, for 15 couples, was organised by “superiors: unit chiefs [such as Uncle Chhoeung, Uncle Ith] and factory committee members” who “were the first group who came from the Southwest Zone.”], A35, EN 01207539 [“It was the committee members of the factory who issued the orders to the unit chiefs; unit chiefs assigned people to marry.”]. *See also* **D219/656** Pol Sot WRI, A13-14, EN 01207536; **D219/88** Pol Sot WRI, A25, EN 01077053.

<sup>2857</sup> For a full discussion regarding the positions that Yeay Chan and Ta Loek held, *see* **V.B.4.a.iii**. Crimes – Northwest Zone – Sector 4 – Reang Kesei Commune – Authority Structure and Communication; **V.B.4.b.iii**. Crimes – Northwest Zone – Sector 4 – Kampong Prieng Commune – Authority Structure and Communication. *Note* also that Touch Mary stated that Ta Tith was above Yeay Chan (*see* **D219/836** Touch Mary WRI, A158-159, EN 01399420; **D219/872** Touch Mary WRI, A147-149, EN 01375368). **D219/723** Lim Saloeun WRI, A18-19, EN 01218610; **D219/872** Touch Mary WRI, A74, EN 01375362 [“Q: [...] you said that Yeay Chan arranged a meeting at Wat Reang Kesei Pagoda once. Is that correct? A74: Yes, it is.”], A90, EN 01375364 [“the meeting was held in order to match up couples.”], A99-100, EN 01375364 [“She told the cadres to inform the people that they would have to get married. [...] She told us that there would be 50 couples who would be arranged to get married.”].

supervision made written reports regarding the number of couples married.<sup>2858</sup> Yeay Chan and Ta Loek also took active part in arranging, presiding over, and attending ceremonies in both Reang Kesei and Kampong Prieng,<sup>2859</sup> sometimes assisted by their subordinates.<sup>2860</sup>

### Arrangement and Notification

789. The process of matching and marrying couples in these particular areas mirrored patterns that were playing out across the country. Couples typically received little or no advance notice of their impending nuptials, sometimes not finding out about the marriage until the ceremony itself.<sup>2861</sup> Preap Kap, a disabled soldier who was forced to marry Nop Ngim

<sup>2858</sup> **D219/414** Mao Heang WRI, A15, EN 01135064.

<sup>2859</sup> **D219/831** Venh Vanna WRI, A71-73, 81, EN 01391214, 16; **D219/413** Sok Nou WRI, A7, EN 01135049; **D219/828** Chhum Chhen WRI, A44, 58-60, 70, EN 01390069, 72-73 [weddings he attended at Wat Reang Kesei and Wat Boeng Chhuk were arranged by Yeay Chan and Ta Loek]; **D219/408** Sek Chaot WRI, A25, EN 01142868; **D219/836** Touch Mary WRI, A96-98, EN 01399411 *read in conjunction with* **D219/872** Touch Mary WRI, A104, 117, 127, 148-163, EN 01375365-66, 68-69 [the witness's marriage near the end of the regime was arranged by Northwest Zone cadres on the orders of Southwest cadres; only those getting married attended the ceremony but there were so many couples that they had to have the ceremony outside the temple building at Wat Reang Kesei]; **D219/872** Touch Mary WRI, A74, EN 01375362 ["In the previous interview, at Answer 133, you said that Yeay Chan arranged a meeting at Wat Reang Kesei Pagoda once. Is that correct? A74: Yes"], A90, EN 01375364 ["the meeting was held in order to match up couples."], A99, EN 01375364 ["She told the cadres to inform the people that they would have to get married."]; **D219/829** Sek Moeun WRI, A62, 66, EN 01390087-88 ["Q: Where did you get married? A62: In front of the Wat Reang Kesei Pagoda hall. [...] Q: Who led this wedding ceremony? A66: [...] Yeay Chan and Ta Loek."]. *See also* **D219/371** WRIA, Account of Reach Saran, EN 01110235 ["She [Reach Saran] was forced to marry at Reang Kesei [...] Pagoda. The marriage was arranged by Ta LOEK and YEAY Chann."]; **D219/827** Tuy Koeum WRI, A58-59, EN 01390056 [wedding in Kbal Thnal]; **D219/828** Chhum Chhen WRI, A44, 67, EN 01390069, 73.

<sup>2860</sup> Reang Kesei Commune: **D219/314** Chech Sopha WRI, A13, 21, 23-24, EN 01111966, 68-69; **D219/831** Venh Vanna WRI, A71, 75, EN 01391214-15. Kampong Prieng Commune: **D219/307** Pall Yung WRI, A42-43, EN 01111926; **D219/798** Ngin Chheuy WRI, A24, 26-27, EN 01479498; **D219/125** Srey Soeum WRI, A93-95, EN 01067740; **D219/300** Im Bun Chhoeun WRI, A6, EN 01111874; **D219/528** Lonh Lun WRI, A107, 110, 116, EN 01168080-82.

<sup>2861</sup> *See, e.g. Samlout District*: **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.19.05-11.20.48 [in 1978: "None of us was aware of anything on the day of the marriage. Even for the men's side, they did not know that they had to marry that day. [...] I did not know, at all, about the marriage and I was wondering why we were called to attend a meeting and in fact, I did not go [at] first, then I was told that I should go; otherwise, Uncle would get upset, so I went. I did not know that was a wedding day."]; **D219/298** Nop Ngim WRI, A10, EN 01111860; **D219/62** Preap Kap WRI, A51, EN 01053911-12 [the witness was forced to marry Nop Ngim in 1978 (*see* A31): "We did not actually know about the wedding ceremony in advance. We just heard about it from Ta Mok in the morning, who told us to be prepared."]; Reang Kesei Commune: **D219/42** Chech Sopha WRI, A98, 100, 104, EN 01050635 [in Reang Kesei, 1978 (*see* A26, 100): "A98: [...] in September [...] when I was returning from work [...] they suddenly told me that [...] I should go to a meeting at the pagoda. When I reached the pagoda I saw men already there. Then they had me sit in a line opposite the men's line. You had to marry the man you happened to sit across from. We did not know anything about the wedding. [...] Q: [...] what year did this occur? A100: 1978."]; **D219/831** Venh Vanna WRI, A74, EN 01391214-15 [in a ceremony arranged by Ta Loek and Yeay Chan in which 70 couples were forcibly married (*see* A68, 70-73, 76-78): "There were some who were unaware of what was happening, who had not known they were to be wedded."]; **D219/46** Sorm Vanna WRI, A81-83, 85, EN 01050680-81; **D219/941** Suon Sophorn WRI, A23, EN 01519538; **D219/371** WRIA, Account of Reach Saran, EN 01110235 ["She [Reach Saran] was forced to marry at Reang Kesei [pagoda] after the arrival of the Southwest Zone. [...] REACH Saran was invited to a meeting and told that this comrade would

in Samlout District in 1978, recalled how he learned that he would be getting married: “Ta Mok called a meeting and told us, ‘You must not go anywhere today; you must take a shower and clean up this afternoon. I will arrange your marriages.’”<sup>2862</sup> Many of those who were forcibly married did not know who they would be marrying and had never met their future spouses.<sup>2863</sup>

790. In locations such as Samlout District and the Kampong Kol Sugar Factory, numerous women in the Northwest Zone were forced to marry disabled soldiers who had often been sent specifically for that purpose.<sup>2864</sup> Several witnesses gave evidence that the disabled

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marry this one and so on down the line.”]. See *contra* **D219/414** Mao Heang WRI, A13, EN 01135063 [“To my knowledge, I never heard of any forced marriages in which purely Angkar chose the couples.”]. Kampong Prieng Commune: D219/301 Soeung Chan Than WRI, A13-14, EN 01111881-82; **D219/307** Pall Yung WRI, A45-47, EN 01111926; **D219/528** Lonh Lun WRI, A104, EN 01168080 [“I attended such a ceremony when they called single youths to get married with no advance notice.”]; **D219/125** Srey Soeum WRI, A92, EN 01067740; **D219/302** Khoeun Choem WRI, A18, EN 01111890. For JCE purposes, see also: **D219/888.1.8** Nget Chat, T. 24 Oct 2016, 15.58.07-16.00.00 [in Bakan District, Pursat Province, Northwest Zone, August 1978: “It was Uncle Sun [who took me to be married], but he did not tell me that I would go to get married, I was simply told to go to the rear battlefield with him. So I followed him and when I arrived at Boeng Khnar, I saw many people were already there. They were about my age. And I was told that I would be required to get married. I had no idea which man I would be matched up with.”]; **D219/356** Van Nak WRI, A60, EN 01116334 [in Battambang Province, July 1978: “When the Southwest Zone cadres arrived, Roem, who was a Northwest Zone cadre and chairperson of district hospital, told us that the medics had to get married. We were summoned for a meeting at 2100 and we were told about this marriage. [...] At 2300 of the same night, the wedding ceremony was arranged for us.”].

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**D219/62** Preap Kap WRI, A44, EN 01053909-10.

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See, e.g. Reang Kesei Commune: D219/828 Chhum Chhen WRI, A42-43, EN 01390069 [“In some cases on the wedding days some did not know who was going to marry whom. That’s how difficult it was. [...] Sometimes, simply because there were too many persons, they left unaware to whom they had been married.”]; **D219/46** Sorm Vanna WRI, A81-88, EN 01050680-81 [in 1978, near Wat Reang Kesei Pagoda (see A83), the Civil Party was forced to marry a woman he had never seen before in a ceremony for 70-80 couples]; **D219/941** Suon Sophorn WRI, A23, EN 01519538 [in front of Wat Reang Kesei Pagoda in 1978 (see A10, 12, 14): “Out of 80 couples, only one couple was forced to get married. They were Ta Mao and Yeay Hoeun. However, he divorced her and married another woman. It was like that. While all of us were being wed in the ceremony, another new couple was needed for this wedding ceremony in order to fill the number of 80 couples. When the cadres saw him, they grabbed his hand and took him to the wedding ceremony. He did not reject and wed like the others. He then divorced his wife and married another woman.”]. Kampong Prieng Commune: D219/261 Khoeun Sngoeun WRI, A50, EN 01095844 [“Generally speaking, women and men did not know each other before the Khmer Rouge forced them to get married.”]; **D219/303** Khoeun Choem WRI, A13-14, EN 01111894 [“It was the cadres who chose me for [my husband]. I had not seen him nor talked with him before the marriage. [...] I felt pressured when I was forced to get married to the person whom I had not known before.”]; **D219/307** Pall Yung WRI, A44, EN 01111926; **D219/300** Im Bun Chhoeun WRI, A6, EN 01111874. Kampong Kol Sugar Factory: D219/157 Khay Chhauy WRI, A11, EN 01066846; **D219/656** Pol Sot WRI, A28, EN 01207538. For JCE purposes, see also: **D219/494.1.14** Mean Loey, T. 2 Sep 2015, 14.14.51-14.17.50 [in Thnal Dach Village, Banteay Meanchey Province, Northwest Zone, 1977: “In the marriage, some couples did not know each other in advance”]; **D219/254** Ry Rang alias Ry Sarang WRI, A25, EN 01095811; **D118/147.1.22** Nuoy Phan CPA, EN 00571485 [in Rumlech Commune, Bakan District: “In late 1978, I was forced to get married to a stranger.”].

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Samlout District: D219/423 Yon Yoeun WRI, A46-47, EN 01135133 [“the mobile unit women were forced to marry disabled Khmer Rouge soldiers. [...] The military leadership of the Southwest group organised [it].”]; **D219/298** Nop Ngim WRI, A10-11, EN 01111860 [“Ta Mok [...] said [...] I had to get married to Kab. At that time, I was very angry with Ta Mok because I did not love Kab [...] At that time, there were 40 couples in the forced and collective wedding. [...] Because we were afraid of Angkar, we agreed to get



soldiers were being “rewarded” for their sacrifice to the nation.<sup>2865</sup>

791. In some circumstances, men posed requests to the cadres to marry a particular woman, but the woman often had no choice in the decision.<sup>2866</sup> For all matches – from those sought after by one or both partners, to the many others that were the choice of neither partner – low-level officials were required to seek authorisation from the upper

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married.”]; **D118/285** Nop Ngim WRI, A68, 74, EN 01044685-87; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.47.52-10.49.18, 11.00.52-11.03.00, 11.19.05-11.20.48 [“They actually brought the men and matched us off. And those male combatants, they were there only for two or three nights, then they were married off.”], 13.43.22-13.46.15 [“Q: [...] were those handicapped soldiers sent to Samlout from all over the country with the sole objective of having them married [...]? A: They were sent for marriages.”], 15.41.54-15.43.10; **D219/62** Preap Kap WRI, A75, EN 01053916 [“No-one asked me whether or not I wanted to get married. But we had to follow their orders and instructions, otherwise we would have problems.”], *but see* **D219/62.1** Preab Kab DC-Cam Statement, EN 01063385 [“I also liked her. Ta Mok let me choose. He did not force me.”], which was denied by Preab Kab’s wife at **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 14.05.55-14.10.56). Most of the disabled soldiers were from the Southwest Zone, *see* **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.47.52-10.49.18, 13.43.22-13.46.15; **D123/2.17a** Nop Ngim DC-Cam Statement, EN 01155598-99. Kampong Kol Sugar Factory: **D219/655** Khay Chhaury WRI, A8-9, 13, 15-18, EN 01207526-28 [after the Southwest cadres arrived and approximately one year before the Vietnamese arrived, the witness saw women who had been assigned to marry amputated soldiers “brought in by trucks” “from elsewhere and they used Kampong Kul Sugar Factory Site to hold the wedding ceremony”. “If the arrangement was made for twenty couples, then they would bring twenty women.”], A24, EN 01207529 [“It was prescribed that the handicapped or amputated soldiers were permitted by their leaders to get married.”]. *For JCE purposes, see also*: **D219/896** Chuong Luom WRI, A72, EN 01421354-55 [in Battambang: “Ta Mok came and asked the disabled people to choose any girls they wanted to marry. [...] Ta Mok had a walking stick and pointed that stick at the weaving and sewing women and said that they needed to marry to this or that guy.”]; **D219/928** Nhem Hean WRI, A72, EN 01451503 [in Battambang, late 1977].

- <sup>2865</sup> **D219/655** Khay Chhaury WRI, A24, EN 01207529; **D219/294** Moul En WRI, A227, EN 01111848 [the witness served as the Bavel District Secretary in the Northwest Zone: “two women disagreed to get married. Ta Chay [Sector 5 Secretary] had instructed me to consult with the two women on the reasons of their being married to disabled soldiers. I explained to them that they had a patriotic responsibility to marry and care for the soldiers who had become disabled because they engaged in the fighting for the nation.”].
- <sup>2866</sup> *See, e.g.* Reang Kerei Commune: **D219/414** Mao Heang WRI, A12, EN 01135063 [“[the] wedding, in which there were 60 couples [...] was held in Reang Kerei Commune under the control of the Southwest group. [...] To my knowledge, the male side proposed the marriages to Angkar before Angkar decided to arrange them. However, if the female side was dissatisfied with a marriage, there may have been some persuasion for them to agree.”]; **D219/257** Sek Chaot WRI, A2, 4-6, EN 01095829. *See contra* **D219/723** Lim Saloeun WRI, A14-16, EN 01218610. Kampong Prieng Commune: **D219/125** Srey Soeum WRI, A123, EN 01067743 [in Kach Roteh Village, Kach Roteh Cooperative, 1978 (*see* A90, 114): “Q: If a man made a request to marry a wom[a]n, but the woman did not love that man, could Angkar decide to have them get married? A123: Yes, Angkar forced the woman to marry that man.”]; **D219/207** Long Chhoeum WRI, A8, EN 01088505 [in Kampong Prieng Commune, October 1978 (*see* A5, 6): “Mostly, men proposed to Angkar to marry this or that woman. Women did not know about the proposal nor agree to it. The base cadres decided on, and prepared, the marriage.”]; **D219/301** Soeung Chan Than WRI, A16, 18, EN 01111882 [in Thmei Village, Kampong Kou Cooperative, August 1978 (*see* A13, 15): “I did not want to marry, but my unit chief said that I had to marry because I was a child of Angkar. [...] I had to respect it. [...] I had no rights to choose my marriage partner. Men had some rights to choose their marriage partners. Women did not have such rights.”]. *For JCE Purposes, see also*: **D119/131** Thang Thoeuy WRI, A65, 68, EN 01025297-98 [in Banteay Meanchey Province, 1977: “I was forced to get married to my husband. [...] my husband requested the unit chief or the group chief, and the unit chief or the group chief made the request to the upper echelon.”].

echelons.<sup>2867</sup>

### The Ceremony

792. Witnesses who lived in the areas under **Yim Tith**'s control recounted the drastic differences between weddings prior to and during the DK regime, including the elimination of spiritual and cultural rituals and the lack of family involvement.<sup>2868</sup> Khoeun Choem, who was forcibly married in October 1978 in Kach Roteh Village,

<sup>2867</sup> See, e.g. **D219/941** Suon Sophorn WRI, A16, EN 01519538 [in Reang Kesei Commune, under Southwest control (see A9, 14): "If someone got married without permission, he or she would be killed because the cadres did not recognise it."]; **D119/90** Chuon Pheap WRI, A6, EN 00982315 [in Banteay Meanchey: "At that time the Khmer Rouge allowed me to select a girl from among the base women. After I had found one I liked, I made a request to my unit chief who in turn made a request to the women's unit chairperson. We were not allowed to select from among the 17 April women from Phnom Penh, and if we did not obey their order we would have been killed."]; **D219/895** Kim Lumtaun WRI, A18, EN 01407405 [in Sangkae District, 1978: "First, I submitted my wedding proposal to female Comrade Hang Hen. That proposal was submitted in 1977. I didn't hear anything from them until 1978 when they arranged the wedding for us."].

<sup>2868</sup> Samlout District: D219/974.1.2 Nop Ngim, T. 5 Sep 2016, 11.24.12-11.26.09 ["I did not have any other feeling besides upset. I was upset, but I did not think of having my parents present there because everybody was in the same situation."], 11.22.20-11.24.12 ["we had to respect the organizational structure to respect Angkar's order and everyone repeated the same message. [...] we wore black uniform[s]; there was nothing new and it's the same thing for the men; they all wore black clothes. [...] none of us had any relatives or siblings [attend] the wedding ceremony; only some members of the female unit from the salt field attended the ceremony. There was no relative."], see also 11.22.20-11.27.22. Reang Kesei Commune: D219/42 Chech Sopha WRI, A100, 105, EN 01050635-36 ["Q: The forced marriage took place in September; what year did this occur? A100: 1978. [...] Q: Were your parents present at the wedding? A105: No, they were not. Only my father-in-law was allowed to give us his blessing."], A113, EN 01050637 ["one day [...] asked [...] how I felt about a wedding without any traditional proceedings or Khmer wedding music and I told him that I did not feel anything, and that it was like a crazy thing."]; **D219/306** Soen Ben WRI, A11-12, 30, 32, EN 01111915, 17; **D219/867** Sar Hoeun WRI, A11, 16, EN 01373680 (see A7 for timeframe); **D219/831** Venh Vanna WRI, A78, 80, EN 01391215; **D219/829** Sek Moeun WRI, A62, 66, 69, EN 01390087-88; **D219/413** Sok Nou WRI, A7, EN 01135049; **D219/872** Touch Mary WRI, A105, EN 01375365 (Note that the wedding ceremony was organized by Yeay Chan and held outside Reang Kesei pagoda, see A74, 90, 127, EN 01375362, 64, 66); **D219/941** Suon Sophorn WRI, A26-27, EN 01519539; **D219/828** Chhum Chhen WRI, A68, 70, EN 01390073. Kampong Prieng Commune: D219/125 Srey Soeum WRI, A118, EN 01067742-43 [in Kach Roteh Village, Kampong Prieng Commune, October 1978 (see A90-91, 114): "I made a request to the Cooperative Committee. I asked him, 'Can I tell my parents?' He answered, 'There is no need! Angkar makes the arrangements for the children of Angkar."], A156, EN 01067747 ["My parents did not find my marriage legitimate because they were not present during the marriage ceremony."], A168, EN 01067748 ["No achar (layman) and no relatives were present. We just shook hands during the marriage, and that was it!"]; **D219/301** Soueng Chanthan WRI, A16, 20, EN 01111882 [in Thmei Village, Kampong Kou Cooperative, Kampong Prieng Commune, August 1978 (see A13, 15)]; **D219/827** Tuy Koeum WRI, A62, EN 01390056; **D219/261** Khoeun Sngoeun WRI, A58, EN 01095844. Kampong Kol Sugar Factory: D219/655 Khay Chhauy WRI, A7, EN 01207526. For JCE purposes, see also: D347/2.1.42 Nget Chat, T. 25 Oct 2016, 09.12.35-09.14.46 [in Bakan District, Pursat Province, August 1978: "My elder sibling was at Khnar Totueng, too, but my sibling did not attend because we did not know about the plan of the arranged marriage. Also we were at various battlefields, and none of my relatives or family members knew that I got married that day, including my mother."]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.55.20-13.58.03 [in Bakan District, Pursat Province, 1978: "That's the point that made me suffered. That wedding took place without the participation of my siblings and relatives. None of my relatives was aware of the marriage. [...] We did not even get to eat rice."]; **D219/413** Sok Nou WRI, A7, EN 01135049 [at two mass weddings in Sangkae District, Battambang Province: "I do not remember when the [weddings] took place; I only know that the events took place under the Southwest group's control. Ta Loek was one of the cadres present during those events."]; **D219/895** Kim Lumtaun WRI, A25-26, EN 01407405-06 [in Sangkae, Battambang, 1978].

Kampong Prieng Commune, told investigators: “If I had requested for my parents to attend the wedding, I would have been taken to be re-educated.”<sup>2869</sup>

793. The style of the ceremony was common. DK cadres and militiamen attended the ceremonies while family members were generally excluded.<sup>2870</sup> Authorities from various echelons presided over the nuptials, including unit chairpersons, cooperative and village chiefs, commune chiefs, members of the district and sector committees, and Northwest Zone Secretary Ta Mok.<sup>2871</sup>

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**D219/302** Khoeun Choem WRI, A25, EN 01111891 (*see* A14, 21 for location and timeframe).

*See, e.g. Samlout District: D219/62* Preap Kap WRI, A29, EN 01053907 [in Samlout District, 1978: “my wife told me that Ta Tith and Ta Mok also attended my wedding ceremony.”]; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.26.09-11.27.22 [married Preap Kap in Samlout District, 1978: “Even my siblings, my parents did not know that I got married”]. *Reang Kesei Commune: D219/257* Sek Chaot WRI, A2, 6, EN 01095828-29 [“at Wat Reang Kesei Pagoda [...] My marriage was arranged in late 1978. It was close to the fall of the Khmer Rouge regime”]; **D219/829** Sek Moeun WRI, A65, EN 01390088 [in Reang Kesei Commune, September 1977 (*see* A61-62): “Q: Were [...] all those in the 73 couples arranged to get married by their parents or were they matched by the Organization? A65: Most of them were paired up by the Organization.”]; **D219/828** Chhum Chhen WRI, A44, 58-60, 70, EN 01390069, 72-73 [weddings he attended at Wat Reang Kesei and Wat Boeng Chhuk were arranged by Yeay Chan and Ta Loek; relatives were not invited to participate]; **D219/413** Sok Nou WRI, A7, EN 01135049 (in Wat Reang Kesei, Reang Kesei, Sangkae District, under Southwest Zone control (*see* A7)). *Kampong Prieng Commune: D219/827* Tuy Koeum WRI, A58-59, EN 01390056 [in Boeng Chhuk, Kampong Kou Cooperative, Kampong Prieng Commune, under Ta Loek and Yeay Chan (*see* A47, 50, 58): “A58: It was only Ta Loek and Yeay Chan who announced which couples were being married. Q: Did you also see Ta Loek and Yeay Chan at these weddings on both of the two occasions? A59: On both of the two occasions.”], A62, EN 01390056 [“Q: Did the relatives of those who got married also participate or not? A62: It seems like [I] did not see any. I only saw there were the couples themselves.”]. *Kampong Kol Sugar Factory: D219/656* Pol Sot WRI, A15, EN 01207536 [“They invited us as guests only when the wedding ceremony took place. We just sat and listened to them.”], A25, 27, EN 01207538 [“Only the committee members of the factory were present [...] There were Yan and Ri and their subordinates”]; **D219/88** Pol Sot WRI, A25, EN 01077053. *For JCE purposes, see also: D219/895* Kim Lumtaun WRI, A17, 19, EN 01407404-05 [in Sangkae, Battambang, 1978 (*see* A18, 31): “Q: who managed your wedding? A17: A cadre named Chea did. [...] Q: did you know the name of the cadre who made the announcement in that hand holding ceremony? A19: [...] that cadre’s name was Chea. Other two cadres were Ta Pao and Ta Phing.”], A27-28, EN 01407406 [“Q: Who presided over that hand-holding ceremony? A27: Ta Chea, Ta Tay, Ta Phing and another female cadre named Sa Em did. Another one was Ta Suon. [...] A28: Those five people were equally ranked. They supervised the village under the management of Ta Loek and Yeay Chan.”]; **D219/3** Keu Seung WRI, A112, EN 01047111 [at a mass wedding in Sangkae District, Battambang Province, Northwest Zone, after the arrival of the Southwest Zone cadres (*see* A107): “I saw cadres from the commune and village level participating in the wedding.”]; **D347/2.1.42** Nget Chat, T. 25 Oct 2016, 09.12.35-09.14.46 [in Bakan District, Pursat Province, August 1978: “none of my relatives or family members knew that I got married that day, including my mother. It was Angkar who made the determination for me to get married.”]; **D219/917** Chey Touch alias Chey Nath WRI, A65, EN 01519530 [in Battambang, 1978: “At first I did not agree to get married. I told them that my parents were far from me. However my refusal was in vain. They said I had to get married.”].

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*Samlout District: D219/974.1.2* Nop Ngim, T. 5 Sep 2016, 11.06.50-11.07.54 [in Samlout District, Battambang Province, Northwest Zone, 1978: “It was Ta Mok who actually organized the wedding for us”]; **D219/62** Preap Kap WRI, A47, EN 01053911 [in Samlout District, Battambang Province, Northwest Zone, 1978: “The announcement of the would-be couples was made by Ta Mok. [...] Ta Tith, Sector 1 Representative, gave guiding opinions to the newly-wed couples.”]. *Reang Kesei Commune: D219/828* Chhum Chhen WRI, A44, EN 01390069 [“The leaders, that is, the cooperative chairpersons, summoned them to concentrated gatherings, namely Yeay Chan and Ta Loek, who were the cooperative chairpersons there.”]; **D219/257** Sek Chaot WRI, A2, 6, EN 01095828-29 [“at Wat Reang Kesei Pagoda [...] My

794. Couples in the Northwest Zone were often married *en masse* in impersonal ceremonies.<sup>2872</sup> Ten witnesses recalled weddings in Reang Kesei during the time of Yim

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marriage was arranged in late 1978. It was close to the fall of the Khmer Rouge regime”.], A12, EN 01095830 [“Those who presided over the wedding include Ta Sar, who was also a unit chief”]; **D219/867** Sar Hoeun WRI, A7, 11, 34, 40, EN 01373679-81; **D219/920** WRIA, Account of Touch Sa, EN 01390492 [“The group marriage was arranged by the ANGKAR. Ta Tuy and Ta Nget presided over the marriage ceremony.”] Ta Heng replaced Ta Yin, who was a cooperative chairperson. See **D219/391** Sok Bunran alias Sok Bunra WRI, A21, EN 01132655. Kampong Prieng Commune: **D219/827** Tuy Koeum WRI, A58-59, EN 01390056 [in Boeng Chhuk, Kampong Kou Cooperative, Kampong Prieng Commune, Sangkae District, under Southwest Zone control (see A50, 58): “A58: It was only Ta Loek and Yeay Chan who announced which couples were being married. Q: Did you also see Ta Loek and Yeay Chan at these weddings on both of the two occasions? A59: On both of the two occasions.”]; **D219/167** Khiem Koeuy WRI, A24, EN 01072567 [“A worksite chairperson presided over the ceremony. That worksite chairperson was Pol, and he was the only leader present.”]. For JCE purposes, see also: **D219/180** Phan Chhean WRI, A43-44, 46, EN 01047734-35 [“The unit chairperson. [...] Sun presided over the wedding ceremonies. [...] he came from the Southwest.”]; **D219/131** Thang Thoeuy WRI, A70, EN 01025298 [in Banteay Meanchey Province, Northwest Zone, 1977: “[Preah Net Preah District Secretary] Yeay Chaem supervised the whole wedding. During that time, she told us loudly to hold each other’s hand.”].

Samlout District: **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.41.32-10.43.35 [“I got married in Samlout among other 40 couples.”], 11.06.50-11.07.54 [“It was Ta Mok who actually organized the wedding for us, and a few days after the ceremony, Ta Tith came to ask how we were all going or anybody did not consent to living together, and he advised us to live together happily.”]. Reang Kesei Commune: **D219/306** Soen Ben WRI, A11-12, 28, EN 01111915, 17 [forced marriage at Ang Kampong Kou Reservoir, February 1978, 3 couples]; **D219/414** Mao Heang WRI, A12, EN 01135063 [at least one of two wedding ceremonies was under Southwest Zone control: “there were 60 couples, it was held in Reang Kesei Commune under the control of the Southwest group. One of my younger sisters-in-law [...] was one of the couples in the wedding.”]; **D219/955** Koen Moeun WRI, A9, 19, EN 01456254-55 [forcibly married at Kbal Thnal, Reang Kesei Commune in late 1976 or early 1977, 3 couples]; **D219/941** Suon Sophorn WRI, A9, EN 01519537 [in Wat Reang Kesei pagoda, 1978 (see A10, 14): 80 couples]; **D219/828** Chhum Chhen WRI, A42, 44, EN 01390069 [“The marriage arrangements in that period [...] 40 to 50 couples at a time. [...] The leaders, that is, the cooperative chairpersons [Yeay Chan and Ta Loek], summoned them to concentrated gatherings.”], A71, EN 01390073 [“Twenty five couples at Wat Reang Kesei. At Boeng Chhuk [Kampong Prieng Commune] there were 10 couples on the first occasion and eight to nine couples on the second.”]. Kampong Prieng Commune: **D219/827** Tuy Koeum WRI, A48, EN 01390054 [10-15 couples], A32, EN 01390051 [“Ta Loek was a Southwesterner.”], A58, EN 01390056 [“It was only Ta Loek and Yeay Chan who announced which couples were being married.”]; **D219/307** Pall Yung WRI, A45, EN 01111926 [in Kampong Kou, 1978 (see A37, 40): “For me, I did not think that this was a wedding ceremony. They just ordered us to hold each [other’s] hands and they did not prepare anything to [look] like a wedding ceremony.”], A50, EN 01111926 [three couples]; **D219/167** Khiem Koeuy WRI, A23, EN 01072566 [“I knew that five, seven, or even ten couples married in one wedding ceremony. This way of marriage [w]as introduced when the Southwest group took power halfway through the Khmer Rouge regime, after Ta Loek and Yeay Chan took over.”], A24, EN 01072567 [in Kampong Kou Village, Kampong Preang Commune, 11 couples]; **D65.1.29a** Soeung Chan Than CPA, EN 01538079 [In 1978, Kampong Prieng Commune, five couples]; **D219/125** Srey Soeum WRI, A126, EN 01067743 [in Kach Rothe Village, 1978 (see A91, 125): two weddings, one of 40 couples, one of 20 couples]; **D219/300** Im Bun Chhoeun WRI, A6, EN 01111874 [under Southwest Zone control, 1978 (see A5): six couples]; **D219/303** Khoeun Choem WRI, A25, EN 01111896 [under Southwest Zone control, 1978 (see A20): 18 couples]. Kampong Kol Sugar Factory: **D219/655** Khay Chhauy WRI, A8-9, 12-13, 16, 18, EN 01207526-28 [under Southwest Zone control (see A4)]; **D219/656** Pol Sot WRI, A6, 13, 26, 28, 29, EN 01207535-36, 38 [under control of the Southwest Zone (see A3)]; **D219/157** Khay Chhauy WRI, A11, EN 01066846 [under Southwest Zone control (see A 10)]. For JCE purposes, see also: **D219/895** Kim Lumtaun WRI, A6, 17, EN 01407403-05 [in Sangkae District, Battambang Province, under Southwest Zone control in 1978 (see A8): “in 1978, I was arranged to get married. [...] On that wedding day, they arranged 75 couples to get married altogether.”]; **D219/914** Theam Robiep WRI, A48-49, EN 01517539 [in Battambang, 1978 under Southwest Zone control (see A52): “It happened almost at the end of the Khmer Rouge regime. [...] Thirty couples got married at Kamping Puoy Dam and my name was on the list; however, I fled the night before the wedding. [...] Thirty couples got married every one or two months.”]; **D118/228** Meng Chhon

**Tith's** leadership in which more than 70 couples were married together, and many mentioned Yeay Chan and Ta Loek's involvement.<sup>2873</sup> The ceremonies were typically held outside of normal work hours, and many couples were married at once to save time.<sup>2874</sup> At one of the many weddings organised by Yeay Chan and Ta Loek, they expressed a preference for efficient ceremonies that minimised disruption of agricultural

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WRI, A58, EN 01056764 [in Bakan District: "I was forced to get married in 1978. They forced 30 couples to get married each time."]; **D119/90** Chuon Pheap WRI, A5, EN 00982315 [in Banteay Meanchey, under Southwest Zone control (see A6-7): "About a month before the Vietnamese arrived, the Khmer Rouge arranged my marriage in a single ceremony in which there were 45 couples in total."]; **D219/254** Ry Rang alias Ry Sarang WRI, A18, EN 01095810 [in Moung Ruessei, 1978: "there were five other couples."]; **D219/681** Suon Heng WRI, A29-30, EN 01218593 [in Sangkae, 1978 (see A33): "Each time the Southwest Zone group forcibly matched up ten or sixty couples and then get them to marry. [...] I saw 15 couples being married at the same time."]; **D219/423** Yon Yoeun WRI, A46-47, EN 01135133 [Kanghat Dam, Sangkae District, (see A49): "I saw them organise a wedding ceremony for 20 couples at the same time. [...] The military leadership of the Southwest group organised [it]."]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.42.57-13.45.49 [in Bakan District, 1978 (see 09.56.26- 09.58.09): "there were 12 couples altogether."]; **D219/301** Soueung Chanthan WRI, A20, EN 01111882 [in Thmei village, Thipakdei Commune, Koas Krala District, August 1978 (see A13, 15): "My parents did not attend it [...] five couples"]].

<sup>2873</sup> **D219/723** Lim Saloeun WRI, A14, 16, 23, EN 01218610 [80 couples]; **D219/314** Chech Sopha WRI, A18, EN 01111967 [73 couples]; **D219/257** Sek Chaot WRI, A2, 14, EN 01095828-29 [74 couples]; **D219/46** Sorm Vanna WRI, A81, 83, EN 01050680 [70-80 couples]; **D219/867** Sar Hoeun WRI, A11, 16, EN 01373680 [73 couples], A7, EN 01373679 ["A year after I was married, the Vietnamese troops came to liberate us."]; **D219/829** Sek Moeun WRI, A62, 64, 66, EN 01390087-88 [73 couples]; **D219/831** Venh Vanna WRI, A70-72, EN 01391214 [70 couples], A126, EN 01391223 ["Q: Do you remember anyone else among the 70 couples [...] A126: Maybe 10 families in this [Boeng Veang] village and then there were those from prey Svay, Reang Kraol, Svay Cheat and many other villages."]; **D219/872** Touch Mary WRI, A74, 90, 100, 127, EN 01375362, 64, 66 [70 couples]; **D219/371** WRIA, Account of Reach Saran, EN 01110235. Regarding Yim Tith's leadership in Sector 4, see: **III.D.1.** Yim Tith's Positions, Acts, and Conduct – Yim Tith's Participation in the Common Criminal Plan in the Northwest Zone – Yim Tith's Positions in the Northwest Zone.

<sup>2874</sup> Kampong Prieng Commune: **D219/125** Srey Soeum WRI, A88, EN 01067739 [in Kach Roteh Village, Kampong Prieng Commune, 1978 (see A16, 91, 114, 138): "They had people hold hands at night. They did not want to waste work time, so marriages took place at night."]; **D219/528** Lonh Lun WRI, A113, EN 01168081 [in Sambok Ok Village, Kampong Prieng Commune, 1978 (see A30, 551-552, 104-106): "They held the ceremony at a supply warehouse near a rice [storage] warehouse in Sambok Ak Village of Kampong Kou Cooperative at 4.00 p.m. or 5.00 p.m."]; **D219/167** Khiem Koeuy WRI, A24, EN 01072567 [in Kampong Kou Village, Kampong Prieng Commune, after the Southwest group took power (see A23-24), at six o'clock in the evening]; **D219/302** Khoeun Choem WRI, A18, EN 01111890 [in Kach Roteh Village, Kampong Prieng Commune, October 1978 (see A12, 21): "The wedding was held at 2000. Sometimes, we got married to the wrong spouses, for it was too dark to see each other properly."]; **D219/300** Im Bun Chhoeun WRI, A6, EN 01111874 [in Thmei Village, Kampong Prieng Commune, 1978 (see A5-7): "The weddings were always held at night. [...] At that time, some people did not remember their partner's faces because at night, we could not see each other clearly."]. For JCE purposes, see also: **D219/423** Yon Yoeun WRI, A46, 48, EN 01135133 [at Kanghat Dam, Kanghat Village, 1978 (see A5): "there were [forced marriages] at Kanghat Dam. [...] The marriage was organised in the compound at around 5.00 p.m."]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.55.20-13.58.03 [in Bakan District, Pursat Province, 1978: "At that time, after we finished work and we were required to sit down in rows, none of us were happy because we were tired and hungry and worse, we were forced to get married. We did not get to talk to each other, nor did we recognise who was who at the time."]; **D347/2.1.42** Nget Chat, T. 25 Oct 2016, 09.08.56-09.10.37 [in Bakan District, 1978: "Q: At what time the wedding started? A: It was organized and started in the evening."]; **D219/494.1.2** Mam Soeum, T. 28 Jul 2015, 15.50.47-15.53.32 [at Trapeang Thma Dam, Banteay Meanchey Province, 1977: "the marriage took place at night time."]; **D219/356** Van Nak WRI, A60, EN 01116334 [in Aus Touk Village, Commune 30, Battambang Province, July 1978 (see A28-29, 61): "At 2300 of the same night, the wedding ceremony was arranged for us."].

production: “If only [one] marriage of a couple was organised at a time it would have wasted the cadres’ time. Harvesting rice and carrying earth could not be interrupted by the weddings.”<sup>2875</sup>

795. In keeping with other ceremonies occurring across DK during the regime,<sup>2876</sup> at ceremonies in the Northwest Zone, paired couples were announced by name, or men and women were aligned in rows facing each other and instructed to hold hands with the person across from them.<sup>2877</sup> Couples were then instructed to make vows which encompassed promises to work hard for Angkar and to commit to their new spouse.<sup>2878</sup>

<sup>2875</sup> **D219/723** Loem Saloeun WRI, A18-19, EN 01218610.

<sup>2876</sup> See **V.B.7.d.i.** Crimes – Northwest Zone – Forced Marriage and Rape – Marriages During the DK Regime – National Implementation of the Policy – The Ceremony.

<sup>2877</sup> Samlout District: **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.45.36-10.47.52 [in 1978: “we were made to sit separately, male and female, and then we were called to hold each other’s hands”]; **D118/285** Nop Ngim WRI, A68, EN 01044685-86. Reang Kesei Commune: **D219/941** Suon Sophorn WRI, A25, EN 01519539 [in front of Wat Reang Kesei Pagoda in 1978 (see A10, 12, 14): “Men and women were placed in different rows; one side was for women and another was for men. Then, we were told to make our resolution. After the cadres gave the speech, they told us to eat rice gruel; each received three ladles of rice gruel. Then they let us go back home.”]; **D219/42** Chech Sopha WRI, A98, EN 01050635 [in Reang Kesei Commune, 1978 (see A26, 100): “Then they had me sit in a line opposite the men’s line. You had to marry the man you happened to sit across from.”]; **D219/46** Sorm Vanna WRI, A81, EN 01050680 [near Wat Reang Kesei, Reang Kesei Commune, 1978 (see A83): “They did not tell me that I would get married, but they chose people from the mobile unit to sit in two rows, men in one row and women in the other.”]. Kampong Prieng Commune: **D219/827** Tuy Koeum WRI, A52, EN 01390055; **D219/301** Soueung Chanthan WRI, A22, EN 01111882-83 [in Thmei Village, Kampong Kou Cooperative, August 1978 (see A13, 15): “During the wedding, the men sat in a queue and the women in another queue”]; **D219/300** Im Bun Chhoeun WRI, A6, EN 01111874 [in Thmei Village, Kampong Prieng Commune, 1978 (see A5, 7): “They ordered men and women to be seated in lines facing each other.”]; **D219/167** Khiem Koeuy WRI, A24, EN 01072567. Kampong Kol Sugar Factory: **D219/88** Pol Sot WRI, A25, EN 01077053; **D219/656** Pol Sot WRI, A24, EN 01207537. For JCE purposes, see also: **D219/895** Kim Lumtaun WRI, A6, 17-18, EN 01407403, 05 [in Sangkae District, Battambang Province, 1978]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.47.16-13.48.57 [in Bakan District, Pursat Province, 1978: “when I arrived at the [wedding] venue, I saw people sitting in rows; female on one side and male on another side.”].

<sup>2878</sup> Samlout District: **D118/285** Nop Ngim WRI, A68, EN 01044685-86. See also **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.45.36-10.47.52, 11.07.54-11.11.18, 11.22.20-11.24.12. Reang Kesei Commune: **D219/306** Soen Ben WRI, A11-12, 26, EN 01111915, 17 [in Voat Kandal Village, Reang Kesei Commune, Battambang Province: “I was informed about my forced marriage [...]. I got married in February 1978 at 1900. [...] I was ordered by the Southwest Zone cadres to get married at Ang Kampong Ko Reservoir. [...] They [...] ordered us to commit to follow Angkar.”]; **D219/829** Sek Moeun WRI, A62, 66-67, EN 01390087-88 [in Reang Kesei Commune, 1977: “Q: Where did you get married? A62: In front of the Wat Reang Kesei Pagoda hall. [...] Q: Who led this wedding ceremony? A66: [...] Yeay Chan and Ta Loek. [...] A67: They did some instructions: to exert ourselves to make our stance good and to work for the Organization.”]; **D219/941** Suon Sophorn WRI, A24-26, EN 01519538-39 [in front of Wat Reang Kesei Pagoda in 1978 (see A10, 12, 14): “Q: Who presided over your wedding ceremony? A24: [...] they were Southwest Zone cadres. They said that we all had to love each other. We had to join hands and work for Angkar [...] A25: Men and women were placed in different rows; one side was for women and another was for men. Then, we were told to make our resolution [...] A26: They made the speech in which they encouraged us to love each other.”]. Kampong Prieng Commune: **D219/301** Soueung Chanthan WRI, A22, EN 01111882-83 [in Thmei Village, Kampong Kou Cooperative, August 1978 (see A13, 15): “they held a meeting instructing us to respect Angkar’s assignments for us to marry and to work hard in accordance with Angkar’s instructions.”]; **D219/300** Im Bun Chhoeun WRI, A6, EN 01111874 [in Thmei Village, Kampong Kou Cooperative, under Southwest control: “The Khmer Rouge ordered us to be married and make a resolution by saying that we were husband and wife and we would respect Angkar’s orders. After

### Lack of Consent

796. Like thousands of other victims across the country, the men and women forced to marry in Samlout District, Kampong Prieng and Reang Kesei communes, and at Kampong Kol Sugar Factory did not truly consent to their marriages. Samlout District Deputy Secretary Nop Ngim, despite being a trusted cadre holding an important position in the district, felt she had no choice but to obey the instruction to marry. She testified:

I also cried. I was disappointed, very disappointed since I had never seen my would-be husband before the marriage day, although we were in the army. But if I had [...] refused, I would have been killed, so I had to bear the situation.<sup>2879</sup>

797. Even in cases where individuals were not expressly threatened, the general atmosphere of terror made many believe that they would be punished for “disrespecting Angkar” if they refused and that they therefore had no choice but to accept the marriage.<sup>2880</sup> Some

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that, each couple took a vow together”]; **D219/303** Khoeun Choem WRI, A2, EN 01111893; **D219/167** Khiem Koeuy WRI, A24, EN 01072567 [in Kampong Kou Village, under Southwest control (see A23-24): “There were eleven couples seated in two opposite rows, holding hands, and then they made their determination to become couples.”]; **D219/125** Srey Soeum WRI, A97, EN 01067740 [in Kach Roteh Village, Kampong Prieng Commune, 1978 (see A16, 91, 114, 138): “At that time, they said [...] ‘May the men and women holding hands create children to build the country.’”]. For JCE purposes, *see also*: **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.55.20-13.58.03 [in Bakan District, Pursat Province, 1978: “We were required to hold each other’s hand and commit to each other.”], 14.02.08-14.03.35 [“the male side made a commitment that they would take us, the female side, for their whole life.”]; **D219/494.1.14** Mean Loeuy, T. 2 Sep 2015, 14.09.40-14.14.51 [in Thnal Dach Village, Banteay Meanchey Province, 1977: “During that ceremony, they announced that today it is the marriage for the 63 couples, so all of you have to respect the line of Angkar. And after the announcement, we were told to hold each other’s hands, and we were instructed to make resolution, and to make sure that we followed the line, or guideline, of Angkar, and we were told to complete and achieve three tonnes of rice per hectare.”]; **D6.1.343** Yi Laisaev WRI, EN 00288642 [in Preah Net Preah District, Northwest Zone, 1978: “they had us stand up and make a statement of determination. They told us to stick to monogamy rule and make determination to serve Angkar.”].

<sup>2879</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.41.32-10.43.35. *See also* **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.00.52-11.03.00 [in Samlout District, Battambang Province, 1978: “Q: So was Leng also forced to marry a handicapped soldier? A: Yes, she was forced, too, and she didn’t dare to do anything. She just kept her mouth shut as well – as we were all at the time because we were instructed to do so.”], 11.13.12-11.15.00 [“I had no options but to go along with Angkar’s plan.”]; **D219/62** Preap Kap WRI, A75, EN 01053916 [“No-one asked me whether or not I wanted to get married. But we had to follow their orders and instructions, otherwise we would have problems.”]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.45.49-13.47.16 [in Bakan District, Pursat Province, 1978: “I had to get married because the party required me to do so.”], 13.53.28-13.55.20 [“If you objected, you would be refashioned. So when I heard the word ‘refashioned’, I walked to them and let them put on the skirt for me, they used banana vine to tie it, and then I went to sit down in a row.”].

<sup>2880</sup> Reang Kesei Commune: **D219/46** Sorm Vanna WRI, A90, EN 01050681 [near Wat Reang Kesei, 1978 (see A83): “No one dared to refuse. If we had, they would have taken us to be killed.”]; **D219/872** Touch Mary WRI, A112, EN 01375365-66 (*Note* that the wedding ceremony was organized by Yeay Chan and held outside Reang Kesei pagoda, *see* A74, 90, 127, EN 01375362, 64, 66); **D219/42** Chech Sopha WRI, A104, EN 01050636 [in Reang Kesei, 1978 (see A26, 100): “None of them refused it because the parents from both sides told them not [to] refuse to avoid being taken to be killed.”], A114, EN 01050637 [“Angkar had decided that we were not allowed to refuse and that we must get married.”]; **D219/941** Suon Sophorn WRI, A32, EN 01519539 [in front of Wat Reang Kesei Pagoda in 1978 (see A10, 12, 14): “At that time,

“agreed” to marry because they had witnessed or heard stories about punishments inflicted on those who objected.<sup>2881</sup> Others “agreed” after they were threatened with

because they were frightened, they had to agree to get married. If they did not agree to get married, they would be sent to dig canals and dig ponds, which was hard work. It was more exhausting than harvesting rice.”]. Kampong Kol Sugar Factory: **D219/656** Pol Sot WRI, A11-12, 26-29, EN 01207535-36, 38; **D219/655** Khay Chhauy WRI, A12-13, EN 01207527. Kampong Prieng Commune: **D219/301** Soeung Chan Than WRI, A16, 18, EN 01111882; **D219/125** Srey Soeum WRI, A123, EN 01067743; **D219/300** Im Bun Chhoeun WRI, A8, EN 01111874 [“People who refused to marry were sent to Phnom Tracheak Chet Mountain [...] I had heard it was a malaria-endemic area. [...] Some people died of malaria.”]. For JCE purposes, see also: **D219/494.1.11** Yi Laisov, T. 20 Aug 2015, 14.02.00-14.04.02 [in Preah Net Preah District, Sector 5, Northwest Zone, 1978: “I did not want [to marry] at all. I was too afraid to reject the marriage.”]; **D219/888.1.8** Nget Chat, T. 24 Oct 2016, 16.02.04-16.03.42 [in Bakan District, Pursat Province, August 1978: “I looked at the face of my spouse and he’s very old. I was only 20 years-old and he was over 40, about 18 years older than me, but I did not dare to protest or say anything”]; **D219/147** Mann Chuon WRI, A243-245, EN 01063777 [in Moung Ruessei under Southwest Zone control (*see* A232, 239): “I did not dare [refuse]. [...] Because we were afraid of them: they were very powerful.”]; **D219/254** Ry Rang alias Ry Sarang WRI, A17, EN 01095810 [in Basak Mountain, Moung Ruessei, late 1978 (*see* A16): “No one could refuse it. We were threatened to follow their order. If we wanted to refuse, we would be asked why we dared to do so. We would be asked why we challenged them by not following what they wanted us to do.”]; **D347/2.1.42** Nget Chat, T. 25 Oct 2016, 09.51.50-09.53.08 [in Bakan District, 1978: “I refused secretly. I did not dare to do it openly because I was afraid. I did not do any open protests because you know that, during the regime, if anyone dared to oppose or refused, we would be in trouble.”]; **D219/8** Yang Sokhom WRI, A163, EN 01047790 [the witness was a member of the Samraong Cooperative Committee, Pursat Province, 1977-1979 (*see* A43, 51): “Q: They would accuse those who refused to get married of being the enemy, correct? A: Yes, they would.”].

2881

Reang Kesei Commune: **D219/46** Sorm Vanna WRI, A97-98, 101-102, EN 01050682-83 [“Q: In 1978, they forced about 75 couples to get married, and a man who refused was taken to be killed. Did you see this event first-hand? A97: I did not see that [...] but that man disappeared. A98: They got married at the same place I did during 1978. [...] A101: they raised his case in a meeting by saying, ‘This comrade refused. You must not follow his example.’ Then they took that man away. [...] A102: This event happened when they forced me to get married at Wat Reang Kesei Pagoda. Not only the man, but also the woman was taken away.”]; **D219/872** Touch Mary WRI, A112, 114-115, EN 01375365 [“Q: Did anyone refuse to get married? A112: No one dared to do so. [...] Q: Who did you know that those who refused to get married would be taken to be killed? A114: Some people have disappeared. [...] A115: They were both males and females.”] (*Note that the wedding ceremony was organized by Yeay Chan and held outside Reang Kesei pagoda, see A74, 90, 127, EN 01375362, 64, 66*); **D219/311** Peng San WRI, A20, EN 01111946 [from 1977 to 1979 (*see* A1): “I was aware of my elder brother’s marriage since the cadre threatened him with death if he refused to get married. [...] it was held at Reang Kesei Pagoda where eight or nine couples were arranged to get married at the same time.”]; **D219/46** Sorm Vanna WRI, A90, 97-102, EN 01050681-83 [the witness described how a man who refused to get married was used as a cautionary tale for other workers: “Q: How did you know that the man refused that marriage arrangement? A101: Because they raised his case in a meeting by saying, ‘This comrade refused. You must not follow his example.’ Then they took that man away. [...] A102: Not only the man, but also the woman was taken away.”]. Kampong Prieng Commune: **D219/798** Ngin Chheuy WRI, A19, EN 01479498 [Worksite 6 in Aus Touk (*see* A18): “I rejected his request but all to no avail. I did not dare to argue it because I had noted that those who rejected the request were sent to Kheiv Mountain. They had disappeared.”]; **D219/125** Srey Soeum WRI, A107-109, 111, EN 01067741-42; **D219/300** Im Bun Chhoeun WRI, A8, EN 01111874-75; **D219/307** Pall Yung WRI, A44, EN 01111926 [in Kampong Kou, 1978 (*see* A37, 40): “If we had not married, they would have taken us to be killed. So, I had to follow their order.”]. For JCE purposes, see also: **D219/268** Nom Phoun WRI, A72, EN 01098487 [in Sangkae District, Battambang Province: “I heard Ta Mok threaten two young women from the Southwest Zone that if they did not agree to get married to the old handicapped cadres, the girls would be sent to the battlefield.”]; **D219/18** Phan Chhean WRI, A40-50, EN 01047734-35 [in Pursat Province, Northwest Zone: the Civil Party “knew of cases” in which people were taken to be killed after they refused to marry.]; **D219/221** Heng Sieng WRI, A101, EN 01104769 [the witness was a CPK militiaman in Bakan District, Pursat Province: individuals who repeatedly refused to get married were sometimes sent to worksites and “disappeared”].



reeducation, their own death, or the death of their family members.<sup>2882</sup> Those who did not agree were often severely punished.<sup>2883</sup>

798. Some women chose death rather than submitting to coerced marriages. Witness Khay Chhauy reported that at Kampong Kol Sugar Factory, mobile unit leader Yang and two women who were forced to marry amputees, committed suicide after their weddings.<sup>2884</sup>

### Forced Consummation (Rape)

799. The CPK policy of forcing the victims of forced marriage to consummate their marriages

<sup>2882</sup> Reang Kesei Commune: **D219/46** Sorm Vanna WRI, A81, 83, 90-92, EN 01050680-81 [“they arranged a wedding ceremony for about 70 to 80 couples. [...] It happened in 1978, near the temple of Wat Reang Kesei Pagoda. [...] No one dared to refuse. If we had, they would have taken us to be killed. They announced, ‘It is imperative to follow the Party line. No one can refuse.’ They said that by megaphone during the wedding ceremony.”]; **D219/306** Soen Ben WRI, A11-12, 16, EN 01111915-16 [“my forced marriage [...] in February 1978 [...] I was ordered by the Southwest Zone cadres to get married at Ang Kampong Ko Reservoir. [...] I was afraid that if I did not follow their orders they would take me to be killed.”], A26, EN 01111917 [“If we did not follow Angkar, they would take us to be re-educated.”], A34, EN 01111918 [“no one dared to make such a refusal.”]; **D219/831** Venh Vanna WRI, A71, 74, EN 01391214-15; **D219/42** Chech Sopha WRI, A100, 104, 115, EN 01050635-37; **D219/367** Reach Saran WRI, A57, EN 01128252 [“I had to get married because I had already refused many times. I was afraid they would relocate me to somewhere unknown. I was afraid I would be disappeared.”] *Note*: **D219/371** WRIA, Account of Reach Saran, EN 01110235 [“She [Reach Saran] was forced to marry at Reang Kesei [pagoda] after the arrival of the Southwest Zone. [...] If she did not agree to marriage she would be taken away to be killed, this is what everyone observed.”]; **D219/867** Sar Hoeun WRI, A11, 16, EN 01373680 [“I was sent to be married at Wat Reang Kesei Pagoda. [...] At that time, we were under their regime. If we disagreed, we would be taken to be killed.”], A7, EN 01373679 [“A year after I was married, the Vietnamese troops came to liberate us.”]. Kampong Prieng Commune: **D219/261** Khoeun Sngoeun WRI, A51, EN 01095844; **D219/307** Pall Yung WRI, A44, 51-52, EN 01111926-27. *For JCE purposes, see also*: **D219/888.1.8** Nget Chat, T. 24 Oct 2016, 16.02.04-16.06.35 [the Civil Party was forcibly married in Bakan District, Pursat Province, August 1978: “they said that if I opposed I would be sent to the upper level. [...] I felt afraid that I would die and leaving my children behind [...] I cannot find any words to describe my feeling, but what I can tell you is that when I saw them, I felt intimidated and frightened.”], 16.06.35 [“when they said we would be taken to the upper level, they meant we would be taken to our death”]; **D219/494.1.11** Yi Laisov, T. 20 Aug 2015, 14.05.02-14.09.02 [in Preah Net Preah District, Sector 5, Northwest Zone, 1978: “I told my unit chief that I did not want to get married and he replied, ‘Please be careful, you would be killed’. [...] I was told that if I refused to go back to my village and get married, my family, the whole family would be killed.”]; **D219/268** Nom Phoun WRI, A72, EN 01098487; **D118/234** Tum Nga WRI, A67, EN 01055608.

<sup>2883</sup> **D219/8** Yang Sokhom WRI, A164, EN 01047790 [the witness was a member of the Samraong Cooperative Committee in Pursat Province, 1977-1979: “Those who did not agree to get married would be taken away to study.”]; **D118/257** Chhat Phan WRI, A132-134, EN 01031966 [in Pursat Province, date unknown: three female acquaintances of the witness who refused to get married were re-educated once or twice but were killed when they continued to refuse]; **D118/194** Ruos Narin WRI, A54, EN 00986734-35 [in Pursat Province, 1977: the Civil Party confirmed an excerpt from her CPA recounting how her friend refused to marry and was subsequently sent to Trach Kraol Prison and beaten and tortured]; **D118/191** Nget Chat WRI, A92-93, EN 00986721 [in Bakan District, Pursat Province, August 1978: the Civil Party and another woman, Comrade Rin, refused to get married. Soldiers brought them to a forest and raped Comrade Rin. The witness was not raped after she begged for mercy.].

<sup>2884</sup> Kampong Kol Sugar Factory: **D219/655** Khay Chhauy WRI, A11-14, EN 01207526-27 [in Battambang Province, 1978: witness saw two who “committed suicide because they did not love their leg-amputated husbands. [...] They went to hang themselves from a tree near each other” after the ceremony.]; **D219/157** Khay Chhauy WRI, A11, EN 01066846 [Southwest Zone cadre “Yang, a mobile unit leader [...] hanged herself after was forced to marry a man she did not love.”].

without their free consent (rape) was thoroughly implemented in the areas under **Yim Tith**'s control. **Yim Tith** himself spoke at a wedding in Samlout District in 1978, commanding that the "couples had to love each other,"<sup>2885</sup> and instructing them to "do as the Organization has organized things."<sup>2886</sup> This order, according to Nop Ngim, meant that "Once one was married, it was then a must to be sleeping there together."<sup>2887</sup> Local officials in charge of weddings followed **Yim Tith**'s example, ordering newlyweds to "get along" with their new partners, "live together as husband and wife", or produce children.<sup>2888</sup> While different words were used, the message was clear: newlyweds were expected to comply with the authorities' desire that they have sexual intercourse in order to grow the population.<sup>2889</sup>

800. **Yim Tith** and his subordinates employed a range of measures to force newlyweds to consummate their marriages, including requiring the couples to spend the night together in huts or rooms set aside for that specific purpose, and stationing militiamen outside the huts to monitor their activities.<sup>2890</sup> After the wedding ceremony in Samlout District,

<sup>2885</sup> **D219/62** Preap Kap WRI, A46, EN 01053910. *See contra* **D219/62** Preap Kap WRI, A29, EN 01053907 ["my wife told me that Ta Tith [...] also attended my wedding ceremony."].

<sup>2886</sup> **D219/835** Nop Ngim WRI, A149, EN 01432970.

<sup>2887</sup> **D219/835** Nop Ngim WRI, A151, EN 01432970. *See also* **D219/835** Nop Ngim WRI, A155, EN 01432971; **D219/62** Preap Kap WRI, A46, EN 01053910 ["Ta Tith stated that the newly-wed couples had to love each other, have solidarity"]; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.06.50-11.07.54 ["a few days after the ceremony, Ta Tith [...] advised us to live together happily. He also advised us to do good things."].

<sup>2888</sup> **D219/125** Srey Soeum WRI, A97, EN 01067740 [in Kach Roteh Village, Kampong Prieng Commune, October 1978 (*see* A91, 114): "The unit chief and the group chief matched couples to get married. At that time, they said that they said. 'May the men and women holding hands create children to build the country'."].

<sup>2889</sup> **D219/125** Srey Soeum WRI, A97, EN 01067740 [in Kach Roteh Village, Kampong Prieng Commune, 1978 (*see* A90, 114): "At that time, they said [...] 'May the men and women holding hands create children to build the country.'"]; **D219/257** Sek Chaot WRI, A17, EN 01095830 [forcibly married at Wat Reang Ksei, late 1978 (*see* A2, 6): "Q: Does the phrase 'get along' mean consummating your marriage? A17: Yes, it does."]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 14.30.45-14.32.06 [in Bakan District, Pursat Province, 1978: "The phrases used at the time were [...] 'If we did not love each other, we did not consummate the marriage, then we would be tortured and killed.'"].

<sup>2890</sup> Samlout District: **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 14.14.26-14.15.26 ["I was afraid that they would come to eavesdrop on us and, for that reason, we went along pretty well with one another."], 11.11.18-11.13.12 ["A few nights after our marriage, they monitored our activities."], 13.30.30-13.33.55 ["I knew that they came to monitor me because we saw them at night. [...] The militiamen came to watch over us whether or not we consummated our marriage."]; **D219/835** Nop Ngim WRI, A147, EN 01432969 [Militia "kept track because they were afraid that we did not love each other and were not sleeping with each other."]. Kampong Prieng Commune: **D219/300** Im Bun Chhoeun WRI, A6, 10, EN 01111874-75 [in Thmei Village, Kampong Kou Cooperative under Southwest control (*see* A6-7): "each couple took a vow together and went to the huts already prepared for us. The militiamen who were armed observed us at night. [...] If they heard that we did not get along well with each other, they would report it to their chief"]. For JCE purposes, see also: **D219/888.1.8** Nget Chat, T. 24 Oct 2016, 16.03.42-16.06.35 [in Bakan District, Pursat Province, August 1978: "Q: After you got married, did they give you a place to consummate your marriage? A: After the marriage, we walked back at night time. I went to the battlefield to tell my children what happened and I returned. And we were given a small shelter for each couple to spend the night."].

newlyweds returned to their homes to find beds, hammocks, and mosquito nets that **Yim Tith** had arranged upon Ta Mok's instructions.<sup>2891</sup> As a result of these arrangements and the fear of the consequences that refusal would bring, the newlyweds were coerced into having sexual intercourse with their new partners.<sup>2892</sup>

**D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 14.39.32-14.41.30 [in Bakan District, Pursat Province, 1978: "[Militiamen] were mobilized at night time to keep monitoring on the newlywed couples, whether they consummated the marriage or not. It was a game to them."]; **D219/12** Muy Vuochleang WRI, A40, EN 01047690 [in Battambang Province, 1977 (see A5, 35): "the militiamen eavesdropped under our houses."]; **D219/356** Van Nak WRI, A34, EN 01116332 [in Sangkae District, Battambang Province, 1978 (see A29): "Huts were built for the newly married couples including myself to live. Two couples were made to live in one hut."]; A70, EN 01116335 ["We were not allowed to raise a pet dog which we would let it sleep under the house. That would make it possible for the militiamen to spy on us."]; **D118/248** Ly Lonn WRI, A118, EN 01034988 [in Bakan District, 1978 (see A111): "They ordered a militiaman to hide and listen to me and my wife. And that militiaman was not allowed to sleep."]; **D118/258** Ruos Him WRI, A89, EN 01000661 [in Bakan District, Pursat Province (see A90): "After their marriage the Khmer Rouge would assign someone to spy on them. The spy would sneak and hide under a stilt house of a new couple to take an audio record. An audio record was submitted to their superior."].

<sup>2891</sup> **D219/62** Preap Kap WRI, A44, EN 01053909-10 ["Ta Mok [...] told Ta Tith to transport beds, mosquito nets, and hammocks for the newly-wed disabled persons. [...] Ta Tith had those things transported, although he did not do it himself. [...] My wife [...] found an envelope describing those items [...] which read, 'From Sector 1 Committee, Tith' with a signature beneath it."]; A31, EN 01053907 ["I got married on 20 August 1978 in Samlout."]; **D118/285** Nop Ngim WRI, A68, EN 01044685 ["I was forced to marry [...] Kap on 20 August 1978."].

<sup>2892</sup> Samlout District: **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 14.14.26-14.15.26 ["If we refused to sleep with one another, we would be called for education. We were afraid of that."]; 15.36.07-15.38.26 ["Q: [...] Did your position not give you hierarchical power over those militias? A: No, I did not dare to challenge them. In my capacity, I could not do anything."]; **D219/835** Nop Ngim WRI, A146, EN 01432969 ["We pretended to be romping and rollicking. We were afraid of them, so just kept at it."]; A157, EN 01432971 ["we young women [...] told each other, 'If you are not getting along, be careful about that being seen by the militia.' And at night, we saw that was indeed how it was."]. *Note* that the witness makes an implicit distinction between not being forced by her husband to have sex but being forced to have sex in order to adhere to organisational disciplines. *See* **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 14.18.35-14.20.55 ["Q: [...] Were you forced *by your husband* to consummate your marriage or did you consent to that sexual intercourse? A: Personally, I was not forced and, as I said my husband was not forced either, we both abided by the organizational disciplines. [...] We did not force one another."]. (emphasis added). Reang Kesei Commune: **D219/42** Chech Sopha WRI, A116, 119, EN 01050637-38 [in Reang Kesei Commune, 1978 (see A26, 100): "They ordered us to sleep together at a house in the rice field [...] The militiamen spied on us."]; A125, EN 01050638 ["Q: What happened to those who did not sleep together after their marriage? A125: They punished them by sending the men for re-education, but those men never returned."]; **D219/306** Soen Ban WRI, A35-36, 38-39, EN 01111918 [in Kampong Kou Reservoir, Voat Kandal, Reang Kesei Commune, February 1978 (see A11-12): "After getting married, [...] there were militiamen spying on us at night. [...] If any couple argued at night they would be taken to be re-educated. [...] It took us about two or three nights before we consummated our marriage. We could see that the situation was not favourable as I saw the militiamen spying on us at night."]; **D219/829** Sek Moeun WRI, A99, EN 01390093 [in Wat Reang Kesei Pagoda Hall, September 1977 (see A61-62): "Q: Did the Khmer Rouge surveil you and other [...] couples after the marriages? A99: Yes, they did. They came at night. Sometimes, we knew, sometimes we did not."]; **D219/831** Venh Vanna WRI, A82-83, EN 01391216 [in Wat Reang Kesei, July 1977 under Southwest control (see A68, 71-72): "we didn't see killing, but there were disappearances, five couples were taken away and disappeared. When I asked [...] about the five couples like that, they said they had been taken to work at a faraway place. However, I never saw them return."]; A86-87, EN 01391216-17; **D219/46** Sorm Vanna WRI, A93, EN 01050682 [in Reang Kesei Commune, 1978 (see 82-83): "Angkar [...] had the newly married couples sleep together. After that they had the military secretly monitor us in each room."]; A105-106, 108, EN 01050683 ["Q: Was Huot also forced to get married [...] ? A105: They forced him to get married at the same time I did. A106: [...] Huot disappeared about one week after the marriage during 1978. [...] A108: [...] he did not like his wife. [...]

801. Those who refused to consummate their unions were punished.<sup>2893</sup> In some instances,

I heard the lower unit chiefs talk about this story. After the marriage, I heard Huot say that he did [not] accept that women as his wife, and he did not have intercourse as told by Angkar either.”]; **D219/257** Sek Chaot WRI, A16-18, EN 01095830 [in Wat Reang Kesei, 1978 (see A2, 6): “Q: Was your consummation monitored? A16: Yes, it was. In the first night or the second night, the militiamen monitored us to know if we, the newlyweds, got along. Q: Does the phrase ‘get along’ mean consummating your marriage? A17: Yes.”]; **D219/872** Touch Mary WRI, A112-113, EN 01375365 [in Reang Kesei Commune under Southwest Zone control (see A117, 127): “Those who did not get on well with each other after the wedding ceremony were taken to be killed. [...] No one dared to refuse. After the wedding ceremony, if the man reported that the woman did not sleep with him, the woman would be taken to be killed. If the man did not report, but Angkar knew about it, they would take both the man and the woman to be killed. However I escaped. So I was fine.”], A124-126, EN 01375366. Kampong Prieng Commune: **D219/300** Im Bun Chhoeun WRI, A9-10, EN 01111875 [in Thmei Village, Kampong Kou Cooperative, under Southwest Zone control (see A6-7): “Those who had not known one another before and did not get along well were killed by the Khmer Rouge. [...] The cooperative committee stated that Angkar ordered those couples to work outside, but none ever came back. We had to do what they told us.”], A10, 18, EN 01111875-76 [“The militiamen who were armed observed us at night. [...] If they heard that we did not get along well with each other, they would report it to their chief and take us to be killed. [...] [T]hey ordered us to live as husband and wife, and if we did not follow their order, they punished us. That is the reason they sent the militiamen to observe us at night. When we were sleeping, they wanted to know whether we got along with each other or not”]; **D219/301** Soueng Chanthan WRI, A24, EN 01111883 [in Thmei Village, Kampong Kou Cooperative, August 1978 (see A13, 15): “If we had had disputes, they would certainly have killed us. Some wives took a scissors or a knife to stab their husbands, so the couples were taken to be killed. I did not know from where they took the scissors or the knife. During that regime if we had a dispute and the Khmer Rouge knew that we did not live together as a married couple they would kill us.”], A25, EN 01111883 [“They scrutinised me, but because we did not have any disputes nothing happened. We worked normally. Yeay Chi, a Khmer Rouge cadre, kept scrutinising me and she told me that I looked like single woman, but I told her that I lived with my husband like other couples. I am not sure if she deceived me in that regard. But I used to tell her that I lived with my husband like other couples. So my couple’s life went on normally.”]; **D219/307** Pall Yung WRI, A59, EN 01111927 [in Kampong Kou Cooperative, Kampong Prieng Commune under Southwest Zone control (see A37, 42): “they observed us. [...] I heard the sound and when I checked it, I saw the soldiers.”]; **D219/125** Srey Soeum WRI, A88-89, EN 01067740; **D219/207** Long Chhoeum WRI, A8, EN 01088505; **D219/303** Khoeun Choem WRI, A3-4, 11, EN 01111894. For JCE purposes, see also: **D219/12** Muy Vuochleang WRI, A40-41, EN 01047690 [in Battambang Province, 1977 (see A35): “A: The militiamen eavesdropped under our houses. Q: What would have happened if any couple (husband and wife) had not slept together? A: No, they had to agree to that. If they had not, they would have been taken to be killed.”]; **D219/361** Leuy Toeurs WRI, A128, EN 01113718 [in Banteay Meanchey Province: “The militia monitored us. If we did not consummate our marriage we would be taken away to be killed.”].

<sup>2893</sup> **D219/798** Ngin Chheuy WRI, A40, EN 01479500 [in Kampong Prieng Commune, after Southwest cadres took control: “a woman [...] did not agree to consummate her marriage. Thus, she was taken to be re-educated. After that, she still did not agree to consummate her marriage. As a result she was shackled in her legs and hands. The Khmer Rouge let her husband decide whatever he wanted to do with her. At that time, she was raped by her husband.”]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 14.30.45-14.32.06 [after the Civil Party refused to consummate her forced marriage in Bakan District, Pursat Province, 1978: “The phrases used at the time were what [Comrade Om] just said, ‘If we did not love each other, we did not consummate the marriage, then we would be tortured and killed.’”], 14.39.32-14.41.30 [“I remember that from the words of Comrade Om that if I continued to refuse, I would die.”]; **D219/12** Muy Vuochleang WRI, A41, EN 01047690 [in Battambang Province, Northwest Zone, 1977: “Q: What would have happened if any couple (husband and wife) had not slept together? A41: [...] If they had not, they would have been taken to be killed.”]; **D118/258** Ruos Him WRI, A89, EN 01000661 [in Bakan District, Pursat Province: “After their marriage the Khmer Rouge would assign someone to spy on them. [...] It will be fine for a couple who get along well but any couple who didn’t would be immediately taken for execution.”]; **D219/64** Peou Koeun WRI, A73, 79-80, EN 01053956-57 [in 1977: “A man named Chhit did not get along with his wife, so he was sent away to study. Another woman named Veut [...] did not get along with her husband; she was also sent to study.”]; **D119/131** Thang Thoeuy WRI, A77-82, EN 01025299 [in Banteay Meanchey Province, 1977: two or three women in the Civil Party’s unit were taken by the militia to be killed in the forest because they refused to consummate their marriages.]; **D219/36**

husbands were driven to force their wives to have sex.<sup>2894</sup> Typically after a few days had passed, the newlyweds were sent back to work, often away from their spouses, but many were allowed to visit their new partners in order to better the odds of increasing the population.<sup>2895</sup>

802. In Samlout, **Yim Tith** required his subordinates to track monthly birthrates and keep him informed.<sup>2896</sup> Samlout District Deputy Secretary Nop Ngim said she understood that the purpose of the marriages was so that couples would “probably, later on, have children” to “send them to Angkar”.<sup>2897</sup>

e. PHYSICAL AND MENTAL TRAUMA SUFFERED BY THE VICTIMS

803. Nationwide, the victims of forced marriage and consummation often suffered physical and mental trauma. For many men and women, the damage wrought during the DK regime had long-term effects, continuing to impact their lives today and further demonstrating the gravity of the crime.
804. Several witnesses underwent physical distress at or immediately following their wedding

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Chhuom Savoeun WRI, A28, EN 01053606; **D219/336** Toam Chea WRI, A71-73, EN 01117993; **D219/42** Chech Sopha WRI, A125, EN 01050638 [in Reang Kerei, 1978 (*see* A26, 100): “Q: What happened to those who did not sleep together after their marriage? A: They punished them by sending the men for re-education, but those men never returned.”].

<sup>2894</sup> **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 14.22.27-14.24.17 [in Bakan District, Pursat Province, 1978: “When we came from our work site and saw each other, he [my husband] listened to the militiamen and that he had to mistreat me and since I wore layers of trousers and the militia knew and the militia told him whatever he had to do, he had to rape me”], 15.05.01-15.06.39 [“During the third night, he tore my pants and shirt away while the militiamen were standing there and watching and I could not do anything because my hands were tied. He then raped me. [...] And those militiamen who were watching us said that it was good that we could produce children for Angkar.”], 15.43.09-15.44.41 [“[the militiamen] said [that] if we got to hold each other’s hand, we were considered husband and wife, and that my husband had to successfully rape me”] and **D219/974.1.3** Pen Sochan, T. 13 Oct 2016, 11.47.48-11.49.53 and **D310/1.1.11R** Video, *Red Wedding*, 2011, 09:42-10:12 [Pen Sochan recalled: “My husband made me suffer. The first night he grabbed me and ripped my clothes. He hurt me and asked them to spy on us. He tied my hands behind my back. I couldn’t move. I wore two pairs of pants, he tore them. He tore everything [...] He took off[f] all my clothes and he managed to hurt me”]; **D219/243** Van Sang WRI, A82, EN 01092994 [in Ou Ta Paong Commune, Pursat Province, Northwest Zone: “some men got some scratches on chests and faces due to the fight when the women did not agree [to] consummate their marriage.”], A83-87, EN 01092994 [in 1977, the Civil Party’s friend, Chen, told the witness that he had raped his wife, and had he not raped his wife: “he would not have been able to consummate their marriage.”]

<sup>2895</sup> **D219/301** Soeung Chan Than WRI, A22-23, EN 01111882-83; **D219/317** Eam Vuy WRI, A69, EN 01112004; **D6.1.142** Chea Leng WRI, EN 00279254 [in Pursat Province, Northwest Zone: “The Khmer Rouge let them live together for two or three days, then split them up and sent them to their respective units.”].

<sup>2896</sup> **D219/835** Nop Ngim WRI, A133-134, 140-141, EN 01432967-68; **D219/298** Nop Ngim WRI, A18, EN 01111861 [“In the meetings, he asked us how many babies were delivered in a month.”].

<sup>2897</sup> Samlout District; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.06.50-11.07.54, 11.11.18-11.13.12. *See also* **D219/835** Nop Ngim WRI, A145, EN 01432969 [“Once married, we then would have offspring.”].

ceremonies.<sup>2898</sup> In addition to physical reactions, victims frequently cried and experienced intense emotions, including sadness, anger, and fear.<sup>2899</sup> Nget Chat in Bakan District “felt intimidated and frightened” when she looked at the face of her new spouse who was 20 years older than her.<sup>2900</sup> Mao Saroeun, who was forcibly wed in the Central

<sup>2898</sup> **D347/2.1.42** Say Naroeun, T. 25 Oct 2016, 10.39.00-10.41.03 [forcibly married in the North Zone, Say Naroeun testified that when she realised she was getting married, her body trembled, went “cold”, and felt “strange”]; **D347/2.1.42** Nget Chat, T. 25 Oct 2016, 09.14.46-09.17.45 [Nget Chat was forced to marry in Bakan District in August 1978: “My body shook, my heart was pumping blood quickly. However, I dared not to weep. And when we were told to make a commitment, I just said what I was told to do. I almost fainted.”]; **D219/888.1.7** Preap Sokhoeun, T. 20 Oct 2016, 15.06.30-15.08.15 [in Prey Chhor District, Kampong Cham Province, Central Zone, 1977]; **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.54.28-15.56.06 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978]; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.00.52-11.03.00 [in Samlout District, Battambang Province, Northwest Zone, 1978: “And I was very upset, and we all were very upset and we didn’t eat meals for three or few days after the ceremony. We were all forced to get married. We did not want to get married at that time.”].

<sup>2899</sup> **D219/888.1.1** Om Yoeun, T. 22 Aug 2016, 15.54.28-15.56.06 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978: “Q: What aspect that you were disappointed or upset about? A: Because we did not know each other and he was not the guy I loved.”]; **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.41.32-10.43.35 [in Samlout District, Battambang Province, Northwest Zone, 1978: “I got married in Samlout among other 40 couples. [...] Some of them even cried during the wedding. Some ran away. Two people ran away. [...] I also cried. I was disappointed, very disappointed since I had never seen my would-be husband before the marriage day”], 10.50.31-10.53.10 [“Everyone got angry, frankly speaking. Everyone got angry because we were asked to get married. All women got angry.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 14.14.05-14.15.48 [in Phnom Penh, 1975: “When Angkar organized the marriages I was not happy and I had only tears – actually I wept almost every day. I felt the pain but I could not do anything.”]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.42.57-13.45.49 [in Bakan District, Pursat Province, Northwest Zone, 1978: “At that time, I was very young and I was also scared.”], 15.39.05-15.40.30 [“Both the male and the female side wept. Every one of the 12 couples including me who were paired-up to get married on that day were not informed beforehand.”]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.27.44-14.28.57 [in Monduliri Province, Northeast Zone, 1977: “During the wedding day, I went there and I respected the organization; although I, myself, felt the sorrow and the pain inside me.”]; **D5/1166/3.1** Sou Sotheavy, T. 23 Aug 2016, 15.14.21-15.16.23 [in Bati District, Kampong Speu Province, Southwest Zone, 1978: “There was none of the 107 couples who refused, however, we could see that some people shed their tears quietly, especially the women. As for men, some of them also wept although they did not dare to speak out.”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 15.49.18-15.51.07 [“I knew that they were all forced [to marry] because the 60 couples all wept, they all wept. When we were standing together, we all wept, and only when [the cadres] arrived then we wiped our tear and stopped weeping. [...] Anyone would weep, regardless whether you were a single virgin or whether you are a widow. [...] All 60 of us stood together and wept.”]; **D219/136** Than Yang WRI, A26-27, EN 01072529 [in Kampong Siem District, Sector 41, Central Zone, late 1978: “I was very disappointed. [...] The women who got married were 22 to 23 years old and [the] men were 35 years old. Some did not like their spouses and cried during the wedding.”]; **D219/83** Suon Yim WRI, A9, EN 01054032 [in Kampong Siem District, Sector 41, Central Zone, 1978: “I felt angry because I did not like that wedding, and I did not love my husband.”], A40, EN 01054037 [“At the time, I felt angry and sad. About four to five years later, I felt angry once in a while.”]; **D117/60** Sum Pet WRI, A31, EN 01044589 [in Kampong Siem District, Sector 41, Central Zone, 1977: “it felt troubled [...] My wife also felt frightened”]; **D6.1.676** Cheang Sreimom WRI, A8, EN 00410264 [in Takeo Province, Southwest Zone, 1977: “I was very shocked when I was told that they arranged the wedding for me that night. Ol told me that I had to marry TRI Tuoch. [...] I hated him very much. [...] I did not have other choices. I cried in my mind, and I was very sad.”]; **D219/99** Khet Sokhan WRI, A84, EN 01077083 [in Kampot Province, Southwest Zone, 1978: “I felt very upset inside my heart, and I also secretly cried, but I did not let anyone know I was crying.”].

<sup>2900</sup> **D219/888.1.8** Nget Chat, T. 24 Oct 2016, 16.02.04-16.06.35 [in Bakan District, Pursat Province, Northwest Zone, August 1978: “I looked at the face of my spouse and he’s very old. I was only 20 years-old and he was over 40, about 18 years older than me [...] I cannot find any words to describe my feeling, but what I can tell you is that when I saw [him], I felt intimidated and frightened.”].

Zone, said: “I felt as if I were being taken to be killed.”<sup>2901</sup> Some 40 years later, these painful memories still haunt the victims.<sup>2902</sup>

805. Witnesses who were forced to marry a stranger despite a prior commitment to another person described the conflict they felt between honouring their partners and staying alive.<sup>2903</sup> Kul Nem, who was forced to wed a stranger in Mondulkiri, still feels “unsettl[ed]” about marrying a woman other than his former fiancée “in order to

<sup>2901</sup> **D219/687** Mao Saroeun WRI, A78, EN 01214825 [in Prey Chhor District, Sector 41, Central Zone, after the arrival of the Southwest cadres].

<sup>2902</sup> **D219/888.1.3** Kasumi Nakagawa, T. 14 Sep 2016, 09.25.06-09.26.36 [“When I asked the specific question about the time of the marriage in the Khmer Rouge, they don’t have any happy memory. They were very sad to look back on the past, and they were -- many were very angry that they were forced into the marriage. Some had -- as I said yesterday, some still had -- have had mental or physical problems that they had to carry on until today or emotional trauma that they had to carry on today.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 14.17.12-14.20.00 [the Civil Party was forcibly married in Phnom Penh, 1975: “Every time I think of what happened that I did not like my husband, that I was organized to marry him by Angkar, I feel the pain in my chest. I could not find the right words to describe the pain.”]; **D5/190/5** Em Oeun, T. 23 Aug 2012, 15.57.58-15.59.41 [the Civil Party was forcibly married in Sector 20, East Zone, 1977 or 1978: “if I recall my past, I sometime cannot hold my tears. And I was a man; I suffer from it, but I could also imagine the feeling of the lady; she was suffering from it as well.”]; **D347/2.1.42** Nget Chat, T. 25 Oct 2016, 09.18.45-09.20.50 [the Civil Party was forcibly married in Bakan District, Pursat Province, Northwest Zone, August 1978: “Q: [...] when you were separated from your husband, and [...] forced to marry another man without your knowledge, can you tell the Chamber the pain or the suffering that you endured? A: I endured the pain the most. I told my children that it was a great misery, and it stays inside me.”]; **D219/83** Suon Yim WRI, A15-16, EN 01054033 [the witness was forcibly married in Kampong Siem District, Sector 41, Central Zone, 1978 (*see* A3): “Q: Do you feel angry or unhappy when you think of that marriage? A15: Yes. Q: If you could divorce your husband, would you marry another man after the divorce? A16: The people in the village would not say anything [...], but I would not want to marry again. I would rather live alone than live with a man I did not love.”]; **D310/1.1.11R** Video, *Red Wedding*, 2011, 26:15-26:38 [Pen Sochan, who was forced to marry in Bakan District, Pursat Province, Northwest Zone, 1978: “If I talk about it, I cry. The tears flow like the words. I feel so much regret. If I talk about it, I start to cry. [...] So I try to hide this story and suffer all alone.”].

<sup>2903</sup> **D219/306** Soen Ban WRI, A16, EN 01111916 [in Battambang Province, Northwest Zone, February 1978: “My fiancée was forced to get married with another man. I was not happy but I had no choice. I was afraid that if I did not follow their orders they would take me to be killed”]; **D219/101** Sorn Kao WRI, A48, EN 01075228 [in Kampot Province, Southwest Zone, 1976: “I did not love him since I had been engaged with another man in another village. Due to the fact that my fiancée lived in another village, my marriage with him was not allowed, so I had to get married with a man in the same village.”], A57, EN 01075229 [“Q: You loved one man and married another man. How did you feel at that time? A: I felt sad, but because I was afraid of them, I dared not refuse.”]; **D219/217** Chhen Ham WRI, A120, EN 01088548 [in Prey Chhor District, Sector 41, North Zone, 1976: “I would like to describe it as follows: At 2.00 p.m., I was to attend a meeting. About 15 minutes later, they came to ask me, ‘Do you want to get married?’ I replied, ‘I do not want to get married yet.’ Then they said, ‘You have to get married.’ I replied, ‘I have already had a fiancée. Can I marry my fiancée?’ They replied, ‘No, you cannot.’ I still insisted, ‘I do not agree to get married.’ Then they drove a motorbike to the sector office. About 30 minutes later, they came back, held my hands, and asked me, ‘I want to ask you a short question: Who are you living with now?’ I replied, ‘I am living with Angkar.’ They threw a set of clothes and a scarf to me, and then we travelled to the wedding venue at about 6.00 p.m. Neither of us had ever known each other before. They called us to exchange resolution, but I did not agree and told them, ‘I do not agree. Let others make the resolution instead of me.’”]. *See also* **D219/323** Sophon Mut WRI, A28, EN 01113699 [in Kampong Siem District, Sector 41, Central Zone, 1977: “My current wife was a former mobile unit worker who lived behind the school. Yeay Yuth saw her walking and selected her for me straight away. Yeay Yuth knew that at that time, she and her fiancée were supposed to get married that day. So Yeay Yuth told them that they would not be getting married because that woman had already been selected to marry me. She told my wife’s fiancée to choose another woman. He cried.”].

survive”.<sup>2904</sup> In some cases, victims’ original spouses were sent for reeducation or executed immediately prior to their forced marriages.<sup>2905</sup> Northwest Zone victim Nget Chat recalled that just days after her Khmer Krom husband had been taken away, “I was still weeping at the loss of my husband, and I was sent to get married.”<sup>2906</sup>

806. Victims often expressed regret that they were not married in accordance with Khmer cultural and religious traditions.<sup>2907</sup> The exclusion of family from the marriage process was likewise a source of anguish for many.<sup>2908</sup> Women in one study described their

<sup>2904</sup> **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.24.56-14.27.44 [in Monduliri Province, Northeast Zone, 1977: “I did not know what to do since I had a fiancée at my village. So, after the three-day period, they asked me again and I replied that I agreed to the arrangement for the marriage despite my unsettling feeling, since I had a fiancée at my village. Because I did that in order to survive [...] And when I went to my village, my fiancée remained unmarried and I apologized to her that I had married another woman and that would mean that it’s a dishonour on my side to her. She did not blame me. And of course, this unsettling feeling remains with me until the present day.”].

<sup>2905</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 11.13.35-11.16.02 [in Siem Reap Province, North Zone, late 1975: “After my husband was called for re-education, that is, two or three months after that, I was forced to remarry. I refused because I was afraid that my husband would return, but they said that I had to remarry someone else.”], 11.16.56-11.18.38 [“Upon hearing that [I had to remarry], I was afraid; I was worried because my husband had just left and if he were to return, then there would be big trouble.”]; **D118/276** Uk Him WRI, A14, EN 01031760 [in Tram Kak District, Takeo Province, Southwest Zone, 1975: “my husband was called to attend study sessions and disappeared since then. Approximately one month later they forced me to remarry”]; **D310/1.1.6** Kasumi Nakagawa, *Gender-Based Violence during the Khmer Rouge Regime*, EN 00421893 [one respondent stated: “My husband was a French soldier. They hanged my husband. Five months later they told me I had to marry”]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045709 [“Previous research and the Khmer Rouge’s own documentation show that the regime forced many single or widowed people to marry for ‘Angkar’. This sometimes followed execution by the Khmer Rouge of a person’s husband or wife from a previous marriage, particularly if the spouse was deemed an enemy of the revolution.”], EN 1045712.

<sup>2906</sup> **D347/2.1.42** Nget Chat, T. 25 Oct 2016, 09.56.48-09.58.09 [in Bakan District, Northwest Zone, August 1978].

<sup>2907</sup> **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 11.27.22-11.28.00 [forcibly married in Samlout District, Battambang Province, Northwest Zone, 1978: “Frankly speaking, of course, in my heart, I wanted my marriage to be held according to the tradition, but how could I do? I had no choice. I wanted it to be held according to our practice, but I had no choice.”]; **D5/1334/3** Chea Dieb, T. 30 Aug 2016, 14.15.48-14.17.12 [forcibly married in Phnom Penh, 1975: “Of course I felt upset when I thought of the way that I was married [as compared] to the current practice. I am upset with my destiny.”]; **D117/68** Va Limhun WRI, A44, EN 01046946 [in Kampong Siem District, Sector 41, Central Zone, late 1977]; **D219/83** Suon Yim WRI, A4, EN 01054030 [in Kampong Siem District, Sector 41, Central Zone, 1978]; **D219/99** Khet Sokhan WRI, A83, EN 01077083 [in Kampot Province, Southwest Zone, 1978]; **D219/115.1** Rochelle Braaf, *Sexual Violence against Ethnic Minorities during the Khmer Rouge Regime*, EN 01045727 [“respondents continue to live with regret and sorrow that they were not able to marry traditionally or someone that they loved.”]; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482424 [“This study uncovered a type of spirit-based anxiety related to the breakdown of protective rituals, which continues to interfere with some respondents’ sense of safety and predictable future.”], EN 00482475.

<sup>2908</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 15.33.50-15.35.32 [“I have many accounts from the women who were married and whose parents were not there. They were very sad. They regretted that their parents were not there to stay with them and they still carry on this legacy [of] remorse until now.”]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 13.55.20-13.58.03 [forcibly married in Bakan District, Pursat Province, Northwest Zone, 1978: “That’s the point that made me [suffer]. That wedding took place without the participation of my siblings and relatives. None of my relatives was aware of the marriage.”]; **D219/494.1.11** Yi Laisov, T. 20 Aug 2015, 14.14.31-14.16.03 [forcibly married in Paoy Char Commune, Battambang Province, Northwest Zone, late 1978: “A: My relatives or siblings did not attend the wedding



forced marriages as “inferior marriages” because they lacked both “the permission of parents as well as the customary validation and legitimacy conferred by traditional ceremonies.”<sup>2909</sup>

807. In addition to suffering caused by the marriage itself, Cambodian men and women were deeply traumatised by forced consummation. Numerous victims recounted the terror that pervaded their nights as newlyweds, and the pressure they felt to consummate the marriage or to hide the fact that they had not had sexual intercourse.<sup>2910</sup> Some recalled

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at the time. Q: How did you feel at the time when you saw no one from your family in the wedding? A: I was really disappointed because my parents were not allowed to attend the occasion at the time.”]; **D219/444.1.8** Chum Neou, T. 24 Aug 2009, 10.31.10-10.34.14 [in Phnom Penh, 1976: “We were noticed in the morning that the marriage would be at 2 p.m. I was shocked and I asked [...] them whether my relatives or my parents were invited from the village. He said ‘no.’ So I was not happy during my marriage on the wedding day. But because the time was set [...] I could not refuse and I was explained [...] that we should regard Angkar as our parents who arrange our marriage and we should just agree to the proposal. So actually I was tearful during the wedding day. I was upset that none of my relatives from my village was informed.”]; **D219/494.1.3** Khin Vat, T. 29 Jul 2015, 15.38.30-15.40.38 [forcibly married in Kampong Chhnang Province, West Zone, late 1977: “It was unfortunate enough that my parents were not aware of my marriage; moreover, I had to remain committed, and ready to endure all sorts of hardship ahead.”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 15.49.18-15.51.07 [in Siem Reap Province, North Zone, late 1975: “there was no permission at all from our parents, they just mixed and matched us, and that’s how we all wept.”]; **D117/68** Va Limhun WRI, A20, EN 01046941 [in Kampong Siem District, Sector 41, Central Zone, late 1977: “I would have been happier if my parents had arranged the marriage for me no matter if the groom were rich or poor.”]; **D219/738.1.35** CDP Questionnaire No. 92 Transcript, A44, EN 01221163 [in Battambang Province, Northwest Zone, 1978: “I was so angry that I was forced [...] to get married and my parents weren’t involved in my marriage.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037042-43, 01037075 [“Disappointment is the prevailing emotional response of case study interviewees to their forced marriages – at having lost the opportunity to exert control over a major life decision such as marriage and to not have that life decision validated and legitimized by family and ancestors.”].

<sup>2909</sup> **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037073.

<sup>2910</sup> **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 15.06.30-15.08.15 [in Prey Chhor District, Sector 41, Central Zone, 1977: “the only thing that I was thinking is [...] that if I did not go along well with him and Angkar knew about it, Angkar would send me to be killed, but I tried to behave myself not to allow any of my peer to know my true feeling.”]; **D5/1166/3.1** Om Yoeun, T. 23 Aug 2016, 09.15.51-09.20.29 [in Chamkar Leu District, Sector 42, Central Zone, late 1977 or early 1978: “I was afraid that I was being monitored [...] at night time, the guards monitored us. And if we did not consummate our marriage, then measures would be taken. And for that reason, I agreed to sleep with my husband”], 13.34.47-13.36.01 [“I did not shout nor did I protest because I was frightened. So I agreed to – I finally agreed to let him do it. But I was so upset. I was so angry”]; **D347/2.1.42** Say Naroeun, T. 25 Oct 2016, 10.48.09-10.49.44 [in Chamkar Leu District, Sector 42, North Zone, 1975: “Q: How did you feel when you consummated your marriage with the man whom you did not love? A: I felt difficult to breathe in my heart because in my whole life, I never encountered such an incident. And as a Khmer woman, nothing is more important than our body. Although I was fearful and trembling, I thought to myself that I had to give my body to my husband in order to fulfil the requirement of Angkar. It was so painful for me.”]; **D219/888.1.8** Nget Chat, T. 24 Oct 2016, 16.03.42-16.06.35 [in Bakan District, Pursat Province, Northwest Zone, August 1978: “We consulted among each other [about whether to consummate the marriage] that we should not oppose and we should [keep] quiet because there were young militiamen walking nearby listening to us. [...] So we did not dare to make any noise. We kept quiet because we saw cases where people were taken away to be killed. So we did not dare to even whisper to each other.”]; **D219/702.1.104** Chum Samoeurn, T. 24 Jun 2015, 14.25.08-14.27.34 [in Kampong Chhnang Province, West Zone, 1978: “after the marriage we were asked to go to our sleeping quarter -- that is, our room, my whole body was trembling and I was very afraid and I told him, ‘please don’t do anything to me’, and the man did not do anything to me, I was fortunate

trembling with fear.<sup>2911</sup> Va Limhun, a victim of forced marriage in Kampong Siem District in the Central Zone, testified that all she could think of “was when [she] would be taken to be killed.”<sup>2912</sup> Others described the emotional difficulty of being forced into conjugal relations with a person they did not love,<sup>2913</sup> particularly given the absence of

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enough for that. Then I heard footsteps outside the room, I began to tremble again.”], 14.29.45-14.31.35 [“There were militias who came to eavesdrop on us, but they did nothing. I did not know whether these militias were armed because I did not see them, I only heard their footsteps. [...] They wanted to know whether we consummate[d] the marriage.”], 14.31.35-14.32.40 [“In fact we did not consummate our marriage as I was afraid of him. Of course we Cambodian girls would not willingly give ourselves to the men that we just knew and for that reason my body was trembled and I actually begged him to keep a secret that we did not consummate our marriage.”]; **D117/68** Va Limhun WRI, A36, 42-43, EN 01046945-46 [in Kampong Siem District, Sector 41, Central Zone, late 1977: “Q: Did your husband wan[t] to sleep together? A: He was shy, and I was afraid. [...] My unit chief, Chhen, told me straightaway that after the hand-holding ceremony, if I did not get along with my husband, I would be taken to be killed. [...] Q: How did you feel after the first night having slept with your husband? A: I was still frightened, and I was always thinking of when I would be taken to be killed.”].

<sup>2911</sup> **D347/2.1.42** Say Naroeun, T. 25 Oct 2016, 10.48.09-10.49.44; **D219/702.1.104** Chum Samoeun, T. 24 Jun 2015, 14.25.08-14.27.34.

<sup>2912</sup> **D117/68** Va Limhun WRI, A43, EN 01046946.

<sup>2913</sup> **D219/888.1.7** Preap Sokhoeun, T. 20 Oct 2016, 14.31.22-14.35.06 [in Prey Chhor District, Sector 41, Central Zone, 1977: “I often went outside, I would be asked where I was going. At that time, I did not have any feelings toward my partner. I lied to them that I went out to relieve myself. I actually went outside to pass the time so that I did not have to be near with the man. [...] I did not have any feeling to have sexual intercourse with the man whom I did not love. When he was sleeping, I would sit up and if he sat up, I would go outside because I was afraid he would force himself on me. When I was at the union, I usually went outside. I rarely slept near him.”]; **D219/702.1.10** Cheang Sreimom, T. 2 Feb 2015, 09.27.16-09.29.40 [in Nhaeng Nhang Commune, Takeo Province, Southwest Zone, 1977: “We had to decide to follow and to agree and to be together regardless whether there was love in between the couple. Although we physically stayed together as a husband and wife, but inside, our feeling was different. But because of the fear, we decided to follow the instruction of Angkar; otherwise we would be in danger – that is, fatal danger.”]; **D5/190/5** Em Oeun, T. 23 Aug 2012, 15.55.36-15.59.41 [in Sector 20, East Zone, either 1977 or 1978: “it was very difficult at the time. My wife did not love me either, so, whenever we stayed together at night, we [cried] to each other. [...] And I was a man; I suffer from it, but I could also imagine the feeling of the lady; she was suffering from it as well. And when we – at night, we discuss to each other, and if we refused [to consummate], then we would be killed eventually. So we had to force ourselves in order to satisfy those who arranged for us. So we had to concede to this. It took me approximately two weeks or so to decide to consummate the marriage with my wife. This was the suffering I had to endure at that time.”], 15.59.41-16.01.45 [“We understood that we would be under constant watch, days and nights, and we thought that we would be killed if we did not express our love to one another, just to pretend we love one another to please the others.”]; **D219/494.1.3** Khin Vat, T. 29 Jul 2015, 15.38.30-15.40.38 [in Kampong Chhnang Province, West Zone, late 1977: “My husband advised me not [to] say anything as he would not harm me although I did not love him, and I would be dead if I happened tell anyone that I did not love him. He said people who were living around us were actually monitoring us, and trying to listen to us. Having heard that, I got scared. I then forced myself to accept him as my husband. On the other hand I also felt pity on him.”]; **D219/306** Soen Ban WRI, A33, EN 01111917 [in Battambang Province, Northwest Zone, February 1978: “it was very hard for me to have to get married with the person I did not love. But because I was afraid of being killed, I had to do it.”]; **D310/1.1.9R** Video, *2013 Women’s Hearing with the Young Generation on Gender-Based Violence during the Khmer Rouge Regime*, 24 Sep 2013, 08:36-08:47 [Mom Vun, who was forcibly married in Siem Reap Province, North Zone, late 1975, recalled: “At night when we were going to bed as a couple who did not love each other, we told each other now we pretend to live together until we were free, when we could live separately.”]; **D5/1169** Ing Mom CPA, EN 01143535 [in Tonle Bet District, Kampong Cham Province, East Zone, 1978: “During the Khmer Rouge regime, they abused me physically and emotionally by forcing me to marry a man I did not love [...]. Forcing myself to live with a person I did not love was extremely hard.”].

parental consent.<sup>2914</sup>

808. When couples were forced to have sexual intercourse, the relationship was deeply affected and either one or both partners sustained physical and/or mental trauma.<sup>2915</sup>

Preap Sokheoun, who was forcibly married in Prey Chhor District, testified:

First, it was the pain he inflicted upon me physically, and second, morally I was hurt[.] I did not intend to have a husband and wife relationship at all and there was nothing I could do besides weeping

<sup>2914</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 15.50.21-15.51.20 [“a loss of parental consent to the husband was a big traumatic experience and now that she was forced to actually have the relationship, sexual relationship, with the man by breaking her virginity without her parents’ consent [...] put her into another traumatic experience.”]; **D219/888.1.7** Preap Sokheoun, T. 20 Oct 2016, 15.41.55-15.43.36 [in Prey Chhor District, Sector 41, Central Zone, 1977: “As a woman, I usually respected the tradition and adhere[d] to the advice of my parents that I should only give my virginity to the man only when my parents were present [at the wedding], but at the time, my parents were not there. I still feel regret today. I should not have lost my virginity without the presence of my parents in the wedding day according to Cambodian tradition and customs.”].

<sup>2915</sup> **D219/888.1.2** Kasumi Nakagawa, T. 13 Sep 2016, 15.45.55-15.48.27 [“forcing a man to rape somebody is [an] inhuman act. Not all men could do it, first of all, but they were forced to do that. And the fear is unmeasurable how he was scared if he failed to do it. And many women were apparently very scared or they were showing the emotion that they don’t want to accept the husband. And under such terrible circumstances, men had to complete it. [...] And I’m sure that it impacted over the marriage life, that the husband might have been feel[ing] guilty to the wife or [...] scared that his wife would never love him and that might have remained as a scar or a trauma for a long period of time”], 15.48.27-15.51.20 [“Some rape happened in a very violent way as I have documented. The husband used violence, but some rapes were not violent as I documented, but the men were forced to rape their wife and the wife had to be raped by the husband. This leaves a lot of traumatic experience for the wife.”]; **D219/888.1.7** Preap Sokheoun, T. 20 Oct 2016, 15.11.22-15.15.38 [in Prey Chhor District, Sector 41, Central Zone, 1977: “I cried and I said my father would not allow any man to do that to me because I was a woman and that he was a man, but he says that that was Angkar’s instructions and that he had to follow that instruction. I kept weeping that night, throughout the whole night. [...] I hurt physically and morally. First, it was the pain that he inflicted upon me physically, and second, morally I was hurt[.] I did not intend to have a husband and wife relationship at all and there was nothing I could do besides weeping and I regretted for what happened and that I betrayed my father’s words. So all these things added together caused me [to worry] and I could not sleep and I could not eat and I became pale.”]; **D219/888.1.6** Pen Sochan, T. 12 Oct 2016, 14.22.27-14.24.17 [in Bakan District, Pursat Province, Northwest Zone, 1978: “he beat me during the very first night. I begged him and I wore two layers of pants and I begged him to stop mistreating me. So that night, he slapped me; he beat me up, but he didn’t do anything else since I begged him. I wept and after that, since he was also exhausted; then he slept”], 14.39.32 [“On the third night, I remember[ed] that from the words of Comrade Om that if I continued to refuse, I would die. On that night, I went [in to] sleep there, but I still did not want to do it. I wore two trousers and there were three militiamen [who] came to tie my hands to a pillar [...] and I was raped successfully [by my husband]. I was bleeding for more than one month as a result of that incident.”], see also the documentary focused on Pen Sochan’s experience in which she describes her anguish: **D310/1.1.11R** Video, *Red Wedding*, 2011, 11:00-11:34 [“I feel sorry for myself because I was forced to marry! [...] I feel sorry for my body. And I hate them. I want to cut the parts of my body that my husband touched at that time. Without tranquilizers, I can’t sleep. I take them every day.”], 26:15-26:38 [“If I talk about it, I cry. The tears flow like the words. I feel so much regret. [...] So I try to hide this story and suffer all alone.”]; **D219/136** Than Yang WRI, A45, 47, EN 01072532-33 [in Kampong Siem District, Sector 41, Central Zone, late 1978: “Q: How did you feel when you had sexual intercourse that you did not want? A: I felt afraid. I cried, but my husband covered my mouth so that other people would not hear. After that, I always had that kind of feeling, but I dared not tell anyone. [...] I continued to be afraid, and to cry during the three-month period. [...] when I think of this experience, I almost shed tears.”].

and I regretted for what happened. [...] I could not sleep and I could not eat and I became pale.<sup>2916</sup>

809. The psychological and physical effects of forced marriage and forced consummation have been long-lasting. With respect to physical harms, a study conducted by the Transcultural Psychosocial Organisation (TPO) concluded that victims of the “abuse, beatings, and rapes” associated with DK unions often experience “negative sexual functioning”, which includes gynaecological problems, and lost or lowered sexual interest.<sup>2917</sup> With respect to psychological harms, the TPO study found:

More than two-thirds of all respondents (70.2%) reported ongoing mental health problems, describing these in an open-ended question as ‘dissatisfied with life’ and grave disappointment from the forced marriage, especially when ‘attending wedding ceremonies or hearing traditional wedding songs.’ Some reported being quick to anger, others of panic attacks, and still others of lingering emotional trauma when they remember their forced wedding ceremonies. Symptoms described included ‘shaking inside,’ ‘sadness and suffering’ and recurring nightmares, particularly of spousal rape during the forced marriage.<sup>2918</sup>

810. In particular, many victims of forced marriage and forced consummation have internalised a deep sense of shame and self-blame.<sup>2919</sup> In struggling with these feelings

<sup>2916</sup> **D219/888.1.7** Preap Sokhoeurn, T. 20 Oct 2016, 15.12.50-15.15.38.

<sup>2917</sup> **D301/2.1.21** Theresa De Langis et al., *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037059.

<sup>2918</sup> **D301/2.1.21** Theresa De Langis et al., *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037059. See also **D219/738.1.4** CDP Questionnaire No. 16 Transcript, A44, EN 01220833-34 [Khmer Krom respondent forcibly married in Kirivong District, Takeo Province, Southwest Zone: “I have nursed these sufferings and hatreds of A Pot (called Pol Pot with anger). We were forced to [...] sleep with husband, and the village militiamen spied into my sexual activity. I have got me[n]tal depression.”]; **D267.1.78** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003539 [regarding a respondent who was forcibly married in Bakan District, Pursat Province, Northwest Zone, late 1977: “She used to regularly experience suicidal thoughts”]. EN 01003560 [in regard to another respondent who was forcibly married in Bakan District, Pursat Province, Northwest Zone, 1977: “Sometimes she thinks about killing herself but it is impossible because she worries a lot about her children and their future life.”], EN 01003572 [a respondent who was forcibly married in Battambang Province, Northwest Zone, 1977: “has never thought of getting married again as she’s afraid that a new man might hurt her and her children.”]; **D310/1.1.11R** Video, *Red Wedding*, 2011, 11:00-11:34 [Pen Sochan, forcibly married in Bakan District, Pursat Province, Northwest Zone, 1978: “I want to cut the parts of my body that my husband touched at that time. Without tranquilizers, I can’t sleep. I take them every day.”], 20:36-21:16 [“What happened under the Khmer Rouge remains in my heart forever. I can’t sleep at night. I have nightmares, I wake up with headaches and dizziness. [...] My whole life I will carry my sufferings from the Khmer Rouge time.”]; **D301/2.1.21** Theresa De Langis et al., *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037073 [respondent from Case Study 8, a Muslim Khmer woman, told researchers: “It is because of forced marriage that I can’t marry a better man. I did not remarry after the divorce because I was afraid my next husband would harm me again and might not be good to my children.”].

<sup>2919</sup> **D347/2.1.40** Mom Vun, T. 20 Sep 2016, 09.49.26-09.51.21 [in Siem Reap Province, North Zone, late 1975: “I was asked to get married with my husband, and I was forced to consummate my marriage with my husband like a pig. It is a[n] indefinable shame for me.”]; **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 14.39.23-14.41.16 [“Q: Earlier, you glossed over the shame that you talked about when you were talking

and harbouring fears of societal stigmatisation or of hurting their children, some have kept their experiences to themselves for decades.<sup>2920</sup> In certain cases, victims' fears of ostracisation have been realised, with communities "look[ing] down" upon victims and their families and excluding them from social events, especially from taking part in wedding ceremonies.<sup>2921</sup> A female respondent in the TPO study noted:

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- about your first night together and how the militiamen took your husband's member and put it inside of you. [...] Given the context of having to have sex and having to do it while being watched by militiamen [...] Can you tell us what effect this had on you and your self-confidence afterwards? A: After that day I felt humiliated. I felt the pain. I wanted to protest but I did not dare because I was afraid I would be killed. And I just pretend[ed] it was my bad luck, the only humiliation that I face in this life."]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037035 ["case studies illuminate the internalized disappointment and shame many victims carry as a result of the assigned match."], EN 01037076 ["Self-blame and isolation [...] are a few of the costs paid by women due to the stigma attached to Khmer Rouge forced marriages"], EN 01037076 [noting that in certain cases, feelings of shame are intrinsically linked to the fact that victims did not experience a traditional Khmer wedding, and that their marriages were not approved by family and ancestors.]; **D267.1.78** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003539 [the respondent was forcibly married in Bakan District, Pursat Province, Northwest Zone, late 1977: "[Lay Kimchean] felt like she was not a valuable or strong person, and would always compare herself to other people, getting upset because she felt lonely, weak, as she was forced to marry. She thought that because of these reasons people did not value her as a person."], EN 01003560 [the respondent was forcibly married in Bakan District, Pursat Province, Northwest Zone, 1977: "[Om Yan] continues to suffer from this marriage, and feels that she is not a valuable person and that is why her husband's family does not accept her."], EN 01003572 [the respondent was forcibly married in Battambang Province, Northwest Zone, 1977: "Ms. Pheap [...] feels she had shamed her children by failing to marry a good man."].
- <sup>2920</sup> **D347/2.1.38** Mom Vun, T. 16 Sep 2016, 11.13.35-11.16.02 ["I did not dare to speak about the second marriage because I was ashamed of it. [...] when I was called to attend a TPO forum, younger women spoke openly about forced marriage and when I observed that then I raised my hand and I said that I was also forced to marry and that's how it went."], *see also* the video of the TPO forum featuring Mom Vun at **D310/1.1.9R** Video, *Women's Hearing with the Young Generation on Gender-Based Violence during the Khmer Rouge Regime*, 24 Sep 2013, 09:42-10:04 [Mom Vun: "I feel so embarrassed and regretful in my life. I was so unfortunate to suffer all this. I will never forget even when I die. I can't hide it anymore, I want the public to know it."]; **D219/83** Suon Yim WRI, A39, EN 01054037 [the witness was forcibly married in Kampong Siem District, Sector 41, Central Zone, 1978 (*see* A3): "Q: Do your children know about your marriage [being forced]? A: No, they do not because I do not want them to know about this. I have never told my family members or friends about this because I think that telling them has no merit."]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037035 ["Parents in particular reported in case studies difficulty in sharing the truth about the forced marriage with children born out of the union. Of those who have not shared their forced marriage experience with others, more than half (52.6%) reported feelings of shame, while more than one-third (36.8%) reported fear of stigma and discrimination."]; **D267.1.78** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003572 [a respondent forcibly married in Battambang Province, Northwest Zone, 1977: "Ms. Pheap feels ashamed talking to others (especially her neighbors) or being reminded about her experience of forced marriage."]; **D310/1.1.12R** Video, *Women and Transitional Justice*, 2012, 04:00-04:09 ["Often survivors have not spoken of their experiences due to feelings of shame for themselves and their families, and fear of discrimination."]; **D310/1.1.11R** Video, *Red Wedding*, 2011, 25:45-26:11 [Pen Sochan, who was forced to marry in Bakan District, Pursat Province, Northwest Zone, 1978: "If I talk about it to my children, who love me, they will be ashamed. [...] I will regret it all my life. That's why I don't talk about it to anyone, not even to my children."].
- <sup>2921</sup> **D347/2.1.40** Mom Vun, T. 20 Sep 2016, 09.49.26-09.51.21 [the Civil Party was forcibly married in Siem Reap Province, North Zone, late 1975: "I was looked down [on] by others."]; **D219/136** Than Yang WRI, A57-58, EN 01072534 [the Civil Party was forcibly married in Kampong Siem District, Sector 41, Central Zone, late 1978: "My daughter knew that I was forced to get married. She felt the pain of that. People

[My forced marriage] still impacts me now like I am wearing the ‘torn pants’ [a sign of shame]. I rarely go to other people’s houses. I stay mostly alone at home. [...] I feel shame, so much shame, and I do not want anyone to know about my past.<sup>2922</sup>

811. For a variety of reasons, many couples forcibly married during the DK regime decided to stay together afterward: some grew to love the person with whom they had been matched and survived so much together, some felt obligated, some wanted to avoid stigma, and still others stayed for the sake of their children.<sup>2923</sup> A number of victims

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looked down on both children and parents who were forced to get married. [...] It affected us. Some people said that I got married because I was afraid of having no husband. But I explained to them that I was forced to get married.”]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037059 [“Respondents reported forced married couples being looked down upon and ostracized by the community, with one respondent saying, ‘There is a lot of discrimination against my family because I was forced to marry during the Khmer Rouge time.’”], EN 01037076 [“It seems women in particular have carried the shame and stigma associated with forced marriages, which translated into a more general devaluation of women’s social status. [...] Shame and blame shifted [o]nto (female) victims by the community is mentioned in the majority of interviews with the women in the sample.”], EN 01037076 [“loss of access to spiritual arenas, love and rituals of love; loss of emotional support and economic opportunities are a few of the costs paid by women due to the stigma attached to Khmer Rouge forced marriages [...] Children also faced community stigma and discrimination. [One respondent recounted:] ‘Some people in the village do not want their children to marry my children. I heard this with my own ears.’ [...] [another female respondent stated:] ‘My daughter and son are also not invited to be in the wedding parties, as a bride’s maid and groom’s man, because they have no father. Even at my own daughter’s wedding, I could not participate in the rituals [...] All because I made a mistake with that marriage [...] This affects both children and mother for the rest of our lives. If Pol Pot had not forced me to marry, I could have had a traditional wedding and my children and I would now have a good reputation.’”]; **D310/1.1.12R** Video, *Women and Transitional Justice*, 2012, 04:08-04:41 [forced marriage victim Hang Orn explains: “My community says I’m not a good woman. They say I didn’t get married traditionally. They look down on me. Moreover, they look down on my kids, too. For weddings, they don’t ask us to be bridesmaids. They don’t consider us as normal like everyone else.”].

<sup>2922</sup> **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037076.

<sup>2923</sup> **D347/2.1.42** Say Naroeun, T. 25 Oct 2016, 11.15.50-11.17.20 [the Civil Party was forcibly married in Chamkar Leu District, Sector 42, North Zone, 1975: “After the liberation year, I decided to remain in the relationship because I had pity for my child, who was born during the war time. On the other hand, I am a Cambodian woman, I do not want to see my child having a second father or for me to have a second husband. And for that reason, I remained in relationship, although my feeling hurt. Everything was done for the sake of my child, and I tried to survive with the pains that I carry every day.”]; **D219/888.1.8** Kul Nem, T. 24 Oct 2016, 14.39.41-14.42.55 [the Civil Party was forcibly married in Mondulkiri Province, Northeast Zone, 1977: “Q: Earlier, you spoke of the fact that you had a fiancée in the village and that you saw her after the regime. Did you think, at any point, after the regime of getting separated from your wife? A: I wanted to separate from her, but I could not because we got married already. I did not dare, I was afraid. I had to stay with her because I thought that my mother was a woman and my wife was also a woman, so I chose to apologize to my fiancée and compensated to her with 3 ‘chi’ (phonetic) of gold after the Vietnamese liberated the country”]; **D219/83** Suon Yim WRI, A14, EN 01054033 [the witness was forcibly married in Kampong Siem District, Sector 41, Central Zone, 1978 (*see* A3): “[After the Vietnamese arrived] I wanted a divorce, but my husband did not agree, so I decided to stop thinking about divorce. If only one side wanted a divorce, they could not divorce. This was not a legal requirement, but we lived in the same house with each other, so if I wanted a divorce I had to leave this village. We have two children. [...] I did not want my children to have a difficult life, so I decided to continue living with him.”]; **D267.1.78** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003549 [Heng Kuylang was forcibly married in Battambang Province, Northwest Zone, 1977: “Despite the forced circumstances of their marriage, she and her husband are still together to this day. The relationship with her husband is not good and they do not love each other. [...] The biggest reason she feels unable to break

remained in such relationships despite continued spousal abuse.<sup>2924</sup> The fact that some forced marriages endured past 1979 has no bearing on the fact that the crime of forced marriage was perpetrated at the DK government's behest and couples were forced to marry without their consent at the time.

812. The victims of the CPK's forced marriage and forced consummation policies paid a high cost for the regime to pursue its revolutionary goals. Many are still paying that price some 40 years later. Forced marriage and the rapes committed (through the forced consummation of these marriages) by DK officials, including **Yim Tith** and his

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up with her husband is the children. [...] Their marriage, at one point, nearly ended. She couldn't do it because she did not want others to look down on her children as the children of a single mother."]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037043 ["Toy-Cronin's research discusses the variety of reasons as to why couples may have remained together, focusing attention on women: a desire to maintain the family unit especially when children were born out of the marriage, financial necessity, a need for protection and mutual care, or the influence of cultural norms against separation."], EN 01037071 ["Children are mentioned as a prime motivation by all of the interviewees when recounting marriages that remained intact for at least for a period of time."], EN 01037075 ["Some couples remained together out of love, for the sake of children or out of a sense of duty."], EN 01037079 ["More than one-half of all respondents (53.1%) stayed in their forced marriages after the fall of the Khmer Rouge regime, largely motivated by children born in the marriage, as described in case studies. Other motivations to stay in the marriage included pity, trans-generational karmic consequences, the importance of shared traumatic experiences during the regime, and, after all, love."]; **D219/882.1.21** Kasumi Nakagawa, *Motherhood at War*, EN 01322857 ["It was socially unacceptable for women to remain single."], EN 01322885 ["Ms. Bun Phalla was forced to marry and consequently had a baby girl from the forced marriage, and she stayed with her husband after the KR regime. About this marriage, Ms. Bun said. 'My husband loved me and took good care of our children. That was why I stayed with him.' Many women shared the same view as her when asked why they remained married to a man whom they were forced to marry. She never loved this husband that she was forced to marry, but until his death a few years ago they stayed together as a couple. Some women also said that they preferred to keep stability in their lives, particularly when they already had a child."]; **D219/882.1.24** Peggy Levine, *A Contextual Study into the Wedding and Births under the Khmer Rouge: The Ritual Revolution*, EN 00482550 [noting that pity for the other person was one of the reasons given for staying with a spouse].

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**D5/1234/4.1** Sieng Chanthay, T. 1 Mar 2016, 10.46.05-10.47.17 [the Civil Party's sister was forcibly married in Svay Rieng Province, East Zone, 1978: "Yes, [my sister and her husband] are still husband and wife, but the – but her husband constantly harms her physically and psychologically. He is always drunk, and causes all sorts of problems each and every day. My sister has to endure all of these things, but both of them still live together for the sake of her children and grandchildren. My sister bears the suffering, and lives with her husband."]; **D219/738.1.13** CDP Questionnaire No. 56 Transcript, A44, EN 01220941 [the respondent was forcibly married in Bakan District, Pursat Province, Northwest Zone: "Though I live with my husband until today, we have many problems. He always threatens/bullies the children. For sex, I only agree to have sex with him after his threat/bully."]; **D301/2.1.21** Theresa De Langis *et al.*, *Like Ghost Changes Body - A Study on the Impact of Forced Marriage under the Khmer Rouge Regime*, EN 01037075 ["Those marriages that did remain intact, even for a period of time, were likely to be abusive, according to the case study interviews (and validated by quantitative study results)."], EN 01037071 ["Abusive forced marriage can be expected to be among the hardest to dissolve due to retaliation, economic dependency, fear of relinquishing children and trauma resulting from the abuse."], EN 01037079 ["Many of the forced marriages that remained intact are reported as dysfunctional, with more than half (52.9%) in the survey sample reporting spousal abuse"]; **D267.1.78** Yim Sotheary, *The Past and Present of Forced Marriage Survivors*, EN 01003549 [Heng Kuylang was forcibly married in Battambang Province, Northwest Zone, 1977: "Despite the forced circumstances of their marriage, she and her husband are still together to this day. [...] The biggest reason she feels unable to break up with her husband is the children. Ms. Kuylang endures suffering from abuse of a mental, physical and sexual nature."].

subordinates in the Northwest Zone and particularly in Samlout District, at the Kampong Kol Sugar Factory, and in Reang Kesei and Kampong Prieng communes, were widespread, systematic, and of a gravity equal to other enumerated crimes against humanity.

f. CRIMES FOR WHICH INDICTMENT IS SOUGHT

813. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the crimes against humanity of other inhumane acts (forced marriage and rape) in relation to Samlout District, Reang Kesei Commune, and Kampong Prieng Commune, and other inhumane acts (forced marriage) in relation to the Kampong Kol Sugar Factory.<sup>2925</sup>

C. CRIMES AGAINST THE VIETNAMESE

1. INTRODUCTION

814. The Khmer Rouge's campaign to destroy the Vietnamese as an ethnic and national group within Cambodia particularly targeted the Khmer Krom, who were viewed by the Khmer Rouge as Vietnamese nationals. The CPK's plan encompassed the intentional deprivation of fundamental rights and the intentional killings of ethnic Vietnamese and Khmer Krom on a massive scale.
815. **Yim Tith** was a key member of the JCE that implemented the CPK plan to destroy the ethnic and national Vietnamese groups, particularly the Khmer Krom, along with individuals including Ta Mok and Yeay Rim. **Yim Tith** contributed to the campaign conducted by Southwest Zone cadres in the Southwest and Northwest Zones to target all

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<sup>2925</sup> The ICP notes that he seeks indictment for crimes of which the CIJs have been seised but have not yet charged Yim Tith. These are other inhumane acts (forced marriage) at Kampong Kol Sugar Factory in Sangkae District, and other inhumane acts (rape) at Samlout District, Kampong Prieng Commune, and Reang Kesei Commune. The CIJs were seised of these crimes by **D191** Second Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, paras 4-6. Under Rule 55(3), the CIJs were also seised of all facts set out in all Introductory and Supplementary Submissions, including **D191** Second Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, para. 4, fn. 11, which cites **D191.1.29** Khoen Choem Report on Civil Party Application, 30 Apr 2010. This report describes the evidence that committee houses were prepared for newlywed couples, which goes directly to the underlying reason for forced marriages, which was to grow the population through consummation of the forced marriages. In addition, Yim Tith's involvement in facilitating the couples' ability to consummate their marriages was mentioned in **D272/1** Response to Forwarding Order dated 5 November 2015 and Supplementary Submission Regarding the Scope of Investigation into Forced Marriage in Sectors 1 and 4, 20 Nov 2015, fn. 21. The evidence cited in the footnote includes evidence that Ta Mok told Yim Tith to transport beds, mosquito nets, and hammocks for the newlyweds, and three days later, the couples received these items along with a signed letter saying "From Sector 1 Committee, Tith". Forced consummation (rape), therefore, was indivisibly linked to forced marriage, and the two occurred contemporaneously. For all of these reasons, the CIJs were seised with the crimes of other inhumane acts (forced marriage and rape) at the locations as particularised.



those perceived by the CPK as part of the ethnic and national Vietnamese groups while serving on the Kirivong District Committee and Sector 13 Committee in the Southwest Zone and as a powerful *de facto* and *de jure* leader in the Northwest Zone. **Yim Tith** held authority in the two principal areas in which the Khmer Krom population were concentrated and subsequently killed – Takeo and Pursat provinces.

816. The ICIJ charged **Yim Tith** with the following crime in relation to the treatment of the ethnic Vietnamese, the evidence for which is detailed below and in the Kampong Kol Sugar Factory crime site section of this Submission: the crime against humanity of persecution on political and racial grounds, through the underlying acts of murder and extermination.<sup>2926</sup>
817. The ICIJ charged **Yim Tith** with the following crimes in relation to the treatment of the Khmer Krom, the evidence for which is detailed below and in crime site sections of this Submission: genocide through killings,<sup>2927</sup> deliberate infliction of conditions of life calculated to bring about destruction,<sup>2928</sup> and causing serious bodily or mental harm,<sup>2929</sup> and, the crime against humanity of persecution on political and racial grounds<sup>2930</sup> through the underlying acts of murder, extermination, deportation, enslavement, imprisonment, torture, and other inhumane acts (forcible transfer, forced marriage, confinement in inhumane conditions, and working in inhumane conditions).<sup>2931</sup>
818. The following sections will first outline how the Vietnamese and Khmer Krom formed a particular group and that the CPK considered them as such. The CPK's *animus* towards the Vietnamese and Khmer Krom will subsequently be discussed. Finally, **Yim Tith** and

<sup>2926</sup> Northwest Zone: Kampong Kol Sugar Factory. See **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426072.

<sup>2927</sup> Southwest Zone: Wat Pratheath Security Centre, Kraing Ta Chan Security Centre, Preal Village execution site, Wat Angkun execution site, Slaeng Village forest execution site, Wat Ang Srei Muny Security Centre and Prey Sokhon execution site. Northwest Zone: Kampong Kol Sugar Factory, Phum Veal Security Centre, Svay Chrum Security Centre, Tuol Seh Nhauv execution site, Prey Krabau execution site, Kampong Prieng Commune, and Reang Kerei Commune. See **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068-69.

<sup>2928</sup> Southwest Zone: Preal Village execution site, Wat Angkun execution site, Slaeng Village forest execution site. See **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068.

<sup>2929</sup> Northwest Zone: Phum Veal Security Centre, Svay Chrum Security Centre. See **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069.

<sup>2930</sup> Southwest Zone: Wat Pratheath Security Centre, Kraing Ta Chan Security Centre, Preal Village execution site, Wat Angkun execution site, Slaeng Village forest execution site, Wat Ang Srei Muny Security Centre and Prey Sokhon execution site. Northwest Zone: Kampong Kol Sugar Factory, Phum Veal Security Centre, Svay Chrum Security Centre, Tuol Seh Nhauv execution site, Prey Krabau execution site, Kampong Prieng Commune, and Reang Kerei Commune. See **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426066-75.

<sup>2931</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426070-75.

his fellow JCE members' dissemination of the plan to destroy the Vietnamese and their implementation of this plan in Sector 13 of the Southwest Zone and Sectors 1, 2, and 7 of the Northwest Zone will be demonstrated.

## 2. THE VIETNAMESE AND THE KHMER KROM AS A DISTINCT GROUP

819. The Vietnamese are a separate ethnic group in Cambodia, distinguished from other groups by traits such as physical features, language, and customs.<sup>2932</sup> Some Khmer consider people of Vietnamese ethnicity to have different facial features<sup>2933</sup> and a lighter complexion.<sup>2934</sup> Vietnamese were also said to speak with a different accent from Khmer people<sup>2935</sup> or to not speak Khmer clearly.<sup>2936</sup>
820. "Khmer Krom" is a term used to refer to ethnic Khmer people who were born in or descended from those born in Kampuchea Krom, "lower Cambodia", an area in the southern part of Vietnam during the DK regime. The CPK considered the Khmer Krom connected to, and part of, the Vietnamese group because of their connections to Vietnam.
821. Like the Vietnamese, Khmer Krom were said to speak Khmer with an accent<sup>2937</sup> and were thought to have a lighter skin tone than the Khmer.<sup>2938</sup> Khmer Krom were also

<sup>2932</sup> See, e.g. **D219/879.1.17** Centre for Advanced Study, *Ethnic Groups in Cambodia*, EN 00489295-96, 301, 318.

<sup>2933</sup> **D347/2.1.22** Sean Song, T. 27 Oct 2015, 15.16.42-15.18.58; **D347/2.1.23** Sean Song, T. 28 Oct 2015, 09.10.18-09.12.27; **D219/792.1.4** Sieng Chanthly, T. 29 Feb 2016, 15.45.29-15.48.05.

<sup>2934</sup> **D289.7** Prak Doeun, T. 2 Dec 2015, 11.24.41-11.27.26; **D219/792.1.4** Sieng Chanthly, T. 29 Feb 2016, 15.45.29-15.48.05; **D5/1234/4.1** Sieng Chanthly, T. 1 Mar 2016, 09.34.42-09.36.28.

<sup>2935</sup> **D347/2.1.24** Um Suonn, T. 9 Dec 2015, 13.45.54-13.50.45; **D347/2.1.27** Lach Kry, T. 20 Jan 2016, 15.07.25-15.09.05; **D347/2.1.30** Meas Voenn, T. 2 Feb 2016, 16.06.12-16.07.30; **D347/2.1.24** Prum Sarun, T. 8 Dec 2015, 14.02.58-14.05.55, 15.56.14-15.58.00; **D5/1234/4.1** Khoy Muoy alias Khuoy Moy, T. 1 Mar 2016, 13.40.22-13.42.20. See also **D219/649** Loem Tim WRI, A76, EN 01207442; **D118/233** Lach Sem WRI, A19-20, EN 01055577; **D118/45** Hem Chhuon WRI, A30, EN 00923041; **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197566-67.

<sup>2936</sup> **D347/2.1.29** Doung Oeurn, T. 25 Jan 2016, 11.17.27-11.19.04.

<sup>2937</sup> Kirivong: **D118/233** Lach Sem WRI, A19-22, EN 01055577, A24-25, EN 01055578, A29-33, EN 01055578-79; **D118/269** Thann Thim WRI, A55, EN 01035012; **D118/291** Khin Suo WRI, A168, EN 01031856; **D118/203** Doek Pet WRI, A92, EN 00985598. Tram Kak: **D118/300** Tem Bunly WRI, A202, EN 01045439; **D219/918** Sen Soy WRI, A27, EN 01476148; **D118/133** Say Sen WRI, A90, EN 00969630; **D219/135** Yin Teng WRI, A10, EN 01067032. Koh Andet: **D219/568** Mom Phalla WRI, A112, 122, EN 01182735-37. Northwest Zone: **D118/174** Oem Pum WRI, A18, EN 00981774; **D118/170** Sek Sam At alias Yeay Rim WRI, A166, EN 00980016; **D118/288** Lay Bony WRI, A16, 18, EN 01066758-59; **D219/639** Keo Meur WRI, A88, EN 01198193; **D219/796** Khay Chhauy WRI, A133, EN 01485098; **D118/173** Van Chauk WRI, A46, EN 00981761; **D219/157** Khay Chhauy WRI, A16, EN 01066847; **D118/123** Thoeuk Yoeun WRI, A32, EN 00975877; **D118/191** Nget Chat WRI, A76, EN 00986719; **D118/125** Chab Khuong WRI, A83-84, EN 00976594; **D219/277** Soem Chhean WRI, A48, EN 01098514; **D219/125** Srey Soeum WRI, A172, EN 01067749; **D118/122** Thek Bunroeun WRI, A42, EN 00975866; **D118/246** Meas Voern WRI, A90, EN 01034941; **D219/221** Heng Sieng WRI, A24, EN 01104758; **D219/733** Kem Phen WRI, A73, EN 01238123; **D118/256** Seng Eng WRI, A8, EN 01025243; **D118/124** Koem So WRI, A13, EN 00975886; **D219/309** Saoy Yen WRI, A5, EN 01111931.

<sup>2938</sup> **D219/758** Oem Lun WRI, A16, 21, 23, EN 01251820; **D219/125** Srey Soeum WRI, A63, EN 01067737; **D219/42** Chech Sopha WRI, A89, EN 01050633.

identifiable by their clothing.<sup>2939</sup> Khmer Krom women, like Vietnamese women, wore pants, whereas Khmer women wore sarongs.<sup>2940</sup> Additionally, Khmer Krom used different names to Khmer:<sup>2941</sup> male Khmer Krom would take the same family name while female Khmer Krom used their father or grandfather's name as their family name.<sup>2942</sup>

822. Because of their distinct accent and culture, the Khmer Krom could be considered a distinct ethnic group. However, the evidence shows that the Khmer Rouge targeted Khmer Krom due to their origins in the territory, then within the borders of Vietnam, and considered the Khmer Krom linked to Vietnam. The Khmer Rouge thus targeted the Khmer Krom as part of their campaign to destroy the Vietnamese national group in Cambodia.<sup>2943</sup> Accordingly, the ICP suggests that for purposes of the definition of protected groups in the Genocide Convention and jurisprudence defining these terms, the Khmer Krom were part of the Vietnamese national group in Cambodia. The killings of Khmer Krom and ethnic Vietnamese were both part of the same Khmer Rouge plan to destroy the Vietnamese national group in Cambodia.

### 3. THE CPK POLICY TO DESTROY THE VIETNAMESE

#### a. THE CPK'S ANIMUS TOWARDS THE VIETNAMESE AND KHMER KROM

823. CPK propaganda frequently referred to Vietnamese nationals or Cambodian nationals of Vietnamese ethnicity as "Yuong".<sup>2944</sup> The *Black Paper*, published in 1978, defined "Yuong" as meaning "savage".<sup>2945</sup> Expert Alexander Hinton testified in Case 002 that the term "Yuong" signalled "hatred of the Vietnamese"<sup>2946</sup> and was "a word that can incite hatred and violence and in the context of DK it was an incitement to genocide."<sup>2947</sup>
824. The CPK used the term "Yuong" to refer to the Khmer Krom because they considered

<sup>2939</sup> **D118/269** Thann Thim WRI, A55, EN 01035012 ["They identified [the Khmer Krom] by the Khmer language accent and clothing. For instance, women wore trousers and shirts like Vietnamese ladies. I also knew that the Khmer Rouge had taken the Vietnamese to be exchanged for Khmer Krom."].

<sup>2940</sup> **D118/291** Khin Suo WRI, A41, 172, EN 01031840, 56.

<sup>2941</sup> **D118/128** Chao Ny WRI, A33, EN 00970007 ["They [The Khmer Rouge] could identify Khmer Krom people through accent, family names, and ways of life."].

<sup>2942</sup> **D118/291** Khin Suo WRI, A169, EN 01031856.

<sup>2943</sup> See, e.g. **D347/2.1.12** Chan Sokeat WRI, EN 00275057-58.

<sup>2944</sup> **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 15.54.30-15.55.47.

<sup>2945</sup> **D1.3.17.2** Ministry of Foreign Affairs of the Democratic Kampuchea, *Black Paper*, EN 00082517.

<sup>2946</sup> **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 09.15.50-09.17.13. See also **D347/2.1.30** Meas Voeun, T. 2 Feb 2016, 16.01.44-16.03.41.

<sup>2947</sup> **D219/792.1.9** Alexander Hinton, T. 17 Mar 2016, 12.10.24-12.11.14. See also **D347/2.1.10** Prince Norodom Sihanouk, *War and Hope*, EN 00349591 ["[Khieu Samphan] unabashedly told me that '[...] the best thing we could do was incite them to hate the Yuons more and more every day.'"].

Khmer Krom to be Vietnamese.<sup>2948</sup> As Ven Nat described it, “[t]he Khmer Krom people were not regarded as Khmer people. They were treated like the Vietnamese.”<sup>2949</sup> The Khmer Krom were accused of being “Yuon agents”,<sup>2950</sup> “Yuon’s string”,<sup>2951</sup> “Khmer changed for Yuon”,<sup>2952</sup> “Vietnamese puppets”,<sup>2953</sup> and having a “Yuon link”.<sup>2954</sup> The most common way the CPK described the Khmer Krom was having a “Khmer body and a Vietnamese head”.<sup>2955</sup>

<sup>2948</sup> **D118/209** Ek (UI) Hoeun WRI, A33, EN 00983571 [“every Vietnamese born in Cambodia was accused of being ‘Yuon’”]; **D118/128** Chao Ny WRI, A40, EN 00970009 [“they accused people of being Yuon spies.”]; **D118/181** Riel Son WRI, A164, EN 00982655 [“Khmer Krom couples with no children and elderly were accused of being Yuon spies.”]; **D219/918** Sen Soy WRI, A23-24, EN 01476147 [“Q: Which group of people do you refer to as Khmer Krom? A23: At that time, they were referred to as the Vietnamese. [...] A24: [...] Khmer Krom, who lived there [Kirivong District], were treated as Vietnamese. Anyone who knew how to speak Vietnamese was regarded as a Vietnamese. [...] They [the Khmer Krom from Kirivong District] were considered as Vietnamese. However, they were not Vietnamese; they were Khmer Krom.”]; **D219/918** Sen Soy WRI, A26, 34, EN 01476147-49; **D118/133** Say Sen WRI, A84-85, EN 00969629-30; **D118/130** Ry Pov WRI, A52, EN 00970032; **D118/226** Nget Vut WRI, A90, EN 01055758; **D219/42** Chech Sopha WRI, A89, EN 01050633; **D219/125** Srey Soeum WRI, A71, EN 01067738; **D118/193** Vorn Moch WRI, A45-46, 48, EN 00986198; **D6.1.758** Chab Khuong WRI, EN 00387497; **D219/588** Kuy Yin WRI, A97-98, EN 01178760; **D219/57** Kong Run WRI, A105, EN 01040570; **D219/157** Khay Chhauy WRI, A16, EN 01066847; **D219/587** Sok Pan WRI, A130, 132, EN 01178741; **D219/311** Peng San WRI, A7, EN 01111944; **D118/214** Choeng Phy WRI, A17, 38, EN 00985614, 18; **D219/277** Soem Chhan WRI, A81, EN 01098517; **D219/941** Suon Saophan WRI, A66, EN 0151943; **D219/664** Khiev Phan WRI, A63, EN 01207564; **D219/758** Oem Lun WRI, A27, EN 01251820; **D219/921** Chap Puth WRI, A102, EN 01451433; **D219/758** Oem Lun WRI, A27, EN 01251820; **D118/257** Chhat Phan WRI, A43-44, EN 01031957; **D219/276** Nhoem Nguy WRI, A63, EN 01098505; **D219/309** Saoy Yen WRI, A5, EN 01111931; **D347/2.1.11** Prak Sarin DC-Cam Statement, EN 00197567, 79.

<sup>2949</sup> **D219/248** Ven Nat WRI, A78, EN 01095770.

<sup>2950</sup> **D118/191** Nget Chat WRI, A101, EN 00986723.

<sup>2951</sup> **D219/188** Phan Khorn WRI, A133, EN 01106443.

<sup>2952</sup> **D219/98** Mam Suo WRI, A51, EN 01077065.

<sup>2953</sup> **D118/130** Ry Pov WRI, A46, 54, EN 00970031-32 [“A46: I believed they were Khmer Krom people because the ones coming from Kampuchea Krom were called Vietnamese puppets. [...] Q: Did they use the phrase ‘Khmer body with Vietnamese head’ or not? A54: Yes, they [the based people] used such phrase to discriminate Khmer Krom people.”].

<sup>2954</sup> **D118/124** Koem So WRI, A27, EN 00975888; **D219/737** Dim Kimheat WRI, A91, EN 01300135.

<sup>2955</sup> **D118/192** Ven Van WRI, A36, EN 00986181 [“Q: Did the Khmer Rouge ever accuse you of having a Khmer body and a Vietnamese head”? A36: Yes, they did.”]; **D219/729** Pan Samut WRI, A137, EN 01486546 [“Q: Did you know why the Khmer Rouge wanted to purge the Khmer Kampuchea Krom? A137: It was because the Khmer Kampuchea Krom came from the area controlled by the Yuon. That was why the Khmer Rouge called the Khmer Kampuchea Krom ‘people with Yuon heads on Khmer bodies’.”]; **D118/122** Thek Bunroeun WRI, A45, EN 00975866 [“They said, ‘these Khmers have Yuon’s head and Khmer’s body. When the Yuon arrive, they will join the Yuon to attack us’.”]; **D118/123** Thoeuk Yoeun WRI, A12, EN 00975874; **D219/184** Ham Sinuon WRI, A82, EN 01079324; **D219/869** Sek Sam At alias Yeay Rim WRI, A31-33, 40, EN 01365561; **D118/175** Voern Dara WRI, A100-101, EN 00981842; **D219/664** Khiev Phan alias Kiev Saroeun WRI, A63, EN 01207564. **D118/164** Pen Heang WRI, A28, EN 00980247; **D118/305** Top Phan WRI, A86-87, EN 01045528; **D118/132** Un Sovannary WRI, A81, EN 00970063; **D118/164** Pen Heang WRI, A28, EN 00980247; **D118/253** Kong Samnang WRI, A84, EN 01031951; **D118/128** Chao Ny WRI, A40, EN 00970009; **D118/130** Ry Pov WRI, A54, EN 00970032. See also **D219/692** Chhuon Hai WRI, A47, EN 01215979; **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*, EN 00678714.

825. Various CPK documents classified the Vietnamese as “enemies”.<sup>2956</sup> Meas Voeun, who was Deputy Commander of RAK’s Division 1,<sup>2957</sup> stated that people described Vietnam as the number one enemy of DK,<sup>2958</sup> testifying: “Everyone heard of it, that they were hereditary enemies.”<sup>2959</sup> **Yim Tith** “talked about the Vietnamese enemies” and “the Yuon enemy” during meetings, warning vigilance and alleging “that the Vietnamese wanted to swallow our country.”<sup>2960</sup>
826. Khmer Rouge propaganda likewise labelled the Khmer Krom as the “enemy”,<sup>2961</sup> “the Yuon enemy”,<sup>2962</sup> or portrayed them as “betraying the Party”.<sup>2963</sup> Nget Loy, whose Khmer Krom spouse was taken away and disappeared, was called to a meeting in Khnar Totueng, Bakan District along with other men and women who had been married to Khmer Krom who had been taken away.<sup>2964</sup> In that meeting the cadres announced that “3,000 Vietnamese enemies” had been killed – referring to the Khmer Krom, including Nget Loy’s husband, who disappeared.<sup>2965</sup> Similarly, Duch testified in Case 001 that the CPK also “regarded [Khmer Krom] as spies”,<sup>2966</sup> declaring that “the Vietnamese who went into Cambodia after the 17th of April were considered as spies; no matter [if] it was a wrong accusation or another matter”.<sup>2967</sup>

<sup>2956</sup> **D6.1.1161** CPK Minutes of the meeting of Division 920, 16 Dec 1976, EN 00923160-61; **D6.1.743** *Revolutionary Flag*, Jul 1978, EN 00428289, 303-04; **D347/2.1.6** The Report of the Eastern Region Conference in mid-1977, EN 01313124-25.

<sup>2957</sup> **D347/2.1.30** Meas Voeun, T. 2 Feb 2016, 13.54.29-13.57.50.

<sup>2958</sup> **D347/2.1.31** Meas Voeun, T. 3 Feb 2016, 09.54.58-09.56.22.

<sup>2959</sup> **D347/2.1.31** Meas Voeun, T. 3 Feb 2016, 09.54.58-09.56.22. *See also* **D322/8.1.37** Statement of the Government of Kampuchea, 2 Jan 1979, EN 00419728; **D219/309** Saoy Yen WRI, A15, EN 01111933.

<sup>2960</sup> **D219/236** Lek Piv WRI, A19, EN 01092933; **D219/943** Lam Lin WRI, A37, EN 01523946. *See also* **D219/406** You Phnom, WRI, A175-177, 184, EN 01139572-73; **D219/763** Sao Chobb WRI, A134-135, EN 01337034; **D118/136** Chhean Hea WRI, A13-14, EN 00969639-40; **D118/77** Nang Ny WRI, A30, EN 00970456; **D219/515** Chheun Chhuoy WRI, A30-31, 33-34, 44, 55, EN 01156944-45, 47, 49; **D219/85** Vy Phann WRI, A4-5, EN 01061169.

<sup>2961</sup> **D219/7** Ven Yoeu WRI, A103, EN 01047917 [“I had heard, ‘The Khmer Krom are the enemy,’ but I did not know where they took all those Khmer Krom.”]; **D118/240** Hoey San WRI, A91, EN 01033045 [“The Khmer Rouge accused the Khmer Kroms of being enemies against them.”]; **D118/257** Chhat Phan WRI, A44, EN 01031957; **D219/345** Noem Lorn WRI, A87-88, EN 01116106. *See also* **D118/124** Koem So WRI, A20-21, EN 00975887; **D219/664** Khiev Phan alias Kiev Saroeun WRI, A19, 29, 63, EN 01207558-59, 64.

<sup>2962</sup> **D118/199** Uong Sav WRI, A30, EN 00985108.

<sup>2963</sup> **D118/175** Voern Dara WRI, A99, EN 00981842. *See also* **D118/181** Riel Son WRI, A97, EN 00982646 [“they [Khmer Krom] had been accused of being KGB agents.”].

<sup>2964</sup> **D118/254** Nget Loy WRI, A34, EN 01025233.

<sup>2965</sup> **D118/254** Nget Loy WRI, A31, 35, EN 01025233.

<sup>2966</sup> **D219/702.1.117** Kaing Guek Eav alias Duch, T. 10 Jun 2009, 10.13.30-10.18.58.

<sup>2967</sup> **D219/702.1.117** Kaing Guek Eav alias Duch, T. 10 Jun 2009, 13.52.28-13.56.03

827. CPK documents frequently instructed cadres to “eradicate”,<sup>2968</sup> “smash”,<sup>2969</sup> “sweep away”,<sup>2970</sup> “wipe out”,<sup>2971</sup> “exterminate”,<sup>2972</sup> “liquidate”,<sup>2973</sup> “chop up”,<sup>2974</sup> and “annihilate”<sup>2975</sup> Vietnamese. CPK documents used derogatory and dehumanising descriptions of Vietnamese, such as the “[t]he Yuon stunk to high heaven and are degradingly despised as nothing”,<sup>2976</sup> that they were “evil”,<sup>2977</sup> “criminal”,<sup>2978</sup> “noxious”,<sup>2979</sup> “savage”,<sup>2980</sup> “oppressors”,<sup>2981</sup> “rats”,<sup>2982</sup> “running-dogs”,<sup>2983</sup> “germs”,<sup>2984</sup> or a “parasite”.<sup>2985</sup>

b. THE CPK’S PLAN TO DESTROY THE VIETNAMESE AND KHMER KROM

828. The CPK planned to eliminate the Vietnamese from Cambodia from the beginning of the DK regime, although the policy as to how to eliminate Vietnamese from the territory changed over time with the original strategy chosen being to deport Vietnamese to Vietnam or to exchange them for Khmer Krom living in Vietnam.<sup>2986</sup> The decision to remove all Vietnamese from Cambodia was announced to Khmer Rouge leaders at the 20 to 25 May 1975 mass meeting in Phnom Penh.<sup>2987</sup> The Khmer Rouge expelled up to

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<sup>2968</sup> **D322/8.1.23** *Revolutionary Flag*, Apr 1977, EN 00478500; **D6.1.741** *Revolutionary Flag*, Feb 1978, EN 00464065; **D347/2.1.32** Uch Sunlay, T. 2 Mar 2016, 09.14.44-09.18.00.

<sup>2969</sup> **D322/8.1.23** *Revolutionary Flag*, Apr 1977, EN 00478502; **D347/2.1.30** Meas Voeun, T. 2 Feb 2016, 15.54.15- 15.58.47.

<sup>2970</sup> **D6.1.50** Telegram from Sarun to Office 870, 1 Jan 1978, EN 00975143; **D219/370.1.13** Report from Office 401 to Angkar, 4 Aug 1978, EN 00143623.

<sup>2971</sup> **D132.1.97** FBIS, *Revolutionary Army Adopts Resolutions on SRV Dispute*, 4 Jan 1978, EN 00169538-39.

<sup>2972</sup> **D132.1.97** FBIS, *Revolutionary Army Adopts Resolutions on SRV Dispute*, 4 Jan 1978, EN 00169539.

<sup>2973</sup> **D219/370.1.15** *Revolutionary Youth*, Oct 1978, EN 00539998.

<sup>2974</sup> **D1.3.21.1** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394.

<sup>2975</sup> **D322/8.1.37** *DK Government Statement*, 2 Jan 1979, EN 00419729.

<sup>2976</sup> **D6.1.743** *Revolutionary Flag*, Jul 1978, EN 00428289.

<sup>2977</sup> **D1.3.21.1** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394. See also **D347/2.1.8** *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN 00010412.

<sup>2978</sup> **D132.1.82** Khieu Samphan, Speech at 3<sup>rd</sup> Anniversary Meeting, 17 Apr 1978, EN 00280397.

<sup>2979</sup> **D1.3.22.6** *Revolutionary Flag*, May-Jun 1978, EN 00185333.

<sup>2980</sup> **D1.3.17.2** Ministry of Foreign Affairs of Democratic Kampuchea, *Black Paper*, EN 00082517. See also **D1.3.17.1** Elizabeth Becker, *When the War Was Over*, EN 00237827.

<sup>2981</sup> **D132.1.16** Pol Pot, Public Statement, 5 Jan 1979, EN 00017564-65.

<sup>2982</sup> **D322/8.1.23** *Revolutionary Flag*, Apr 1977, EN 00478496.

<sup>2983</sup> **D6.1.743** *Revolutionary Flag*, Jul 1978, EN 00428291, 295, 303-304.

<sup>2984</sup> **D6.1.742** *Revolutionary Flag*, Apr 1978, EN 00519842.

<sup>2985</sup> **D118/130** Ry Pov WRI, A60, EN 00970033 [“Q: In your civil party application, you mentioned ‘you saw 30 Khmer Krom people being arrested as they were accused of being parasites.’ Was it correct? Did you really witness it? A60: Sure.”].

<sup>2986</sup> See, e.g. **D347/2.1.4** Report from Phan to Tram Kak District, 8 May 1977, EN 00742890 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; **D347/2.1.30** Voeun Meas, T. 2 Feb 2016, 13.54.29-13.57.50, 15.54.15-16.00.12; **D347/2.1.31** Voeun Meas, T. 3 Feb 2016, 09.24.04-09.31.35.

<sup>2987</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678522, 24. See also **D179/1.2.9** Kaing Guek Eav alias Duch, T. 21 Mar 2012, 11.23.28-11.25.02; **D6.1.755** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491422; **D6.1.750** *Revolutionary Flag*, Apr 1976, EN 00517853.

150,000 ethnic Vietnamese civilians in approximately the first year of the DK regime,<sup>2988</sup> some of whom were massacred *en route* to Vietnam.<sup>2989</sup> Author Ben Kiernan noted that between 1975 and 1977, “those responsible for massacres of Khmer Krom appear to have been limited to Southwest Zone forces.”<sup>2990</sup> **Yim Tith** was a senior figure in Sector 13 of the Southwest Zone, from where much of the deportations took place.

829. By sometime in 1977, as relations and the conflict with Vietnam worsened, the CPK policy changed. Leaders exhorted cadres to kill all those considered Vietnamese who still remained in Cambodia.<sup>2991</sup> Pak Sok, a member of the DK navy,<sup>2992</sup> testified in Case 002 that there were mandatory trainings in early 1977<sup>2993</sup> at which “[w]e were instructed to kill [the Vietnamese], even if it was a baby, because they are our hereditary enemy, so we must kill them.”<sup>2994</sup>

<sup>2988</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678650; **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42.

<sup>2989</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678650; **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42.

<sup>2990</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678652.

<sup>2991</sup> **D347/2.1.39** Heng Lai Heang, T. 19 Sept 2016, 14.38.59-14.41.45 [“Based on what I heard, that the first principle would be that they would be sent back to their country. So at the beginning they were loaded onto trucks and transported to Vietnam. But later on when the Vietnamese intensified their attacks and then the ethnic Vietnamese in Cambodia were smashed”]; **D347/2.1.30** Meas Voeun, T. 2 Feb 2016, 14.31.25-14.35.36, 15.58.47- 16.00.12, 16.03.41-16.02.12 [“I only knew that they were not allowed to live in Kampuchea.”]; **D347/2.1.31** Meas Voeun, T. 3 Feb 2016, 09.24.04- 09.25.26 [“The important thing is that ‘Yuen’ were not allowed to live in Kampuchea. [...] They had to be gathered up and sent to the upper echelon.”]; **D347/2.1.20** Elizabeth Becker, T. 10 Feb 2015, 10.06.19 [“There was also a new directive in the middle of 1977 to kill off a new category of enemy people of Vietnamese ancestry. [...] They started killing people with any Vietnamese blood, even Kampuchea Krom.”]; **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*, EN 00678650 [“Then, on 1 April 1977, the Center did send out a specific order. Left alone for a few minutes while waiting in the office of the district chief of Oudong (Region 15 in the Western Zone), a mechanic named Ros Saroeun surreptitiously read the order. This ‘Directive from 870’ (the CPK Center) instructed local officials to arrest all ethnic Vietnamese, and all Khmers who spoke Vietnamese or had Vietnamese friends, and hand them over to state security forces. Saroeun’s Wife was Vietnamese, and he rushed home to warn her. But as Nayan Chandra reports, she already knew. ‘Vietnamese woman in the village had been bludgeoned to death by the Khmer Rouge and buried just outside the village after they had sent her Khmer husband to cut wood in the jungle.’ The husband later found his wife’s corpse. Saroeun and his wife managed to disguise her identity”]. See also **D6.1.447** Theng Huy WRI, EN 00233300; **D347/2.1.8** *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010417; **D347/2.1.29** Oeum Duong, T. 25 Jan 2016, 09.30.16, 09.32.18-09.35.57, 13.51.40-13.54.30; **D347/2.1.22** Song Sean, T. 27 Oct 2015, 15.07.52, 15.12.10-15.16.42, 15.20.21-15.24.55, 15.33.22-15.38.41; **D347/2.1.23** Song Sean, T. 28 Oct 2015, 09.10.18-09.23.31, 09.25.35-09.28.35, 09.33.45-09.36.26.

<sup>2992</sup> **D366/4.1.2** Pak Sok, T. 16 Dec 2015, 09.50.18-09.58.05.

<sup>2993</sup> **D366/4.1.2** Pak Sok, T. 16 Dec 2015, 13.31.00-13.35.23. See also **D366/4.1.3** Pak Sok, T. 5 Jan 2016, 14.16.24-14.19.00.

<sup>2994</sup> **D366/4.1.2** Pak Sok, T. 16 Dec 2015, 13.36.35-13.38.32. See also **D347/2.1.41** Huon Choeun, T. 18 Oct 2016, 10.45.48-10.48.54 [“But those soldiers said that ‘As long as they are related to Vietnamese, we cannot spare them.’ The family were all arrested and taken by boat along Tonle Sap lake, and they were killed somewhere in the river. No Vietnamese families were spared in 1978. They were all arrested and killed.”]; **D219/370.1.13** Report from Office 401 to Angkar, 4 Aug 1978, EN 00315368, 74.

830. This policy change coincided with two events. First, the CPK made several military incursions and shelled Vietnamese territory in 1977 and early 1978.<sup>2995</sup> During such attacks, the CPK forcibly moved Khmer Krom from Kampuchea Krom across the border into Cambodia, particularly into Kirivong District,<sup>2996</sup> where **Yim Tith** was on the district committee. Many Khmer Krom were killed by the CPK in Kampuchea Krom or along the journey to Kirivong.<sup>2997</sup>
831. Second, **Yim Tith**, Ta Mok, and other Southwest Zone cadres took control of the Northwest Zone.<sup>2998</sup> Nam Im, a group chief in Bakan District, stated that the Southwest Zone cadres planned the rounding up and killing of the Khmer Krom.<sup>2999</sup> In 1978, **Yim Tith** stated that the CPK leaders “wanted to purge the Yuon enemy” at a meeting at Kanghat Dam specifically called to discuss the matter.<sup>3000</sup> One of the attendees stated, in respect of the meeting, that “[a]nyone who could speak Vietnamese and connected with Vietnamese blood was executed.”<sup>3001</sup> Shortly before the Vietnamese arrived in Bakan District at the end of the DK regime, Ham Sinuon read a typed document addressed to a unit chief which said: “We have to kill the Khmer Krom. We have to kill them because the Yuon are now coming to liberate them”.<sup>3002</sup>

<sup>2995</sup> **D118/164** Pen Heang WRI, A7-8, 10, EN 00980243.

<sup>2996</sup> **D118/305** Top Phan WRI, A91, EN 01045529 [“Q: To your knowledge, did all the Khmer Krom enter Cambodia voluntarily or under coercion by the Khmer Rouge? A91: They fled for fear of Khmer Rouge gunfire, because the Khmer Rouge were attacking into and invading Kampuchea Krom territory.”]. *See also* **D118/304** Phos Chhean WRI, A18, EN 01045508 [“Q: In which direction were those Khmer Krom sent? Were they sent to Vietnam or from Vietnam to Cambodia? A18: They were sent from Vietnam to Cambodia.”].

<sup>2997</sup> **D118/129** Mei Sokhan WRI, A29-33, EN 00970017.

<sup>2998</sup> *See, e.g.* **D219/956** Sao Chobb WRI, A35, EN 01456267; **D219/981** Sao Chobb WRI, A14-15, 22, EN 01502686; **D118/226** Nget Vut WRI, A96, EN 01055759; **D219/276** Nhoem Nguy WRI, A24, EN 01098502.

<sup>2999</sup> **D118/278** Nam Im WRI, A128, EN 01031798. *See also* **D118/127** Pov Sinuon WRI, A38, EN 00979974.

<sup>3000</sup> **D219/953** Chhoeung Chhoeuth WRI, A16, 62, 64, EN 01451712, 17, A70, EN 01451718 [“[Yim Tith] said they wanted to purge the Yuon enemy.”], A71-75, EN 01451717-18. *See also* **D219/85** Vy Phann WRI, A5, EN 01061169 [“he talked about internal enemies burrowing inside our movement and said Yuon, CIA, and KGB were hiding among us. Ta Tith told us to keep our eyes on them. If we obtained any information about their activities, we had to report to upper Angkar so that Angkar could smash them before they smashed us.”].

<sup>3001</sup> **D219/953** Chhoeung Chhoeuth WRI, A16, 62, 64, EN 01451712, 17, A70, 72, 75, EN 01451718 [“[Yim Tith] said they wanted to purge the Yuon enemy. [...] The purpose of the meeting was to talk about this matter. Anyone who could speak Vietnamese and connected with Vietnamese blood was executed. [...] I only heard about him speaking about the Yuon enemy.”], A71-75, EN 01451717-18.

<sup>3002</sup> **D219/184** Ham Sinuon WRI, A82, EN 01079324 [“When we arrived in Khnar Totueng, there was a hill where the children’s house was located, and Ni also lived there. When they all left home, I secretly read a document which was kept in a drawer in that house. The document said that, ‘We have to kill all the Khmer Krom. We have to kill them because the Yuon are now coming to liberate them.’ When I knew that, I told the elder people and others, ‘If they have you change battlefield, do not go because they will take you to be killed without fail.’ I saw that letter when the Yuon nearly arrived.”], A90-91, EN 01079325-26 [“Q: Now let us turn back to that document. Was it a hand-written document or was it typewritten? A90: It was



832. Ultimately, generations of ethnic and national Vietnamese families and entire villages were eradicated in the Southwest and Northwest Zones, amounting to thousands of victims of **Yim Tith** and his fellow JCE members' implementation of the CPK plan to destroy the Vietnamese.<sup>3003</sup>

c. DISSEMINATION OF THE CPK'S POLICY IN THE SOUTHWEST AND  
NORTHWEST ZONES

833. The CPK used meetings to incite hatred and to promote their policy targeting the Vietnamese and Khmer Krom.<sup>3004</sup> In the Southwest Zone, **Yim Tith** and the other district committee members spoke about the "liberation" of the Khmer from Vietnamese territory.<sup>3005</sup> This "liberation" was explained by Toem Phal, who was the Kampeaeng Commune Committee Member,<sup>3006</sup> in the following terms. In late 1977, **Yim Tith** and the Kirivong District Committee sent the Khmer Krom to live in Kouk Prech Commune, while base people from Kouk Prech were sent to live in Koh Andet District.<sup>3007</sup> **Yim Tith** and the Kirivong District Committee transferred Toem Phal and the Kampeaeng Commune Committee to Kouk Prech Commune to "govern" the Khmer Krom who had been forcibly moved there.<sup>3008</sup> Toem Phal described the hundreds of Khmer Krom in the

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typed by the upper echelon to the lower echelon. Q: How do you know that that document came from the upper echelon? A91: I just saw that it was neatly typed; therefore, I thought that it was a document from the upper echelon."]. See also **D118/45** Hem Chhuon WRI, A31-32, EN 00923042 ["Q: Why did they take the Khmer Krom? A31: In my view, it was the Khmer Rouge's policy. Q: Why did the Khmer Rouge take the Khmer Krom from Prey Rundeng village? A32: From my understanding, they wanted to exterminate all the Khmer Krom."].

<sup>3003</sup> **D6.1.197** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, EN 00385311; **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42.

<sup>3004</sup> **D118/181** Riel Son WRI, A35, EN 00982639, A43, EN 00982640 ["At those meetings, it was brought up that all the Khmer Krom had to be killed."], A97, EN 00982646 ["Q: You said the Khmer Krom people were categorised as one of the groups of people to be swept clean. Is that correct? A97: Yes, that is correct because they had been accused of being KGB agents."], A164, EN 00982655; **D347/2.1.1** Internal Meeting to Celebrate the Victory on 6 Jan 1978, EN 01320890 ["Mobilisation of ethnic and class hatred within the community towards the Vietnamese invader and to raise this ethnic hatred to become a material orientation."].

<sup>3005</sup> **D219/471** Toem Phal WRI, A113-114, EN 01154821.

<sup>3006</sup> **D219/471** Toem Phal WRI, A2-3, EN 01154804.

<sup>3007</sup> **D219/471** Toem Phal WRI, A31, EN 01154809 ["Q: When you said that the Kampeaeng Commune Committee was transferred to Kouk Prech Commune, did this include you? A31: Yes, all of us went there. At the time all the people living in Kouk Prech were sent to live in Kaoh Andaet District, and Khmer Krom were sent to live in Kouk Prech Commune. I do not know if people in Kampeaeng Commune were sent to Kaoh Andaet District or not."], A109-110, EN 01154821, A111-113, EN 01154821 ["Q: All the Khmer Krom lived in the Vietnamese territory. What did they do in Kouk Prech Village? A111: The district echelon sent all the Khmer Krom to Kouk Prech Commune. Q: Do you know why they came there? A112: They were liberated and taken to that location, but I do not know why. Q: At the time who was on the district committee? A113: Ta Sieng, Ta Tith, and Khoeun."].

<sup>3008</sup> **D219/471** Toem Phal WRI, A108, 110, 115-116, 118, EN 01154820-22.

villages of Kouk Prech Commune as “prisoners”,<sup>3009</sup> who were killed and disappeared from the time they arrived in Kouk Prech.<sup>3010</sup> **Yim Tith** and the district committee received reports on Khmer Krom “enemies” and ordered arrests and detention or killing of Khmer Krom.<sup>3011</sup>

834. Other meetings in Kirivong District when **Yim Tith** had authority are illustrative. For instance, in 1978, Kong Samnang attended meetings at Wat Slaeng where CPK cadres spoke about Khmer Krom, telling those present to “kill them all! Don’t spare any of them!”<sup>3012</sup> Witnesses also detailed so-called “feasts” being organised for Khmer Krom in Slaeng Village, Kampeaeng, and Kouk Prech communes to gather the Khmer Krom

<sup>3009</sup> **D219/471** Toem Phal WRI, A47, EN 01154811 [“Q: What do you know about the killing of the Khmer Krom people? A47: I do not know anything about it except that they were called prisoners.”], A123-124, EN 01154822 [“Q: Where there a dozen of them, or 50? A123: There were hundreds of Khmer Krom. The Khmer Krom lived in many villages, but I do not remember the number. Q: You said that the Khmer Krom people lived in many villages. Which villages? A124: All the Khmer Krom people lived in Trapeang Pring, Slaeng, Kouk Prech, and Chambak Villages.”].

<sup>3010</sup> **D118/23** Toem Phal WRI, A45-46, EN 00967021-22 [“Q: Do you know if Khmer Krom people were killed? A45: I had heard about such a killing. Q: Do you know where or when they were killed? A46: It was in 1976 or 1977 when the Khmer Krom people came to this village.”], A49-51, EN 00967022 [“Q: How many Khmer Krom people were killed? A49: I do not know the number of people killed, but I know they were killed. At the time, Ta Paoh and Ta Sarau were in charge of the Khmer Krom people. Both of them assigned work for them such as digging canals. Q: Did you ever hear about the Kanseng Sa group? A50: Never. Q: Who told you about the killing of the Khmer Krom people? A51: I was staying with Khmer Krom people who were assigned to make fertilizer and do farming, and that’s why I knew from them that there were such killings.”]; **D219/471** Toem Phal WRI, A129-132, EN 01154823 [“Q: Between your taking over Kouk Prech and your leaving there, did you observe any change in the number of the Khmer Krom? A129: Some people disappeared, but I do not know where they were taken. Q: As for those who disappeared, did you see them return? A130: I never saw them return. Q: Do you know why they disappeared? A131: I do not know, but their disappearances meant they had been taken to be killed Q: How did they disappear? Were their disappearances staggered or occur en masse? A132: They did not disappear all at once; but their disappearances were staggered.”], A141, EN 01154825.

<sup>3011</sup> **D219/471** Toem Phal WRI, A133-136, EN 01154823-24 [“Q: Earlier you described the working procedures of Kampeaeng Commune. You were told to trace wrongdoers and report to the district echelon and they were arrested. Was this the same or different in Kouk Prech Commune? A133: Yes, it was the same. Q: To make this clear, who collected information on the Khmer Krom wrongdoers in Kouk Prech Commune? A134: Ta Pas and Ta Sarou. Q: What information did they both move around to collect about the Khmer Krom people? A135: I do not know much about that, but they both worked as militiamen to locate Khmer Krom who committed acts they considered enemy acts. Q: After they collected the information, to whom did they send it? A136: They sent it to the district echelon.”], A138-139, EN 01154824 [“Q: When the district echelon received a report on the Khmer Krom considered enemies, what happened to them? A138: After they received an order from the district echelon, the people were arrested. Q: Do you know where they were sent after arrest? A139: I do not know if they were sent to Wat Preah Theat or killed.”]; **D105/5** Ork Chan WRI, A40-43, EN 00803445 [“Q: Did Ta Tit have a role in interrogating the Khmer Krom group? A40: For the Khmer Rouge’s political part, they had contacts with the commune for arresting the Khmer Krom group. For the district’s party, they contacted the commune and then sent the Khmer Krom to this detention centre. Q: Do you mean that Ta Tit was in the district’s committee at that time, don’t you? A41: Yes. Q: And he contacted the commune echelon, didn’t he? A42: Yes. Q: Was this the way of their contact for arresting the Khmer Krom? A43: Yes.”].

<sup>3012</sup> **D118/253** Kong Samnang WRI, A84, EN 01031951.

and execute them afterwards.<sup>3013</sup>

835. **Yim Tith** was on the Sector 13 Committee and therefore had responsibility over Tram Kak and Koh Andet districts in which the CPK's plan to destroy the Vietnamese was similarly disseminated. Son Riel attended meetings in Tram Kak District at which participants were told that Khmer Krom had to be "swept clean" – meaning that "all the Khmers Krom had to be killed".<sup>3014</sup> Tram Kak District Secretary Ta Chim told attendees which types of people had to be purged.<sup>3015</sup> Witness Ek (Ul) Hoeun, who worked in Tram Kak District's office for commerce,<sup>3016</sup> was told "that Vietnamese nationals had to be purged completely from the villages and from the country."<sup>3017</sup> Likewise, Yin Teng, a group chairperson during the DK regime, attended a meeting in Kus Commune, Tram Kak District, where attendees – including the village committee, group chairpersons and the militia<sup>3018</sup> – were told that the Khmer Rouge "had dragged those Khmer Krom back to prevent them from being associated with the Yuon".<sup>3019</sup> Yin Teng noted that those

<sup>3013</sup> **D118/164** Pen Heang WRI, A41-42, EN 00980249; **D219/309** Saoy Yen WRI, A5, EN 01111931; **D118/233** Lach Sem WRI, A101, 106, EN 01055589-90 ["Q: You said that they were going to kill people when they prepared a big feast. Do you know anyone who joined such a feast and managed to escape? A106: I do not know any of them. I just heard from other people that when such a feast was organised, people were going to be killed."].

<sup>3014</sup> **D118/181** Riel Son WRI, A35, EN 00982639 ["Q: In the transcript of your interview with the Office of the Co-Investigating Judges, you stated, 'They told all the participants of the meetings about the types of people who had to be swept clean.' Do you remember that? A35: Yes, I do remember it."], A43, EN 00982640 ["At those meetings, it was brought up that all the Khmer Krom had to be killed."], A97, EN 00982646 ["Q: You said the Khmer Krom people were categorised as one of the groups of people to be swept clean. Is that correct? A97: Yes, that is correct because they had been accused of being KGB agents."], A164, EN 00982655 ["Q: You stated that, at some meetings you attended, they announced that Khmer Krom people were among the groups of people to be swept clean. What type of Khmer Krom people were to be swept clean? A164: Khmer Krom couples with no children and elderly were accused of being Yuan spies."].

<sup>3015</sup> **D118/181** Riel Son WRI, A34, EN 00982639 ["I participated in those meetings three times, but I have forgotten but the first one. I only remember the last two meetings I attended during the middle and the end of the Khmer Rouge regime."], A37, EN 00982639 ["Q: What was the name District Committee, and when did the meetings take place? A37: His name was Chim [district committee secretary]."], A39, EN 00982640 ["Q: Did Chim, the District Committee, tell the participants of those meetings about the types of people that had to be purged? A39: Yes, he did."].

<sup>3016</sup> **D118/208** Ek (Ul) Hoeun WRI, A20, EN 00981813 ["Q: But in your interview with Documentation Center of Cambodia, you stated that initially you worked as a deputy village chairman, and later Ta Chim sent you to work at the Tram Kak District Office. Is this correct? A20: Ta Chim sent me to District Commerce to help distribute rice and salt."].

<sup>3017</sup> **D118/209** Ek (Ul) Hoeun WRI, A53, EN 00983574 ["They said that Vietnamese nationals had to be purged completely from the villages and from the country."].

<sup>3018</sup> **D219/135** Yin Teng WRI, A133, EN 01067049 ["Q: Who arranged the meeting? A133: The commune chief arranged it."], A138, EN 01067049 ["Q: Where was this meeting held? A138: In Kus Commune."], A133, EN 01067049.

<sup>3019</sup> **D219/135** Yin Teng WRI, A131, EN 01067048 ["They were from Kampuchea Krom because there were only three families of them in my village. The Khmer Rouge told us why they brought those Khmer Krom from Vietnam, saying that they had dragged those Khmer Krom back to prevent them from being associated with the Yuon. In fact, those Khmer Krom were taken to be killed"], A132, EN 01067049 ["Q: How did you know those people were from Kampuchea Krom? A132: They discussed that in a meeting, because

Khmer Krom who were forced to move to Cambodia “were taken to be killed”.<sup>3020</sup> In Koh Andet District, Khmer Krom families who were forcibly relocated there in 1975 were considered “enemies”, even the children.<sup>3021</sup> Vorng Nob was told by the Koh Andet police chairman, Maong, that the upper levels – which would have included **Yim Tith** – had assigned him (Maong) to “destroy” enemies.<sup>3022</sup>

836. After the arrival of **Yim Tith** and/or fellow Southwest cadres and JCE members to the Northwest Zone, militiamen in Bakan District were heard talking about killing all the Khmer Krom.<sup>3023</sup> Various accounts demonstrate an open awareness of the plan to kill the Khmer Krom people.<sup>3024</sup> Voern Dara described the CPK’s desire to “eliminate the Khmer Krom bloodline”<sup>3025</sup> and other witnesses detailed the systematic collection, disappearance, and killing of Khmer Krom.<sup>3026</sup>
837. Yeay Rim was a Southwest Zone cadre who was appointed as the Bakan District Secretary from mid-1977.<sup>3027</sup> She was a key figure in the implementation of the CPK

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before they went to bring those people from Kampuchea Krom, they held a meeting to inform us of their plan.”].

<sup>3020</sup> **D219/135** Yin Teng WRI, A131-132, EN 01067048-49.

<sup>3021</sup> **D219/592** Vorng Nob WRI, A25-26, EN 01185741 [“At that time they were called enemies. All the people who came here were considered to be enemies. I was asked to help to beat them, but I refused and I told those who asked me that I did not want to get involved. I asked them to do it themselves. I could not do it because those people did not commit any mistakes. However they were arrested, tied up, and taken to be killed. I could not do such a thing. [...] Even the children were considered to be their enemies.”]. *See also* **D219/591** Sam Kun WRI, A78, 115-116, 119, 121-123, EN 01178850, 55.

<sup>3022</sup> **D219/592** Vorng Nob WRI, A35-38, EN 01185742-43, A44, EN 01185743 [“Q: Did Maong ever say that the Khmer Krom people were enemies or targets to be destroyed by Angkar? A44: He said that the upper levels had assigned him, a police chairman, to destroy the people.”].

<sup>3023</sup> **D219/341** Nuk Sangav WRI, A20-21, EN 01116065.

<sup>3024</sup> **D118/123** Thoeuk Yoeun WRI, A30, EN 00975877 [“Q: [...] Did you recall if the Khmer Rouge had a plan to purge the Khmer Krom? A30: Yes, that was their plan.”]; **D219/921** Chap Puth WRI, A105-106, EN 01451434 [“A105: [...] I heard that they wouldn’t spare Khmer Krom. Q: Who are they? Are they cadres of the cooperatives or upper echelon? A106: The cooperative chiefs would say that. Even the head of my transport section also said that.”]; **D118/175** Voern Dara WRI, A69-70, EN 00981837 [“Q: According to what you know, did the Khmer Rouge plan to kill all Khmer Krom? A69: Yes, to kill them all. To eliminate the Khmer Krom bloodline. Q: How could you know about the plan? A70: At that time we all knew that the Khmer Rouge wanted to kill all the Khmer Krom. In addition, due to continuous killing of the Khmer Krom, I concluded that the Khmer Rouge planned to kill all the Khmer Krom.”].

<sup>3025</sup> **D118/175** Voern Dara WRI, A69-70, EN 00981837.

<sup>3026</sup> **D219/9** Khun Samoeun WRI, A86, EN 01047808 [“I did not know where they had brought the Khmer Krom from. There were many of them. Later they took them all to be killed.”].

<sup>3027</sup> **D219/869** Sek Sam At alias Yeay Rim WRI, A10-11, EN 01365559 [“Q: In the film entitled ‘Enemies of the People’ that you watched on 7 November 2016, two men were talking. One of them was Suon and the other was Khorn. Suon said that he received orders from you and you received orders from the upper echelon. Is it correct to say that the activities were carried out after the meeting between *Ta Sarun* and *Ta Mok*? Do you understand my question? A10: Yes, I do. Q: Was this what actually happen? A11: As he mentioned in the film, such things had never happened before, but later on, the situation in the country became chaotic. Then such activities were carried out”]; **D118/170** Sek Sam At alias Yeay Rim WRI, A154, EN 00980015 [“Q: At that time, did you follow orders or instructions from the upper echelons or Angkar? A154: At that time we just followed them.”]; **D219/223** Nuon Rin WRI, A40, EN 01088596

plan to destroy the Vietnamese in the Northwest Zone, ensuring that orders from the upper levels – which included **Yim Tith** – were followed at the lower levels in Bakan District. Yeay Rim stated that Ta Sarun of the Sector 2 Committee held meetings at cooperatives in which he ordered that “Vietnamese networks” be found.<sup>3028</sup> In 1978, Ta Sarun ordered Yeay Rim to send Khmer Krom people within her district to Khnar Totueng.<sup>3029</sup> Yeay Rim admitted to implementing these orders and instructing cooperatives to search for persons with “Vietnamese connections”.<sup>3030</sup>

838. These orders were carried out. Uk Soeum was the Rumlech Cooperative chairman when the Southwest Zone cadres took over the Northwest Zone.<sup>3031</sup> In 1978, he received the order from the Bakan District Committee to collect and transfer all the Khmer Krom in the area to Khnar Totueng because they were accused of “being linked to the Vietnamese”.<sup>3032</sup> Uk Soeum transferred over 1,000 Khmer Krom to the Khnar Totueng Cooperative Committee,<sup>3033</sup> knowing there was a plan to execute the Khmer Krom.<sup>3034</sup> He knew this from attending a meeting with all cooperative chairmen in Bakan District

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[“Yeay Ren was the most senior-ranking person. Yeay Yan and Yeay Ren were from Srae Ambel, of the Southwest Zone.”].

3028 **D219/869** Sek Sam At alias Yeay Rim WRI, A14, EN 01365559 [“Q: [...] Does ‘work’ here refer to the activities to identify and eliminate the people? A14: Yes, it does. He instructed all the cooperatives to observe to find out if there were any Vietnamese networks that could attack us.”].

3029 **D219/869** Sek Sam At alias Yeay Rim WRI, A27-28, EN 01365560 [“Q: Did he instruct you to send people to Khnar Tortung? A27: Yes, he did. He gave the instructions during the meeting. Q: Did he give the instructions? A28: Yes, he did.”].

3030 **D219/869** Sek Sam At alias Yeay Rim WRI, A16, EN 01365559 [“Q: What is your reason for not answering this question? In your previous interview you mentioned that you received orders from the upper echelon and then you instructed your lower echelon to implement them by giving instructions to the military chiefs, militia chiefs and cooperative chiefs to monitor, search, identify and execute those who had connection with Vietnam. The evidence for this is available in the film and it is also based on what you told us on 7-8 November. I would like you to reference this again to make things clearer. Remember you have the rights against self-incrimination. Therefore, please do not worry. A16: We had received the plan, so we had no choice but to convene the meetings. Thus, we conducted the meetings to disseminate information. In regard to the implementation of plan, I was not involved. I did not do anything at all. Whatever their instructions were, we only followed suit. I am not against the Court. But, my responses to some questions would result in me placing burden on me and incriminating myself.”]; A19, EN 01365560, A60-61, EN 01365563 [“Q: Let us go back to talking about the search for people with Vietnamese connections. Can you tell us specific examples about how your subordinates searched to identify people with Vietnamese connections? How did they implement this task? How did they organize this task? Who carried out this task? A60: Well, in terms of the instructions, I just instructed them to do this and that. I only gave instructions to the cooperatives. There were soldiers but I did not know the identity of those soldiers. It was chaotic and very confusing so I did not know who was who. I was on the verge of death too. It was a sin. Q: I do not want to know about period of chaos. So, you gave instructions to the cooperatives and the cooperatives organized people to conduct the search. Is that what you mean? A61: Yes, it is.”].

3031 **D118/1** Uk Soeum WRI, A3-5, EN 00876118.

3032 **D118/1** Uk Soeum WRI, A17, EN 00876120. *See also* **D118/175** Voern Dara WRI, A54, EN 00981835.

3033 **D118/1** Uk Soeum WRI, A17, EN 00876120.

3034 **D118/1** Uk Soeum WRI, A19, EN 00876120.

at which **Yim Tith**'s fellow JCE member Yeay Rim "spoke about the plan to execute the Khmer Krom."<sup>3035</sup> The Bakan District Committee told the cooperative chairmen that the order to execute the Khmer Krom was from "Angkar".<sup>3036</sup>

839. Numerous individuals described meetings in Bakan District where cadres elaborated on the plan to destroy the Khmer Krom. Heng Sieng attended meetings in Sraong cooperative in 1976 or 1977 where a plan to "sweep clean" the Khmer Krom was discussed.<sup>3037</sup> He originally heard the plan from Sraong Cooperative chiefs who passed it on to section chiefs to disseminate at meetings where attendees were told that the order came from "Angkar".<sup>3038</sup> Sok Pan, who worked for Yeay Rim from 1977 until 1978,<sup>3039</sup> heard Yeay Rim call the Khmer Krom "Yuon enemies" and say that the upper echelon had ordered that the Khmer Krom be "swept clean" at a meeting in late 1978.<sup>3040</sup> Similarly, Lam Savuon, a messenger for Yeay Rim in Bakan District,<sup>3041</sup> heard that Yeay Rim ordered cooperative chairpersons to carry out a plan to "clean up and smash" the Khmer Krom people in 1978.<sup>3042</sup>

840. Phan Khorn admitted to overseeing the killing of more than 100 Khmer Krom, including

<sup>3035</sup> **D118/1** Uk Soeum WRI, A20, EN 00876120.

<sup>3036</sup> **D118/1** Uk Soeum WRI, A21-22, EN 00876120 ["A21: There were approximately from 20 to 30 participants, all cooperative chairpersons. The Bakan District Committee had attended a meeting with the upper echelon. Then the District Committee disseminated the information to the cooperative chairpersons. Q: You mentioned the upper echelon; whom do you refer to? A22: I refer to Sector level, namely *Grandfather* Sarun, who was Sector 2 Secretary during that time. He had a meeting with various district committees under Sector 2."], A24-26, EN 00876121.

<sup>3037</sup> **D219/221** Heng Sieng WRI, A11, 64-65, 68, 74, EN 01104755, 64-65.

<sup>3038</sup> **D219/221** Heng Sieng WRI, A64, 70, 72, EN 01104764-65.

<sup>3039</sup> **D219/587** Sok Pan WRI, A9, 14, 20-21, EN 01178726-27.

<sup>3040</sup> **D219/587** Sok Pan WRI, A133-137, 139, 143-147, EN 01178741-43 ["Q: How do you know that they had a plan to purge/sweep clean the Khmer Kampuchea Krom from Cambodian territory? Did Bang Rim ever talk about this issue? A133: Yes. She just said 'Yuon enemies.' She did not say 'Vietnamese.' Q: Did you ever hear Bang Rim say, 'The Khmer Kampuchea Krom must be purged/swept clean'? A134: Yes. I heard her say, 'Purge all of them from Cambodian territory.' Q: When did you hear Bang Rim say that? A135: I forget. Q: Did Bang Rim say this in a meeting, or when she was talking with other people? Or did she tell you this directly? Or did you overhear it? A136: I heard her say that in a meeting. I heard her say, 'Purge/sweep clean the Yuon enemies.' Q: Where was the meeting held? A137: At Prey Tao."].

<sup>3041</sup> **D219/611** Lam Savuon WRI, A46-47, EN 01185832 ["Q: How did they select you to work with Yeay Rim? A46: They selected children and assigned them to serve as her messengers. Q: How did they select and assign you to work as her messenger? A47: She did. They selected me from the children unit."], A22, EN 01185828.

<sup>3042</sup> **D219/611** Lam Savuon WRI, A82-85, EN 01185837-38 ["Q: Did you ever hear about their plan to clean up Khmer Kampuchea Krom? A82: I did. I heard about their plan to clean up and smash those people. Q: Where and in which meeting did Yeay Rim mention this? A83: It was during the meeting. She ordered the people to carry out this plan [...] A84: It was during the 7-January Festival, which took place at a big venue. She told the people about such plans [...] A85: To accomplish the plan meant to kill people. That was what she ordered. We had to accomplish such a plan on time."], A87-92, EN 01185838. Mey Savoeun also attended meetings in Bakan District after mid-1978 in which Yeay Rim stated that "all the traitors had to be swept clean" and "eradicated", see **D118/126** Mey Savoeun WRI, A68-69, EN 00978760.

women, children, and infants, in Sraong Cooperative in late 1978. He said the massacre was pursuant to an order given to every cooperative that was “pass[ed] on from one person to another in the [CPK] hierarchy.”<sup>3043</sup> Prior to this killing, Phan Khorn attended a meeting chaired by Yeay Rim with all cooperative chiefs and battlefield committees in Koh Run, Khnar Totueng Commune in or around August 1978.<sup>3044</sup> Phan Khorn knew that Yeay Rim had been ordered by the sector to gather the Khmer Krom in one place, and that therefore the Khmer Krom from every cooperative were sent to Khnar Totueng to implement the plan to “sweep clean”.<sup>3045</sup> Some Khmer Krom were also sent to Sraong Cooperative to be killed and when Khmer Krom were later found in different cooperatives, “they were killed in their local cooperatives respectively.”<sup>3046</sup>

841. Many witnesses have given consistent and collaborative details of the plan to kill the Vietnamese and Khmer Krom in areas of the Northwest Zone controlled by **Yim Tith** and other JCE members, including: Nam In,<sup>3047</sup> Chap Puth,<sup>3048</sup> Koem So,<sup>3049</sup> Khiev

<sup>3043</sup> **D219/188** Phan Khorn WRI, A115-117, 121, 123-125, 128, 131, EN 01106440-44.

<sup>3044</sup> **D219/188** Phan Khorn WRI, A111-112, EN 01106440 [“Q: Regarding to the Khmer Kampuchea Kroam, did you know about the plan to sweep clean the Khmer Kroam people? A111: Yes, I knew because I was assigned to attend this meeting. Q: When was the meeting about the plan to sweep clean the Khmer Kroam people held? Where was it held? Who chaired the meeting at that time? A112: I attended the meeting in Koh Run in which they talked about the plan to sweep clean the Khmer Kroam people. This meeting was held in 1978, and all cooperative chiefs and battlefield committees came to attend it. Yeay Rim chaired the meeting at that time.”], A114, EN 01106440.

<sup>3045</sup> **D219/188** Phan Khorn WRI, A112, EN 01106440. *See also* **D219/793.1** Video Transcript, *Enemies of the People*, 2009, EN 01322984, 86.

<sup>3046</sup> **D219/188** Phan Khorn WRI, A112, EN 01106440.

<sup>3047</sup> **D118/278** Nam Im WRI, A92, EN 01031793, A93, EN 01031793 [“The meetings organized by the cooperative committee also said about agriculture production issues and they said that ‘Khmer Krom people should not be kept because they had Khmer body with Vietnamese head’”], A95, EN 01031794, A96, EN 01031794 [“Q: Did the meetings take place before or after the arrival of the Southwest Zone cadres in your area? A96: After the arrival of the Southwest cadres in my area.”].

<sup>3048</sup> **D219/921** Chap Puth WRI, A102-106, EN 01451433-34.

<sup>3049</sup> **D118/124** Koem So WRI, A27, EN 00975888 [“I also heard them saying about the plan to sweep clean the Yuon spies.”], A28-30, EN 00975888. *See also* **D118/124** Koem So WRI, A33-35, EN 00975889.

Phan,<sup>3050</sup> Noem Lorn,<sup>3051</sup> Saoy Yen,<sup>3052</sup> Yang Sokhom,<sup>3053</sup> Ven Yoeu,<sup>3054</sup> Voern Dara,<sup>3055</sup> Van Net,<sup>3056</sup> and Ek (Ul) Hoeun.<sup>3057</sup>

#### **4. IMPLEMENTATION OF THE GENOCIDAL POLICY AGAINST THE VIETNAMESE AND KHMER KROM**

##### **a. SEARCHING OUT THE VIETNAMESE AND KHMER KROM POPULATION**

842. The CPK used various ways to locate the Vietnamese and Khmer Krom within the general population.<sup>3058</sup> At the beginning of the DK regime, when Kirivong District was under **Yim Tith**'s leadership, cadres recorded the biographies of all residents, in part, to identify the Khmer Krom.<sup>3059</sup> The CPK also screened for those who were Vietnamese and killed those they found.<sup>3060</sup> Later, local cadres such as village chiefs made biographies and collected the names of the Khmer Krom who had been forcibly moved to Kirivong District.<sup>3061</sup>
843. In Sector 13, controlled by **Yim Tith** and other JCE members, cadres "searched out" and arrested Khmer Krom in Koh Andet villages throughout the DK regime.<sup>3062</sup> Likewise, in Tram Kak District, commune chiefs created lists of Khmer Krom and Vietnamese

<sup>3050</sup> **D219/664** Khiev Phan WRI, A114, 116-118, EN 01207571.

<sup>3051</sup> **D219/345** Nim Lorn WRI, A14, A62-63, 65, EN 01116099, 104 ["I only know that the victims who were taken to be killed were from Khnar Torteung. Based on what I saw, around 200 or 300 people were walked to the killing site."], A75, EN 01116105 ["Q: As far as you know, who organized the killing campaigns? A75: In fact, the upper echelons such as district, provincial, and sector levels were in charge of organizing these campaigns, and the cooperative committee, which consisted of around twenty soldiers who had been sent in to take charge, launched the campaigns."].

<sup>3052</sup> **D219/309** Saoy Yen WRI, A15, EN 01111933 ["These meetings were held to express the cadre's hatred of the Vietnamese. We were instructed on the rice production the yield of which would be traded with China in exchange for military equipment. The Khmer Rouge cadres stated their hatred of the ethnic Vietnamese. They stated that they would do everything they could to rid of the Vietnamese. They stated repeatedly that when a tree is cut its roots must also be uprooted."].

<sup>3053</sup> **D219/8** Yang Sokhom WRI, A79-81, 89, EN 01047780 ["Q: What did they say regarding Khmer Kampuchea Krom? A89: They said they 'did not trust the Khmer Krom.'"], A95, EN 01047780 ["Q: Did you ever hear Rim, Yan, or Ren say, 'Most Khmer Krom are traitors?' A95: Yes, Rim and Ren said all those words."], A98-100, EN 01047780-81, A104, EN 01047782 ["At that time they said, 'The Khmer Krom are traitors.'"], A105, EN 01047782. *See also* **D118/257** Chaat Phan WRI, A71, EN 01031960.

<sup>3054</sup> **D219/7** Ven Yoeu WRI, A56, 75, 100-101, 103-105, EN 01047911, 14, 17-18.

<sup>3055</sup> **D118/175** Voern Dara WRI, A54, EN 00981835.

<sup>3056</sup> **D118/112** Ven Nat WRI, A38, EN 00970426.

<sup>3057</sup> **D118/209** Ek (Ul) Hoeun WRI, A138-145, EN 00983584.

<sup>3058</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678714. *See also* **D347/2.1.25** Prum Sarun, T. 9 Dec 2015, 09.10.50-09.12.50.

<sup>3059</sup> **D219/379** Lach Sambath WRI, A43-44, 46-48, EN 01132639-40; **D118/305** Top Phan WRI, A80-83, EN 01045527.

<sup>3060</sup> **D118/132** Un Sovannary WRI, A56-57, EN 00970060.

<sup>3061</sup> **D219/98** Mam Suo WRI, A49, EN 01077065; **D118/132** Un Sovannary WRI, A49-51, EN 00970059-60; **D118/233** Lach Sem WRI, A87-90, EN 01055587.

<sup>3062</sup> **D219/591** Sam Kun WRI, A15, EN 01178842 ["They were searched out [Khmer Krom], arrested, and detained there at once"], A20-21, EN 01178842.



families in their areas and reported to the district level.<sup>3063</sup> Individuals were required to make biographies in order to reveal their backgrounds.<sup>3064</sup> Mech Nanh and his relatives had their backgrounds checked for links with Vietnam at Wat Ta Set in Tram Kak District in 1975.<sup>3065</sup> Ry Pov also detailed how cadres in Samraong Commune, Tram Kak District made people produce a biography in 1977 and then divided the people into groups, with Khmer Krom included in the “Yuon” group.<sup>3066</sup>

844. As in Sector 13, upon their arrival in the Northwest Zone, the Southwest Zone cadres acting under the leadership of **Yim Tith** and other JCE members – created biographies to record family backgrounds.<sup>3067</sup> For example, Voern Dara, a Khmer Krom living in Bakan District during the DK regime, stated that the CPK searched out the backgrounds of Khmer Krom in Bakan District after mid-1977.<sup>3068</sup> When Vorn Moch was required to make a biography in Rumlech Commune, he disclosed that his wife was Khmer Krom.<sup>3069</sup> His wife and his children were subsequently taken away and never returned.<sup>3070</sup> Chhuon Hai also stated that the CPK took families away in Rumlech and Khnar Totueng

<sup>3063</sup> **D315.2.6** Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12, 13.35.50-13.38; **D347/2.1.4** Confirmation Report from Phan to District Angkar, 8 May 1977, EN 00742890 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; **D6.1.1216** List of Kampuchea Krom in Ang Ta Saom Commune, 30 Apr 1977, EN 00290262-63; **D6.1.1210** Ang Ta Saom Commune Exchanged Prisoners List, EN 00290199-201; **D65.1.52** List of Kampuchea Krom in Popel Commune, EN 00742626-28; **D6.1.470** List of Kampuchea Krom People in Kus Commune, 29 Apr 1977, EN 00366665-75; **D347/2.1.3** Name List of People Who Have Just Come From Srok Yuon [Vietnam], EN 00323977-78 [identifying Khmer Krom families in Srae Ronoung Commune]; **D6.1.262** Report on Vietnamese in Tram Kak District, 5 Jun 1977; **D118/209** Ek (Ul) Hoeun WRI, A47, EN 00983573.

<sup>3064</sup> **D6.1.676** Cheang Sreimom WRI, A4, EN 00410263 [“The unit chairman made the biographies. He did not ask me questions about our family background; he made the biography based on his observation. I secretly looked at the biography of my family because I was in the children unit. and the chief of the children unit made my biography based on the biography the unit chief made.”]; **D6.1.703** Bin Heng WRI, A1, EN 00424728.

<sup>3065</sup> **D219/16** Mech Nanh WRI, A25-28, EN 01034102.

<sup>3066</sup> **D118/130** Ry Pov WRI, A50, EN 00970032 [“The Khmer Rouge asked us to produce our biography and divided the people into different groups such as Yuon, 17-April people, sent people, base people and standby people. We were accused of being Yuan.”], A53, EN 00970032 [“Q. Were you ever interrogated or asked to produce your biography? A53: They did not ask us to produce our biography but they called us ‘Ar Yuon! Ar Yuon’s spy’ and they did not trust us. The Khmer Rouge there assigned Khmer Krom people to stay separately from their trusted persons.”], A37, EN 00970030 [“I stayed in Samraong Commune until the fall of the regime”]. *See also* **D347.4** Interview of Phat Samot by Kim Keo Kanitha, EN 01413675.

<sup>3067</sup> **D219/733** Kem Phen WRI, A71-74, EN 01238123; **D118/191** Nget Chat WRI, A42, 51, EN 00986713, 15; **D118/123** Thoeuk Yoeun WRI, A34-36, EN 00975877; **D118/125** Chab Khuong WRI, A82, 87, EN 00976594; **D118/124** Koem So WRI, A37, EN 00975889; **D118/122** Thek Bunroeun WRI, A39, EN 00975865.

<sup>3068</sup> **D118/175** Voern Dara WRI, A25-27, EN 00981831.

<sup>3069</sup> **D118/193** Vorn Moch WRI, A54-55, EN 00986199.

<sup>3070</sup> **D118/193** Vorn Moch WRI, A57-59, EN 00986199.

communes based on their biographies.<sup>3071</sup>

845. Lower level chiefs had a key role in screening the Khmer Krom<sup>3072</sup> and thus facilitating the JCE members' plan to destroy the Vietnamese. Commune and cooperative chairmen were required to make biographies and collect information on Khmer Krom within their areas.<sup>3073</sup> Such methods of identification allowed the CPK to more easily separate the Khmer Krom into units segregated from the general population and move them to locations such as Khnar Totueng to be killed.<sup>3074</sup>
846. As the danger became apparent, some Khmer Krom hid their background in an attempt to conceal their Khmer Krom origins.<sup>3075</sup> Some Khmer Krom survived by changing their name<sup>3076</sup> or concealing their Khmer Krom heritage and identity when the CPK screened people.<sup>3077</sup> In 1977, Koem So, who was Khmer Krom, was assisted during the biography-making process by the Veal Village Prison deputy chairman – who told Koem So to pretend he was one of the deputy chairman's children.<sup>3078</sup> Similarly, Pan Samut was warned by others in his mobile unit in Bakan District in 1978 to “speak Khmer Leu clearly and not to speak with a Khmer Krom accent; otherwise, they would recognize us as Khmer Krom.”<sup>3079</sup> According to Pov Sinuon, who lived in Rumlech during the DK regime, the Khmer Rouge listened carefully to people's speech to ascertain their background.<sup>3080</sup> Being identified as Khmer instead of Khmer Krom could save a life. For

<sup>3071</sup> **D219/692** Chhuon Hai WRI, A56, EN 01215979 [“Q: Do you know the number of Khmer Krom families living in your cooperative? A56: None of them lived in my cooperative; the Khmer Rouge reviewed their biographies and took all of them away.”].

<sup>3072</sup> **D347/2.1.24** Prum Sarun, T. 8 Dec 2015, 13.45.34-13.50.19. *See also* **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*, EN 00678650; **D1.3.17.1** Elizabeth Becker, *When the War Was Over*, EN 00237947.

<sup>3073</sup> **D118/127** Pov Sinuon WRI, A26, EN 00979972; **D118/173** Van Chauk WRI, A49, EN 00981761.

<sup>3074</sup> **D118/126** Mey Savoeun WRI, A46, EN 00978757; **D118/175** Voern Dara WRI, A25, EN 00981831; **D118/173** Van Chauk WRI, A48, EN 00981761; **D219/676** Hok Sarin WRI, A65-66, 78, 80-81, 85, 102-103, 110, EN 01213365-69.

<sup>3075</sup> **D118/128** Chao Ny WRI, A24-25, EN 00970005 [“A24: At that time, I hid my background; thus, they did not know that I was a Khmer Krom person. As a result, I was assigned to stay in a cooperative with other Khmer people. I changed my name to NUN Ny. Q: While you were living in Moung Ruessei, was there any persecution of Khmer Krom people? A25: At that time I hid my background; thus, they were not aware of my identity. I was given the same food rations, and was assigned to do the same work as other people.”]; **D118/133** Say Sen WRI, A97, EN 00969631 [“I think they might have hid their backgrounds as Kampuchea Krom people. They might have told others that they were Khmer although they were Kampuchea Krom.”].

<sup>3076</sup> **D219/664** Khiev Phan WRI, A45, EN 01207561.

<sup>3077</sup> **D118/258** Ruos Him WRI, A51, 54-55, EN 01000657; **D219/46** Sorm Vanna WRI, A78, EN 01050680; **D219/729** Pan Samut WRI, A126, EN 01486545.

<sup>3078</sup> **D118/124** Koem So WRI, A37, EN 009758889.

<sup>3079</sup> **D219/729** Pan Samut WRI, A124-125, EN 01486544-45. *See also* **D219/276** Nhoem Nguy WRI, A62, EN 01098505 [“At my Foundry, there were some Khmer Krom people also. I kept their secret and helped them to speak Khmer clearly”].

<sup>3080</sup> **D118/127** Pov Sinuon WRI, A24-25, EN 00979971-72.

example, Ven Yoeu – who was a messenger for the Bakan District Committee – was accused of being a “half-blood Yuon” and forced to dig her own grave.<sup>3081</sup> Bakan District Secretary Yeay Rim saved Ven Yoeu by stating “She is not Yuon! Her parents are dark-skinned”.<sup>3082</sup>

## 5. *CRIMES AGAINST THE VIETNAMESE IN THE SOUTHWEST ZONE*

847. **Yim Tith** is charged with genocide of the Khmer Krom at the following crime sites in Sector 13: Wat Pratheath, Kraing Ta Chan, Wat Angkun, Wat Ang Srei Muny and Prey Sokhon, Slaeng Village, and Preal Village.<sup>3083</sup> The ICP seeks **Yim Tith**’s indictment for genocide at all these sites and, additionally, requests indictment of **Yim Tith** for genocide of the Vietnamese, including the Khmer Krom, at other locations in Kirivong, Tram Kak, and Koh Andet districts (detailed below) of which the CIJs were seized.<sup>3084</sup>

### a. THE DEPORTATION OF VIETNAMESE FROM CAMBODIA TO VIETNAM AND KHMER KROM FROM VIETNAM TO CAMBODIA 1975-1977

848. At the beginning of the DK regime, the CPK sent Vietnamese living in Cambodia back to Vietnam in exchange for Khmer Krom living on the territory of Vietnam.<sup>3085</sup> Chao Ny was at the border with Vietnam when he heard a radio announcement in 1975 saying that the Vietnamese had to go back to Vietnam and the Khmer Krom had to return to Cambodia.<sup>3086</sup> Some 150,000 Vietnamese inhabitants were deported to Vietnam in the

<sup>3081</sup> **D219/7** Ven Yoeu WRI, A119, EN 01047919.

<sup>3082</sup> **D219/7** Ven Yoeu WRI, A119, EN 01047919.

<sup>3083</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426068.

<sup>3084</sup> **D65** Co-Prosecutors’ Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 Jul 2011, EN 00728943-45, paras 11-15.

<sup>3085</sup> **D118/269** Thann Thim WRI, A55, EN 01035012 [“I also knew that the Khmer Rouge had taken the Vietnamese to be exchanged for Khmer Krom.”]; **D118/130** Ry Pov WRI, A8, EN 00970027 [“The Khmer Rouge brought the Vietnamese from the upper stream to exchange with Khmer Kampuchea Krom people back to Cambodia.”]; **D219/111** Mao Chorm WRI, A112-114, EN 01076916; **D5/49/3** Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33 [“I left Kampuchea Krom when there was the Vietnamese exchange program”]; **D5/49/3.1** Beng Boeun, T. 2 Apr 2015, 14.40.35-14.43.53 [“I was told that Angkar would send the Vietnamese back to their country although I did not know about the exchange programme”]; **D315.1.19** Thann Thim, T. 21 Apr 2015, 09.36.50-09.39.15 [“there was a swap between Vietnamese and Cambodians”]; **D315.1.20** Ek (Ul) Hoeun, T. 7 May 2015, 15.13.39 [“Started from 1976, there was a plan of the exchange program for the Khmers living in Vietnam to the ‘Yuon’s’ who lived in Cambodia”]; **D315.1.4** Ry Pov, T. 12 Feb 2015, 09.12.53-09.14.21 [“I went to live in Vietnam and by February 1976, I was exchanged to come and live in Cambodia”]; **D6.1.676** Cheang Sreimom WRI, A14, EN 00410266; **D347/2.1.4** Report from Phan to Tram Kak District, 8 May 1977, EN 00742890 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”].

<sup>3086</sup> **D118/128** Chao Ny WRI, A27-28, EN 00970005 [“Q: You also mention ‘the radio broadcast of Khmer Rouge’s policy against the Vietnamese and the Khmer Krom’. In 1975, the Khmer Rouge declared that the Vietnamese had to return to Vietnam and Khmer Krom people had to return to Cambodia. Is my quotation correct? A27: Yes it is correct, but this is only what I heard from others. Q: Did you yourself hear the radio

first years of the regime.<sup>3087</sup>

849. These events were centred in Sector 13, primarily in Kirivong and Tram Kak districts where **Yim Tith** exercised power at both the district and sector level. Sann Lorn, Ta Mok's brother-in-law,<sup>3088</sup> testified in Case 002 that it was Khmer Rouge policy to round up and deport the Vietnamese in 1975<sup>3089</sup> and that "a huge number of Vietnamese people were gathered and deported back to Vietnam" in Tram Kak District at the beginning of the DK regime.<sup>3090</sup> He was subsequently ordered by the Tram Kak District Committee to collect thousands of Vietnamese from communes in the district for transport to Vietnam.<sup>3091</sup>
850. Chao Ny described three exchanges of Vietnamese living in Cambodia for Khmer Krom from Vietnam. First, Khmer Krom were transported from Kampuchea Krom to Kirivong District in January 1976.<sup>3092</sup> Chao Ny believed that these Khmer Krom were then taken to Kraing Ta Chan Security Centre in Tram Kak District.<sup>3093</sup> A second exchange happened in February 1976 and a third in March or April 1976.<sup>3094</sup> Chao Ny said that the approximately 800 Khmer Krom brought in the third exchange were executed in Saom Commune, Kirivong District.<sup>3095</sup>
851. In June 1976, Ry Pov was living in Kampuchea Krom and was sent with other Khmer Krom families on military lorries from Vietnam to Khpok Trabaek and Samraong

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announcement? A28: I did not directly hear the announcement, but heard from others."]; **D65.1.7** Chao Ny CPA, EN 00596048.

<sup>3087</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678522, 24, 48; **D6.1.518** Sao Sarun WRI, EN 00348375.

<sup>3088</sup> **D219/974.1.1** Sann Lorn, T. 28 Jan 2016, 09.26.10-09.29.28.

<sup>3089</sup> **D219/974.1.1** Sann Lorn, T. 28 Jan 2016, 14.24.24-14.25.06 ["Q. So was it the Khmer Rouge policy for the rounding up of the Vietnamese, that is, it happened in 1975? A. Yes, that is correct"]. See also **D118/102** Toat Thoeun WRI, A165, EN 00974046-47.

<sup>3090</sup> **D219/974.1.1** Sann Lorn, T. 28 Jan 2016, 09.53.41-09.56.38 ["The deportation of the Vietnamese to Vietnam took place after 1975"], 09.56.38-09.58.14.

<sup>3091</sup> **D219/974.1.1** Sann Lorn, T. 28 Jan 2016, 10.44.25-10.46.57, 10.48.40-10.52.08.

<sup>3092</sup> **D118/128** Chao Ny WRI, A29, EN 00970005-06 ["The first exchange was done in January 1976. Khmer Rouge lorries transported Vietnamese people to Phnum Den and waited to transport Khmer Krom people back from Phnum Den."].

<sup>3093</sup> **D118/128** Chao Ny WRI, A29, EN 00970005-06 ["Khmer Rouge lorries transported Vietnamese people to Phnum Den and waited to transport Khmer Krom people back from Phnum Den. Those Khmer Krom people were transferred to Krang Ta Chan in Tram Kak District."].

<sup>3094</sup> **D118/128** Chao Ny WRI, A29, EN 00970005-06 ["The second exchange took place in February 1976. The third exchange took place perhaps in March or April 1976."].

<sup>3095</sup> **D118/128** Chao Ny WRI, A29, EN 00970005-06 ["Then all those Khmer Krom people were taken for execution in Soam Commune, Kiri Vong District. Around 800 Khmer Krom who came to Cambodia during the third exchange were executed. After the information about the killing of those Khmer Krom people was leaked, such exchanges were terminated."].

communes in Tram Kak District.<sup>3096</sup> He testified in Case 002 that approximately 1,500 families, comprising thousands of people, were gathered to be returned to Cambodia.<sup>3097</sup> An equal number of Vietnamese were expelled to Vietnam from Tram Kak and elsewhere under the exchange.<sup>3098</sup> Another group of Khmer Krom were exchanged with Vietnamese one month later and sent to Popel and Ta Phem communes in Tram Kak District.<sup>3099</sup> Lach Sem also described how Vietnamese villagers from Saom Village were sent to Vietnam and Khmer Krom who had previously fled to Vietnam were sent back to Saom Village.<sup>3100</sup>

b. THE DEPORTATION OF KHMER KROM FROM KAMPUCHEA KROM TO KIRIVONG DISTRICT 1977-1978

852. By mid-1977, CPK policy was evolving in a much more violent direction as relations with Vietnam began a downward spiral from strained protestations of brotherhood to open hostility. Shortly after Khieu Samphan made a speech about wiping out the Vietnamese “enemy”,<sup>3101</sup> Khmer Rouge units attacked villages and towns in An Giang and Chau Doc provinces of Vietnam, burning houses and killing hundreds of civilians.

<sup>3096</sup> **D118/130** Ry Pov WRI, A21-22, EN 00970028 [“Q: Were Khmer Krom people allowed to bring their belongings with them? What happened to their houses? A21: We discarded our houses and we only brought some valuable belongings with us such as some gold. When we arrived at Khpok Trabaek, the Khmer Rouge seized all of our belongings we had brought with us. Later, I was separated from my parents who were sent to work at a different location while I worked in a youth unit. The Khmer Rouge said at the time that we should not have felt worried because those belongings would not be used as Angkar would support all of us. Q: What happened to your identification card? A22: I did not have an identification card yet at the time. The Khmer Rouge seized my parents’ identification cards and burnt it.”], A8-16, 81, EN 00970027-28, 36.

<sup>3097</sup> **D315.1.4** Ry Pov, T. 12 Feb 2015, 09.27.33-09.29.12 [“To my knowledge, the number of people who fled to live in Vietnam from my village, there were 1,000 families and we were put into one location in Vietnam. [...] I still recall that there were about 1000 to 1,500 families. And when we returned to Cambodia, we were divided into three different phases. And for my batch, I travelled first with other families and then there were other batches who would be returned later”].

<sup>3098</sup> **D118/130** Ry Pov WRI, A12, 14, EN 00970026. *See also* surviving DK documents regarding people from Vietnam who had settled into various Tram Kak District communes after the exchange, which sheds further light on the scale since an equal number were displaced from Democratic Kampuchea; **D347/2.1.4** Confirmation Report from Phan to the District Angkar, 8 May 1977, EN 00742890 [“There are 64 households equivalent to 228 individuals of Kampuchea Krom people and other people exchanged by the Vietnamese”]; **D347/2.1.3** Name List of People who Have Just Come from Srok Yuon [Vietnam], 27 Apr 1977, EN 00323977-78 [list of 18 Khmer Krom families in Cheang Tong Commune].

<sup>3099</sup> **D118/130** Ry Pov WRI, A81-82, EN 00970036. For exchanges of Khmer Krom for Vietnamese, *see also* **D347/2.1.4** Confirmation Report from Phan to the District Angkar, 8 May 1977, EN 00742890.

<sup>3100</sup> **D118/233** Lach Sem WRI, A130-131, EN 01055593 [“Q: Can you tell us about Saom Village? A130: I have nothing to say about Saom Village. Saom Village was where the base residents lived, but the base residents had left the village. The village was near the border. I was not allowed to go to Saom Village. There was an exchange of Cambodian and Vietnamese people. Saom villagers were sent to Vietnam, and Cambodian people who had escaped to Vietnam were sent back to Saom Village. Q: What year did that happen? A131: It happened in the Year of the Ox. The residents of Saom Village were Vietnamese, so the Khmer Rouge sent them to Vietnam. That happened before I was evacuated to Cambodia.”].

<sup>3101</sup> **D6.1.939** Khieu Samphan’s Speech at Anniversary Meeting, 19 Apr 1977, EN 00419513.

Khieu Samphan would later acknowledge the Khmer Rouge forces committed “medieval-type cruelties” during these attacks,<sup>3102</sup> stating that “[t]here is no doubt that the Khmer Rouge made forays into Vietnamese villages along the border, committing appalling crimes against Vietnamese civilians.”<sup>3103</sup>

853. Violent attacks in Vietnamese territory continued, with CPK soldiers making no distinction between Vietnamese soldiers and ordinary civilians.<sup>3104</sup> An 8 April 1978 report from Son Sen to Ieng Sary detailed the killing and wounding of “many hundreds” and the burning of “hundreds of houses” in an attack on a “population center” and a “market” across the Vietnamese border.<sup>3105</sup> Norodom Sihanouk recalled that Pol Pot had told him that the CPK army was sent “to Kampuchea Krom [...] with the mission to kill as many men, women and children as possible of the evil race.”<sup>3106</sup> Pol Pot planned greater attacks, claiming that “in the final phase, we will enter their territory, Annam and Tonkin, after liberating our Kampuchea Krom, and kill their women and children (boys, girls and infants).”<sup>3107</sup>
854. During these attacks, CPK soldiers forcibly removed Khmer Krom people living in Kampuchea Krom,<sup>3108</sup> herding thousands of Khmer Krom families into Kirivong District.<sup>3109</sup> **Yim Tith** was Kirivong District Secretary when the CPK repeatedly raided

<sup>3102</sup> **D6.1.1103** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103759-60.

<sup>3103</sup> **D6.1.1103** Khieu Samphan, *Cambodia's Recent History and the Reasons Behind the Decisions I Made*, EN 00103759-60.

<sup>3104</sup> **D132.1.44** SRV Ministry of Foreign Affairs, Facts and Documents, Jan 1978, EN 00187275, 288.

<sup>3105</sup> **D6.1.496** Telegram 18 from Brother Van, 8 Apr 1978, EN 00323164.

<sup>3106</sup> **D1.3.21.1** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394 [“Regarding the situation which prevailed on the eve of the total defeat by Vo Nguyen Giap’s army and the army of Heng Samrin Hun Sen, --- POL POT told me: “We are a long way from being defeated by the Yuons (Vietnamese). However our Kampuchea will not be at peace as long as we Kampucheans have not overcome the evil Yuon race. I started by sending our army to Kampuchea Krom [...] with the mission to kill as many men, women and children as possible of the evil race. However, it was not possible to kill them all in their territory. In Annam and Tonkin, tens of millions of them are still alive and kicking”].

<sup>3107</sup> **D1.3.21.1** King Father Sihanouk, *The Dying Days of the Pol Pot Regime and Me*, EN 00224394. *See also* **D132.1.10** Letter from Vietnam’s UN Ambassador to UN Security Council, 8 Jan 1979, EN 00078306.

<sup>3108</sup> **D118/233** Lach Sem WRI, A28, EN 01055578; **D219/379** Lach Sambath WRI, A82, EN 01132643 [“Q: Do you think that the Khmer Krom who were evacuated from Vietnam to Cambodia came on a voluntary basis? A82: Some of them volunteered to come, but some did not want to come because they did not want to abandon their land and property in Vietnam. The Khmer Rouge told the Khmer Krom that they should return to Cambodia to live in unity and to help fight to take Khmer Krom land from Vietnam.”], A58, EN 01132641.

<sup>3109</sup> **D219/524** Nheb Noem WRI, A50-52, EN 01168035-36 [“A50: There were no Khmer Krom in the cooperative, but there were Khmer Krom in other cooperatives. Khmer Rouge mobilized thousands of Khmer Krom families to Kampeaeng Village around 1977 or 1978 before the Khmer Rouge went upcountry. Q: Did you know what happened to the Khmer Krom? A51: Thousands of them came with their carts. I heard that they took the Khmer Krom to be killed. Q: When did you hear that Khmer Krom were killed by Khmer Rouge? A52: I heard that when the Khmer Krom were being gathered in Kampeaeng

Svay Tong District, An Giang Province, in Kampuchea Krom and forcibly deported its inhabitants to Kirivong.<sup>3110</sup> These attacks followed a pattern:

- (i) CPK soldiers first tried to coax Khmer Krom to Cambodia, promising them that there were food and jobs for them or alleging that the Vietnamese would attack them;<sup>3111</sup>
- (ii) CPK soldiers then threatened the Khmer Krom, killing those who refused to leave Kampuchea Krom and killing others along the journey to Cambodia;<sup>3112</sup>
- (iii) CPK soldiers destroyed Khmer Krom people's houses and property;<sup>3113</sup>
- (iv) the Khmer Krom were forced to walk from Kampuchea Krom to Cambodia, including those who were physically injured and pregnant, with those unable to walk left behind;<sup>3114</sup>
- (v) no rest, food or medicine was provided on the walk;<sup>3115</sup>

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Village.”]; **D118/165** Lach Sambath WRI, A18, EN 00980256 [“The Khmer Krom arrived in Kampeaeng Commune at the end of 1977.”]; **D219/379** Lach Sambath WRI, A13, EN 01132635 [“I would like to emphasize that in 1977, we, the 17 April people, were sent to live in District 105 (Tram Kak District) and the Khmer Krom people who were evacuated from Vietnam were moved to live in District 109 (Kirivong District).”]; A54, EN 01132640 [“Q: You mentioned the arrival of the Khmer Krom from Vietnam. Do you remember when this happened? A54: The Khmer Krom were evacuated from Vietnam to Takeo in late 1977, around October or November.”].

<sup>3110</sup> **D118/259** Pech Chim WRI, A242-244, EN 01000696 [“Q: When did the Khmer Krom arrive in the Southwest Zone? A242: I heard that the Khmer Krom arrived at Phnom Den, Kiri Vong Mountain, but I do not recall the year. Q: When the Khmer Krom arrived in Kiri Vong District, was Ta Tith the Secretary of Kiri Vong District? A243: Yes, he was. Q: Did you know what happened to the Khmer Krom when they arrived in Kiri Vong District? A244: I was not worried about the Khmer Krom because they were mistreated by the Vietnamese, so they fled to Cambodia.”]; **D219/379** Lach Sambath WRI, A81, EN 01132643 [“Q: Who in the district committee prepared food to receive the Khmer Krom? A81: At that time, there were only Yeay Bo and Ta Tith.”].

<sup>3111</sup> **D118/164** Pen Heang WRI, A11, EN 00980243; **D118/291** Khin Suo WRI, A29-31, EN 01031838; **D219/98** Mam Suo WRI, A20-21, EN 01077060.

<sup>3112</sup> **D118/291** Khin Suo WRI, A16, 29-31, 39, EN 01031836-39; **D118/132** Un Sovannary WRI, A18-22, EN 00970056; **D118/129** Mei Sokhan WRI, A22, EN 00970016; **D118/163** Prom Saroeurn WRI, A5-6, 9, EN 00979991-92; **D118/253** Kong Samnang WRI, A8, EN 01031943; **D119/203** Doek Pet WRI, A22-23, EN 00985589; **D118/164** Pen Heang WRI, A12, 14, 43-44, EN 00980244, 49; **D219/49** Tob Nget WRI, A42-44, 47, EN 01053685-86; **D118/233** Lach Sem WRI, A13-15, 18, EN 01055576-77; **D118/131** Sann Touch WRI, A11-16, 20-21, EN 00970041-43; **D219/98** Mam Suo WRI, A22-23, EN 01077060.

<sup>3113</sup> **D118/164** Pen Heang WRI, A11, 13, EN 00980243-44; **D118/132** Un Sovannary WRI, A18-22, EN 00970056; **D118/163** Prom Saroeurn WRI, A6, 9, EN 00979991-92; **D219/49** Tob Nget WRI, A34, EN 01053684; **D118/131** Sann Touch WRI, A13, 22, EN 00970042-43.

<sup>3114</sup> **D118/291** Khin Suo WRI, A46, 48, EN 01031840-41; **D118/164** Pen Heang WRI, A17, EN 00980245; **D118/132** Un Sovannary WRI, A27-28, EN 00970057; **D118/129** Mei Sokhan WRI, A24, EN 00970016; **D118/163** Prom Saroeurn WRI, A5, EN 00979991; **D118/253** Kong Samnang WRI, A15-16, 53, EN 01031943, 48; **D118/203** Doek Pet WRI, A21, 29, 31, EN 00985589-90; **D219/49** Tob Nget WRI, A50, 53-55, EN 01053687; **D118/233** Lach Sem WRI, A7-10, 38-39, EN 01055575, 80; **D219/98** Mam Suo WRI, A17, 20, 24, EN 01077059-61.

<sup>3115</sup> **D118/132** Un Sovannary WRI, A29-32, EN 00970057; **D219/49** Tob Nget WRI, A50, 53-55, EN 01053687; **D219/98** Mam Suo WRI, A17, 20, 24, EN 01077059-61.

(vi) the Khmer Krom were dispersed to various communes in Kirivong;<sup>3116</sup>

(vii) the Khmer Krom were forced to work and were starved;<sup>3117</sup> and

(viii) the Khmer Krom were killed.<sup>3118</sup>

855. The following individual accounts are illustrative: Khin Suo, her family, and approximately 100 other Khmer Krom families were forcibly moved from Yang Yav Village;<sup>3119</sup> Pen Heang and approximately 600 other Khmer Krom families were forcibly moved from Veal Prakav Village;<sup>3120</sup> Un Sovannary and thousands of Khmer Krom families were forcibly moved from Pring Thum Village;<sup>3121</sup> Mei Sokhan and thousands of other Khmer Krom were forced from Preal Village;<sup>3122</sup> Prom Saroeurn and around 200 Khmer Krom families were forcibly moved from Cheung Kou Village;<sup>3123</sup> Kong Samnang, his family, and other Khmer Krom villagers were forcibly removed from Phnom Ansang Village;<sup>3124</sup> Doek Pet and all of the villagers in Ampeang Svay Village were forcibly removed;<sup>3125</sup> Tob Nget, his six children, and many others were forcibly moved from Peam Buon Village;<sup>3126</sup> Lach Sem, her husband and two children, and hundreds of other Khmer Krom were forcibly moved from Kouk Ampul Village;<sup>3127</sup>

<sup>3116</sup> **D118/253** Kong Samnang WRI, A21, EN 01031944; **D118/203** Doek Pet WRI, A46, 50-54, 56, EN 00985592-93; **D118/164** Pen Heang WRI, A18, EN 00980245; **D118/233** Lach Sem WRI, A7-10, 38-39, EN 01055575, 80.

<sup>3117</sup> **D118/129** Mei Sokhan WRI, A43-45, 50-51, EN 00970019; **D3/9** Mei Sokhan WRI, A2, EN 00622279, *confirming* **D5/118** Mei Sokhan CPA, EN 00426836; **D118/163** Prom Saroeurn WRI, A12, 14-15, 19, EN 00979992-93; **D118/253** Kong Samnang WRI, A5, 47, EN 01031942, 47; **D118/203** Doek Pet WRI, A4, 46, 50-54, 56, 105-110, 113, EN 00985586, 592-593, 599-600; **D118/164** Pen Heang WRI, A20, 22, EN 00980245; **D118/131** Sann Touch WRI, A29, 31, EN 00970044.

<sup>3118</sup> **D118/129** Mei Sokhan WRI, A43-45, 50-51, EN 00970019; **D3/9** Mei Sokhan WRI, A2, EN 00622279, *confirming* **D5/118** Mei Sokhan CPA, EN 00426836; **D118/164** Pen Heang WRI, A23, 43, EN 00980246, 49; **D118/132** Un Sovannary WRI, A60-68, 79-80, EN 00970061, 63; **D119/203** Doek Pet WRI, A4, 85, 87-88, 90-91, 105-110, 113, 126, 133-134, EN 00985586, 597-600, 601-03; **D105/5** Ork Chan WRI, A52, 66-68, EN 00803446-48.

<sup>3119</sup> **D118/291** Khin Suo WRI, A13-15, 17-20, 38, EN 01031836-37, 39.

<sup>3120</sup> **D118/164** Pen Heang WRI, A10, 17, EN 00980243-44.

<sup>3121</sup> **D118/132** Un Sovannary WRI, A17, 34, EN 00970056-57.

<sup>3122</sup> **D118/129** Mei Sokhan WRI, A18-21, 27-28, EN 00970015-17.

<sup>3123</sup> **D118/163** Prom Saroeurn WRI, A2, 4, 10-11, EN 00979991-92.

<sup>3124</sup> **D118/253** Kong Samnang WRI, A5-6, EN 01031942, A7, EN 01031942 ["At the beginning, they talked to us in a friendly manner but since we refused to leave they threatened to kill us."].

<sup>3125</sup> **D119/203** Doek Pet WRI, A4, 10-11, 16, EN 00985586-88.

<sup>3126</sup> **D219/49** Tob Nget WRI, A17-19, EN 01053683 ["A17: I left Kampuchea Krom in the middle of the Khmer month of Chet. Q: Why did you leave your birthplace in An Giang? A18: If we did not move, the Khmer Rouge considered us a 'Yuon enemy,' and when we reached Cambodia, they still accused us of being Yuon enemies. Q: When you said 'they', to whom did you refer? A19: 'They' refers to those known as 'Angkar.'"], A20, 32-33, 35, 56, EN 01053683-84, 87.

<sup>3127</sup> **D118/233** Lach Sem WRI, A2-3, EN 01055574-75 ["A2: I lived in Le Tri Commune, Svay Tong District, An Giang Province, Vietnam. Q: Were you living with your family? A3: Yes. When the Khmer Rouge drove my family into Cambodia, my husband was assigned to work at the battlefield."], A4-6, EN 01055575.



Mam Suo, his wife, infant daughter, and 20 to 30 other Khmer Krom families were forcibly removed from Ka Pav Village,<sup>3128</sup> and Sann Touch, the inhabitants of Pou Commune, and about 12 other communes (totalling around 1,000 persons) were forcibly removed.<sup>3129</sup> Witnesses described this draining of communes by the CPK as resulting in the majority of the Khmer Krom population of Svay Tong District being forced to leave.<sup>3130</sup> Some Vietnamese families were also grouped with the Khmer Krom forcibly removed from Kampuchea Krom.<sup>3131</sup>

856. These thousands of Khmer Krom were sent to labour in villages throughout Kirivong during the time **Yim Tith** was district secretary, particularly within Kampeaeng and Kouk Prech communes.<sup>3132</sup> In order to isolate and segregate the thousands of Khmer Krom, “base people” were transferred from Kirivong to neighbouring Tram Kak and Koh Andet Districts,<sup>3133</sup> where **Yim Tith** held authority as a Sector 13-level cadre. Where “base people” remained, the Khmer Krom were segregated from the Khmer, forced to work harder and given less food.<sup>3134</sup>

<sup>3128</sup> **D219/98** Mam Suo WRI, A15, EN 01077059, A17, EN 01077059 [“I returned to Cambodia because of coercion by POL Pot. At that time, the Khmer Rouge attacked into Vietnam. During the night, the Khmer Rouge evacuated the Kampuchea Krom people back to Cambodia.”], A18, 25, EN 01077060-61.

<sup>3129</sup> **D118/131** Sann Touch WRI, A7-8, EN 00970041 [“A7: In 1978 the Khmer Rouge waged war against the Vietnamese, and they ‘liberated’ us. Q: Where did the Khmer Rouge ‘liberate’ you from? A8: From Kampuchea Krom.”], A19, EN 00970043, A20-21, EN 00970043 [“A20: They had no megaphones; they herded the people by ordering the people to walk in the middle, and they were walking with guns in hands along both sides. Q: Did the Khmer Rouge go to villagers’ house and used megaphones to order them to leave their house? A21: No, the Khmer Rouge pointed their guns at villagers and ordered them to leave their house.”], A29, EN 00970044.

<sup>3130</sup> **D3/9** Mei Sokhan WRI, A2, EN 00622279; **D118/129** Mei Sokhan WRI, A18, EN 00970015; **D118/132** Un Sovannary WRI, A35, EN 00970058; **D118/163** Prom Saroeurn WRI, A12, EN 00979992.

<sup>3131</sup> **D118/163** Prom Saroeurn WRI, A4, EN 00979991.

<sup>3132</sup> **D118/291** Khin Suo WRI, A46, 48, EN 01031840-41; **D118/164** Pen Heang WRI, A18, 20, 22, EN 00980245; **D118/132** Un Sovannary WRI, A42-44, EN 00970058-59; **D118/129** Mei Sokhan WRI, A38-41, EN 00970018; **D118/163** Prom Saroeurn WRI, A14-19, 25, EN 00979993-94; **D118/253** Kong Samnang WRI, A49, EN 01031947; **D119/203** Doek Pet WRI, A4, 46, 50-54, 56, 105-110, 113, EN 00985593, 596, 599-600; **D118/233** Lach Sem WRI, A7-10, 38-39, EN 01055575, 80; **D219/49** Tob Nget WRI, A50, 53-55, EN 01053687; **D219/98** Mam Suo WRI, A17, 20, 24, EN 01077059-61; **D118/131** Sann Touch WRI, A29, 31, EN 00970044; **D105/5** Ork Chan WRI, A48-51, EN 00803445-46.

<sup>3133</sup> **D118/165** Lach Sambath WRI, A18-19, EN 00980256; **D219/379** Lach Sambath WRI, A55, 57, EN 01132640-41; **D219/358** Luon Mul WRI, A142, EN 01116355 [“Q: Did the Khmer Krom live in one specific village? A142: After the liberation of Phnom Penh, there were thousands of Khmer Krom families coming to live in Kiri Vong District, and they lived everywhere; they did not live in one specific village or commune.”], A144, EN 01116355 [“A144: After I got married in 1978, the Khmer Krom came to live in Kiri Vong District, and afterwards they moved the base people to live in Koh Andet District which was called District 108.”], A145, EN 01116355; **D118/129** Mei Sokhan WRI, A62, EN 00970021; **D3/9** Mei Sokhan WRI, A2, EN 00622279; **D118/164** Pen Heang WRI, A19, EN 00980245; **D118/132** Un Sovannary WRI, A79-80, EN 00970063; **D118/253** Kong Samnang WRI, A49, EN 01031947; **D119/203** Doek Pet WRI, A93, EN 00985598.

<sup>3134</sup> **D118/132** Un Sovannary WRI, A46, 48, EN 00970059; **D118/129** Mei Sokhan WRI, A43-45, 50-51, EN 00970019; **D3/9** Mei Sokhan WRI, A2, EN 00622279, *confirming* **D5/118** Mei Sokhan CPA, EN 00426836; **D118/163** Prom Saroeurn WRI, A40, EN 00979996.

c. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN KIRIVONG DISTRICT 1975-1979

857. **Yim Tith** was the senior figure in Kirivong District when thousands of Khmer Krom together with some Vietnamese were herded into the district.<sup>3135</sup> Khmer Krom were treated differently to Khmer, living segregated existences and suffering greater mistreatment.<sup>3136</sup> Khmer Krom families were killed throughout the district.<sup>3137</sup> **Yim Tith** was responsible for the following crime sites in Kirivong: Wat Angkun, Wat Pratheath, Preal Village, and Slaeng Village, as well as for crimes committed in the district beyond these named sites, particularly in Kampeaeng and Kouk Prech communes.

i. KAMPEAENG COMMUNE

858. Lach Sambath, a Khmer Krom, described how from the beginning of the DK regime, Khmer Krom were given even less food than base people and were starving.<sup>3138</sup> Mam Suo said his mother, a Khmer Krom, died from starvation in the commune.<sup>3139</sup>

859. Lach Sambath had been forcibly moved with other Khmer Krom to Kirivong in 1975. Soon after they arrived in Kampeaeng, the Khmer Krom were told that if they registered their names they would be sent back to Vietnam.<sup>3140</sup> However, Lach Sambath's mother was warned by a local cadre that if they registered, they would not be sent to Vietnam but would be killed.<sup>3141</sup> Lach Sambath subsequently saw Kirivong District militiamen on

<sup>3135</sup> See, e.g. **D118/269** Thann Thim WRI, A20-21, EN 01035006-07 ["Q: To your knowledge, were there Khmer Krom people and Vietnamese amongst those evacuees? A20: Yes, there was mixture of both Khmer Krom and the Vietnamese. For those who had fair complexion and could not speak Khmer language well like the Khmer Krom people, they regarded them all as the Vietnamese, and eventually they would take them to be killed. Q: Who do you refer to as 'they'? A21: I referred 'they' to the militia unit, and village and cooperative chairpersons."]; **D219/918** Soy Sen WRI, A8-10, EN 01476144 ["A8: Less people were arrested in 1976 than in 1977. By 1977 a great number of people were arrested. That was when the war erupted along the Vietnam Cambodia border. Q: Was there a war at the border with Vietnam? A9: Yes, there was. Q: When you stated that a great number of people were arrested did you refer to the Vietnamese people? A10: They were Cambodians and Vietnamese. The Vietnamese were brought in from the border more frequently during that period."].

<sup>3136</sup> **D118/301** Khoem Sorn WRI, A83-84, 91, EN 01045463-64; **D219/49** Tob Nget WRI, A117, EN 01053695.

<sup>3137</sup> **D118/165** Lach Sambath WRI, A14, EN 00980255 ["lived in District 109 since after 17 April 1975 until the end of 1977. Many Khmer Krom people were killed in District 109."].

<sup>3138</sup> **D118/165** Lach Sambath WRI, A30, EN 00980259 ["At the time, the base people were given rice to eat; the Khmer Krom people were given porridge to eat; however, they worked equally."]; **D219/379** Lach Sambath WRI, A29, EN 01132637 ["People wanted to be sent to Kampuchea Krom because they did not have enough food to eat in Cambodia."].

<sup>3139</sup> **D219/98** Mam Suo WRI, A40, EN 01077063 ["My mother died of starvation. At that time, she was at home taking care of my child. So the Khmer Rouge said because she did not do anything, she did not deserve to eat anything. They gave very little food to my mother, and my mother gave all the food to my child. After that, she became emaciated and died. Then my father died after 1979."].

<sup>3140</sup> **D219/379** Lach Sambath WRI, A28, EN 01132637.

<sup>3141</sup> **D219/379** Lach Sambath WRI, A28, 30, EN 01132637-38.

army trucks come and take the people who had registered away.<sup>3142</sup> He heard the village chief say that the Khmer Krom were taken to be killed at Sla Kou Bridge in Tram Kak District.<sup>3143</sup>

860. You Phnom, who was a militiaman in Kampeaeng Commune, witnessed the killing of hundreds of Khmer Krom in 1977.<sup>3144</sup> Shortly after the Khmer Krom arrived in the commune, Khmer Rouge forces first killed the children and then the parents. Some victims were beheaded and others had their abdomens cut open.<sup>3145</sup> You Phnom stated that there was a “plan to smash the Vietnamese nationals.”<sup>3146</sup> This was an “upper-level plan” that You Phnom understood “through the chain of command.”<sup>3147</sup> You Phnom knew that they were forcibly moved into Cambodia, “the Khmer Rouge killed all the Kampuchea Krom.”<sup>3148</sup>
861. Pann Sarou, who was the Kampeaeng Commune Deputy Chairman,<sup>3149</sup> stated that the Khmer Krom who were forced to move to Kirivong were accused by the CPK of being

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<sup>3142</sup> **D219/379** Lach Sambath WRI, A28, 30-31, EN 01132637-38. The same ploy was used by the CPK elsewhere in Cambodia. *See, e.g.* **D347/2.1.18** Kuy Sambath WRI, A1, EN 01111728-29.

<sup>3143</sup> **D219/379** Lach Sambath WRI, A50-51, EN 01132640 [“Q: Do you know where they took those Khmer Krom? A50: Se, the village chief, said the Khmer Krom were taken to be killed at Sla Kou Bridge. Q: Where is Sla Kou Bridge? A51: I do not know which village and commune it is in, but Sla Kou Bridge is along National Road 3 in Tram Kak District, Takeo Province near Phsar Angk Ta Saom Market.”].

<sup>3144</sup> **D219/109** You Phnom WRI, A14, EN 01081741 [“I knew about events related to Khmer Kampuchea Krom. I remember that during the dry season in late 1977 or early 1978, hundreds of Khmer Kampuchea Krom were evacuated to this village. Then they took those Khmer Kampuchea Krom to be killed”]; **D219/406** You Phnom WRI, A172, EN 01139571.

<sup>3145</sup> **D219/109** You Phnom WRI, A14, EN 01081741 [“First, they took children to be killed, and then they took their parents to be killed. [...] I was a militiaman at the time. I often walked on patrol near the village, and I saw such events first-hand, but I never joined in the killings. At that time, I saw them behead victims and cut open their abdomens. Because the blood smelt so bad at the time, it sometimes made me vomit. I saw many people being killed that way. I cannot tell you how many times or how often they killed people. I only know that a few days after they brought people into this village, they took them to be killed.”]; **D219/406** You Phnom WRI, A172, EN 01139571.

<sup>3146</sup> **D219/406** You Phnom WRI, A118, EN 01139565 [“Q: You mentioned class divisions and different categories of people during that era. What was their policy toward minority groups, for instance the Cham and the Khmer Kampuchea Krom? A118: I did not know about those plans. I did personally witness killings of Khmer Kampuchea Krom. I only knew about the plan to smash the Vietnamese nationals.”]. *See also* **D219/918** Soy Sen WRI, A23-26, EN 01476147 [“Q: Which group of people do you refer to as Khmer Krom? A23: At that time, they were referred to as the Vietnamese. Q: Where were they from? A24: Most of them were arrested from Kiri Vong. Khmer Krom, who lived there, were treated as Vietnamese. Anyone who knew how to speak Vietnamese was regarded as a Vietnamese. Between 1976 and 1977, those people were removed from that place. They were considered as Vietnamese. However, they were not Vietnamese; they were Khmer Krom. Q: How were Khmer Krom and Cambodians identified? A25: They were just treated as Vietnamese. That’s all. Those Khmer Krom were called Vietnamese as they spoke Khmer with dialects. Q: In response to a number of our questions, you have mentioned that each time three or four Vietnamese people were arrested and sent to Kraing Ta Chan. How were Vietnamese differentiated from the Khmer Krom? A26: In general, Khmer Krom were addressed as Vietnamese in those days.”].

<sup>3147</sup> **D219/406** You Phnom WRI, A180-181, EN 01139572.

<sup>3148</sup> **D219/406** You Phnom WRI, A183, EN 01139573.

<sup>3149</sup> **D118/302** Pann Sarou WRI, A18-19, EN 01045471-72.

“embedded Yuon enemies”.<sup>3150</sup> **Yim Tith**, in his position as district secretary, was heard at meetings declaring that Yuon were embedded in the CPK and cadres had to “[m]onitor to find them and report to the upper level.”<sup>3151</sup>

862. In 1978, Sann Touch witnessed Khmer Krom being beaten to death by militiamen at Ang Kchau Mountain, Kampeaeng Commune, because they were accused of being Vietnamese enemies or because they had a Vietnamese spouse.<sup>3152</sup> Sann Touch saw many corpses at this killing site, all of which were Khmer Krom.<sup>3153</sup> Khmer Krom were also detained and killed in Wat Kampeaeng.<sup>3154</sup> Additionally, Mam Suo, who was deported from Kampuchea Krom in mid-1978, described Khmer Krom in Kampeaeng Commune being taken away by militiamen to never be seen again.<sup>3155</sup>

ii. KOUK PRECH COMMUNE

863. CPK forces killed hundreds of the Khmer Krom families who had been forcibly moved to Kouk Prech Commune.<sup>3156</sup> Ork Chan, who worked near the Vietnamese border in

<sup>3150</sup> **D118/302** Pann Sarou WRI, A111, EN 01045485 [“Q: To your knowledge, did the Khmer Rouge have a policy on the treatment of the Khmer Krom? A111: The Khmer Rouge herded all the Khmer Krom into Cambodia. Next the Khmer Rouge accused those Khmer Krom of being KGB agents or embedded Yuon enemies. Later a small number of Khmer Krom were arrested and sent to Wat Preah Theat Pagoda. I did not know about the rest of them.”]. See also **D118/305** Top Phan WRI, A84, EN 01045528 [“Q: What happened to Khmer Krom people who were identified? A84: When the Khmer Krom arrived here, they were accused by the local Khmer of being Khmer Krom, and some Khmer Krom were taken away to be killed.”], A93, EN 01045529 [“Q: You have stated that they were taken by the Khmer Rouge to be killed. Did they actually kill them? A93: They took those Khmer Krom people away and I never saw them return; they disappeared.”].

<sup>3151</sup> **D219/109** You Phnom WRI, A15, EN 01081741; **D219/406** You Phnom WRI, A184, 186, EN 01139573.

<sup>3152</sup> **D118/131** Sann Touch WRI, A35-37, EN 00970045 [“A35: The people who had come [to Cambodia] with me were taken to be killed, and I saw this firsthand. At Ang Khchau, there was a pond which was surrounded by trees, and people were killed around that pond. Q: Did you see how people were killed? A36: They were beaten to death with bamboo stumps; and at Ang Kchau, people were beaten to death with *Sangkae* tree sticks. Q: Why were those people killed? A37: They were accused of being the Vietnamese enemy or CIA detectives.”], A38, 41-43, 47, 53, EN 00970045-47.

<sup>3153</sup> **D118/131** Sann Touch WRI, A49-53, EN 00970046-47.

<sup>3154</sup> **D219/379** Lach Sambath WRI, A69-70, EN 01132642 [“A69: When I lived in District 109, there were 17 April Khmer Krom living in Wat Kampeng Pagoda. Later, the Khmer Krom who were evacuated from Vietnam lived there as well. I would like to clarify that Wat Kampeng Pagoda was not a permanent residence for them. It was just a temporary place because the canal worksite was near there. Q: Do you know what happened to the 17 April Khmer Krom and the Khmer Krom evacuated from Vietnam? A70: I knew that the Khmer Krom who were the 17 April were killed and their bodies were put in stupas in Wat Kampeng Pagoda. I did not know what happened to the Khmer Krom who were evacuated from Vietnam because they arrived after I left. I did not meet them.”].

<sup>3155</sup> **D219/98** Mam Suo WRI, A30-32, EN 01077062 [“Q: About one or two nights later, your three brothers were taken away. Is this correct? A30: Yes, it is. They took not only my brother, but others too. Q: Who took those people away? A31: I heard from the wives and children of the victims that their husbands and fathers had been taken away by militiamen. Q: How many people were taken away that night? Where did they take them? A32: I did not see that, but during those two or three nights approximately six or seven people were taken away and disappeared.”], A45, EN 01077064 [“Q: In which month in 1978 did that event happen? A45: It happened at the end of 1978.”].

<sup>3156</sup> **D105/5** Ork Cham WRI, A47-54, 60-62, 66-68, EN 00803445, 47-48.

Kirivong District,<sup>3157</sup> witnessed Khmer Krom families (each with five to six members) being moved to Samraong Khang Lech and Samraong Khang Keut villages in Kouk Prech Commune.<sup>3158</sup> Subsequently, Ork Chan saw the corpses of these Khmer Krom,<sup>3159</sup> who were killed and dumped into pits at Prey Cheung Post Village in Kouk Prech.<sup>3160</sup>

864. Lach Sem was forcibly deported to Kouk Prech Commune in mid-1978.<sup>3161</sup> She said that many Khmer Krom disappeared there, including her brother and other relatives.<sup>3162</sup> Lach Sem also stated that the CPK told the Khmer Krom to attend a feast in Trapeang Pring Village, Kouk Prech Commune, intending to kill all who came, but the Vietnamese soldiers arrived before this could happen.<sup>3163</sup>

### iii. WAT PRATHEAT SECURITY CENTRE

865. As detailed in the crime site section,<sup>3164</sup> Khmer Krom were detained under a constant fear of torture and killing without sufficient food or medication at Wat Pratheath,<sup>3165</sup> which was overseen by **Yim Tith**, who visited the security centre, selected prisoners for interrogation, and gave orders for executions.<sup>3166</sup> Khmer Krom were victims of the massive scale of executions that occurred at Wat Pratheath.<sup>3167</sup>

<sup>3157</sup> **D105/5** Ork Chan WRI, A70, EN 00803448.

<sup>3158</sup> **D105/5** Ork Chan WRI, A48-51, EN 00803445-46.

<sup>3159</sup> **D105/5** Ork Chan WRI, A53, EN 00803446.

<sup>3160</sup> **D105/5** Ork Chan WRI, A52, 66-68, EN 00803446-48.

<sup>3161</sup> **D118/233** Lach Sem WRI, A56, EN 01055582 [“Q: When you arrived at Kampeaeng - Kouk Prech, did you live with the base residents? A56: No. I lived with other Khmer Krom people. I did not know where the base residents had gone. At that time, some of the base residents’ houses were available for use, and those evacuees who could not find shelter had to make one with leaves. Those who could not build a shelter slept along a dike.”].

<sup>3162</sup> **D118/233** Lach Sem WRI, A45, EN 01055581 [“Q: Did some people disappear? A45: Yes. Many people disappeared. I lost my uncles and aunts.”], A59, EN 01055583 [“Young militiamen took him. I did not know their names.”], A61, EN 01055583 [“Q: You said earlier that your brother was a second lieutenant. In which army did he work? A61: He worked in the Vietnamese army. The Khmer Rouge told my brother, ‘Return to work’, and they took him to study. He has disappeared since then.”], A66, 68, EN 01055584.

<sup>3163</sup> **D118/233** Lach Sem WRI, A99-105, EN 01055589.

<sup>3164</sup> See **V.A.I.a.iv**. Crimes – Southwest Zone – Sector 13 - Wat Pratheath Security Centre – Crimes.

<sup>3165</sup> **D219/316** Mao Ngov WRI, A59-64, 68, 105, EN 01111989-92; **D118/155** Hor Yan WRI, A88, EN 00978598; **D118/112** Ven Nat WRI, A18, 52, EN 00970421-22, 28-29; **D219/189** Soeum Chhoeun WRI, A16, EN 01079816; **D219/121** Loem Ngen WRI, A21, EN 01057798; **D219/86** Dok Chann WRI, A11-13, EN 01056875-76; **D105/6** Hor Yan WRI, A48-49, EN 00841981; **D105/5** Ork Chan WRI, A78, EN 00803449.

<sup>3166</sup> **D105/5** Ork Chan WRI, A93-98, EN 00803450-51; **D118/156** Ork Chan WRI, A61, 68-69, EN 00980472-73; **D105/6** Hor Yan WRI, A12-16, 22-23, 27, EN 00841977-78.

<sup>3167</sup> **D219/369** Ork Chan WRI, A123-133, EN 01128262; **D105/5** Ork Chan WRI, A28, 34, EN 00803443-44; **D105/6** Hor Yan WRI, A85, 108-109, EN 00841985, 87; **D219/55** Hor Yan WRI, A45, EN 01053840; **D219/248** Ven Nat WRI, A151-153, EN 01095775; **D219/121** Loem Ngen WRI, A40, EN 01057803; **D219/247** Ou Dav WRI, A48, EN 01093020-21.

## iv. WAT ANGKUN EXECUTION SITE

866. Khmer Krom deported from Kampuchea Krom were detained at Wat Angkun.<sup>3168</sup> As discussed in the crime site section,<sup>3169</sup> Khmer Krom were also sent to Wat Angkun from other areas in the commune to be executed.<sup>3170</sup> Many were buried in mass graves in the vicinity of Wat Angkun.<sup>3171</sup>

## v. PREAL VILLAGE

867. Khmer Krom deported from Kampuchea Krom into the **Yim Tith**-led Kirivong District were detained at Wat Preal and taken to be executed or disappeared.<sup>3172</sup> As discussed in the crime site section,<sup>3173</sup> the Khmer Rouge targeted the Khmer Krom because they saw them as Vietnamese.<sup>3174</sup> A mass grave located in Preal Village is estimated to contain the bodies of 1,000 Khmer Krom killed during the DK regime.<sup>3175</sup>

## vi. SLAENG VILLAGE

868. In 1978, hundreds of Khmer Krom deportees were brought to villages in Kouk Prech including Slaeng.<sup>3176</sup> As detailed in the crime site section,<sup>3177</sup> Khmer Krom were sent to be killed at a number of locations in Slaeng Village, including at Wat Slaeng and in an adjoining forest.<sup>3178</sup> In 1978, cadres accused Khmer Krom at a meeting in Slaeng Village of having “Vietnamese heads on Khmer bodies, kill them all!”<sup>3179</sup>

<sup>3168</sup> **D118/129** Mey Sokhan WRI, A61-66, EN 00970021; **D219/450** Kong Samnang WRI, A2, 7, EN 01148851-52; **D118/253** Kong Samnang WRI, A77, EN 01031950.

<sup>3169</sup> See **V.A.1.b.iv.** Crimes – Southwest Zone – Sector 13 – Wat Angkun Execution Site – Crimes.

<sup>3170</sup> **D118/203** Doek Pet WRI, A131-133, 163, EN 00985603, 07.

<sup>3171</sup> **D219/379** Lach Sambath WRI, A34, 36-37, 39-40, 76-79, EN 01132638, 42-43; **D118/129** Mey Sokhan WRI, A55-60, EN 00970020-21.

<sup>3172</sup> See, e.g. **D219/746** Oeun Ses WRI, A36, EN 01479491; **D118/291** Khin Suo WRI, A71, 95-96, EN 01031844, 46-47; **D219/49** Tob Nget WRI, A109, 112-118, EN 01053694-95; **D118/233** Lach Sem WRI, A45, EN 01055581.

<sup>3173</sup> See **V.A.1.d.iv.** Crimes – Southwest Zone – Sector 13 – Preal Village Execution Site – Crimes.

<sup>3174</sup> **D118/291** Khin Suo WRI, A44, EN 01031840.

<sup>3175</sup> **D118/131** Sann Touch WRI, A60-62, 64-65, 67-72, 75, EN 00970048-50; **D118/147.1.43** KRT Research Project Report, Account of Sann Touch, EN 00527165.

<sup>3176</sup> **D118/291** Khin Suo WRI, A105, 129, EN 01031848, 50; **D219/449** Yem Yorn WRI, A37, 40, EN 01151133-34; **D118/203** Doek Pet WRI, A40, EN 00985592; **D219/379** Lach Sambath WRI, A13, EN 01132635; **D219/471** Toem Phal WRI, A123-124, EN 01154822; **D118/164** Pen Heang WRI, A19, EN 00980245.

<sup>3177</sup> See **V.A.1.c.iv.** Crimes – Southwest Zone – Sector 13 – Slaeng Village Forest Execution Site – Crimes.

<sup>3178</sup> **D118/253** Kong Samnang WRI, A22-23, 25-26, EN 01031944-45; **D118/31** Sann Touch WRI, A78, EN 00970050; **D219/482** Lach Sem WRI, A70-72, EN 01178466-67; **D118/233** Lach Sem WRI, A108-110, EN 01055590.

<sup>3179</sup> **D118/253** Kong Samnang WRI, A84, EN 01031951.

d. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN TRAM KAK DISTRICT 1975-1978

869. **Yim Tith** was a high-level leader in Sector 13 and had authority over events in Tram Kak District from 1975-1979 as a key figure in the JCE. **Yim Tith** was responsible for Kraing Ta Chan Security Centre and other crimes against the Vietnamese and Khmer Krom in the district. This included the mistreatment, killing, and disappearance of Vietnamese and Khmer Krom throughout Tram Kak.<sup>3180</sup>
870. Villagers in Tram Kak were told at the outset of the DK regime that the Vietnamese “had to be gathered and sent back to their country.”<sup>3181</sup> Deportations of large numbers of Vietnamese occurred in 1975.<sup>3182</sup> Others who were told they were being sent back to Vietnam were instead killed.<sup>3183</sup> Chou Koemlan testified in Case 002 that two families from her unit, including young children, who her unit chief said were sent back to Vietnam were actually taken away and killed.<sup>3184</sup>
871. In 1976, people from Kampuchea Krom were forcibly relocated to Tram Kak<sup>3185</sup> where families were separated and mistreated.<sup>3186</sup> Phan Chhen testified in Case 002 that he heard from a Tram Kak District Committee member that the policy was to kill those considered Vietnamese and that this policy was announced in “meetings at the units or at the commune” levels.<sup>3187</sup>
872. CPK forces regularly arrested and imprisoned Vietnamese throughout Tram Kak District.<sup>3188</sup> Contemporaneous Tram Kak District records document the arrest, transfer,

<sup>3180</sup> **D118/162** Kan Keo WRI, A27-30, EN 00979985-86; **D118/128** Chao Ny WRI, A30, EN 00970006; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 15.08.41-15.10.21, 15.13.39-15.16.05; **D118/209** Ek (UI) Hoeun WRI, A34, 36, EN 00983571-72; **D118/269** Thann Thim WRI, A20-21, EN 01035006-07; **D364/2.1.2** Say (Sory) Sen, T. 5 Feb 2015, 09.56.52; **D315.1.4** Ry Pov, T. 12 Feb 2015, 11.32.02-11.36.00; **D6.1.783** Hun Kimseng WRI, EN 00223488-89; **D118/133** Sory Sen WRI, A83-84, 86-91, EN 00969629-30; **D219/135** Yin Teng WRI, A129-131, 141-143, 147-154, 156, EN 01067048, 50-52. *See also* **D118/162** Keo Kan WRI, A32-33, EN 00979986.

<sup>3181</sup> **D315.3.2** Chou Koemlan, T. 27 Jan 2015, 10.06.45-10.08.41.

<sup>3182</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678522, 24, 48; **D6.1.518** Sao Sarun WRI, EN 00348375.

<sup>3183</sup> **D366/4.1.1** Cheang Sreimom, T. 29 Jan 2015, 11.03.08-11.07.09, 15.33.36-15.37.25; **D315.1.21** Ek (UI) Hoeun, T. 8 May 2015, 11.04.36 [“So they were taken out on another road and they disappeared”]; **D315.1.20** Ek (UI) Hoeun, T. 7 May 2015, 15.29.23-15.32.04. *See also* **D315.1.4** Ry Pov, T. 12 Feb 2015, 13.43.02-13.45.23.

<sup>3184</sup> **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 14.44.29-14.46.23; **D315.3.2** Chou Koemlan, T. 27 Jan 2015, 10.08.41-10.09.59.

<sup>3185</sup> **D315.1.4** Ry Pov, T. 12 Feb 2015, 09.25.00-09.27.33, 09.31.04-09.33.50; **D5/49/3** Tak Sann, T. 1 Apr 2015, 13.12.57-13.15.33, 13.19.21-13.22.13; **D118/130** Ry Pov WRI, A81, EN 00970036.

<sup>3186</sup> **D315.1.4** Ry Pov, T. 12 Feb 2015, 09.35.10-09.37.37, 09.43.04-09.45.19.

<sup>3187</sup> **D315.1.8** Phan Chhen, T. 25 Feb 2015, 15.28.21-15.33.18.

<sup>3188</sup> **D315.2.6** Riel Son, T. 17 Mar 2015, 13.54.27-13.57.14 [“Those Vietnamese disappeared at night time or during the time that they were working in the field or in the canal work sites. These people were called out

and killing of Vietnamese and Khmer Krom.<sup>3189</sup> Arrest reports accompanying those sent to Kraing Ta Chan show that prisoners, including those from Kampuchea Krom, were recorded as “Yuon”.<sup>3190</sup> Some of these were children.<sup>3191</sup>

873. Witness Cheang Sreimom said that during the 1976 exchanges of Vietnamese for Khmer Krom, the Vietnamese were deported from Cambodia, but later the CPK simply executed those Vietnamese who remained.<sup>3192</sup> Ek (Ul) Hoeun, who worked in Tram Kak District, said that between 1977 and 1978, “those Vietnamese nationals from Kampuchea Krom territory were all executed”,<sup>3193</sup> concluding that “[e]ntire villages were killed.”<sup>3194</sup> This “sweep[ing] clean” of the Vietnamese and Khmer Krom in the villages of Tram Kak occurred “according to district-level plans” and the district “received orders from the Sector.”<sup>3195</sup> **Yim Tith** was a leading authority figure in the sector at the time. These sector orders resulted in the arrest and killing of thousands of Vietnamese from communes in Tram Kak.<sup>3196</sup>

874. Various witnesses have given accounts describing the targeting of Khmer Krom in Tram Kak.<sup>3197</sup> York Pet attended a meeting in Kus Commune in 1977, chaired by Commune

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and then they were taken away”]; **D5/49/3** Tak Sann, T. 1 Apr 2015, 14.16.15-14.18.18 [“My husband was asked to go and collect the rice to make pounded rice ombok. And I did not know where my husband was taken to. That’s why I pitied him. I do not know where he was taken to be killed. [...] He went together with other people on the ox cart, and I did not see those people back. He disappeared ever since”]; **D6.1.1217** Report to Angkar, 17 Sep 1977, EN 00276577 [“We arrested all three of these new women and sent them to the district special branch during the night” including one who was identified as ‘Yuon’”]; **D315.1.20** Ek (Ul) Hoeun, T. 7 May 2015, 11.06.24-11.10.37, 15.28.17-15.29.23 [“We knew that they were Vietnamese because they spoke Vietnamese. And they would be the subject of arrest. And if they spoke Khmer, then they would not be arrested”]; **D118/130** Ry Pov WRI, A56, EN 00970032; **D118/209** Ek (Ul) Hoeun WRI, A45-46, 53, EN 00983573-74; **D118/276** Uk Him WRI, A54-55, EN 01031770.

3189 See, e.g. **Khmer Krom: D6.1.210** Report on Smashing of Four Widows in Takeo, EN 00831486-492; **D6.1.234** Report on Sao Phan, a New Citizen, EN 00322120-121. **Vietnamese: D6.1.255** Report on Lady Than Ni to Angkar in District 105, EN 00322143; **D6.1.1217** Confirmation Report from Phan to District Angkar on 8 May 1977, EN 00276576-77; **D6.1.1215** Report on Enemy’s Actions for Tram Kak District Police, EN 00276563.

3190 Surviving prisoner lists documenting Vietnamese prisoners include: **D6.1.217** Kraing Ta Chan Interrogator’s Notebook, EN 00366681 [Yin Ting alias Long]; **D6.1.214** Kraing Ta Chan Interrogator’s Notebook, EN 01064165 [Thach Soeung]; **D6.1.297** Kraing Ta Chan Interrogator’s Notebook, EN 00779249 [Peou Kan]. See, e.g. **D6.1.307** Report to An from Chhoem, 16 Jan 1978, EN 00362232; **D6.1.1217** Report to Angkar, 17 Sep 1977, EN 00276577; **D6.1.279** Report to Party from Dao, 4 Sep 1977, EN 00355474; **D6.1.1227** Report to Re-Education Committee from Nun, 10 Feb 1978, EN 00276581; **D347/2.1.5** Brief Biographies of Prisoners at Tram District Education Office (Kraing Ta Chan), EN 00973148, 52.

3191 **D6.1.282** Report from Mien, 15 Sep 1977, EN 00366708.

3192 **D6.1.676** Cheang Sreimom WRI, A14, EN 00410266.

3193 **D118/209** Ek (Ul) Hoeun WRI, A33, EN 00983571.

3194 **D118/209** Ek (Ul) Hoeun WRI, A34, EN 00983571.

3195 **D118/209** Ek (Ul) Hoeun WRI, A37-38, EN 00983572.

3196 **D118/209** Ek (Ul) Hoeun WRI, A46, 54, EN 00983573-74.

3197 **D6.1.262** DK Report from Chorm to Local Angkar of Tram Kak District, 5 Jun 1977, EN 00597783-84. For the report from Kus Commune referring to the arrest of a Khmer Krom and being sent to the police,



Secretary Ta Khem, where Khmer Krom were told they could return home.<sup>3198</sup> He subsequently saw 10 Khmer Krom families, who had requested to be sent home, being marched to Kraing Ta Chan.<sup>3199</sup> York Pet was told by the head of the Kus Commune militia that anyone sent “home” would disappear, which he understood to mean that they would be killed.<sup>3200</sup> Similarly, Ry Pov detailed how in 1978, CPK members asked Khmer Krom who had been forced to move to Samraong Commune if they wanted to return to Kampuchea Krom.<sup>3201</sup> He subsequently witnessed armed militiamen arrest 30 Khmer Krom who had come from his home village in Kampuchea Krom.<sup>3202</sup>

875. Khmer Krom were detained at various security centres other than Kraing Ta Chan and subsequently killed. For example, Khmer Krom were sent to Prison 204 in Prey Kduoch Village, Trapeang Kranhung Commune,<sup>3203</sup> which comprised two buildings used for detention.<sup>3204</sup> Riel Son saw a group of over 20 Khmer Krom, who lived in the area and

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*see* **D6.1.207** Letter to the Party in Tram Kak District for the Arrest of Kab, a New Youngster from District 109, EN 00322206; **D6.1.260** Report on the Enemy’s Actions, EN 00369464. *See also* **D6.1.203** Report to Tram Kak Police on the Sending of Three People, EN 00322194.

3198 **D219/525** York Pet WRI, A62, EN 01166211 [“A large number of Khmer Krom and new people were arrested and sent to Kraing Ta Chan. They organised a meeting and said, ‘Now, Khmer Krom brothers and sisters, return home’.”], A63, EN 01166212 [“It was a meeting convened at the Industry site in Trapeang Pring Village, Kus Commune, in 1977.”], A64, EN 01166212.

3199 **D219/525** York Pet WRI, A81-82, EN 01166214 [“A81: I did not know whether they killed those people or not, but it was said that anyone who went would disappear. They marched the people along the road, and they told me, ‘Ta Pet, shut your mouth.’ Q: So that means that you knew about the killings of the people in Kraing Ta Chan. Is this correct? A82: In my heart, I knew that they killed them.”], A66, EN 01166212 [“Q: How many Khmer Krom obeyed the announcement? A66: Approximately ten families”], A68, EN 01166212 [“I learned that because the cooking site was near the entrance to the cooperative. I personally saw those ten families being sent to Kraing Ta Chan. They never took people during the day, only at night.”].

3200 **D219/525** York Pet WRI, A79-81, EN 01166213-14.

3201 **D118/130** Ry Pov WRI, A61, EN 00970033 [“The Khmer Rouge asked those 30 people: ‘Does anyone of you want to return to Kampuchea Krom?’ Due to difficulty and lack of food, those people said they wanted to return home. Then, the Khmer Rouge used scarves to tie them and send them to Krang Ta Chan.”].

3202 **D118/130** Ry Pov WRI, A60-61, EN 00970033-34 [“Q: In your civil party application, you mentioned ‘you saw 30 Khmer Krom people being arrested as they were accused of being parasites.’ Was it correct? Did you really witness it? A60: Sure. It was what I mentioned in Case File 002. Q: Could you describe the incident in more detail? A61: The Khmer Rouge asked those 30 people: ‘Does anyone of you want to return to Kampuchea Krom?’ Due to difficulty and lack of food, those people said they wanted to return home. Then, the Khmer Rouge used scarves to tie them and send them to Krang Ta Chan.”], A62-64, EN 00970033-34, A65, EN 00970034 [“Q: Did this incident happen in 1978? A65: Sure.”], A66-67, EN 00970034 [“Q: Did you know any names of those 30 people? A66: TUON Soch, Bav, LUNH Konh. I did not dare look at them while they were being tied and taken away, except a quick glance. I knew some of them. Q: Did all of them come from the same village with you in Kampuchea Krom? A67: Yes, they came from the same commune in Kampuchea Krom with me.”], A68, EN 00970034 [“Well, all of the arrested people were killed.”].

3203 **D118/181** Riel Son WRI, A43, 97, 103, 106, 163-164, EN 00982640, 46-48, 55; **D118/147.1.43** KRT Research Project Report, EN 00527166.

3204 **D118/181** Riel Son WRI, A117, EN 00982649 [“There were a long shelter and a small shelter which were always closed. I did not know how the prisoners slept at night. They probably slept directly on the floor because I did not see any beds there.”].

were accused of being “Yuon spies” and “KGB” agents, being escorted on foot to the prison.<sup>3205</sup> He subsequently visited Prison 204 and saw human skulls and bones, as well as wooden shackles.<sup>3206</sup>

876. Khmer Krom were also detained and executed at Wat Serei Damnak in Angk in Trav Village, Trapeang Thum Khang Cheung Commune. Tem Bunly was told that a group of 75 people he witnessed being escorted to the pagoda had been arrested in Koh Andet District because they were Khmer Krom.<sup>3207</sup> He heard from others that these Khmer Krom were taken out of the pagoda the following day and killed by militiamen.<sup>3208</sup> Shortly after, Tem Bunly visited the pagoda and saw swollen corpses in a pit.<sup>3209</sup>
877. Ek (UI) Hoeun testified in Case 002 that 90 Khmer Krom transferees were sent by Ta Mok to labour at Khpok Trabaek Dam under Tram Kak Secretary Ta Chim and that all 90 were subsequently executed.<sup>3210</sup> Additionally, Kam Keo described how his wife’s

<sup>3205</sup> **D118/181** Riel Son WRI, A103, EN 00982647 [“One day, I saw a group of over 20 people being escorted on foot from Kirivong District. They stopped at my place to ask for medicines. I asked them what was happening to those people, and they said they were all KGB and Yuon spies, and they stated that the people were being sent to Prison 204.”].

<sup>3206</sup> **D118/181** Riel Son WRI, A109-110, 117-119, EN 00982648-49.

<sup>3207</sup> **D118/300** Tem Bunly WRI, A5, 164, EN 01045417, 35, A233-234, EN 01045443 [“A233: They marched the people there and allowed them to stay there for one night before they took them to be killed. Q: How did you know about this? A234: I heard from the relatives of militiamen.”], A236-238, EN 01045443 [“A236: I was standing around 500 metres from the pagoda. Q: Did you know from where those people had been brought there from? A237: I saw them marching the people along a road from the east into the pagoda. Q: When you saw them marching the people, what was the distance between you and those militiamen marching the people? A238: Around 500 or 600 metres.”], A186-187, 192-196, EN 01045437-39, A198-199, EN 01045439 [“A198: At the time, the relatives of militiamen told me that those people were Khmer Krom. Q: When did the relatives of the militiamen tell you that those people were Khmer Krom? A199: After those people had been killed.”], A205, EN 01045440 [“The relatives of militiamen told me that they were Khmer Krom.”].

<sup>3208</sup> **D118/300** Tem Bunly WRI, A217-220, EN 01045441-42, A222-223, EN 01045441-42 [“Q: Where did they kill the people? A222: They killed the people inside the pagoda compound, but it was in a different place from where the people stayed. Q: Regarding when you saw them taking the people out, did you witness it, or did you hear about it from others? A223: I heard about it from the relatives of militiamen.”], A225, 233-234, 238, EN 01045442-43.

<sup>3209</sup> **D118/300** Tem Bunly, A5, 168-70, EN 01045417, 35, A226-228, EN 01045442 [“A226: Later, I went to the killing site and saw corpses which had been buried but were emerging from the ground as they swelled. At the beginning, I did not believe that they had killed the people there, but after I saw the corpses, I believed that they had killed the people there. Q: On your Victim Information Form, you stated that they had killed the people using ox cart axles. How did you know this? A227: I knew about this because I went to the site and saw the ox cart axles. Q: Were the axles inside the pagoda compound? A228: Yes. Q: When did you go there and see the axles? A229: I went there around 10 days later because the pagoda was then quiet.”], A232, EN 01045443 [“They killed the people in one place. They dug a big pit before they killed the people, and then they buried the corpses there.”].

<sup>3210</sup> **D315.1.21** Ek (UI) Hoeun, T. 8 May 2015, 09.16.29-09.20.09 [“Ta Chim was annoyed, as at night time, those people engaged in various activities including stealing. So then he ordered the execution of those 90 people”]; **D118/209** Ek (UI) Hoeun WRI, A62-63, EN 00983575 [“A62: Those Khmers who had lived in Vietnam committed a lot of stealing while performing work; thus, they came up with a plan to kill those Khmers who had been exchanged with the Yuon. Later on, they stopped swapping the Yuon for Khmers: they killed all the Yuon in Cambodia. Was it a forced swap? Q: Khmer people who had live in Vietnam

Khmer Krom family were taken away in Tram Kak and disappeared during the DK regime.<sup>3211</sup>

i. KRAING TA CHAN SECURITY CENTRE

878. Commune chiefs prepared lists of who was Khmer Krom and sent these to the Tram Kak District Committee. Khmer Krom and Vietnamese on the lists were then arrested and sent to Kraing Ta Chan.<sup>3212</sup> Khmer Krom at Kraing Ta Chan were categorised as “Yuon” and were killed at the security centre or at locations in the vicinity.<sup>3213</sup>

e. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN KOH ANDET DISTRICT 1975-1979

879. **Yim Tith** had authority in Koh Andet District from 1975-1979 as a high-level leader in Sector 13 and a key contributor to the JCE. **Yim Tith** was responsible for Wat Ang Srei Muny Security Centre and Prey Sokhon execution site as well as other sites in Koh Andet District where crimes were committed against the Vietnamese and Khmer Krom.
880. In April and June 1975, Khmer Krom from Phnom Penh and other parts of Takeo Province were forced to walk to Koh Andet District.<sup>3214</sup> In one incident, between 1,200

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were swapped and bought back to live in Cambodia. A63 [...] On one occasion, Ta Mok made a swap and received 90 Khmers. He then gave them to Ta Chim to help with the construction of Khpok Trabaek canal. Ta Chim complained that the 90 were stealing a lot, and all of them were taken away to be killed. One month later, Ta Mok came to see those 90 Khmers and asked Ta Chim were they were. Ta Chim replied, ‘All of them have been killed because they stole too much.’”]

<sup>3211</sup> **D118/162** Keo Kan WRI, A41, EN 00979987 [“Q: Were any of your own family members, who are Khmer Krom, ever mistreated and killed by the Khmer Rouge? A41: Yes, my wife’s relatives were taken away and disappeared. They were never seen to return.”].

<sup>3212</sup> See, e.g. **D315.2.6** Riel Son, T. 17 Mar 2015, 11.13.37-11.17.12, 13.35.50-13.38.52; **D347/2.1.4** Confirmation Report from Phan to the District Angkar of 8 May 1977, EN 00742890; **D6.1.1216** List of Kampuchea Krom living in Ang Ta Saom Commune, 30 Apr 1977, EN 00290262-63; **D6.1.1210** Ang Ta Saom Commune Exchanged Prisoners List, EN 00290199-201; **D65.1.52** List of Kampuchea Krom in Popel Commune, EN 00742626-28; **D6.1.470** List of Kampuchea Krom People in Kus Commune, 29 Apr 1977, EN 00366665-75; **D347/2.1.3** Name List of People who Have Just Come from Srok Yuon [Vietnam], 27 Apr 1977, EN 00323977-78 [identifying Khmer Krom families in Srae Ronoung commune]; **D6.1.262** Report on Vietnamese in Tram Kak District, 5 Jun 1977, EN 00322147; **D118/269** Thann Thim WRI, A57, EN 01035013 [“At the end of 1977, the Khmer Rouge collected us to live in Tram Kak. They collected villagers from different villages to rally at Wat Kampeaeng Pagoda where I saw more than 20 people dead as I stated previously. The murders were conducted at night and the next morning they came to transport us to live in Tram Kak. I was present at that event too.”]; **D118/301** Khoem Sorn WRI, A87, EN 01045463 [“Q: How did you know they were Khmer Krom [...]?” A87: I did not know the amount, but the Khmer Rouge had name lists of all those Khmer Krom. Later I heard that they sent them to be killed in Pech Sar Commune [Tram Kak District].”]; **D118/209** Ek (Ul) Hoeun WRI, A45-47, 53, EN 00983573-74; **D315.1.4** Ry Pov, T. 12 Feb 2015, 11.32.02-11.36.00, EN 01452131-32, read in conjunction with **D118/130** Ry Pov WRI, A56, 60-68, EN 00970032-34; **D315.1.20** Ek (Ul) Hoeun, T. 7 May 2015, 15.28.17-15.29.23; **D219/135** Yin Teng WRI, A129-131, 141-154, 156, EN 01067048, 50-52; **D118/162** Keo Kan WRI, A32-33, EN 00979986.

<sup>3213</sup> See **V.A.1.e.iv**. Crimes – Southwest Zone – Sector 13 – Kraing Ta Chan Security Centre – Crimes.

<sup>3214</sup> **D219/592** Vorng Nob WRI, A7, EN 01185738 [“Q: Were there Khmer Krom living here [Samphli Village, Koh Andet District]? A7: No, there were not. There were only Khmer Krom who were evacuated from

and 1,600 Khmer Krom were moved to Samphli Village.<sup>3215</sup> Khmer Krom who already lived in Cambodia were called “the new group” or “17 April Khmer Krom”, while Khmer Krom forcibly removed from Kampuchea Krom were known as “Khmer bartered for Yuon.”<sup>3216</sup> Beyond the killing of Vietnamese at Wat Ang Srei Muny Security Centre and Prey Sokhon execution site, cadres took Khmer Krom arrested in Kirivong District to be killed in Pech Sar, Koh Andet District in 1978.<sup>3217</sup>

i. WAT ANG SREI MUNY SECURITY CENTRE AND PREY SOKHON EXECUTION SITE

881. As detailed in the crime site section,<sup>3218</sup> approximately 400 Khmer Krom families were forcibly brought to Wat Ang Srei from Phnom Penh and Takeo around mid-1975.<sup>3219</sup> CPK forces acting on the orders of the “upper level” – which would have included **Yim Tith** – killed the Khmer Krom at Wat Ang Srei and then reported the successful accomplishment of the task.<sup>3220</sup>

**6. CRIMES AGAINST THE VIETNAMESE IN THE NORTHWEST ZONE**

882. **Yim Tith** is charged with genocide of the Khmer Krom at the following crime sites: Kampong Kol Sugar Factory, Phum Veal Security Centre, Svay Chrum Security Centre,

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Phnom Penh and Takeo”], A15, EN 01185739, A29, EN 01185741 [“Q: How long, after the Takeo people arrived, did the Phnom Penh people arrive? A29: About 10 days. It was a long way; they walked all the way from Phnom Penh.”]; **D219/591** Sam Kun WRI, A11-13, EN 01178841-44 [“After liberation, the Khmer Krom were brought to Wat Angk Serei Meali Pagoda, also known as Sam Phli Pagoda. Q: What do you mean by ‘after liberation’? Can you clarify? A12: After liberation in 1975 [...] A13: After people were evacuated from Phnom Penh in 1975, the Khmer Krom were brought in and placed in Wat Angk Serei Meali Pagoda”].

- <sup>3215</sup> **D219/592** Vorng Nob WRI, A21-24, EN 01185740 [“Q: How many Khmer Krom came from Phnom Penh? A21: I did not know the number because I was not allowed to stay close to them. Sometimes, they visited my house. I asked them and they told me that there were many Khmer Krom. Q: From what you remember and your estimation, how many Khmer Krom came from Phnom Penh? A22: About 200 Khmer Krom. Q: We would like to clarify: among the people from Phnom Penh, there were about 200 Khmer Krom. Is that correct? A23: I would like to clarify: there were about 200 families, not 200 people. Q: How many members were there in a family? A24: It differed. Some families had three, four, five, six people; some had up to seven people.”], A32, EN 01185742 [“Q: Among the 300 families from Takeo, how many Khmer Krom were there? A32: There were about 200 families”].

- <sup>3216</sup> **D118/162** Keo Kan WRI, A11, EN 00979984; **D219/379** Lach Sambath WRI, A69-70, EN 01132642; **D118/269** Thann Thim WRI, A22, EN 01035007.

- <sup>3217</sup> **D118/301** Khoem Sorn WRI, A71, EN 01045461 [“In 1978 I was sent to Office 204. After that they sent me back to my home village [Phnum Lonteah Village, Angk Prasat Commune], and finally, they sent me on to Prey Kla Commune, Kaoh Andaet District.”], A84-86, EN 01045463 [“A84: Many Khmer Krom people were summoned and then taken to be killed. Q: How did you know this? Where and when did such events happen? A85: I do not remember what year this took place. I did not know what happened in other communes, but in the Khmer Krom Angk Prasat Commune were taken to be killed in bamboo groves in Pech Sar Commune. Q: Did that happen before or after they sent you to Office 204? A86: The killing the Khmer Krom happened not very long after they sent me out of Office 204.”].

- <sup>3218</sup> See **V.A.1.f.iv**. Crimes – Southwest Zone – Sector 13 – Wat Ang Srei Muny Security Centre and Prey Sokhon Execution Site – Crimes.

- <sup>3219</sup> **D219/592** Vorng Nob WRI, A29, A33, EN 01185741-42; **D119/2** Vorng Nob WRI, A8, EN 00945871.

- <sup>3220</sup> **D219/592** Vorng Nob WRI, A67, EN 01185747.

Tuol Seh Nhaov execution site, Prey Krabau execution site, Kampong Prieng Commune, and Reang Kesei Commune.<sup>3221</sup> **Yim Tith** is also charged with the crime against humanity of persecution on political grounds against the Vietnamese at Kampong Kol Sugar Factory.<sup>3222</sup> The ICP requests that **Yim Tith** be indicted for each of these crimes and additionally requests **Yim Tith**'s indictment for genocide of the Vietnamese, including the Khmer Krom, at other locations in Bakan District and Sectors 1 and 4 (detailed below) of which the CIJs have been seised.<sup>3223</sup>

883. **Yim Tith** and the Southwest cadres took control of the Northwest Zone in early 1977, and from that point until the end of the DK regime, implemented the plan to destroy the Vietnamese in concert with and/or using lower-level Southwest, Northwest and West Zone cadres to carry out this genocidal campaign.

a. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN SECTOR 1  
1977-1979

884. **Yim Tith** was secretary of Sector 1 and served as the Northwest Zone Deputy Secretary, therefore holding authority over events in the sector and zone.<sup>3224</sup> Shortly after his arrival in Koas Krala District, **Yim Tith** ordered the killing of “thousands” of “CIA agents and Vietnamese” in 1976 or 1977, according to Sao Chobb.<sup>3225</sup> From mid-1977, there were

<sup>3221</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426069, 72-75.

<sup>3222</sup> **D350.1** Notification of Amended Charges against Yim Tith, 29 Mar 2017, EN 01426072.

<sup>3223</sup> Bakan District: **D65** Co-Prosecutors' Supplementary Submission Regarding Sector 1 Crime Sites and Persecution of Khmer Krom, 18 July 2011, paras 16-17. Sectors 1 and 4: **D191** Co-Prosecutors' Supplementary Submission Regarding Forced Marriage and Sexual or Gender-Based Violence, 24 Apr 2014, para. 8.

<sup>3224</sup> Sector 1 Secretary: See, e.g. **D219/974.1.2** Nop Ngim, T. 5 Sep 2016, 10.39.42-10.43.35; **D118/285** Nop Ngim WRI, A7, 63, EN 01044674-75, 85; **D219/835** Nop Ngim WRI, A92, EN 01432960; **D219/210** Lek Piv WRI, A4, EN 01088522; **D219/236** Lek Piv WRI, A18, EN 01092932; **D118/136** Chhean Hea WRI, A7, 21-23, EN 00969638, 41; **D219/233** Chhean Hea WRI, A8, 21, EN 01090007, 09; **D34.1.9** Heng Teav alias Ta Pet, Interview by Steve Heder, EN 01181114; **D219/368** Chhoeung Bean WRI, A11-16, EN 01117716; **D219/689** Sok Cheat WRI, A20, 81, EN 01216244, 53; **D219/85** Vy Phann WRI, A2, EN 01061168; **D118/245** Chuon Than WRI, A4, 18, EN 01029378, 82; **D118/299** Chuon Than WRI, A24, EN 01044757; **D118/208** Ek (UI) Hoeun WRI, A64, EN 00981818. Northwest Zone Deputy Secretary: See, e.g. **D118/108** Loem Tim WRI, A16-18, 27, EN 00976924, 26; **D118/271** Chhean Hea WRI, A34, EN 01029422; **D118/150** Hem Moeun WRI, A59-61, 65, EN 00975014-15; **D118/222** Hem Moeun WRI, A14, EN 00988134; **D118/69** Nuon Muon WRI, A14, 16-17, EN 00950727; **D219/917** Chey Touch WRI, A11, 13-15, EN 01519526; **D105/8** Han Thy WRI, A27, EN 00903457; **D219/34** Ek (UI) Hoeun WRI, A43, EN 01053577.

<sup>3225</sup> **D219/982** Sao Chobb WRI, A26-33, EN 01517552 “[Yim Tith] assigned other person to do it [the killings]. [...] His name was An. [...] I asked [An] who assigned him to be a killer like that. He said Tith did. [...] I saw [An] killing. I saw him arresting and killing people. [...] I saw that in Kos Krala. [...] There were thousands of people. At that time I even asked him what had those people done wrong that he had to arrest and kill them. He said that they were the CIA agents and Vietnamese. [...] The killings took place from 1975 until 1977 when the Southwest Zone cadres arrived. In 1976 and 1977, Ta Tith assigned them to search for the CIA agents and Vietnamese. The searches and arrests took place continuously until the arrival of the Southwest Zone cadres.”]; **D219/983** Sao Chobb WRI, A10-11, EN 01519557 “[A10: I asked

widespread killings of those considered Vietnamese in the Northwest Zone, including those with “any Vietnamese blood”.<sup>3226</sup> Those with Vietnamese spouses were also sometimes killed.<sup>3227</sup> The central location for mistreatment and killing of the Khmer Krom in Sector 1 was Kampong Kol Sugar Factory in Sangkae District.

i. KAMPONG KOL SUGAR FACTORY

885. Khmer Krom and Vietnamese workers were detained on site at the sugar factory before being killed by Southwest Zone cadres.<sup>3228</sup> **Yim Tith** was described by witnesses as instructing personnel of the factory at meetings and as having appointed the factory chief.<sup>3229</sup> As described in the crime site section,<sup>3230</sup> Khmer Krom at the factory were targeted because they were perceived as being “in Vietnamese networks”.<sup>3231</sup> All Vietnamese and Khmer Krom reportedly disappeared from the factory.<sup>3232</sup>

b. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN SECTOR 2 1977-1979

886. Killings of Vietnamese in the Northwest Zone were concentrated in Bakan District in Sector 2. **Yim Tith** was a high-level leader in the Northwest Zone and witnesses state that **Yim Tith** also held the position of Sector 2 Secretary.<sup>3233</sup> Yeay Rim was the secretary

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them why people were arrested and what did they do wrong. They said that those people were CIA, Yuons, and the agents of the 2 B [2<sup>nd</sup> Bureau] of the Yuon. I asked all of them, An, Pak and Thach, about that. Q: What was 2 B? A11: 2 B, CIA and Yuon were all the same. They used these terms.”].

<sup>3226</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678650 [“In the Northwest Zone, a Khmer woman recalled that in mid-1977, after the arrival of the Southwest Zone cadres, the authorities ‘started killing people with any Vietnamese blood.’ A man from the Northwest adds that after Southwest cadres came in May 1977, six ethnic Vietnamese were murdered in his village in August”]. See also **D6.1.168** Prum Sarun WRI, EN 00274177-78; **D6.1.165** Im An WRI, EN 00274160; **D119/73** Nou Chuong WRI, EN 00980543; **D6.1.610** Hak Nheum, SOAS Interview, EN 00352000; **D123/1/2.57** Khor Mot DC-Cam Statement, EN 00987554-56; **D123/1/2.46** Lat Bandet DC-Cam Statement, EN 00969799; **D123/1/2.52** Pheach Ruos DC-Cam Interview, EN 00969843-44.

<sup>3227</sup> **D118/106** Huon Choeum WRI, A58, EN 00978427.

<sup>3228</sup> See, e.g. **D118/108** Loem Tim WRI, A47-51, 53-54, EN 00976928-29; **D219/649** Loem Tim WRI, A76, 82, 99-100, 130, EN 01207442-43, 46, 51.

<sup>3229</sup> **D118/108** Loem Tim WRI, A18, 22, EN 00976924-25; **D219/649** Loem Tim WRI, A39-41, 62, 64, 68-69, EN 01207436, 40-41. **D219/931** Prak Soeun WRI, A19, 21, 26-28, EN 01492930-31; **D118/106** Huon Choeum WRI, A12, EN 00978419.

<sup>3230</sup> See **V.B.2.d.iv**. Crimes – Northwest Zone – Sector 1 – Kampong Kol Sugar Factory – Crimes.

<sup>3231</sup> **D118/108** Loem Tim WRI, A53, EN 00976929.

<sup>3232</sup> **D219/649** Loem Tim WRI, A84, EN 01207443.

<sup>3233</sup> **D219/684** Chheoun Von WRI, A13, 20, EN 01214807 [“I heard them saying that he [Yim Tith] was the Sector Secretary. The unit chief was the one who introduced him as the Sector Secretary. [...] I heard the unit chief saying that he was the Secretary of Sector 2 and then I echoed what he said.”]; **D219/294** Moul En WRI, A110, EN 01111838 [“Q: During this meeting was YIM Tith announced as the Sector 3 Secretary? A110: After spending last night recollecting this event, I am not certain if Ta Tith was appointed as Sector 3 or Sector 2 Secretary. However, I recall clearly that Bavel District was ceded to be under YIM Tith.”].

for Bakan District. She came from the Southwest Zone in early 1977 and played a key role in the implementation of the plan to destroy the Vietnamese. Shortly after the Southwest cadres took control of Bakan District, low-level cadres in Rumlech who were Khmer Krom were sent to Khnar Totueng Commune and their vacated positions were filled by Southwest cadres.<sup>3234</sup> Chhim Sorn's group leader was taken away in late 1977 to Kamprak Koun Village in Khnar Totueng. Chhim Sorn was told at the time that the Khmer Krom were being gathered up to be killed.<sup>3235</sup>

i. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN BAKAN DISTRICT

887. Khmer Krom were living in Bakan District, often for many generations, before the Khmer Rouge took power.<sup>3236</sup> At the beginning of the DK regime, Khmer Krom formed the majority of the population in villages around Rumlech and Khnar Totueng communes.<sup>3237</sup> Estimates of the number of Khmer Krom in Bakan District in 1975 range from 7,000 to more than 10,000.<sup>3238</sup>
888. Khmer Krom lived alongside and inter-married with ordinary Khmer in Bakan District.<sup>3239</sup> Many Khmer Krom served in the Lon Nol army<sup>3240</sup> while others initially served in the Khmer Rouge fighting forces.<sup>3241</sup> After the Southwest cadres took control

<sup>3234</sup> **D118/191** Nget Chat WRI, A48-50, 64, EN 00986714-15, 17.

<sup>3235</sup> **D118/198** Chhim Sorn WRI, A57-59, EN 00985098 ["Q: Did you know if Khmer Krom people were targeted for killing by the Khmer Rouge? A57: Yes, I knew of that. [...] A58: I knew that my group leader, who was Khmer Krom, had been killed in Kamprak Koun Village, Khnar Totueng Commune. I heard, 'Now, they are gathering up the Khmer Krom people to be killed.' Q: Who did you hear it from? When did you hear it? A59: I do not remember those who told me. At that time, as I did not see my group leaders, I asked some other people, and they told me, 'They killed them.' It occurred in late 1977."].

<sup>3236</sup> **D118/125** Chab Khuong WRI, A4-7, EN 00976583-84; **D118/214** Choeng Phy WRI, A6-7, EN 00985613; **D118/227** Heng Chea WRI, A7, EN 01056743; **D118/226** Nget Vut WRI, A2-3, EN 01055744-45; **D118/192** Van Ven WRI, A73, EN 00986186; **D118/193** Vorn Moch WRI, A44, EN 00986198; **D118/127** Pov Sinuon WRI, A19, EN 00979970; **D219/57** Kong Run WRI, A78, EN 01040566; **D219/277** Soem Chhan WRI, A46, EN 01098514; **D219/733** Kem Phen WRI, A222, EN 01238146; **D118/256** Seng Eng WRI, A8, EN 01025243; **D118/123** They Yeun WRI, A39-40, EN 00975878; **D118/223** Koem Huoy WRI, A7, EN 01057639; **D118/122** Thek Bunroeun WRI, A11, EN 00975862; **D118/262** Tep Phon WRI, A11-12, EN 01033050; **D219/729** Pan Samut WRI, A10, EN 01486530; **D219/344** Sok Phe WRI, A43, EN 01116088.

<sup>3237</sup> **D219/223** Nuon Rin WRI, A71, EN 01088599.

<sup>3238</sup> **D118/175** Voern Dara WRI, A10, 18, 52, EN 00981829-30, 34; **D118/127** Pov Sinuon WRI, A19, EN 00979970.

<sup>3239</sup> **D118/177** Lorn Heang WRI, A12-16, EN 00981784; **D118/214** Choeng Phy WRI, A15, EN 00985614; **D118/202** Prak Sarin WRI, A17-18, EN 00986209; **D219/733** Kem Phen WRI, A11, 17, EN 01238113-14.

<sup>3240</sup> **D118/123** They Yeun WRI, A45, EN 00975878; **D118/122** Thek Bunroeun WRI, A44, EN 00975866.

<sup>3241</sup> **D118/122** Thek Bunroeun WRI, A43, EN 00975866.

of Bakan,<sup>3242</sup> they began to target Khmer Krom.<sup>3243</sup> The CPK began screening people to identify the Khmer Krom, who were then put in groups or units to perform hard labour.<sup>3244</sup> In 1977, and particularly in 1978, the CPK rounded up the Khmer Krom from cooperatives in Bakan District, and took them to Khnar Totueng to be killed.<sup>3245</sup> By the end of the DK regime, thousands of Khmer Krom had been executed and the Khmer Krom population in Bakan had been all but destroyed.<sup>3246</sup>

ii. THE FORCED MOVEMENT OF KHMER KROM TO KHNAR TOTUENG AND KILLING

889. After the arrival of the Southwest cadres,<sup>3247</sup> Khmer Krom were arrested and sent to Khnar Totueng where they were forced to labour and were killed or were sent to other killing sites located in Bakan District, such as Prey Krabau or Tuol Seh Nhauv.<sup>3248</sup> The CPK held meetings in Rumlech Commune where it was announced that those with Khmer Krom backgrounds had to go to Khnar Totueng.<sup>3249</sup> Van Chauk, who was married to a Khmer Krom woman, attended a meeting in Rumlech in 1977 at which the CPK announced that all Khmer Krom and their families were being moved to one place.<sup>3250</sup> Cadres told the Khmer Krom that “upper-echelon Angkar” was moving them to Khnar Totueng.<sup>3251</sup> People understood that the Khmer Krom were being moved because they

<sup>3242</sup> **D118/226** Nget Vut WRI, A96, EN 01055759; **D118/192** Ven Van WRI, A97, EN 00986189; **D118/198** Chhim Sorn WRI, A9-10, 12, 52, EN 00985091-92, 97; **D118/191** Nget Chat WRI, A48-50, 64, EN 00986713-15, 17. *See also* **D118/175** Voern Dara WRI, A51-52, EN 00981834.

<sup>3243</sup> **D219/729** Pan Samut WRI, A90-91, EN 01486540; **D118/217** Mey Sam WRI, A57-58, EN 00985661-62; **D118/234** Tum Nga WRI, A55-56, EN 01055607; **D219/224** Chhuon Song WRI, A47, EN 01088611; **D118/213** Yoem Khon WRI, A106, EN 00986242.

<sup>3244</sup> **D219/733** Kem Phen WRI, A19, 240-241, EN 01238114, 49.

<sup>3245</sup> **D118/226** Nget Vut WRI, A52-57, EN 01055751-52; **D118/127** Pov Sinuon WRI, A22, EN 00979971; **D219/223** Nuon Rin WRI, A73, EN 01088600; **D219/9** Khun Samoeun WRI, A86, 111-112, EN 01047808, 11; **D118/175** Voern Dara WRI, A24, EN 00981830; **D219/345** Nim Lorn WRI, A55, 60, EN 01116103-04.

<sup>3246</sup> **D118/175** Voern Dara WRI, A25, EN 00981831; **D219/224** Chhuon Song WRI, A47, EN 01088611; **D118/173** Van Chauk WRI, A71-73, EN 00981764-65; **D118/214** Choeng Phy WRI, A38, EN 00985618; **D219/223** Rin Nuon WRI, A73, EN 01088600; **D118/256** Seng Eng WRI, A66-67, EN 01025250.

<sup>3247</sup> **D1.3.17.5** Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge 1975-79*, EN 00678751. *See also* **D219/344** Sok Phe WRI, A51, EN 01116091.

<sup>3248</sup> **D118/175** Voern Dara WRI, A51-52, 84-85, EN 00981835-36, 40; **D219/692** Chhuon Hai WRI, A27, EN 01215978; **D118/226** Nget Vut WRI, A59, EN 01055752.

<sup>3249</sup> **D118/191** Nget Chat WRI, A42-43, EN 00986713-14.

<sup>3250</sup> **D118/173** Van Chauk WRI, A7-10, 41, EN 00981756-57, 60 [“They just had a meeting to tell all of us that the Khmer Krom had to live in one place, and those people whose spouses were Khmer Kampuchea Krom also had to move with them.”].

<sup>3251</sup> **D118/173** Van Chauk WRI, A50, EN 00981762 [“The Khmer Rouge treated the Khmer Krom normally, but they told the Khmer Krom that upper-echelon Angkar was having all the Khmer Krom evacuated to Khnar Totueng.”], A40, EN 00981761 [“Q: How many Khmer Krom families were evacuated to Khnar Totueng Commune? A40: Approximately 100 families totalling approximately 2,000 people.”].



were considered “Yuon”.<sup>3252</sup> At Khnar Totueng, the Khmer Krom were forced to work,<sup>3253</sup> fed little, and beaten as if “cattle”.<sup>3254</sup>

890. Many accounts demonstrate the scale of the forced movement to Khnar Totueng.<sup>3255</sup> Keo Meur, who was forced to move from Rumlech Commune to Khnar Totueng, stated that hundreds of Khmer Krom families were sent to Khnar Totueng in early 1977 because they were classified as having connection with the “Yuon”.<sup>3256</sup> Similarly, Thek Bunroeun stated that in 1977, the Khmer Krom had been screened in Rumlech Village and about 200 families – amounting to 1,000 persons – were sent to Khnar Totueng on the orders of JCE member Yeay Rim.<sup>3257</sup>
891. Lorn Heang, who was moved with his family and in-laws in 1977,<sup>3258</sup> stated that the forced movement of the Khmer Krom resulted in thousands of Khmer Krom being placed in Khnar Totueng Commune.<sup>3259</sup> Likewise, Chhat Phan, a Khmer Krom working in Khnar Totueng Commune, detailed how in late 1977 or early 1978, under the supervision of Yeay Rim, thousands of Khmer Krom were rounded up and sent to Khnar Totueng.<sup>3260</sup>
892. Killings began shortly after Khmer Krom families were forcibly moved to the area. Nget Vut, who was moved along with his family and hundreds of other Khmer Krom

<sup>3252</sup> **D118/173** Van Chauk WRI, A40, EN 00981761 [“Q: How many Khmer Krom families were evacuated to Khnar Totueng Commune? A40: Approximately 100 families totalling approximately 2,000 people.”], A42, EN 00981761 [“They did not tell us any reason during the meeting. However, it was said outside the meeting that those Khmer Krom were Yuon.”], A50, EN 00981762 [“The Khmer Rouge treated the Khmer Krom normally, but they told the Khmer Krom that upper-echelon Angkar was having all the Khmer Krom evacuated to Khnar Totueng.”].

<sup>3253</sup> **D219/639** Keo Meur WRI, A90-91, EN 01198193; **D118/177** Lorn Heang WRI, A50, EN 00981789.

<sup>3254</sup> **D118/173** Van Chauk WRI, A60, EN 00981763.

<sup>3255</sup> **D118/254** Nget Loy WRI, A22-23, EN 01025231 [“A22: At the beginning of the Khmer Rouge regime, the Khmer Krom and other ordinary people received the same treatment; for example, they were assigned as unit chiefs or received the same treatment, but a few years later, the Khmer Krom were collected and sent to Khnar Totueng to be killed. Q: Could you describe about the arrests of people to Khnar Totueng? A23: They put the Khmer Krom at Khnar Totueng, and they had the Khmer Krom transplant rice seedlings.”].

<sup>3256</sup> **D219/639** Keo Meur WRI, A83, 85-87, EN 01198192.

<sup>3257</sup> **D118/122** Thek Bunroeun WRI, A26, 28-35, EN 00975864-65.

<sup>3258</sup> **D118/177** Lorn Heang WRI, A38, EN 00981787 [“In 1977, I was evacuated to Kamprak Koun Village in Khnar Totueng Commune. I was evacuated along with my first wife, children, and parents-in-law; in other words, the entire family was evacuated. That time they evacuated only the Khmer Krom families; the ordinary Khmer were not evacuated.”].

<sup>3259</sup> **D118/177** Lorn Heang WRI, A39, EN 00981787 [“Q: Did the Khmer Rouge evacuate all the Khmer Krom people? A39: Yes. If you were Khmer Krom, you were evacuated: tens of thousands of Khmer Krom were evacuated. The Khmer Krom people were placed in two villages - Khnar Totueng Village and Kamprak Koun Village.”].

<sup>3260</sup> **D118/257** Chhat Phan WRI, A75-79, 84, EN 01031960-61.

families,<sup>3261</sup> detailed how three months after they arrived in 1977 the CPK gathered the Khmer Krom to be killed at Kamprak Koun in Khnar Totueng Commune.<sup>3262</sup> Nget Vut's mother told the cadres that she and her son were Khmer and they were returned to the cooperative.<sup>3263</sup> That evening, around 200 men, women, children, and elderly Khmer Krom, including Nget Vut's father, were taken to be killed.<sup>3264</sup>

893. Uong Sav, who worked in Bakan Cooperative, stated that from early 1977 until March 1978, Khmer Krom were being taken to be killed “day and night” because they were accused of being “the Yuon enemies”.<sup>3265</sup> The Khmer Krom sent to be killed at Khnar Totueng<sup>3266</sup> included Uong Sav's wife (who was Khmer Krom) and his cousin (who was married to a Khmer Krom woman). The chairman of Uong Sav's cooperative militia was killed along with his wife and children because she was of Vietnamese heritage.<sup>3267</sup>
894. Fifty to 60 members of Soeurn Thoeun's Khmer Krom family, including his parents and grandparents, were sent to Khnar Totueng and killed because they were accused of being Vietnamese.<sup>3268</sup> In 1978, Kem Phen's Khmer Krom wife, their children, his wife's siblings and parents, and hundreds of other Khmer Krom were sent from Trapeang Chong Commune to Kamprak Kaun Village, Khnar Totueng.<sup>3269</sup> Kem Phen's Cooperative Chief said that anyone connected to the Khmer Krom would be killed.<sup>3270</sup>

<sup>3261</sup> **D118/226** Nget Vut WRI, A53, EN 01055751 [“The Khmer Rouge gathered the Khmer Krom in one place. Then the Khmer Rouge sent them to Khnar Totueng Cooperative. Any Khmer Krom in any cooperative in Bakan District was sent to Khnar Totueng Cooperative.”], A54, 57, EN 01055751-52.

<sup>3262</sup> **D118/226** Nget Vut WRI, A59-60, EN 01055752.

<sup>3263</sup> **D118/226** Nget Vut WRI, A60, EN 01055752-53.

<sup>3264</sup> **D118/226** Nget Vut WRI, A61-63, EN 01055753.

<sup>3265</sup> **D118/199** Uong Sav WRI, A16, 30-31, EN 00985106, 08.

<sup>3266</sup> **D118/199** Uong Sav WRI, A41, EN 00985110.

<sup>3267</sup> **D118/199** Uong Sav WRI, A30, 43, EN 00985108, 11.

<sup>3268</sup> **D219/342** Soeurn Thoeun WRI, A97-98, EN 01116077 [“Q: You said in your complaint that about 50 to 60 of your relatives including your grandfather and grandmother were taken to Khnar Toteung. What happened to them? A97: They all were killed because they were accused of being the Vietnamese. The Khmer Rouge even killed my uncle. Though he his hands were tied up he could manage to kill a militiaman. But I did not see it first-hand. I was at the border. People told me about that. Had I known that at that time, I would have come to help him because I had a gun. Q: Were they all Khmer Krom? A98: Yes, they were.”], A102, EN 01116078.

<sup>3269</sup> **D219/733** Kem Phen WRI, A57, EN 01238120 [“In terms of the cooperative, I would like to inform you that at that time I left Tropeang Chong Cooperative to follow my family because they were taking my family away to be killed in 78. They collected my wife and children to Kamprak Kaun Village in Khnar Toteung Cooperative. In 78 they took my wife, her siblings, my parents in-law, and hundreds of Khmer Krom to Khnar Toteung Village.”], A59, EN 01238121 [“During the first stage, they rounded up all the Khmer Krom, both children and adults. During the first stage they collected people from Tropeang Chong Cooperative to Khnar Toteung. During the second stage, they collected the Khmer Krom from Khnar Toteung to kill them in Kamprak Kaun.”].

<sup>3270</sup> **D219/733** Kem Phen WRI, A62-64, EN 01238121-22 [“A62: I spent two days asking for their permission before they allowed me to go. I asked permission from Cooperative Committee San. He said, ‘Comrade, why do you want to go? They are taking your wife to be killed. Why do you want go?’ I told him that I

895. Killings and disappearances of Khmer Krom at Khnar Totueng in 1977-1978 also included.<sup>3271</sup> Koem Huoy's parents and siblings, as well as her female cousins who were raped before being killed;<sup>3272</sup> Koem So's parents;<sup>3273</sup> Chhuon Hai's husband and his family;<sup>3274</sup> Vorn Moch's wife and children;<sup>3275</sup> Voern Dara's aunts and uncles' families, totaling 42 persons;<sup>3276</sup> Sorm Vanna's two older sisters and their children;<sup>3277</sup> Chhat Phan's aunt and five other Khmer Krom, including a pregnant woman;<sup>3278</sup> Seng Eng's parents and siblings;<sup>3279</sup> Choeng Phy's parents;<sup>3280</sup> and a group of 20 women.<sup>3281</sup> Some Khmer Krom sent to Khnar Totueng were starved to death.<sup>3282</sup> Many Khmer Krom first sent to Khnar Totueng were later moved to other locations to be killed, particularly Tuol

pitied my wife and children, and that I would rather die with them. After I asked for permission, they allowed me to follow my family to Khnar Toteung. Q: Did San tell you why they took your wife to be killed in Khnar Toteung? A63: He did not say clearly, but he said that anyone connected to the Khmer Krom would be taken to be killed. Q: San told you that anyone connected to the Khmer Krom would be taken to be killed? A64: Yes.”], A115, 208, 210, EN 01238129, 44.

3271 **D219/729** Pan Samut WRI, A129, EN 01486545.

3272 **D118/223** Koem Huoy WRI, A33, EN 01057643, A35, EN 01057644 [“In July 1977 I learned that my siblings and parents had been killed. My husband Ki Heng travelled to Kampong Chhnang, and when he returned he told me that they were separating out the Khmer Krom. I thought that my parents and siblings must have not survived. After the end of the Khmer Rouge regime, my aunt told me that my siblings and my parents had been collected and moved to Khnar Totueng on 17 July 1977. All the Khmer Krom had been sent to Khnar Totueng where they stayed for 12 days. Then the Khmer Rouge sent the Khmer Krom to Kamprak Koun Village, where they stayed for two nights and were killed. They took the Khmer Krom to be killed at Seh Nhov and Prey Krabau.”], A43, EN 01057645 [“Yes. In 1977 they collected all the Khmer Krom and killed them. They selected the beautiful women to be kept and raped, and my cousins were among those women. The rapes happened in early July 1977.”], A7, 19-20, EN 01057639, 41.

3273 **D118/124** Koem So WRI, A32-33, EN 00975888-89.

3274 **D219/692** Chhuon Hai WRI, A60-62, EN 01215980 [“Q: You said that you saw mass graves. How and when did you see them? A60: Before people were killed, they were called to dig pits. [...] All the relatives of my husband, both young and old, were taken away. Q: Were your husband's relatives Khmer Krom? A61: Yes, they were. Q: Was your husband Khmer Krom? A62: Yes, he was. He was taken to be killed.”].

3275 **D118/193** Vorn Moch WRI, A57-59, EN 00986199.

3276 **D118/175** Voern Dara WRI, A55, 57-58, EN 00981835-36.

3277 **D219/46** Sorm Vanna WRI, A74-75, EN 01050679 [“A74: After the Khmer Rouge regime, I heard from people there that the both my older sisters had been taken to be beaten to death. Q: Your two older sisters were killed at Khnar Totueng, correct? A75: Yes, that is correct. Including my nieces and nephews, six persons in total.”], A77, EN 01050680 [“Q: Do you know why they killed your two older sisters? A77: They told us, ‘If they are Khmer Krom, they will all be killed.’ They also said ‘The Khmer Krom are Yuon’.”]. See also A4, 10-13, EN 01050669-70.

3278 **D118/257** Chhat Phan WRI, A85-87, 90-96, 103-104, EN 01031961-63.

3279 **D118/256** Seng Eng WRI, A61-64, 76, 79-80, EN 01025249-50, 52-53.

3280 **D118/214** Choeng Phy WRI, A35, EN 00985617 [“I was evacuated to Battambang; that's why I survived. My parents stayed in Rumlech Village. They [the Khmer Rouge] sent them to Khnar Totueng, and then they took them away to kill them at Tuol Seh Nhov.”].

3281 **D118/127** Pov Sinuon WRI, A61-64, EN 00979977 [“A61: They arrested me at Dei Roneat along with 19 other women, all of whom were Khmer Krom. Q: Was the grounds for arrest because you all were Khmer Krom? A62: Yes, it was because we were Khmer Krom. They told us that we were changing battlefields. Q: Who arrested you? A63: One month after I worked at Dei Roneat, the Rumlech Cooperative issued a letter saying that the Khmer Krom would be segregated from ordinary Khmer. So, they sent us back. They wrote a letter to Ta Say, but Ta Say helped me because his nephew loved me. Q: And, what happened to those nineteen women? A64: They were sent to Khnar Totueng. They all died.”].

3282 **D219/184** Ham Sinuon WRI, A81, EN 01079324.

Seh Nhauv and Prey Krabau execution sites.<sup>3283</sup>

Tuol Seh Nhauv and Prey Krabau Execution Sites

896. Khmer Krom were transferred from other areas of Bakan District to be killed at Tuol Seh Nhauv and Prey Krabau execution sites in mid- to late 1977 and 1978.<sup>3284</sup> As detailed in the crime site sections,<sup>3285</sup> victims at both sites included the Khmer spouses of Khmer Krom, and children who chose their Khmer Krom parent when CPK cadres forced them to decide between their Khmer or Khmer Krom father or mother.<sup>3286</sup> Thousands of Khmer Krom were killed at these execution sites.<sup>3287</sup>

Treatment of the Vietnamese and Khmer Krom in Rumlech Commune

897. At the start of the DK regime, many Khmer Krom lived in Rumlech Commune.<sup>3288</sup> Few survived Khmer Rouge rule. It is estimated that thousands of Khmer Krom were killed in Rumlech.<sup>3289</sup> The CPK began killing the Khmer Krom in Rumlech in 1977.<sup>3290</sup> Nam In, a group chief in Bak Chenchien,<sup>3291</sup> stated that the CPK requested the transfer of

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<sup>3283</sup> **D219/692** Chhuon Hai WRI, A53, EN 01215979 [“They took away many people; sometimes they took away 50 or 60 people, and the next day they took away 10 or 20 people. They searched for all of them.”], A58, EN 01215980 [“They dug pits each of which was around five by six metres in size. Then they killed the people and put all of their dead bodies in the pits.”]; **D219/344** Sok Phe WRI, A53, EN 01116091 [“Mostly, they took the Kampuchea Krom people of Preah Trapeang and from Rumlech to Prey Krabau in Tuol Thma Village.”].

<sup>3284</sup> **D219/664** Khiev Phan WRI, A37-38, EN 01207560; **D219/344** Sok Phe WRI, A67, 73, EN 01116092-93; **D118/175** Voern Dara WRI, A24, EN 00981830; **D219/57** Kong Run WRI, A146, EN 01040576; **D6.1.758** Chab Khuong WRI, EN 00387496-97; **D118/199** Uong Sav WRI, A30, EN 00985108.

<sup>3285</sup> See **V.B.5.c.iv**. Crimes – Northwest Zone – Sector 2 – Tuol Seh Nhauv and Prey Krabau Execution Sites – Crimes.

<sup>3286</sup> **D118/226** Nget Vut WRI, A58-61, 93-95, EN 01055753.

<sup>3287</sup> **D118/256** Seng Eng WRI, A66-67, EN 01025250-51; **D118/122** Thek Bunroeun WRI, A48, EN 00975866. See also **D118/147.1.43** KRT Research Project Report, Account of Ven Von, EN 00527117-18.

<sup>3288</sup> **D118/1** Uk Soeum WRI, A17, EN 00876120 [“Many Khmer Kraom had lived in Rumlech commune before the Khmer Rouge regime.”]; **D118/193** Vorn Moch WRI, A5-6, EN 00986194; **D118/124** Koem So WRI, A7-9, EN 00975885-86; **D118/127** Pov Sinuon WRI, A4, EN 00979968; **D118/202** Prak Sarin WRI, A16, EN 00986208; **D219/225** Heng Sieng WRI, A23, EN 01112235; **D118/191** Nget Chat WRI, A41, EN 00986713.

<sup>3289</sup> **D118/123** They Yeun WRI, A21-22, EN 00975875-76 [“A21: The people in Rumlech village were mostly Khmer Krom, and there were 15 families still alive then. Q: Can you tell us the number of Khmer Krom who were killed? And how many of them are still alive? A22: I did not know, but they were not less than thousands who had been taken away to be killed. There were only 15 families in the village still alive.”], A41-43, EN 00975878 [“Q: Based on your knowledge, were the Khmer Krom being discriminated and persecuted during the Khmer Rouge regime? A41: Yes, most Khmer Krom had been taken to be killed with their entire family. There are just about 15 families now left. Khmer Krom living here were often called to be interviewed in Phnom Penh. Q: Did you know about the mass killing of Khmer Krom in Bakan district? A42: Yes, I knew about that. [...] Q: What did you know about this story? A43: They had killed so many Khmer Krom families. They killed almost the entire village. There are just about 15 families left.”]. See also **D118/202** Prak Sarin WRI, A11-12, EN 00986207; **D6.1.140** Thach Sokh WRI, EN 00279244 [“Q: How many Kampuchea Kraom families were there at Rumlech Village after 1979? A: None. Only the Kampuchea Kraom people who had gone to live in Battambang are still alive.”].

<sup>3290</sup> **D118/227** Heng Chea WRI, A31, EN 01056747.

<sup>3291</sup> **D118/278** Nam Im WRI, A17, 32, EN 01031782-84.

Khmer Krom to Rumlech in 1978.<sup>3292</sup> Approximately five families were taken from Nam In's cooperative.<sup>3293</sup> Nam In subsequently discovered that the transferred Khmer Krom were all killed.<sup>3294</sup>

898. Killings of Khmer Krom in Rumlech in 1977-1978 also included: Kuoy Bunthoeurn's adopted brother's family;<sup>3295</sup> Prak Sarin's godfather;<sup>3296</sup> Ham Sinuon's siblings;<sup>3297</sup> and, Yean Phan's wife and her family.<sup>3298</sup> Yean Phan stated that between 10 and 30 Khmer Krom were taken to be killed daily because they were accused of being Vietnamese agents.<sup>3299</sup> A member of the Sraong Cooperative Committee informed Sok Phe in 1977 or 1978 that the Khmer Krom population in Rumlech had been killed.<sup>3300</sup> This is corroborated by Kol Set, who had been a militiaman in Bakan, and was told by his former militia colleagues that they had taken the Khmer Krom from Rumlech to be killed.<sup>3301</sup>

<sup>3292</sup> **D118/278** Nam Im WRI, A82-83, EN 01031792 ["Q: Were there Khmer Krom people living in your area? A82: Yes, there were. Q: Were Khmer Krom people sent to live different cooperatives? A83: In 1978, they requested transfer of Khmer Krom people to Rumlech in order to create new cooperatives there. Then the Khmer Krom people were taken to be killed."].

<sup>3293</sup> **D118/278** Nam Im WRI, A84, EN 01031792 ["In my cooperative, four or five Khmer Krom families went to Rumlech. At first, they did not kill them."], A88, EN 01031793.

<sup>3294</sup> **D118/278** Nam Im WRI, A84-86, EN 01031792.

<sup>3295</sup> **D118/229** Kuoy Bunthoeurn WRI, A25-26, EN 01055768 ["Q: When Khmer Krom got sick, were they sent to your hospital? A25: At first the sick were sent to my hospital, but later all the Khmer Krom in my area were taken to be killed. This happened around 1977 or 1978. I have an adopted Khmer Krom brother living in Rumlech whose family members were all taken and killed. Q: Over what period of time did they kill the Khmer Krom? A26: Around 1978. When they took Khmer Krom to be killed, they did not say they were taking them to be killed. Instead, they said they were taking them to study."].

<sup>3296</sup> **D118/202** Prak Sarin WRI, A30, EN 00986211 ["I knew that all the Khmer Krom had been taken away to be killed because the villagers told me about that. I had a godfather who was a Khmer Krom, and he was also taken to be killed. This area was formerly called Prey Chheu Teal, and many Khmer Krom lived in this area, which included Rung Ta Kaok Village, Rumlech Village, Pralay Village, and Rumdeng Village. Some children of the Khmer Krom survived the killings because they lived in Battambang during that regime."], A85, EN 00986221.

<sup>3297</sup> **D219/184** Ham Sinuon WRI, A14-16, EN 01079314-15 ["Q: When were Yan and Sinat killed? A14: They killed Yan and Sinat in 1977. Both of them were killed just a few months apart. Q: Why did they kill them? A15: They accused them of being Khmer Krom. Q: Where did they kill Yan and Sinat? A16: Yan was killed in Veal Village, whereas Sinat was killed in Tuol Seh Nhauv. Yan's wife and five other children and Sinat's husband and a child were also killed. Yan was tortured and beaten in Veal Village. He was not able to speak, and then he was killed."].

<sup>3298</sup> **D118/197** Yeay Phan WRI, A9, EN 00985080, A47-49, EN 00985084 ["Q: What happened to your Khmer Krom wife and her family during the Khmer Rouge regime? A47: My second wife and her family were killed by the Khmer Rouge. Q: In what year and where were they killed? A48: They were killed in 1977 at Wat Rumlech Pagoda. Q: How did you know that? Did you witness their deaths? A49: I saw them take my wife and her family to be killed."].

<sup>3299</sup> **D118/197** Yeay Phan WRI, A52, EN 009850085 ["They took people away to be killed three times a day, 10 to 30 people each time. All of them were Khmer Krom."], A53, EN 009850085.

<sup>3300</sup> **D219/344** Sok Phe WRI, A28, 32, 66-67, 70-71, EN 01116089, 92.

<sup>3301</sup> **D118/238** Kol Set WRI, A90, EN 01040479 ["I did hear of the killings at Prey Krabau. The persons who killed the people at Prey Krabau have died. Khmer Kampuchea Krom people, who had come and been living in Rumlech and Poulyum for a long time were taken and killed at Prey Krabau."]; **D118/238** Kol Set WRI, A92-94, EN 01040479. *See also* **D118/197** Yeay Phan WRI, A54-55, EN 009850085 ["Q: Who was responsible for the murders of the Khmer Krom? A54: The murders of the Khmer Krom were ordered

Crimes Against the Vietnamese in Other Locations in Bakan District

899. Various witnesses provided evidence that across Bakan District, Khmer Krom were accused of being “Yuon” and killed.<sup>3302</sup> In mid-1978, Heng Sieng took part in a mass killing of a group of more than 100 people, including Khmer Krom, in Sraong Cooperative.<sup>3303</sup> The order to kill came from the Sraong Cooperative Committee, who had received it from “Angkar”.<sup>3304</sup>
900. Cadres accused five Vietnamese families of being Yuon spies and killed them in Ta Lou Commune in approximately 1977.<sup>3305</sup> The victims included Ven Van’s wife and infant child.<sup>3306</sup> Ven Van also heard that 50 to 60 Khmer Krom men, women, children, and elderly were killed at Tuol Kor Village in 1978.<sup>3307</sup> In July 1978, Tep Phan’s Khmer Krom husband, her two sons, and 40 members of her husband’s family were all taken away from Srah Rumdeng Village.<sup>3308</sup> She later saw their clothes being distributed to villagers and realised they had been killed.<sup>3309</sup> In the same incident, other Khmer Krom were also killed, including women who were raped before being executed.<sup>3310</sup> Tep Phan saw JCE member Yeay Rim with CPK soldiers leading the Khmer Krom away from Srah

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by upper echelon, and Mei, Sun and Poch were the ones who arrested and killed them. Q: You said that it was ordered by upper echelon. What echelon? A55: It was ordered by the district level, KUNG Sam-Oeun.”].

3302 **D219/664** Kiev Phan WRI, A19, 29, EN 01207558-9; **D219/921** Chap Puth WRI, A107, 111-112, EN 01451434; **D6.1.140** Thach Sokh WRI, EN 00279242.

3303 **D219/225** Heng Sieng WRI, A2, EN 01112234 [“I want to add extra information regarding the killing of people when the corral broke. On the day that the people were smashed in the corral, all the battlefields had been closed. The forces were summoned from all units including the ploughing, mobile and militia units, cooperative and battlefield committees, platoons, company commanders and the commerce section to attend a gathering at that corral. The corral was in Koh Andaet Village. I also involved in the killing of the people there.”], A13-16, 20-24, EN 01112235.

3304 **D219/225** Heng Sieng WRI, A29, EN 01112236 [“Q: You said earlier that Angkar ordered the killings. Who facilitated and ordered you and the other cadres to kill the people? A29: It was the Cooperative Committee who said that they received the order from Angkar to kill the people.”].

3305 **D118/192** Ven Van WRI, A52, EN 00986183 [“Q: How did you know that your wife and the other five Vietnamese families were taken away to be killed at Tuol Kakaoh? A52: I did not witness that, but I learned that from a relative who worked at Phum Veal. That relative told me, ‘Your wife stayed there only two days before she was taken to be killed. You have to keep this secret!’”], A43-44, EN 00986182.

3306 **D118/192** Ven Van WRI, A43-44, 52, EN 00986182-83.

3307 **D118/192** Ven Van WRI, A84-90, EN 00986188.

3308 **D118/262** Tep Phon WRI, A11, 26, EN 01033050, 52, A54, EN 01033055 [“In front of me, the Khmer Rouge called them and told them to go away to grow rice.”], A58-59, EN 01033055 [“Q: Did the Khmer Rouge mention the plan to take only Khmer Krom people to grow rice? A58: Yes, the Khmer Rouge said that those people were taken to grow rice. [...] A59: First, the Khmer Rouge called the people who lived near my house, and then they came to my house. Over forty members of my husband’s family were taken away. I asked for permission to go with my husband, but they said, ‘There is no plan yet, so do not go’.”], A61, EN 01033056 [“Q: Where were all those Khmer Krom people taken? A61: They were taken to Kraal Kou at Srah Rumdeng in Ta Lou Commune.”].

3309 **D118/262** Tep Phon WRI, A54, 63, EN 01033055-56.

3310 **D118/262** Tep Phon WRI, A70-72, EN 01033057.

Rumdeng.<sup>3311</sup>

901. Soem Chhan worked in Anlong Kray Cooperative, Ou Ta Paong Commune,<sup>3312</sup> an area heavily populated by Khmer Krom.<sup>3313</sup> In 1978, local CPK chiefs said the Khmer Krom were collaborating with the Vietnamese and had to be “smashed”.<sup>3314</sup> All Khmer Krom members of Soem Chhan’s work unit were called away to pick corn or uproot cassava and disappeared.<sup>3315</sup> Killings took place from 1978 until 1979.<sup>3316</sup>
902. Rin Nuon’s wife and in-laws were killed in Damnak Kanseng Commune in 1977 because they were Khmer Krom.<sup>3317</sup> In 1978, Chea Pren’s wife, who was Khmer Krom, was rounded up with other Khmer Krom and detained at Trach Kraol Office,<sup>3318</sup> where they were worked to exhaustion and then killed.<sup>3319</sup> Some were killed only because they were married to a Khmer Krom.<sup>3320</sup> Chea Pren also described the killing of Khmer Krom that took place after a meeting in Kampang Village in October 1978.<sup>3321</sup>
903. Chab Khuong, who was detained at Veal Village prison,<sup>3322</sup> stated that in 1977, all 50 to 60 Khmer Krom prisoners detained there were sent to be executed at Tuol Krabau.<sup>3323</sup>

<sup>3311</sup> **D118/262** Tep Phon WRI, A86-88, EN 01033059.

<sup>3312</sup> **D219/277** Soem Chhan WRI, A26, EN 01098512

<sup>3313</sup> **D219/277** Soem Chhan WRI, A46, EN 01098514 [“Yes, there were [Khmer Krom]. There were a lot of them. The Khmer Krom people had come to live here a long time ago. They had children and grandchildren here. Some people who were born here were accused of being the Khmer Krom and they also were taken away and killed.”].

<sup>3314</sup> **D219/277** Soem Chhan WRI, A47, EN 01098514 [“Q: What do you know about the purge of the Khmer Krom people? A47: The Khmer Rouge chiefs accused the Khmer Krom people of collaborating with the Vietnamese. They said the Khmer Krom people were the Vietnamese. So they had to be smashed.”], A48, EN 01098514.

<sup>3315</sup> **D219/277** Soem Chhan WRI, A49, EN 01098514 [“I observed that some people disappeared. In my group, some Khmer Krom people also disappeared. They were told to go to pick some sweet corns, uproot the cassava and so on. Hearing that, they were happy, and they went as they had been instructed. Then they disappeared.”], A52-53, EN 01098515.

<sup>3316</sup> **D219/277** Soem Chhan WRI, A51, EN 01098514 [“It was in 1978. Killings took place until 1979. First, the Khmer Krom people were killed.”].

<sup>3317</sup> **D219/223** Rin Nuon WRI, A18, 73, EN 01088594, 600 [“It was about a month or two months after the Khmer Krom people were killed that I learnt about the killing. I knew they were killed because I had some in-laws who were Khmer Krom people. They had been taken to be killed as well. The person who told me was an older cousin of mine by the name of Chheang [...] I met him in June or July 1978 [...] I asked him where his wife was [...] He said she was taken away to be killed.”].

<sup>3318</sup> **D118/225** Chea Pren WRI, A51, EN 01061130.

<sup>3319</sup> **D118/225** Chea Pren WRI, A50, EN 01061130.

<sup>3320</sup> **D118/273** Nget Yi WRI, A60, 168, 172, 177, 274, EN 010350035, 47-48, 59.

<sup>3321</sup> **D118/225** Chea Pren WRI, A46-49, EN 01061129-30.

<sup>3322</sup> **D118/125** Chab Khuong WRI, A28, EN 00976586 [“I was imprisoned in 1976 after my parents and family members were executed. At that time I was in a mobile unit. I tried to escape, but I was arrested and sent to Veal Village Prison.”], A55, EN 00976590 [“My legs were shackled at night, and in the morning the shackles were removed and I was assigned to clear grass or do other work.”].

<sup>3323</sup> **D118/125** Chab Khuong WRI, A77-78, EN 00976593 [“A77: Yes, there were. However, in 1977 all Khmer Krom detainees were transferred to Tuol Krabau. Q: Why were they transferred to Tuol Krabau? A78:

Subsequently, Yeay Rim ordered the execution of 10 Khmer Krom families from Veal Village, including some of Chab Khuong's relations.<sup>3324</sup> Khmer Krom were also detained and killed in Boeng Khnar Commune,<sup>3325</sup> including Reach Saran's relatives, who were accused of being Vietnamese.<sup>3326</sup> Additionally, Khmer Krom were detained and killed at two security centres in Bakan District, Svay Chrum and Phum Veal.

#### Svay Chrum Security Centre

904. Khmer Krom detainees at Svay Chrum were taken to be executed as soon as they were identified by their accents.<sup>3327</sup> As detailed in the crime site section, a survivor of Svay Chrum stated that every Khmer Krom in her group of prisoners was killed.<sup>3328</sup>

#### Phum Veal Security Centre

905. As described in the crime site section,<sup>3329</sup> Khmer Krom were arrested, imprisoned, often tortured, and ultimately executed at Phum Veal because they were considered linked to the Vietnamese.<sup>3330</sup> Southwest cadres and **Yim Tith**'s fellow JCE members Yeay Rim and Ta Mok visited Phum Veal Security Centre and gave instructions regarding prisoners.<sup>3331</sup>

### c. TREATMENT OF THE VIETNAMESE AND KHMER KROM IN SECTOR 4 1977-1979

906. **Yim Tith** was a high-level leader at the Zone level and was also identified by witnesses

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They were sent there to be executed, together with other Khmer Krom people from Khnar Totueng."]. See also **D118/124** Koem So WRI, A106, EN 00975897.

<sup>3324</sup> **D118/125** Chab Khuong WRI, A92-95, EN 00976595.

<sup>3325</sup> **D219/224** Chhuon Song WRI, A47, EN 01088611.

<sup>3326</sup> **D219/367** Reach Saran WRI, A29-30, EN 01128249.

<sup>3327</sup> **D118/288** Lay Bony WRI, A13, 16, EN 010667758.

<sup>3328</sup> See **V.B.5.b.iv.** Crimes – Northwest Zone – Sector 2 – Svay Chrum Security Centre – Crimes.

<sup>3329</sup> See **V.B.5.a.iv.** Crimes – Northwest Zone – Sector 2 – Phum Veal Security Centre – Crimes.

<sup>3330</sup> See, e.g. **D219/861** Sek Sam At alias Yeay Rim, A83, EN 01364081; **D118/1** Uk Soeum alias San Soeum WRI, A20, EN 00876120; **D219/188** Phan Khorn WRI, A112-117, 121, 123-131, EN 01106440-42; **D118/125** Chab Khuong WRI, A77-79, 86-87, EN 00976593-94; **D6.1.758** Chab Khuong WRI, EN 00387497; **D6.1.759** Koem So WRI, EN 00388620; **D219/57** Kong Run alias Kong Sarun WRI, A123, EN 01040573; **D240R** Video, *Enemies of the People, Additional Footage: Khuon Describes the Plan*, 2010, 1:00-3:58; **D118/147.1.43** KRT Research Project Report, Account of Koem So, EN 00527089, 101-113; **D6.1.759** Koem So WRI, EN 00388620; **D118/124** Koem So WRI, A37, EN 00975889; **D118/246** Meas Voern WRI, A105, EN 01034943; **D219/184** Ham Sinuon WRI, A13-18, EN 01079314-15; **D118/123** Thoeuk Yoeun WRI, A60, EN 00975880.

<sup>3331</sup> **D118/125** Chab Khuong WRI, A92-96, 104, 106-109, EN 00976595, 97; **D219/842** Lam Savuon WRI, A82-83, EN 01485115-16; **D118/123** Thoeuk Yoeun WRI, A23-24, 65, EN 00975876, 80; **D118/125** Chab Khuong WRI, A104, EN 00976597; **D219/222** Touch Seng alias Yeay Yan, A90, 170, EN 01088581, 88; **D5/61** Thoeuk Yoeun CPA, EN 00427010-11.



as Sector 4 Secretary.<sup>3332</sup> The crimes against the Vietnamese and Khmer Krom in Sector 4, described below, were committed as part of the Southwest Zone JCE in which **Yim Tith** played a key role.

907. Khmer Krom had lived in Sector 4 for many years prior to the DK regime.<sup>3333</sup> Saoy Yen, who worked in the district, stated that Southwest Zone cadres arrived in mid-1977 and began forcing Khmer Krom from their homes and starving them.<sup>3334</sup> Similarly, Ham Saom described the disappearance of hundreds of Khmer Krom in Kantueu Commune after they were accused of being linked to the Vietnamese.<sup>3335</sup>
908. CPK cadres searched the villages of the district for Khmer Krom, and any person who spoke Khmer with an accent was arrested.<sup>3336</sup> Khmer Krom in Sector 4 were arrested because they were accused of being Vietnamese.<sup>3337</sup> Killings of Khmer Krom families occurred in villages throughout the district.<sup>3338</sup> Srey Soeum, who worked as a farmer in Sala Trav Village, stated that killings of Khmer Krom occurred daily under the Southwest Zone cadres.<sup>3339</sup> For example, Hoey San's Khmer Krom mother and relatives were arrested, detained, and killed at Trav School, Kach Roteh Village in 1978 because they were accused of being Vietnamese.<sup>3340</sup> The targeting and mistreatment of Vietnamese and Khmer Krom occurred in two communes, in particular: Kampong Prieng and Reang Ksei.

i. KAMPONG PRIENG COMMUNE

909. As detailed in the crime site section,<sup>3341</sup> Southwest Zone cadres discussed killing all the Khmer Krom at meetings.<sup>3342</sup> Khmer Krom were considered "Yuon" and "enemies" and

<sup>3332</sup> **D105/8** Han Thy WRI, A7, EN 00803455 ["Ta Tit then served as secretary of Sector 4."]; **D118/63** Han Thy WRI, A34-35, EN 00945853; **D118/96** Loch Eng WRI, A29, EN 00974060 ["Yim Tith was chief of the sector containing Boeng Prey Commune."]; **D219/627** Loch Eng WRI, A4, EN 01187739 ["Boeng Prey Commune was located in Doun Teav District."]; **D219/884** Loch Eng WRI, A4-8, EN 01476049.

<sup>3333</sup> **D219/125** Srey Soeum WRI, A63, EN 01067737.

<sup>3334</sup> **D219/309** Saoy Yen WRI, A3-5, 10, EN 01111931-32. *See also* **D219/125** Srey Soeum WRI, A70-71, EN 01067738.

<sup>3335</sup> **D118/149** Ham Saom WRI, A64-66, 68, 70, EN 00975000.

<sup>3336</sup> **D219/157** Khay Chhauy WRI, A16, EN 01066847; **D219/749** WRIA, Account of Khay Chhauy, EN 01235375; **D219/125** Srey Soeum WRI, A63-64, 66-67, EN 01067737.

<sup>3337</sup> **D219/309** Saoy Yen WRI, A5, EN 01111931.

<sup>3338</sup> **D219/367** Reach Saran WRI, A29-30, EN 01128249.

<sup>3339</sup> **D219/125** Srey Soeum WRI, A10-12, 69-71, EN 01067731, 37-38.

<sup>3340</sup> **D118/240** Hoey San WRI, A59-60, 67-68, 74, EN 01033040-42.

<sup>3341</sup> *See* **V.B.4.b.iv.** Crimes – Northwest Zone – Sector 4 – Kampong Prieng Commune – Crimes.

<sup>3342</sup> *See, e.g.* **D219/303** Khoeun Choem WRI, A21, EN 01111895.

were killed and disappeared throughout Kampong Prieng Commune.<sup>3343</sup> More than 1,000 Khmer Krom were killed, according to estimates.<sup>3344</sup>

ii. REANG KESEI COMMUNE

910. Khmer Krom were targeted in Reang Kesi Commune because they were considered to be Vietnamese.<sup>3345</sup> As detailed in the crime site section,<sup>3346</sup> the Khmer Krom in the commune were killed, including pregnant women, children, and whole families.<sup>3347</sup>

iii. WAT SAMDECH SECURITY CENTRE

911. Khmer Krom and Vietnamese were killed at Wat Samdech Security Centre.<sup>3348</sup> As discussed in the crime site section,<sup>3349</sup> Southwest cadres told Khmer Krom and Vietnamese that they were being sent to work on the rice fields at Chong Ta Kok but were instead brought to Wat Samdech and executed.

## 7. THE CPK'S DESTRUCTION OF THE VIETNAMESE

912. In 1978, Pol Pot declared that there was “not one seed of [the Yuon] to be found” in Cambodia.<sup>3350</sup> Expert Alexander Hinton testified in Case 002 that this statement signalled “the successful completion of a genocide”,<sup>3351</sup> which is supported by demographics.<sup>3352</sup> Within this context, the CPK's destruction of the Khmer Krom, labelled “Yuan” and perceived by the Khmer Rouge as being part of the Vietnamese national group, was systematic and occurred predominantly in the areas of Takeo and Pursat provinces over which **Yim Tith** had authority. The policy of elimination involved deportation,

<sup>3343</sup> See, e.g. **D219/414** Mao Heang WRI, A5, 7, EN 01135061; **D219/125** Srey Soeum WRI, A70, EN 01067738; **D219/394** Riem Dy WRI, A6, 8, EN 01130588; **D219/528** Lonh Lun WRI, A97, EN 01168078-79; **D219/404** Hoeung Sambo WRI, A18, EN 01147872; **D219/304** Im Bun Chheoun WRI, A17, EN 01111902.

<sup>3344</sup> **D219/864** Long Khen WRI, A67, 69, EN 01373644-45; **D219/838** Long Khen WRI, A120, 122, EN 01492871-72.

<sup>3345</sup> **D219/309** Saoy Yen WRI, A15, EN 01111933; **D219/238** Phann Sarang WRI, A42, EN 01092944; **D219/137** Khiem Saon WRI, A57, EN 01072545; **D219/955** Koen Moeun WRI, A29, EN 01456256-57; **D219/42** Chech Sopha WRI, A89, EN 01050633; **D219/939** Sek Muntha WRI, A52, EN 01493021.

<sup>3346</sup> See **V.B.4.a.iv**. Crimes – Northwest Zone – Sector 4 – Reang Kesi Commune – Crimes.

<sup>3347</sup> **D219/314** Chech Sopha WRI, A7-8, EN 01111965; **D219/722** Chech Sopha WRI, A1-2, 6, EN 01216030-31; **D219/42** Chech Sopha WRI, A91, 95, 97, EN 01050634-35; **D219/866** Loeuy Mon WRI, A24, 27, 29, EN 01373667-68.

<sup>3348</sup> **D219/683** Hin Non WRI, A54-60, EN 01213403-04; **D219/580** WRIA, Account of Run Lay, EN 01166391-92.

<sup>3349</sup> See **V.B.4.c.iv**. Crimes – Northwest Zone – Sector 4 – Wat Samdech Security Centre – Crimes.

<sup>3350</sup> **D6.1.742** *Revolutionary Flag*, Apr 1978, EN 00519836. See also **D219/852.1.11** Kaing Guek Eav alias Duch, T. 23 Jun 2016, 15.32.46-15.35.50.

<sup>3351</sup> **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 11.00.45-11.02.08.

<sup>3352</sup> **D6.1.197** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, EN 00385311; **D219/792.1.7** Alexander Hinton, T. 15 Mar 2016, 09.21.48-09.22.42.

persecution, imprisonment, enslavement, torture, and ultimately mass executions of entire Khmer Krom communities, implemented by lower-level CPK chiefs acting under the authority and supervision of **Yim Tith** and other JCE members. Few Khmer Krom outlived this policy of destruction.<sup>3353</sup>

## **8. CRIMES FOR WHICH INDICTMENT IS SOUGHT**

913. Based on the foregoing evidence, the ICP requests the indictment of **Yim Tith** for the crime of genocide with the intent to destroy the Vietnamese as a national group (particularly the Khmer Krom) in Cambodia. The genocide was committed through killings, the deliberate infliction of conditions of life calculated to bring about destruction of the group, and causing serious bodily or mental harm to members of the group in Kirivong, Tram Kak, and Koh Andet districts in the Southwest Zone, including but not limited to, Wat Pratheat Security Centre, Kraing Ta Chan Security Centre, Wat Angkun execution site, Wat Ang Srei Muny Security Centre and Prey Sokhon execution site, Slaeng Village forest execution site, and Preal Village execution site; and in Bakan District and Districts 41 and 42 of the Northwest Zone, including but not limited to, Kampong Kol Sugar Factory, Phum Veal Security Centre, Svay Chrum Security Centre, Tuol Seh Nhauv execution site, Prey Krabau execution site, Wat Samdech Security Centre, Kampong Prieng Commune, and Reang Kesei Commune.

914. The ICP also requests indictment for the following crimes against humanity:

- a. murder; extermination; and persecution on political grounds of Khmer Krom in Kirivong, Tram Kak, and Koh Andet districts in the Southwest Zone, including but not limited to, Wat Pratheat Security Centre, Kraing Ta Chan Security Centre, Wat Angkun execution site, Wat Ang Srei Muny Security Centre and Prey Sokhon execution site, Slaeng Village forest execution site, and Preal Village execution site; and in Bakan District and Districts 41 and 42 of the Northwest Zone, including but not limited to, Kampong Kol Sugar Factory, Phum Veal Security Centre, Svay Chrum Security Centre, Tuol Seh Nhauv execution site, Prey Krabau execution site, Wat Samdech Security Centre, Kampong Prieng Commune, and Reang Kesei

<sup>3353</sup> See, e.g. **D118/175** Voern Dara WRI, A25, EN 00981831; **D219/224** Chhuon Song WRI, A47, EN 01088611; **D118/173** Van Chauk WRI, A71-73, EN 00981764-65; **D118/214** Choeng Phy WRI, A38, EN 00985618; **D219/223** Rin Nuon WRI, A73, EN 01088600; **D118/256** Seng Eng WRI, A66-67, EN 01025250; **D118/123** They Yeun WRI, A21-22, 41, EN 00975875-6, 78. See also **D118/202** Prak Sarin WRI, A11-12, EN 00986207; **D6.1.140** Thach Sokh WRI, EN 00279244.

Commune;

- b. murder and persecution on political grounds of Vietnamese at Kraing Ta Chan Security Centre in the Southwest Zone, and Kampong Kol Sugar Factory, Wat Samdech Security Centre, and Kampong Prieng Commune in the Northwest Zone;
- c. deportation of Vietnamese and Khmer Krom from Tram Kak and Kirivong districts across the Cambodian border to Vietnam, and from Vietnam across the Cambodian border to Tram Kak and Kirivong districts in the Southwest Zone, including but not limited to, Preal Village execution site, and Slaeng Village forest execution site;
- d. imprisonment of Khmer Krom in Kirivong and Tram Kak districts in the Southwest Zone, including but not limited to, Wat Pratheath Security Centre, Kraing Ta Chan Security Centre, and Wat Ang Srei Muny Security Centre; and in the Northwest Zone, including but not limited to, Phum Veal Security Centre, Svay Chrum Security Centre, other locations in Bakan District, Kampong Kol Sugar Factory, Wat Samdech Security Centre, and Kampong Prieng Commune;
- e. imprisonment of Vietnamese at Kraing Ta Chan Security Centre in the Southwest Zone, and Kampong Prieng Commune, and Wat Samdech Security Centre in the Northwest Zone;
- f. torture of Khmer Krom in Phum Veal Security Centre in the Northwest Zone;
- g. enslavement of Khmer Krom in Bakan District in the Northwest Zone;
- h. other inhumane acts (rape) of Khmer Krom in Bakan District in the Northwest Zone;
- i. other inhumane acts (inhumane treatment) against Khmer Krom in Kirivong, Tram Kak, and Koh Andet districts in the Southwest Zone, including but not limited to, Wat Pratheath Security Centre, Kraing Ta Chan Security Centre, Preal Village execution site, and Wat Ang Srei Muny Security Centre; and in Bakan District and Districts 41 and 42 of the Northwest Zone, including but not limited to Phum Veal Security Centre, and Kampong Prieng Commune;
- j. other inhumane acts (inhumane treatment) against Vietnamese in Kraing Ta Chan Security Centre in the Southwest Zone, and in Kampong Prieng Commune in the Northwest Zone;

- k. other inhumane acts (enforced disappearance) of Khmer Krom in Kirivong, Tram Kak, and Koh Andet districts in the Southwest Zone, including but not limited to, Preal Village execution site, Slaeng Village forest execution site, Wat Angkun execution site, and Wat Ang Srei Muny Security Centre; and in Bakan District and Districts 41 and 42 of the Northwest Zone, including but not limited to, Kampong Kol Sugar Factory, Tuol Seh Nhaux execution site, Prey Krabau execution site, and Kampong Prieng Commune; and,
- l. other inhumane acts (forced transfer) of Vietnamese and Khmer Krom in Kirivong and Koh Andet districts in the Southwest Zone, including but not limited to, Kraing Ta Chan Security Centre, Preal Village execution site, Slaeng Village forest execution site, and in Bakan District in the Northwest Zone.

## VI. LAW

### A. RELEVANT LEGAL PRINCIPLES

#### 1. CRIMES

915. **Yim Tith** is charged with, *inter alia*,<sup>3354</sup> crimes set out under articles 4 and 5 of the ECCC Law, which confer jurisdiction on the ECCC over genocide and crimes against humanity (“CAH”) respectively.

#### a. GENOCIDE

916. Article 4 of the ECCC Law confers jurisdiction on the Court over the crime of genocide as defined in the 1948 Genocide Convention. The *actus reus* of genocide consists of the commission<sup>3355</sup> of at least one of the listed categories of acts of genocide (detailed below).<sup>3356</sup> The *mens rea* comprises both the requisite intent to commit the listed act and the specific intent (*dolus specialis*) of genocide: “the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, *as such*”.<sup>3357</sup>

<sup>3354</sup> In **D350.1** Notification of Amended Charges against Yim Tith, the ICIJ also charged Yim Tith with Grave Breaches of the Geneva Conventions 1949 (para. 10) and Violations of the 1956 Penal Code (para. 12), but for the reasons set out below (See **VI.C.** Law – Crimes Not Requested), the ICP does not recommend indicting Yim Tith for these crimes.

<sup>3355</sup> As set out below, under ECCC Law, art. 4, “attempts to commit acts of genocide; conspiracy to commit acts of genocide; [and] participation in acts of genocide” are punishable at the ECCC.

<sup>3356</sup> See below in **VI.A.1.a.ii.** Law – Relevant Legal Principles – Crimes – Genocide – Actus Reus.

<sup>3357</sup> *Krstić* AJ, para. 20; *Croatia v. Serbia*, para. 132; *Al Bashir* First Arrest Warrant Decision, para. 139; Darfur Commission Report, para. 491.

## i. THE PROTECTED GROUP

917. Consistent with the Genocide Convention, the ECCC Law prescribes four categories of protected group: national, ethnical,<sup>3358</sup> racial, and religious. The protected group must be defined positively, by reference to a common identity, not negatively, by reference to its lack of any particular identity.<sup>3359</sup> Where more than one group is targeted, the elements of genocide must be considered in relation to each group separately.<sup>3360</sup>
918. Any attempt to differentiate each of the group categories on the basis of scientific criteria would be inconsistent with the object and purpose of the Genocide Convention.<sup>3361</sup> In its Resolution 96(I), the UN General Assembly defined genocide as “a denial of the right of existence of entire *human groups*”.<sup>3362</sup> This was followed by the UN Secretariat (1948),<sup>3363</sup> and the ICJ (1951),<sup>3364</sup> and was later reconfirmed by the ICJ,<sup>3365</sup> ICTY,<sup>3366</sup> and ICTR.<sup>3367</sup> The ICTY Trial Chamber in *Krstić* noted:

The preparatory work of the Convention shows that setting out such a list was designed more to describe a single phenomenon, roughly corresponding to what was recognised, before the second world war, as ‘national minorities’, rather than to refer to several distinct prototypes of human groups.<sup>3368</sup>

919. As such, tribunals and commissions implementing the Convention have largely avoided providing concrete definitions or delineating precise boundaries of the protected groups, and have emphasised their preference for a flexible interpretation of the categories. The ICTY,<sup>3369</sup> ICTR,<sup>3370</sup> and Darfur Commission<sup>3371</sup> have all confirmed that it falls within

<sup>3358</sup> Although the Genocide Convention and ECCC Law use the term “ethnical”, much of the jurisprudence refers to “ethnic” groups, in keeping with modern linguistic usage.

<sup>3359</sup> *Stakić* AJ, paras 16-28; *Karadžić* TJ, para. 541; *Brđanin* TJ, para. 685; *Al Bashir* First Arrest Warrant Decision, para. 135; *Bosnia v. Serbia*, paras 193-196.

<sup>3360</sup> *Stakić* AJ, para. 28; *Karadžić* TJ, para. 541; *Brđanin* TJ, para. 686.

<sup>3361</sup> *Krstić* TJ, para. 556; *Brđanin* TJ, para. 682.

<sup>3362</sup> UNGA Resolution 96(I), 11 Dec 1946, UN doc. A/RES/96(I), pp. 188-189 (*emphasis added*).

<sup>3363</sup> Relations Between the Convention on Genocide on the one hand and the Formulation of the Nurnberg Principles and the Preparation of a Draft Code of Offences against Peace and Security on the Other, 12 Apr 1948, E/AC.25/3/Rev.1, p. 6 “[genocide] aims at the systematic extermination of human groups. [...] The victim of the crime of genocide is a human group.”]

<sup>3364</sup> ICJ Genocide Advisory Opinion, p. 23 [“The origins of the Convention show that it was the intention of the United Nations to condemn and punish genocide as ‘a crime under international law’ *involving a denial of the right of existence of entire human groups*” (*emphasis added*)].

<sup>3365</sup> *Croatia v. Serbia*, paras 87, 504; *Bosnia v. Serbia*, paras 161, 194, 422.

<sup>3366</sup> See, e.g. *Krstić* AJ, para. 36 [“its perpetrators identify entire human groups for extinction”].

<sup>3367</sup> See, e.g. *Akayesu* TJ, para. 522; *Kayishema & Ruzindana* TJ, para. 99.

<sup>3368</sup> *Krstić* TJ, para. 556.

<sup>3369</sup> *Jelisić* TJ, para. 69.

<sup>3370</sup> *Akayesu* TJ, paras 511, 516, 702; *Musema* TJ, para. 162.

<sup>3371</sup> Darfur Commission Report, paras 498, 501.

the Genocide Convention and customary international law to punish as genocide acts intended to destroy stable and permanent human groups, to which individuals belong regardless of their own desires, even if they do not fit neatly into one of the four group titles named in the Convention.

920. The determination of what constitutes a protected group in any given case is conducted on the basis of both objective and subjective criteria.<sup>3372</sup> The objective criteria include the relevant political, social, historical, and cultural context.<sup>3373</sup> The subjective criteria include the stigmatisation or singling out of a group by the perpetrator(s) on the basis of the group's perceived characteristics,<sup>3374</sup> including by the use of derogatory epithets.<sup>3375</sup> In some instances, the victim may perceive himself to belong to the group.<sup>3376</sup> As the ICTR pointed out in *Bagilishema*:

A group may not have precisely defined boundaries and there may be occasions when it is difficult to give a definitive answer as to whether or not a victim was a member of a protected group. Moreover, the perpetrators of genocide may characterize the targeted group in ways that do not fully correspond to conceptions of the group shared generally, or by other segments of society. In such a case, the Chamber is of the opinion that, on the evidence, if a victim was perceived by a perpetrator as belonging to a protected group, the victim could be considered by the Chamber as a member of the protected group, for the purposes of genocide.<sup>3377</sup>

921. International courts have consistently adopted a flexible approach to fitting targeted populations into the Convention's four group categories. In *Akayesu*, the ICTR Trial Chamber defined a ***national*** group as "a collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties."<sup>3378</sup> However, the ICP submits that this definition is unduly narrow and incomplete. When espousing this jurisdictional definition, the ICTR expressly relied on a *dictum* of the ICJ in the *Nottebohm* Judgment, yet in that case, the ICJ was interested

<sup>3372</sup> *Gacumbitsi* TJ, para. 254; *Semanza* TJ, para. 317; *Blagojević & Jokić* TJ, para. 667; ISIS-Yazidi Report, para. 105; Darfur Commission Report, paras 499-501.

<sup>3373</sup> *Kamuhanda* TJ, para. 630; *Semanza* TJ, para. 317; *Rutaganda* TJ, para. 373; *Musema* TJ, para. 163; *Krstić* TJ, para. 557.

<sup>3374</sup> *Stakić* AJ, para. 25; *Musema* TJ, para. 161; *Rutaganda* TJ, para. 56; *Brđanin* TJ, para. 683; *Krstić* TJ, para. 557; *Jelisić* TJ, para. 70; *Kayishema & Ruzindana* TJ, para. 98; ISIS-Yazidi Report, para. 104; Darfur Commission Report, para. 499.

<sup>3375</sup> ISIS-Yazidi Report, para. 104; Darfur Commission Report, para. 511.

<sup>3376</sup> *Brđanin* TJ, para. 683; *Musema* TJ, para. 161; *Rutaganda* TJ, para. 56; *Kayishema & Ruzindana* TJ, para. 98; *Krstić* TJ, para. 559.

<sup>3377</sup> *Bagilishema* TJ, para. 65.

<sup>3378</sup> *Akayesu* TJ, para. 512.

in defining the meaning of “nationality” in the context of the right of a state to exercise diplomatic protection. It had no concern with the meaning of “national group” within the meaning of the Genocide Convention. “Nations” are not founded purely on common citizenship; “nationality” is not synonymous with a “national group”, some of whom may actually hold the citizenship or status as “nationals” of another State or who may be stateless.<sup>3379</sup> Rather, “a national group comprises persons of a common national origin,”<sup>3380</sup> where “national origin,” as distinct from “nationality,” can refer, among other things, to a previous nationality or geographical region of an individual,<sup>3381</sup> or his forefathers. Indeed, the drafters of the Genocide Convention recognised this concept of a national group: “The well-known problem of the German minorities in Poland or of the Polish minorities in Germany, and the question of the Sudeten Germans, showed that the idea of the national group was perfectly clear.”<sup>3382</sup>

922. Indeed, the ICTY, when applying the “national group” concept in *Krstić* and later cases, has been reluctant to analyse group citizenship or clearly distinguish the targeted group’s nationality from other groups. Despite the lack of a unique citizenship, it held that the Bosnian Muslims were a “national group” based on their recognition as a “nation” by the Yugoslav Constitution of 1963, and the fact that the Bosnian Serb political and military authorities viewed the Bosnian Muslims as a specific national group.<sup>3383</sup> The finding that the Bosnian Muslims constituted a “protected group” was then followed without further analysis in *Blagojević*,<sup>3384</sup> *Brđanin*,<sup>3385</sup> *Popović*,<sup>3386</sup> *Karadžić*,<sup>3387</sup> and *Tolimir*.<sup>3388</sup> In fact,

<sup>3379</sup> Schabas, *Genocide in International Law* (2000), p. 115; Shaw, “Genocide and International Law”, in Yoram Dinstein, ed, *International Law at a Time of Perplexity (Essays in Honour of Shabtai Rosenne)*, pp. 797-820 at p. 807.

<sup>3380</sup> Progress Report by Mr. Nicodème Ruhashyankiko, Special Rapporteur, *Study of the Question of the Prevention and Punishment of the Crime of Genocide*, 25 Jun 1973, UN Doc. E/CN.4/Sub.2/L.583 (“1973 Genocide Report of the Special Rapporteur”), para. 56.

<sup>3381</sup> 1973 Genocide Report of the Special Rapporteur, paras 57-58.

<sup>3382</sup> 3 Official Records of the General Assembly Summary of the Sixth Committee (1948) (74<sup>th</sup> Meeting), pp. 99-100 (Egypt).

<sup>3383</sup> *Krstić* TJ, paras 559-560. The finding that Bosnian Muslims were a protected group was not disturbed on appeal. See *Krstić* AJ, paras 6, 15.

<sup>3384</sup> *Blagojević & Jokić* TJ, para. 667. The Trial Chamber did not specify that the Bosnian Muslims constituted a national group. Rather, it found them to simply be a ‘protected group’, citing the *Krstić* Trial Judgment in support.

<sup>3385</sup> *Brđanin* TJ, paras 734-736. The Trial Chamber found there to be two protected groups: Bosnian Muslims and Bosnian Croats but provided no conclusion or analysis as to which of the four groups the Bosnian Croats fell under. At fn. 1784, the Trial Chamber confirmed that the Bosnian Croats “didn’t have a motherland. They didn’t have any prospect to be supported by other communities outside Bosnia-Herzegovina and its own nationality as Bosnian Muslims”.

<sup>3386</sup> *Popović* TJ, para. 840.

<sup>3387</sup> *Karadžić* TJ, para. 2574.

<sup>3388</sup> *Tolimir* TJ, para. 750, confirmed on appeal: *Tolimir* AJ, para. 185.



in the majority of these subsequent cases, there is no reference to the “national group” designation made in *Krstić* and many of them devote more time discussing Bosnian Muslims, Bosnian Croats, and Bosnian Serbs in terms of distinct ethnicities.<sup>3389</sup> The ICJ also accepted Bosnian Muslims as a “targeted group” without confirming which, if any, of the four categories it considered them to fall into.<sup>3390</sup>

923. An *ethnic* group has been characterised as one “whose members share a common language or culture.”<sup>3391</sup> However, in *Akayesu*, the same Trial Chamber that posited this definition found the Tutsi to be a distinct “ethnic group” even though the Tutsi and Hutu cannot be distinguished on the basis of either language or culture. It based its decision on identity cards referencing Rwandans’ ethnic group, various mentions of these ethnic groups in national and international instruments, and the fact that trial witnesses “answered spontaneously and without hesitation” regarding their ethnic identity (self-perception).<sup>3392</sup> In the *Al Bashir* case, the ICC has found the Fur, Masalit, and Zaghawa constitute distinct ethnic groups for the purposes of the Genocide Convention, as each has its own language, tribal customs, and traditional links to their lands.<sup>3393</sup>
924. A *racial* group has been defined as being “based on the hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors.”<sup>3394</sup> However, “race” has proved difficult to characterise. The IMT referred to the Jewish people as a “racial group” rather than a “religious group” without

<sup>3389</sup> See, e.g. *Blagojević & Jokić* TJ, paras 94, 155, 674; *Popović* TJ, paras 991, 995, 1193, 1194, 1331, 1398, 1426; *Tadić* TJ, paras 56-57, 83; *Brđanin* TJ, paras 58, 80, fn. 93; *Tolimir* TJ, paras 159, 813, 1190; *Karadžić* TJ, paras 32 (fn. 60) [the Chamber acknowledged that the term “ethnic” may not comprehensively describe the distinguishing features of Bosnian Muslims, Bosnian Croats and Bosnian Serbs, since other factors such as religion and nationality were relevant to the definitions of the groups, but confirmed that it would use the term “ethnic” throughout the judgment “for the sake of brevity”], 603, 2598.

<sup>3390</sup> *Bosnia v. Serbia*, para. 196.

<sup>3391</sup> *Akayesu* TJ, para. 513; *Kayishema & Ruzindana* TJ, para. 98. To describe the intangible term “culture”, the UN Committee on Economic, Social and Cultural Rights has provided: “The Committee considers that culture [...] encompasses, inter alia, ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence”. See UNESCO, Committee on Economic, Social and Cultural Rights, General comment No. 21 – Right of everyone to take part in cultural life, E/C.12/GC/21, paras 12-13. The Universal Declaration on Cultural Diversity, 2 Nov 2001 (Preamble) defines culture as “the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, [which] encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs”.

<sup>3392</sup> *Akayesu* TJ, paras 170-171, 702.

<sup>3393</sup> *Al Bashir* First Arrest Warrant Decision, para. 137.

<sup>3394</sup> *Akayesu* TJ, para. 514; *Kayishema & Ruzindana* TJ, para. 98.

any meaningful analysis.<sup>3395</sup> Highlighting both this definitional challenge and the interrelationship between the protected groups, the International Convention on the Elimination of All Forms of Racial Discrimination (“ICEAFRD”) defines the term “racial” discrimination, partly in terms of other group designations, as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin”.<sup>3396</sup>

925. A **religious** group is “one whose members share the same religion, denomination or mode of worship.”<sup>3397</sup> The 2016 Syria Commission Report classified the Yazidis as a religious group, based on both objective and subjective criteria.<sup>3398</sup>

## ii. ACTUS REUS

926. Article 4 of the ECCC Law, reflecting the Genocide Convention, lists the following acts of genocide: (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (4) imposing measures intended to prevent births within the group; and (5) forcibly transferring children from one group to another group. As the first three are most relevant to the evidence developed in the **Yim Tith** case file, the ICP confines his analysis to these three acts of genocide.

### Killing Members of the Group

927. The material elements of killing as an act of genocide are the same as those for murder as a CAH.<sup>3399</sup> Numeric assessment of the number of people killed is not required for the *actus reus* to be established.<sup>3400</sup> The victim must have belonged to a protected group,<sup>3401</sup> or the perpetrator of the crime believed that he did.<sup>3402</sup> Killing in the context of genocide

<sup>3395</sup> IMT Judgment, p. 304.

<sup>3396</sup> ICEAFRD, art. 1(1).

<sup>3397</sup> *Akayesu* TJ, para. 515; *Kayishema & Ruzindana* TJ, para. 98.

<sup>3398</sup> ISIS-Yazidi Report, paras 103-105.

<sup>3399</sup> *Karadžić* TJ, para. 542.

<sup>3400</sup> *Karadžić* Rule 98bis AJ, para. 23, referred to in *Karadžić* TJ, para. 542. However, the scale of atrocities is relevant to the assessment of the *mens rea* of genocide.

<sup>3401</sup> *Nahimana* AJ, para. 496; *Muhimana* TJ, para. 500; *Brđanin*, TJ, paras 689-690, 692. *See also* ICC Elements of Crimes, art. 6(a)-(e), Element 2, as applied in *Al Bashir* Second Arrest Warrant Decision, paras 10-12.

<sup>3402</sup> *Bagilishema* TJ, para. 65; *Gacumbitsi* TJ, para. 255; *Muhimana* TJ, para. 500; *Ndindabahizi* TJ, paras 468-469; *Kajelijeli* TJ, para. 813; *Seromba* TJ, para. 318; *Rutaganda* TJ, para. 56.

does not need to have been premeditated.<sup>3403</sup>

Causing Serious Bodily or Mental Harm to Members of the Group

928. This category of genocidal acts covers the infliction of serious physical or mental harm that does not necessarily result in the death of the victim,<sup>3404</sup> nor in an injury that is permanent or irremediable.<sup>3405</sup> The ICP notes the jurisprudence supporting a contention that the bodily or mental harm inflicted upon members of a targeted group “must be of such a serious nature as to threaten [the group’s] destruction in whole or in part.”<sup>3406</sup> However, the ICP submits, in agreement with the *Karadžić* Trial Chamber,<sup>3407</sup> that, in accordance with the clear wording of the Genocide Convention, there is no additional requirement that the serious harm actually inflicted on members of the group, by itself alone, be of such nature as to objectively threaten the destruction of the group in whole or in part. Indeed, the Convention does not require the perpetrator to seek the group’s destruction solely through one of these acts. The degree of threat to the group’s destruction may, however, be considered as a measure of the seriousness of the harm.
929. Examples of serious bodily harm include “torture, rape, and non-fatal physical violence that causes disfigurement or serious injury to the external or internal organs.”<sup>3408</sup> Serious mental harm is a harm which causes serious injury to the victim’s mental state, and includes “more than minor or temporary impairment of mental faculties such as the infliction of strong fear or terror, intimidation or threat”.<sup>3409</sup> Acts causing serious bodily and/or mental harm include “enslavement, starvation, deportation and persecution [...] and [...] detention in ghettos, transit camps and concentration camps in conditions which were designed to cause [the victims’] degradation, deprivation of their rights as human

<sup>3403</sup> *Kayishema & Ruzindana* AJ, para. 151; *Stakić* TJ, para. 515; *Muvunyi I* TJ, para. 486; *Kajelijeli* TJ, para. 813; *Krstić* TJ, paras 572, 711 (*see also* *Krstić* AJ, paras 256-259); *Seromba* TJ, para. 317; *Semanza* TJ, para. 319.

<sup>3404</sup> *Semanza* TJ, para. 320. *See also* *Tolimir* AJ, para. 203 [referring specifically to mental harm].

<sup>3405</sup> *Tolimir* AJ, para. 203 [referring specifically to mental harm]; *Bagosora* TJ, para. 2117; *Semanza* TJ, paras 320-322; *Akayesu* TJ, para. 502.

<sup>3406</sup> *See, e.g.* *Seromba* AJ, para. 46; *Tolimir* AJ, para. 203; *Croatia v. Serbia*, para. 157.

<sup>3407</sup> *Karadžić* TJ, para. 544. *See also* *Karadžić* Rule 98bis AJ, para. 33. As the *Karadžić* Trial Chamber pointed out (*see* fnns 1728-1731), previous Chambers reciting the language for the additional requirement almost invariably proceed to analyse the seriousness of the harm occasioned without referring to any showing that it was such as to threaten the group’s destruction. *See further* ICC Elements of Crimes, art. 6(b), Element 1 which requires only that “the perpetrator caused serious bodily or mental harm to one or more persons.”

<sup>3408</sup> *Seromba* AJ, para. 46; *Karadžić* Rule 98bis AJ, para. 33; *Bagosora* TJ, para. 2117; *Gacumbitsi* TJ, para. 291.

<sup>3409</sup> *Seromba* AJ, para. 46; *Muhimana* TJ, para. 502.

beings, and to suppress them and cause them inhumane suffering and torture”.<sup>3410</sup>

Deliberately Inflicting on the Group Conditions of Life Calculated to Bring About its Physical Destruction in Whole or in Part

930. This category of genocidal act encompasses methods of destruction by which the perpetrator does not immediately kill the members of the group, but which, ultimately, seek their physical destruction.<sup>3411</sup> The specific types of conditions covered by this category of genocidal act include (1) lack of proper shelter, clothing, hygiene and medical care / reduction of essential medical services below minimum requirements; (2) excessive work or physical exertion; (3) rape; (4) starving people or subjecting them to a subsistence diet; and (5) systematic expulsion of people from their homes.<sup>3412</sup> Proof of the actual physical destruction of the targeted group in whole or in part is not required.<sup>3413</sup>
931. In the absence of direct evidence of whether the conditions of life imposed on the group were deliberately calculated to bring about its physical destruction, a chamber can be guided by the objective probability of these conditions leading to the physical destruction of the group in part. The actual nature of the conditions of life, the length of time that members of the group were subjected to them, and the characteristics of the group such as its vulnerability are illustrative factors to be considered in evaluating the criterion of probability.<sup>3414</sup>

iii. MENS REA

Intent to Destroy the Group “As Such”

932. As detailed above,<sup>3415</sup> the Genocide Convention was enacted with the object and purpose of promoting the survival of human groups and punishing those who seek to eradicate them. It is the intent “to destroy, in whole or in part, a [protected group], as such”<sup>3416</sup> that

<sup>3410</sup> *Akayesu* TJ, para. 503 citing *Eichmann* Judgment (Israel, 1961), para. 186. See also *Tolimir* AJ, paras 209, 212; *Karadžić* TJ, para. 545; *Blagojević & Jokić* TJ, para. 646; *Krstić* TJ, para. 513. See further ICC Elements of Crimes, art. 6(b), fn. 3 [“This conduct may include [...] acts of torture, rape, sexual violence or inhuman or degrading treatment.”]

<sup>3411</sup> *Tolimir* AJ, para. 227; *Akayesu* TJ, para. 505; *Kayishema & Ruzindana* TJ, para. 116; *Stakić* TJ, paras 517-518.

<sup>3412</sup> *Tolimir* AJ, para. 228; *Kayishema & Ruzindana* TJ, paras 115-116; *Akayesu* TJ, para. 506; *Brđanin* TJ, para. 691.

<sup>3413</sup> *Tolimir* AJ, para. 225 [approving TJ summary of jurisprudence]; *Brđanin* TJ, para. 691; *Karadžić* TJ, para. 546.

<sup>3414</sup> *Karadžić* TJ, para. 548; *Tolimir* TJ, para. 742; *Brđanin* TJ, para. 906.

<sup>3415</sup> See **VI.A.1.a.i.** Law – Relevant Legal Principles – Crimes – Genocide – The Protected Group.

<sup>3416</sup> The definition of genocide in Article II of the Genocide Convention, and in the Statutes of the ICTY, the ICTR, and the ICC (ICTY Statute, art. 4; ICTR Statute, art. 2; ICC Statute, art. 6) contain the phrase “as such” immediately following the words “national, ethnical, racial or religious group”. This is also reflected

accomplishes this purpose of protecting the survival of human groups. The crime of genocide was not conceived because otherwise mistreatment or murders of members of a group would go unpunished – these crimes were already criminalised and punishable as many different types of crimes, such as the CAH of murder, extermination, and persecution. Rather, the Convention recognises the particular harm suffered when an entire group is targeted:

the *ultimate victim of genocide is the group*, although its destruction necessarily requires the commission of crimes against its members, that is, against individuals belonging to that group.<sup>3417</sup>

933. Consonant with genocide's underlying rationale, the requirement that the perpetrator intend to destroy a group "as such" means to destroy it as a "*separate and distinct entity*",<sup>3418</sup> such that even where members of the group or their descendants live on, the group does not exist – the individuals are not identified and do not identify themselves as belonging to the group.
934. It has been posited, in some cases *obiter*, that the wording "as such" signifies the requirement that a prohibited act will only amount to genocide if it was committed against a victim "specifically because" of his membership in a protected group,<sup>3419</sup> with the "*effet utile*" of drawing a clear distinction between mass murder and crimes in which the perpetrator targets a specific group because of its nationality, race, ethnicity or religion."<sup>3420</sup> Yet this interpretation would render the wording "as such" redundant,<sup>3421</sup> since the intention to destroy the group in whole or in part already encompasses the notion of the victim's perceived membership in the targeted group, and the *actus reus* of killing specifically requires "killing *members of the group*". At the same time, this strained interpretation of the meaning of the words "as such" falls short of capturing the essence of genocide. As the ICJ explained, the *mens rea* for genocide goes beyond the targeting of some individuals merely because of their membership in a particular group.<sup>3422</sup> Such

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in the French version of the ECCC Law ["On entend par crime de génocide, qui est imprescriptible l'un quelconque des actes ci-après, commis dans l'intention de détruire, en tout ou en partie, un groupe national, ethnique, racial ou religieux, *comme tel*" (*emphasis added*)].

<sup>3417</sup> *Brdanin* TJ, para. 698; *Sikirica* Acquittal Judgment, para. 89; *Stakić* TJ, para. 521.

<sup>3418</sup> *Bagilishema* TJ, para. 64; *Jelisić* TJ, para. 79; ILC 1996 Draft Code (with commentaries), p. 45. *See further* *Blagojević & Jokić* TJ, para. 665; *Brdanin* TJ, para. 698.

<sup>3419</sup> *See, e.g.* *Niyitegeka* AJ, para. 50; *Akayesu* TJ, para. 521.

<sup>3420</sup> *Niyitegeka* AJ, para. 53.

<sup>3421</sup> It is a basic tenet of treaty interpretation that a provision should not be construed so as to render words redundant or superfluous. *See* *Nyiramasuhuko* AJ, para. 2137, fn. 4963 *citing* *Tadić* AJ, para. 284; *Georgia v. Russia* Preliminary Objections Judgment, paras 133-134.

<sup>3422</sup> *Bosnia v. Serbia*, para. 187. *See also* *Jelisić* TJ, para. 79; *Akayesu* TJ, para. 522.

discriminatory intent suffices for the CAH of persecution, but not for genocide in which the perpetrator must seek to destroy the distinguishable community as such.<sup>3423</sup> The *mens rea* requirement for genocide, that the acts be done with the intent to destroy the group “as such”, means that it was the perpetrator’s intent that while individuals who were formerly members of the group may live on, the group will no longer exist as a national, ethnic, racial, or religious group.

935. The requirement of genocidal intent — to destroy the group in whole or in part as a separate and distinct entity — is analytically distinct from the requirement for an underlying prohibited act, or *actus reus*, of genocide.<sup>3424</sup> As Judge Shahabuddeen noted in *Krstić*, one must not “overlook a distinction between the nature of the listed ‘acts’ and the ‘intent’ with which they are done.”<sup>3425</sup> Therefore, while the perpetrator’s “intent to destroy” the protected group will often be manifested through his participation in one of the listed acts constituting the *actus reus*, and indeed, participation in one of those acts is required in order to fulfil the material elements of genocide, nothing in the Convention requires the perpetrator to plan the destruction of the group, in whole or in part, solely through one or more of those acts.
936. Further *obiter* in some international jurisprudence has found that the intended “destruction” of a group must be “physical or biological”.<sup>3426</sup> Yet, a group’s existence is a separate issue from the mere survival of its individual members; a group is a unit, which exists both physically and socially. It is indeed comprised of individuals, but what makes these individuals an identifiable group is not their individual existences but rather their shared identity, their history, beliefs, culture, language and traditions, the relationships between group members, and the relationship with the land that binds the individual members of the group.<sup>3427</sup> The destruction of a group identifiable as a separate and distinct entity may thus take many other forms, which may involve neither the physical destruction (death) of its individual members, nor even of their individual ability to produce future generations. A group can be deprived of its existence through the destruction of its specific traits, or dispersal of its members, leading to the dissolution of its unity and/or collective identity in a fundamental and irremediable manner. Judge

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<sup>3423</sup> Jelisić TJ, para. 79.

<sup>3424</sup> Karadžić Rule 98bis AJ, para. 22; Stakić AJ, paras 33-35; Croatia v. Serbia, para. 130.

<sup>3425</sup> Krstić AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para. 48.

<sup>3426</sup> See, e.g. Krstić AJ, para. 25; Karadžić TJ, para. 553; Croatia v. Serbia, para. 136.

<sup>3427</sup> Blagojević & Jokić TJ, para. 666.

Shahabuddeen articulated this in *Krstić*:

The stress placed in the literature on the need for physical or biological destruction implies, correctly, that a group can be destroyed in non-physical or non-biological ways. It is not apparent why an intent to destroy a group in a non-physical or non-biological way should be outside the ordinary reach of the Convention [...], provided that that intent attached to a listed act [...].<sup>3428</sup>

It is the group which is protected. A group is constituted by characteristics – often intangible – binding together a collection of people as a social unit. If those characteristics have been destroyed in pursuance of the intent with which a listed act [...] was done, it is not convincing to say that the destruction, though effectively obliterating the group, is not genocide because the obliteration was not physical or biological.<sup>3429</sup>

937. Indeed, the Convention makes it manifestly clear that the group may be destroyed without the deaths of members of the group. The acts of genocide listed in the Convention do not themselves necessarily involve physical or biological destruction. For example, “forcibly transferring children of the group to another group” is considered a genocidal act.<sup>3430</sup> Where the children are transferred without physical harm, and even where they are provided a higher standard of material life in the new group,<sup>3431</sup> transferring children is an effective method to destroy the group characteristics “binding together a collection of people as a social unit.”<sup>3432</sup> If a government were to transfer all of the children from families belonging to an isolated minority group to state institutions or families outside the group, within a generation or two the group “as such” would disappear. Drafters of the Genocide Convention themselves acknowledged that forcibly indoctrinating children into the customs, language, religion, and values of a foreign group was “tantamount to the destruction of the [children’s] group, whose future depended on that generation of

<sup>3428</sup> *Krstić* AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para. 49.

<sup>3429</sup> *Krstić* AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para. 50. *See further Düsseldorf 1999 Judgment*, para. 38. [“[D]er Tatbestand [des Gesetzes] [setzt] nicht zwingend voraus, daß der Täter die körperliche Vernichtung, die physische Zerstörung der Gruppe anstrebt. Es reicht aus, daß er handelt um die Gruppe in ihrer sozialen Existenz (‘als solche’), als soziale Einheit in ihrer Besonderheit und Eigenart und in ihrem Zusammengehörigkeitsgefühl zu zerstören.” Unofficial translation: “It is not necessary that the perpetrator seeks the physical destruction of the group. It suffices that he acts to destroy the social existence of the group (‘as such’), in its capacity as a social unit with its peculiarities and feeling of belonging together”]; *Jorgić Judgment*, paras 20, 22, 28, 33; *Nazi and Nazi Collaborators (Punishment) Law 1950*, art. 1(b)(6) [considering “destroying or desecrating Jewish religious or cultural assets or values” to be genocidal acts, if performed with the requisite intent].

<sup>3430</sup> Genocide Convention, art. II(e).

<sup>3431</sup> 3 Official Records of the General Assembly Summary of the Sixth Committee (1948) (83<sup>rd</sup> Meeting), p. 195 (Venezuela).

<sup>3432</sup> *Krstić* AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para. 50. *See also Düsseldorf 1999 Judgment*, para. 38.

children.”<sup>3433</sup> This is precisely what the Syria Commission, warning of an ongoing genocide of Yazidis by ISIS, has found is happening to the Yazidi children: by removing the children from their families, “ISIS intentionally seeks to destroy Yazidi children’s concept of themselves as Yazidi, erasing their attachment to the Yazidi religion. Whereas Yazidi girls are prevented from practising their religion, Yazidi boys are fully indoctrinated into ISIS ideology.”<sup>3434</sup> So, while the transfer of children does nothing to “physically or biologically” destroy the group given that the children live on, it does destroy the group “as such” in that the transferred children will no longer identify themselves with the group leading to the ultimate destruction of the group, as such.

938. Similarly, acts like deportation/forced transfer of a particular group, which does not fall within the listed acts<sup>3435</sup> constituting the *actus reus* of genocide, can contribute to the destruction of the group “as such”, and therefore be probative of *mens rea*, demonstrating the perpetrator’s intent to destroy the group. As the *Blagojević* Trial Chamber explained:

physical or biological destruction of the group is the likely outcome of a forcible transfer of the population when this transfer is conducted in such a way that the group can no longer reconstitute itself — particularly when it involves the separation of its members. In such cases [...] the forcible transfer of individuals could lead to the material destruction of the group, since the group ceases to exist as a group, or at least as the group it was.<sup>3436</sup>

Here, the *Blagojević* Trial Chamber accepted prior ICTY *dicta* that “physical or biological” destruction was required, but interpreted physical destruction to include situations where the members of the group live on but are so dispersed as to destroy the possibility of the continued existence of the group.

939. In this vein, the *Krstić* Appeals Chamber held that the transfer of women, children and elderly from the Srebrenica enclave to Bosnian government-controlled territory unharmed “could be an additional means by which to ensure the physical destruction of the Bosnian Muslim community in Srebrenica” as it eliminated “even the residual

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<sup>3433</sup> 3 Official Records of the General Assembly Summary of the Sixth Committee (1948) (83<sup>rd</sup> Meeting), p. 195 (Venezuela). *See also* 82<sup>nd</sup> Meeting, p. 186 (Greece and France) [classifying the forced transfer of children as cultural genocide].

<sup>3434</sup> ISIS-Yazidi Report, para. 148.

<sup>3435</sup> As set out above, *see* para. 929, in certain circumstances, deportation/forced transfer may cause serious bodily or mental harm to members of the group, and therefore fall within art. II(b) of the Genocide Convention.

<sup>3436</sup> *Blagojević & Jokić* TJ, para. 666; *Krstić* AJ, Partial Dissenting Opinion of Judge Shahabuddeen, paras 45-58; *Tolimir* AJ, para. 254; *Düsseldorf 1999* Judgment, para. 38.



possibility that the Muslim community in the area could reconstitute itself.”<sup>3437</sup> Indeed, before 1975, some States had listed the forced transfer of adults, in addition to children, as genocidal acts.<sup>3438</sup>

940. Likewise, forced conversions, or forced renunciations of religion, demonstrate an intent to destroy the religious group “as such”. If no one practises a religion, the group ceases to exist as a religious group. The Syria Commission found that “Yazidi men and older boys were forced to convert or die, in either case leading to their destruction as Yazidis.”<sup>3439</sup> Of course, conversions through philosophical, moral or economic persuasion, or even through forms of discrimination outside of the listed genocidal acts, will not amount to genocide by itself. Genocide can only occur when the destruction of the group is undertaken, at least in part, through one of the five genocidal acts, the necessary *actus reus*. However, when the conversions are accomplished by, for example, killing those who refuse to convert, however few in number, with the intent to destroy the religious group, this is clearly genocide.
941. Additionally, non-listed acts may be considered evidence confirming the intent to destroy the group.<sup>3440</sup> As Judge Shahabuddeen noted, “[t]he destruction of cultural property may serve evidentially to confirm an intent, to be gathered from other circumstances, to destroy the group, as such”.<sup>3441</sup> The ICJ endorsed the *Krstić* Trial Judgment statement that “where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of an intent to physically destroy the group.”<sup>3442</sup>
942. This does not mean that all acts of discrimination, persecution or repression of religious freedom, culture or language would constitute genocide. Acts done with the intent only to change the group’s culture or language do not suffice, as rarely does such discrimination threaten the survival of the group. The crime of genocide can only occur

<sup>3437</sup> *Krstić* AJ, para. 31.

<sup>3438</sup> See **Bolivia**: Penal Code - promulgated by Decree Law No. 10426 of 23 Aug 1972, art. 138; **El Salvador**: Penal Code Of The Republic Of El Salvador (Decree No. 1030) – 15 Jun 1974, art. 361; **Ethiopia**: Penal Code of Ethiopia of 1957, art. 281; **Guatemala**: Penal Code of Guatemala, Decree No. 17-73 (1973), Chapter IV, art. 376; **Nicaragua**: Penal Code of the Republic of Nicaragua (1974), art. 549.

<sup>3439</sup> ISIS-Yazidi Report, para. 159.

<sup>3440</sup> *Tolimir* AJ, para. 254; *Karadžić* TJ, para. 553; *Krstić* AJ, paras 33, 133; *Krstić* TJ, para. 580; *Blagojević & Jokić* AJ, para. 123.

<sup>3441</sup> *Krstić* AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para. 53.

<sup>3442</sup> *Bosnia v. Serbia*, para. 344, quoting *Krstić* TJ, para. 580.

if perpetrators commit one of the five prohibited acts and only if these acts are committed with the intent to destroy the group, as such.

943. In sum, the Genocide Convention and ECCC Law is to be read to mean that, provided that the perpetrator has committed a listed act (*actus reus*), the intent to destroy the group “as such” is capable of being proved by evidence of an intent to cause the destruction of the group through acts not listed in the Genocide Convention or ECCC Law. It therefore behoves the Court to look at the complete matrix of acts against the protected group in considering the accused’s *mens rea*. In this way, the transfer of women and children at Srebrenica could not be overlooked since it “was part – an integral part – of one single scheme to commit genocide, involving killings, forcible transfer and destruction of homes.”<sup>3443</sup>

#### In Whole or in Part

944. A person committing a prohibited act will be guilty of genocide if he intended the destruction of the targeted group in whole, or in part. There is no numeric threshold of victims necessary to establish genocide.<sup>3444</sup>
945. As for the intent to destroy a group in part, the accused must be shown to have intended to destroy a *substantial* part of the protected group.<sup>3445</sup> Numbers alone are “not in all cases the ending point of the inquiry”.<sup>3446</sup> The determination of whether the targeted part is substantial will depend on a number of quantitative and qualitative factors. Size should be assessed not only in absolute terms, but also relative to the total population of the group: if the part is sufficiently large in relative terms, is emblematic of or prominent in the group, or essential to its survival, it may be deemed a substantial part.<sup>3447</sup> These criteria are not exhaustive.<sup>3448</sup> The part must be significant enough that its destruction will have an impact on, or threaten, the survival of the group as a whole.<sup>3449</sup> This requirement may be established where, for example, the leadership of a group is targeted

<sup>3443</sup> Krstić AJ, Partial Dissenting Opinion of Judge Shahabuddeen, para. 35. *See further* Final Report of the Commission of Experts, Established Pursuant to Security Council Resolution 780 (1992), UN Doc. S/1994/674, 27 May 1994, para. 94.

<sup>3444</sup> Seromba TJ, para. 319; Semanza TJ, para. 316; Bagosora TJ, para. 2115.

<sup>3445</sup> Karadžić TJ, para. 555; Krstić AJ, para. 8; Bagosora TJ, para. 2115; Gacumbitsi AJ, para. 44; *Bosnia v. Serbia*, paras 198, 200-201; *Croatia v. Serbia*, para. 142.

<sup>3446</sup> Krstić AJ, para. 12; *Karadžić Rule 98bis* AJ, para. 66.

<sup>3447</sup> Krstić AJ, paras 8, 12, 28-29; Karadžić TJ, para. 555; *Bosnia v. Serbia*, para. 200; *Croatia v. Serbia*, para. 142.

<sup>3448</sup> Krstić AJ, para. 14; *Bosnia v. Serbia*, para. 201.

<sup>3449</sup> Karadžić TJ, para. 555; Krstić AJ, paras 8, 12; *Tolimir* TJ, para. 749; *Jelisić* TJ, para. 82; *Bosnia v. Serbia*, paras 193, 198; *Karadžić Rule 98bis* AJ, para. 66.

for destruction.<sup>3450</sup>

946. The intent to destroy a group in part may extend only to a limited geographical area such as the region of a country or a municipality.<sup>3451</sup> The area of the perpetrators' activity, control, and the possible extent of their reach are each factors relevant to the assessment of intent to destroy a substantial part of a protected group.<sup>3452</sup> The applicability of these factors and their relative weight will vary depending on the circumstances of a particular case.<sup>3453</sup>

### Establishing Intent

947. In *Krstić*, the ICTY Appeals Chamber noted that genocidal intent is not usually susceptible to direct proof, but can often be inferred from the facts and circumstances of the case.<sup>3454</sup> Such facts need not form part of the *actus reus* of the crime.<sup>3455</sup> Factors relevant to this analysis may include the general context; the perpetration of other culpable acts systematically directed against the same group (whether committed by the same offender or others); the scale of atrocities committed, the weapons employed, and the extent of bodily injuries inflicted; the systematic targeting of victims on account of their membership of a particular group; the repetition of destructive and discriminatory acts; the use of derogatory language towards members of the targeted group; the methodical planning of systematic killings;<sup>3456</sup> speeches or projects laying the groundwork for and justifying the acts aimed at undermining the foundation of the targeted group;<sup>3457</sup> and the political doctrine which gave rise to the acts referred to.<sup>3458</sup> In assessing evidence of genocidal intent, the Court should consider whether all of the evidence, taken together, demonstrates a genocidal mental state, instead of considering separately whether an accused intended to destroy a protected group through each of the

<sup>3450</sup> *Jelišić* TJ, para. 82; *Sikirica* Acquittal Judgment, para. 77; *Milošević* Acquittal Decision, para. 132.

<sup>3451</sup> *Jelišić* TJ, paras 80, 83; *Krstić* TJ, paras 589-590; *Bosnia v. Serbia*, para. 199.

<sup>3452</sup> *Krstić* AJ, para. 13; *Karadžić* TJ, para. 555; *Tolimir* TJ, para. 749; *Bosnia v. Serbia*, para. 199; *Croatia v. Serbia*, para. 142.

<sup>3453</sup> *Karadžić* TJ, para. 555; *Krstić* AJ, para. 14.

<sup>3454</sup> *Karadžić* Rule 98bis AJ, para. 80, citing *Gacumbitsi* AJ, para. 40; *Rutaganda* AJ, para. 525; *Kayishema & Ruzindana* AJ, para. 159.

<sup>3455</sup> *Tolimir* AJ, para. 254; *Krstić* AJ, para. 33. See also *Croatia v. Serbia*, paras 162-163, 478; *Bosnia v. Serbia*, para. 190.

<sup>3456</sup> *Karadžić* TJ, para. 550; *Karadžić* Rule 98bis AJ, para. 80; *Tolimir* AJ, para. 246; *Popović* AJ, para. 468; *Hategekimana* AJ, para. 133; *Jelišić* AJ, para. 47; *Seromba* AJ, para. 176; *Gacumbitsi* AJ, paras 40-41; *ISIS-Yazidi* Report, para. 152.

<sup>3457</sup> *Gacumbitsi* AJ, para. 43; *Kamuhanda* AJ, paras 81-82; *Karadžić* TJ, para. 550; *Tolimir* TJ, para. 745.

<sup>3458</sup> *Seromba* AJ, para. 176.

relevant acts of genocide.<sup>3459</sup>

948. There is no requirement that the specific intent be formed prior to the commission of the acts so long as the evidence shows such intent existed at the time of the acts.<sup>3460</sup> Similarly, the crime of genocide does not require the existence of a policy or plan,<sup>3461</sup> although the existence of either may facilitate proof of intent and of the crime itself.<sup>3462</sup> Provided it can be shown that there was intent to destroy the group as such in whole or in part, the motive that led to the decision to commit the crime (such as political, military or economic gain, fear, hatred, or revenge) is irrelevant.<sup>3463</sup> Making exceptions for certain individuals or sub-populations within the protected group does not necessarily preclude the existence of genocidal intent, as long as the protected group is still targeted for destruction, in substantial part.<sup>3464</sup>
949. The actual destruction of the group, or even of a large number of persons, is not a prerequisite to a finding of genocidal intent; a single killing, if committed with the requisite intent to destroy the group in whole or in part, can amount to a genocidal act.<sup>3465</sup> Similarly, a perpetrator's failure to implement his intent to the fullest, leaving the act of destruction incomplete, does not preclude a finding of genocidal intent.<sup>3466</sup>

#### Applicable Modes of Responsibility

950. Article 4 of the ECCC Law states that attempts and conspiracy to commit acts of genocide, as well as participation in acts of genocide may be punished at the ECCC. However, it is the ICP's view that "participation in acts of genocide" through the modes of responsibility outlined in article 29<sup>new</sup> of the ECCC Law (committing, planning, instigating, ordering, aiding and abetting, and superior responsibility) is most appropriate to Case 004 and will confine his arguments accordingly.
951. Although not expressly mentioned in article 4, the common forms of criminal

<sup>3459</sup> *Karadžić* TJ, para. 550; *Stakić* AJ, para. 55; *Karadžić* Rule 98bis AJ, para. 56; *Tolimir* AJ, paras 246–247; *Mpambara* TJ, para. 121. See also *Croatia v. Serbia*, para. 419. See further **VI.A.1.a.iii.** Law – Relevant Legal Principles – Genocide – Mens Rea – Intent to Destroy the Group “As Such”.

<sup>3460</sup> *Simba* AJ, para. 266; *Munyakazi* AJ, para. 142; *Krstić* TJ, para. 572.

<sup>3461</sup> *Popović* AJ, para. 430; *Jelisić* AJ, para. 48; *Kayishema & Ruzindana* AJ, para. 138; *Simba* AJ, para. 260.

<sup>3462</sup> *Jelisić* AJ, para. 48; *Semanza* AJ, para. 260; *Rutaganda* AJ, para. 525; *Bosnia v. Serbia*, para. 373.

<sup>3463</sup> *Karadžić* TJ, para. 554; *Simba* AJ, paras 88, 269; *Kayishema & Ruzindana* AJ, para. 161; *Stakić* AJ, para. 45; *Jelisić* AJ, para. 49.

<sup>3464</sup> *Kayishema & Ruzindana* AJ, para. 149; *Akayesu* TJ, paras 192-193; *Muhimana* AJ, para. 32; *Rutaganda* AJ, para. 537; *Ntabakuze* AJ, para. 241.

<sup>3465</sup> *Ndindabahizi* AJ, para. 135; *Mpambara* TJ, para. 8.

<sup>3466</sup> *Krstić* AJ, para. 32.

participation listed in article 29<sup>new</sup> are clearly equally applicable to genocide, and reflected as such in the Amended Notification of Charges provided to **Yim Tith**.<sup>3467</sup> “Participation” is not a term of art; its ordinary meaning is “the act of taking part in something, such as [...] a crime”.<sup>3468</sup> “Participation” has been used to refer collectively to the modes of liability of committing, planning, ordering, instigating, and aiding and abetting, including in relation to acts of genocide.<sup>3469</sup> Moreover, article 29<sup>new</sup> of the ECCC Law expressly makes these forms of criminal participation applicable to the crime of genocide: “Any Suspect who planned, instigated, ordered, aided and abetted, or committed the crimes referred to in article [...] 4 [...] of this law shall be individually responsible for the crime.”<sup>3470</sup> Under the same provision, an accused may be responsible as a superior for genocide.<sup>3471</sup>

952. The statutes of the *ad hoc* tribunals similarly contain, in addition to a list of punishable acts in their genocide provisions (in the case of the ICTY, article 4(3)), forms of criminal participation like those found in article 29<sup>new</sup> (ICTY Statute, articles 7(1) and 7(3)) which the ICTY Statute expressly states are applicable to genocide. In dealing with this “overlap,” the ICTY Appeals Chamber has held that the “modes of participation” should be “read into” the ICTY Statute’s genocide provision, “because the Statute must be interpreted with the utmost respect to the language used by the legislator”.<sup>3472</sup>
953. Accordingly, **Yim Tith** may be held responsible for genocide under all the modes of criminal participation listed in article 29<sup>new</sup>.<sup>3473</sup> The ICP notes that participation in a joint criminal enterprise (“JCE”) amounts to “commission” within the scope of article 29<sup>new</sup> of the ECCC Law,<sup>3474</sup> and responsibility for participation in a JCE is a form of responsibility relevant to genocide.<sup>3475</sup> Indeed, a number of ICTY and ICTR defendants

<sup>3467</sup> **D350.1** Notification of Amended Charges against Yim Tith, para. 7.

<sup>3468</sup> Black’s Law Dictionary, 9<sup>th</sup> ed. (2009).

<sup>3469</sup> See, e.g. *Kayishema & Ruzindana* AJ, para. 185; *Musema* TJ, para. 114; *Kamuhanda* TJ, para. 588; *Čelebići* AJ, para. 351.

<sup>3470</sup> ECCC Law, art. 29<sup>new</sup>.

<sup>3471</sup> ECCC Law, art. 29<sup>new</sup> [“The fact that any of the acts referred to in [Article] 4 [...] of this law were committed by a subordinate does not relieve the superior of personal criminal responsibility”].

<sup>3472</sup> *Krstić* AJ, paras 138-139.

<sup>3473</sup> General discussion of those modes of responsibility is found below. See **VI.A.2.** Law – Relevant Legal Principles – Modes of Responsibility.

<sup>3474</sup> Case 002-D97/15/9 PTC JCE Decision, para. 49; Case 001-E188 *Duch* TJ, para. 511; Case 002-E100/6 TC JCE Decision, para. 22; Case 002-E313 Case 002/01 TJ, para. 690.

<sup>3475</sup> *Tadić* AJ, para. 188; *Rwamakuba* JCE Genocide Decision, para. 31.

have been convicted of genocide pursuant to the basic form, JCE I.<sup>3476</sup>

## b. CRIMES AGAINST HUMANITY

954. Article 5 of the ECCC Law confers jurisdiction on the ECCC over CAH. CAH formed part of customary international law during the period of the ECCC's temporal jurisdiction.<sup>3477</sup> The specific offences include murder, extermination, enslavement, deportation, imprisonment, torture, persecutions on political, racial and religious grounds, and other inhumane acts. The elements of each of these offences are discussed below.

### i. GENERAL REQUIREMENTS

955. CAH under Article 5 of the ECCC Law are distinguished by the general requirement that they are committed “as part of a widespread or systematic attack directed against any civilian population, on national, political, ethnical, racial or religious grounds.”<sup>3478</sup> Under customary international law in 1975, the definition of CAH did not require a nexus to an armed conflict, war crimes, or crimes against peace.<sup>3479</sup> The individual components of the *chapeau* requirement are addressed in turn below.

### Attack

956. An “attack” is a course of conduct involving the multiple commission of acts of violence, or any mistreatment of the civilian population, including that reflected by the underlying offences in Article 5 of the ECCC Law.<sup>3480</sup> The acts which constitute an attack need not themselves be punishable as CAH, and are not limited to the use of armed force.<sup>3481</sup> Moreover, an “attack” on a civilian population is a separate concept from an armed conflict. If there is an armed conflict, an attack may precede, outlast or continue through

<sup>3476</sup> See, e.g. *Karadžić* TJ, para. 5831; *Karemera & Ngirumpatse* TJ, paras 1616-1617, 1623, 1628, 1634, 1639, 1644, 1648, 1653, 1657-1658.

<sup>3477</sup> Case 001-**F28** *Duch* AJ, paras 101-104; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Appeal Decision, para. 133; Case 002-**E313** Case 002/01 TJ, para. 176; Case 001-**E188** *Duch* TJ, paras 283-296; Case 002-**D427** Closing Order, paras 1299, 1306, 1313.

<sup>3478</sup> ECCC Law, art. 5; Case 001-**F28** *Duch* AJ, para. 106.

<sup>3479</sup> Case 002-**F36** Case 002/01 AJ, paras 711-721; Case 003-**D87/2/1.7/1/1/7** PTC Nexus Decision; Case 002-**E95/8** TC Nexus Decision; **D306/17.1/1/6.1.14** OCIJ Nexus Decision; Case 004/1-**D308/3** IC Closing Order (Reasons), para. 66.

<sup>3480</sup> Case 001-**E188** *Duch* TJ, para. 298; Case 002-**E313** Case 002/01 TJ, para. 178; *Kordić & Čerkez* AJ, para. 666; *Kunarac* AJ, para. 86; *Nahimana* AJ, paras 916-918; *Taylor* TJ, para. 506.

<sup>3481</sup> Case 001-**E188** *Duch* TJ, para. 298; Case 002-**E313** Case 002/01 TJ, para. 178; *Nahimana* AJ, paras 916, 918; *Kordić & Čerkez* AJ, para. 666; *Taylor* TJ, para. 506.

it, without necessarily being part of it.<sup>3482</sup>

### Widespread or Systematic

957. The attack must be widespread *or* systematic; either is sufficient.<sup>3483</sup> The term “widespread” refers to “the large-scale nature of the attack and the number of victims”<sup>3484</sup> and may be established by the “cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary magnitude.”<sup>3485</sup> The term “systematic” does not require the attack to be large-scale but relates to the “organised nature of the acts of violence and the improbability of their random occurrence.”<sup>3486</sup> Systematicity may be established by evidence of a “non-accidental repetition of similar criminal conduct.”<sup>3487</sup>

### Directed Against Any Civilian Population

958. The attack must be “directed against any civilian population”. This requires that the civilian population be the primary object, rather than an incidental victim, of the attack.<sup>3488</sup> The notion of “civilian” for the purposes of this element refers to all persons who are not members of any enemy armed forces taking an active part in hostilities and therefore includes persons such as members of the armed forces who have laid down their arms and those persons placed *hors de combat* by sickness, wounds, detention or any other cause.<sup>3489</sup> As noted by the *Blaškić* Trial Chamber, “the specific situation of the victim at the moment the crimes were committed, rather than his status, must be taken into account in determining his standing as a civilian.”<sup>3490</sup>

<sup>3482</sup> Case 001-**E188** *Duch* TJ, para. 299; Case 002-**E313** Case 002/01 TJ, para. 178; *Kunarac* AJ, para. 86; *Tadić* AJ, para. 251; *Sesay* TJ, para. 77.

<sup>3483</sup> Case 001-**E188** *Duch* TJ, para. 300; Case 002-**E313** Case 002/01 TJ, para. 179; *Kunarac* AJ, para. 93.

<sup>3484</sup> Case 001-**E188** *Duch* TJ, para. 300; Case 002-**E313** Case 002/01 TJ, para. 179; *Kordić & Čerkez* AJ, para. 94; *Nahimana* AJ, para. 920; *Taylor* TJ, para. 511.

<sup>3485</sup> Case 001-**E188** *Duch* TJ, para. 300; Case 002-**E313** Case 002/01 TJ, para. 179; *Blagojević & Jokić* TJ, para. 545.

<sup>3486</sup> Case 001-**E188** *Duch* TJ, para. 300; Case 002-**E313** Case 002/01 TJ, para. 179; *Kordić & Čerkez* AJ, para. 94; *Nahimana* AJ, para. 920; *Sesay* TJ, para. 78.

<sup>3487</sup> Case 002-**E313** Case 002/01 TJ, para. 179; *Kordić & Čerkez* AJ, para. 94.

<sup>3488</sup> Case 001-**E188** *Duch* TJ, paras 305, 308; Case 002-**E313** Case 002/01 TJ, para. 182; *Kunarac* AJ, para. 91; *Taylor* TJ, para. 507.

<sup>3489</sup> *Akayesu* TJ, para. 582; *Bisengimana* TJ, para. 48; *Tadić* TJ, para. 639; *Limaj* TJ, para. 186; *Blaškić* TJ, para. 214; *Kordić & Čerkez* AJ, para. 421.

<sup>3490</sup> *Blaškić* TJ, para. 214. The ICP therefore respectfully disagrees with the prior jurisprudence of the Trial Chamber and SCC, which found that “civilian” should be defined so as to exclude soldiers *hors de combat*: Case 002-**F36** Case 002/01 AJ, para. 738; Case 001-**E188** *Duch* TJ, para. 304; Case 002-**E313** Case 002/01 TJ, paras 185-186.

959. CAH may include a state's attack on its own population.<sup>3491</sup> This includes a state or organisation's own armed forces, who qualify as civilians for the purposes of CAH.<sup>3492</sup> It is not necessary to show that the entire population of the relevant geographical entity was subject to the attack.<sup>3493</sup> A "civilian population" may also include non-civilians without forfeiting its civilian character, as long as the population is predominantly civilian.<sup>3494</sup> Where it is established that a widespread or systematic attack on a civilian population has taken place, it is not necessary to show that individual victims of CAH themselves were "civilians".<sup>3495</sup>

### Jurisdictional Restriction

960. Article 5 of the ECCC Law requires that the attack against a civilian population be based on national, political, ethnical, racial or religious grounds.<sup>3496</sup> This requirement is a jurisdictional one that narrows the scope of the ECCC's jurisdiction over CAH when compared with customary international law applicable between 1975 and 1979.<sup>3497</sup> Whilst the broader attack must therefore be committed on one of these grounds, there is no requirement that it be discriminatory.<sup>3498</sup> Indeed, except in the case of persecution, discriminatory intent is not required by customary international law as a legal ingredient for CAH.<sup>3499</sup>

### Nexus Between Acts of the Perpetrator and the Attack

961. The acts of the perpetrator must constitute part of the attack. The required nexus between

<sup>3491</sup> Case 001-**E188** *Duch* TJ, para. 312; Case 002-**E313** Case 002/01 TJ, para. 187; *Mrkšić* TJ, para. 441; *Kunarac* TJ, para. 423.

<sup>3492</sup> **D306/17.1** ICIJ Decision on Status of State's Own Armed Forces. The ICP adopts the position he set out in his filings on this issue: **D306/2** Submissions on Status of State's Own Armed Forces; **D306/17.1/1/6** Response to Yim Tith Appeal on on Status of State's Own Armed Forces.

<sup>3493</sup> Case 001-**E188** *Duch* TJ, para. 303; Case 002-**E313** Case 002/01 TJ, para. 182; *Kunarac* AJ, para. 90.

<sup>3494</sup> Case 002-**F36** Case 002/01 AJ, paras 738, 740; Case 002-**E313** Case 002/01 TJ, para. 183; Case 001-**E188** *Duch* TJ, paras 305-306; *Milošević (Dragomir)* AJ, paras 50-51, 58; *Blaškić* AJ, para. 113; *Mrkšić & Šljivančanin* AJ, para. 31; *Taylor* TJ, para. 507.

<sup>3495</sup> Case 002-**F36** Case 002/01 AJ, para. 740; Case 001-**E188** *Duch* TJ, para. 311; Case 002-**E313** Case 002/01 Judgment, paras 187, 194; *Popović* AJ, para. 569; *Martić* AJ, paras 307-314; *Mrkšić & Šljivančanin* AJ, paras 28-29, 32-33; *Tolimir* AJ, paras 141-143; *Taylor* TJ, para. 507.

<sup>3496</sup> ECCC Law, art. 5.

<sup>3497</sup> Case 002-**F36** Case 002/01 AJ, paras 744-745; Case 001-**E188** *Duch* TJ, paras 313-314; Case 002-**E313** Case 002/01 TJ, para. 188. Despite differences in wording, article 3 of the ICTR Statute provides for a similar requirement, adjudged by the Tribunal to be a jurisdictional requirement, and not one required by customary international law: *Akayesu* AJ, paras 464-465. Although the ICTR made reference to these grounds as "discriminatory", the SCC has held that it is not bound by the ICTR's characterisation of its own jurisdictional requirement. See Case 002-**F36** Case 002/01 AJ, para. 748.

<sup>3498</sup> Case 002-**F36** Case 002/01 AJ, paras 745, 748; Case 004/1-**D308/3** IC Closing Order (Reasons), para. 63.

<sup>3499</sup> Case 002-**F36** Case 002/01 AJ, para. 746; Case 001-**F28** *Duch* AJ, para. 238; Case 001-**E188** *Duch* TJ, paras 313-314; **E313** Case 002/01 TJ, para. 188; *Tadić* AJ, para. 305; *Akayesu* AJ, paras 461, 464-466; ICC Statute, art. 7(1), in particular art. 7(1)(h) concerning persecution.



the acts of the perpetrator and the attack consists of two elements: the commission of an act which, by its nature or consequences, is objectively part of the attack;<sup>3500</sup> coupled with the knowledge on the part of the perpetrator that there is an attack on the civilian population and that his act is part thereof.<sup>3501</sup>

962. In relation to the first element, an act committed before or after the main attack, or distant from it, could still, if sufficiently connected, be considered to be part of the attack.<sup>3502</sup> The acts of the accused persons – even where they are not the direct perpetrators — must form part of the attack.<sup>3503</sup> As for the second element, knowledge of the details of the attack is not required;<sup>3504</sup> it is sufficient that the perpetrator knows of the overall context within which his acts take place.<sup>3505</sup> The motive of the perpetrator is irrelevant,<sup>3506</sup>; it is not necessary for the perpetrator to share the purpose behind the attack.<sup>3507</sup> It is also irrelevant whether the perpetrator intends his acts to be directed against the targeted population or merely against his victim.<sup>3508</sup>

## ii. SPECIFIC OFFENCES

### Murder

963. Murder was well-established as a CAH under customary international law by 1975.<sup>3509</sup> Moreover, it was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct that constitutes murder as a CAH.<sup>3510</sup>
964. The *actus reus* of murder as a CAH requires proof of two elements: (1) the death of the victim and (2) that the death was caused by an act or omission of the perpetrator.<sup>3511</sup> The

<sup>3500</sup> Case 002-**F36** Case 002/01 AJ, paras 752-753; Case 001-**E188 Duch** TJ, para. 318; Case 002-**E313** Case 002/01 TJ, para. 190; *Kunarac* AJ, paras 85, 99; *Martić* AJ, para. 316.

<sup>3501</sup> Case 002-**F36** Case 002/01 AJ, para. 752; Case 001-**E188 Duch** TJ, para. 319; Case 002-**E313** Case 002/01 TJ, para. 191; *Kunarac* AJ, paras 85, 99; *Taylor* TJ, paras 513, 515.

<sup>3502</sup> Case 001-**E188 Duch** TJ, para. 318; Case 002-**E313** Case 002/01 TJ, para. 190; *Kunarac* AJ, para. 100; *Mrkšić & Šljivančanin* AJ, para. 41; *Semanza* TJ, para. 326.

<sup>3503</sup> Case 002-**F36** Case 002/01 AJ, para. 754.

<sup>3504</sup> Case 001-**E188 Duch** TJ, para. 319; Case 002-**E313** Case 002/01 TJ, para. 191; *Kunarac* AJ, para. 102; *Taylor* TJ, para. 513.

<sup>3505</sup> Case 001-**E188 Duch** TJ, para. 319; *Limaj* TJ, para. 190; *Taylor* TJ, para. 513.

<sup>3506</sup> *Kordić & Čerkez* AJ, para. 99; *Tadić* AJ, paras 248, 252.

<sup>3507</sup> Case 001-**E188 Duch** TJ, para. 319; Case 002-**E313** Case 002/01 TJ, para. 191; *Kunarac* AJ, para. 103; *Sesay* TJ, para. 90.

<sup>3508</sup> Case 001-**E188 Duch** TJ, para. 319; *Kunarac* AJ, para. 103.

<sup>3509</sup> See Case 002-**E313** Case 002/01 TJ, para. 411, and citations therein; Case 001-**E188 Duch** TJ, para. 331; Case 002-**D427** Closing Order, para. 1314, fn. 5186. Murder was also criminalised under Cambodian Law in 1975: 1956 Penal Code, arts 501, 503-508.

<sup>3510</sup> See Case 002-**E313** Case 002/01 TJ, para. 411; Case 002-**F36** Case 002/01 AJ, para. 765.

<sup>3511</sup> Case 002-**E313** Case 002/01 TJ, para. 412; Case 001-**E188 Duch** TJ, para. 331; Case 002-**D427** Closing Order, para. 1374; *Milošević (Dragomir)* AJ, para. 108; *Taylor* TJ, para. 412; ICC Elements of Crimes, art. 7(1)(a), Element 1; *Bemba* TJ, para. 87.

victim's body is not required as evidence to prove death.<sup>3512</sup> With regard to the causation requirement, the specification that the victim's death was "caused by" the perpetrator's act or omission does not mean that it needs to be the sole cause of death; it is sufficient that the perpetrator's conduct contributed substantially to the death of the person.<sup>3513</sup> A conviction for murder is not precluded because of the impossibility to accurately establish the total number of deaths or to identify, case-by-case, the direct perpetrators and their victims.<sup>3514</sup> The suicide of a person may amount to his murder where the perpetrator's acts or omissions "induced the victim to take action which resulted in his death".<sup>3515</sup>

965. Execution without legal process or compliance with due process guarantees constitutes murder, not capital punishment.<sup>3516</sup> The right not to be arbitrarily deprived of one's life may not be derogated from in any circumstances, including national emergency,<sup>3517</sup> and life may never be extinguished to effect genocide.<sup>3518</sup>
966. As to *mens rea*, there is no requirement that the killing be premeditated.<sup>3519</sup> The mental element includes direct intent to kill as well as killing with *dolus eventualis*.<sup>3520</sup>

<sup>3512</sup> Case 002-F36 Case 002/01 AJ, para. 420; Case 002-E313 Case 002/01 TJ, para. 413; Case 001-E188 *Duch* TJ, para. 332; *Lukić & Lukić* AJ, paras 149, 208, 249, 316; *Bemba* TJ, para. 88.

<sup>3513</sup> Case 001-E188 *Duch* TJ, para. 331; *Milutinović* TJ (Vol. 1), para. 137; *Čelebići* TJ, para. 424, fn. 435; *Taylor* TJ, para. 413.

<sup>3514</sup> Case 002-F36 Case 002/01 AJ, para. 420 citing *Stakić* TJ, para. 201. See also Case 002-F36 Case 002/01 AJ, para. 421.

<sup>3515</sup> *Krnojelac* TJ, para. 329.

<sup>3516</sup> ICCPR, art. 6(2). The Human Rights Committee has confirmed that executions carried out in breach of the fair trial guarantees contained in the ICCPR will breach ICCPR, art. 6(2). See *Mbenge v. Zaire*, para. 17 ["the failure of the State party to respect the relevant requirements of article 14(3) leads to the conclusion that the death sentences pronounced against [Mbenge] were imposed contrary to the provisions of the Covenant, and therefore in violation of article 6 (2)"]; ECHR, art. 2(1); ACHR, art. 4(2); GCs Common Article 3.

<sup>3517</sup> ICCPR, arts 6(1), 4(2); ECHR, arts 2(1), 15(2); ACHR, arts 4, 27(2). The ICP notes that a state of public emergency must in any event be officially proclaimed by the State's government. See ICCPR, art. 4(1); CCPR General Comment No. 29 on Article 4, para. 2 ["Before a State moves to invoke article 4, two fundamental conditions must be met: the situation must amount to a public emergency which threatens the life of the nation, and the State party must have officially proclaimed a state of emergency. The latter requirement is essential for the maintenance of the principles of legality and rule of law at times when they are most needed"]; ECHR, art. 15(3); ACHR, art. 27(3).

<sup>3518</sup> ICCPR, arts 6(2)-6(3). The prohibition on genocide is a norm of *jus cogens*, from which no derogations are permitted. See, e.g. *DRC v. Rwanda*, para. 64 [discussing a norm having the character of a peremptory norm of general international law (*jus cogens*), "which is assuredly the case with regard to the prohibition of genocide"].

<sup>3519</sup> Case 002-F36 Case 002/01 AJ, paras 392-394; Case 002-E313 Case 002/01 TJ, para. 412; *Đorđević* AJ, paras 551-552; *Akayesu* TJ, para. 588; *Brima* TJ, para. 690.

<sup>3520</sup> Case 002-F36 Case 002/01 AJ, paras 409-410. See further Case 002-E313 Case 002/01 TJ, para. 412; Case 001-E188 *Duch* TJ, para. 333; Case 002-D427 Closing Order, para. 1379; *Kvočka* AJ, paras 259, 261; *Milošević (Dragomir)* AJ, para. 108; *Semanza* AJ, para. 320; *Brima* TJ, paras 688, 690.

### Extermination

967. Extermination was recognised as a CAH by 1975.<sup>3521</sup> It was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct constituting extermination as a CAH.<sup>3522</sup>
968. The crime of extermination is the act of killing on a large scale.<sup>3523</sup> The *actus reus* of extermination as a CAH consists of an act or omission, or a combination of each, which contributes to the death of persons on a massive scale.<sup>3524</sup> The perpetrator's role may be remote or indirect,<sup>3525</sup> and may include creating conditions of life aimed at destroying part of a population, such as withholding food or medicine.<sup>3526</sup> There is no requirement that the victims "must have been subjected to conditions *inevitably leading to death*".<sup>3527</sup>
969. A conviction for extermination requires satisfaction beyond reasonable doubt of the occurrence of mass killings.<sup>3528</sup> There is no requirement that each individual killing be proved beyond reasonable doubt, so long as on the totality of the evidence it is established beyond a reasonable doubt that killing on a massive scale took place.<sup>3529</sup> Proof is not required of the precise identification, description or designation by name of the victims<sup>3530</sup> nor the specific number of deaths.<sup>3531</sup>
970. There is no minimum number of victims required to satisfy the requirement that the scale

<sup>3521</sup> Case 002-**E313** Case 002/01 TJ, para. 415 and citations therein; Case 001-**E188** *Duch* TJ, para. 334; Case 002-**D427** Closing Order, para. 1314, fn. 5187.

<sup>3522</sup> See Case 002-**E313** Case 002/01 TJ, para. 415.

<sup>3523</sup> Case 002-**F36** Case 002/01 AJ, para. 525; *Seromba* AJ, para. 189; *Ntakirutimana* AJ, para. 516.

<sup>3524</sup> Case 001-**E188** *Duch* TJ, para. 334; Case 002-**E313** Case 002/01 TJ, para. 416; Case 002-**D427** Closing Order, para. 1382; *Seromba* AJ, para. 189; ICC Elements of Crimes, art. 7(1)(b), Elements 1-2.

<sup>3525</sup> Case 002-**E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 335; Case 002-**D427** Closing Order, para. 1382; *Seromba* AJ, para. 189; *Ndindabahizi* AJ, fn. 268; *Brđanin* TJ, para. 389.

<sup>3526</sup> Case 002-**E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 335; Case 002-**D427** Closing Order, para. 1382; *Brđanin* TJ, para. 389; *Krstić* TJ, paras 498, 503; ICC Statute, art. 7(2)(b); ICC Elements of Crimes, art. 7(1)(b), Element 1.

<sup>3527</sup> Case 002-**E313** Case 002/01 TJ, paras 421-424.

<sup>3528</sup> Case 002-**F36** Case 002/01 AJ, para. 421; *Ntakirutimana* AJ, para. 521; *Gacumbitsi* AJ, para. 89; *Sesay* TJ, para. 132.

<sup>3529</sup> Case 002-**F36** Case 002/01 AJ, para. 421. See further *Justice* Judgment, pp. 1046, 1053-1054, 1079 [the accused were found guilty of CAH including extermination even though there were no findings beyond a reasonable doubt of each individual unlawful killing.]; *Gacumbitsi* AJ, para. 89 [finding that there was no need to prove the deaths of individuals named in the indictment to secure a conviction for extermination, rather that a finding beyond reasonable doubt that "many refugees were killed" suffices]; *Kajelijeli* TJ, para. 886.

<sup>3530</sup> Case 002-**F36** Case 002/01 AJ, para. 421; *Ntakirutimana* AJ, paras 518, 521, cited with approval in *Stakić* AJ, fn. 552; *Sesay* TJ, para. 132; Case 002-**D427** Closing Order, para. 1382.

<sup>3531</sup> *Rukundo* AJ, paras 187, 189; *Stakić* TJ, paras 654-655; Case 002-**D427** Closing Order, para. 1382.

of deaths must be “massive”.<sup>3532</sup> While extermination as a CAH has been found in relation to the killing of thousands,<sup>3533</sup> it has also been found in relation to fewer killings.<sup>3534</sup> A particularly large number of victims can be an aggravating circumstance in relation to the sentence if the extent of the killings exceeds that required for extermination.<sup>3535</sup> The existence of a “vast murderous enterprise” is not an element of extermination.<sup>3536</sup>

971. The requirement of scale must be assessed on a case-by-case basis taking into account the circumstances in which the killings occurred.<sup>3537</sup> Relevant factors include, *inter alia*, the time and place of the killings,<sup>3538</sup> the selection of the victims and the manner in which they were targeted,<sup>3539</sup> and whether the killings were aimed at the collective group rather than victims in their individual capacity.<sup>3540</sup> However, there is no requirement that the group or (part of the) population of people killed shared any common characteristics,<sup>3541</sup> nor that the perpetrator intended to destroy a group or part of a group to which the victims belong.<sup>3542</sup> The preparation and organisation of the crime may also be considered when determining the *actus reus*.<sup>3543</sup>
972. Jurisprudence holds that the scale element of the crime of extermination may be established on an aggregated basis, so long as the killings derive from the same course of conduct of the accused.<sup>3544</sup> Where killings on a massive scale are the result of a single

<sup>3532</sup> Case 002-**F36** Case 002/01 AJ, para. 551; Case 002-**E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 336; Case 002-**D427** Closing Order, para. 1383; *Lukić & Lukić* AJ, para. 537; *Ndindabahizi* AJ, para. 135.

<sup>3533</sup> *Lukić & Lukić* AJ, para. 537; *Krstić* TJ, paras 79, 84, 426, 505; *Ntakirutimana* AJ, para. 521.

<sup>3534</sup> For example, in *Lukić & Lukić* AJ, paras 540-544, the killings of “59 persons” and “at least 60 persons” were sufficiently large-scale to constitute extermination. In *Brđanin*, the killing of between 68 and 300 individuals “in light of the circumstances in which they occurred, [met] the required threshold of massiveness for the purposes of extermination” (*Brđanin* AJ, para. 472). Similarly, the ICTR has found the killing of about 30-40 individuals to be sufficiently large-scale to amount to extermination (*Setako* TJ, para. 481 (this finding was upheld on appeal, *Setako* AJ, para. 301)).

<sup>3535</sup> *Ndindabahizi* AJ, para. 135.

<sup>3536</sup> Case 002-**F36** Case 002/01 AJ, paras 527-528.

<sup>3537</sup> Case 002-**E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 336; *Lukić & Lukić* AJ, para. 538; *Sesay* TJ, para. 132.

<sup>3538</sup> Case 002-**F36** Case 002/01 AJ, para. 551; Case 002-**E313** Case 002/01 TJ, para. 416; *Lukić & Lukić* AJ, para. 538.

<sup>3539</sup> Case 002-**F36** Case 002/01 AJ, para. 551; Case 002-**E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 337; *Lukić & Lukić* AJ, para. 538; *Nahimana* TJ, para. 1061.

<sup>3540</sup> Case 002-**F36** Case 002/01 AJ, para. 551; Case 002-**E313** Case 002/01 TJ, para. 416; Case 001-**E188** *Duch* TJ, para. 337; *Lukić & Lukić* AJ, para. 538; *Stakić* TJ, paras 639, 653.

<sup>3541</sup> See Case 002-**F36** Case 002/01 AJ, paras 519-520, citing ILC 1996 Draft Code (with commentaries), p. 48.

<sup>3542</sup> Case 001-**E188** *Duch* TJ, para. 337; *Musema* AJ, para. 366; *Stakić* TJ, para. 639.

<sup>3543</sup> *Lukić & Lukić* AJ, para. 538, citing *Krstić* TJ, para. 501.

<sup>3544</sup> Case 002-**F36** Case 002/01 AJ, para. 552 [“The events that form the basis for the accused’s responsibility must be found to “constitute one and the same crime sharing the same *actus reus*”].

intentional policy devised and coordinated by the same individuals, or occur in a various locations that are part of one coordinated system, such as a system or security centres, it would be absurd to determine that those individuals were not responsible for extermination simply because the killings took place at multiple sites.

973. According to the SCC, the *mens rea* consists of the intent to kill persons on a large scale or to create conditions of life calculated to bring about the death of a large number of people.<sup>3545</sup> Knowledge of certain death is not required.<sup>3546</sup> Neither intent to kill a certain threshold number of victims,<sup>3547</sup> nor knowledge of a “vast murderous enterprise”<sup>3548</sup> are elements. Moreover, there is no requirement that the intent to kill on a massive scale be formed “*ex ante*”. Knowledge that numerous killings are taking place coupled with an accused’s continued participation in related killings demonstrates intent to kill on a large scale.<sup>3549</sup>

#### Enslavement

974. It is undisputed that enslavement was recognised under customary international law as a CAH by 1975.<sup>3550</sup> Moreover, it was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct that constitutes enslavement as a CAH.<sup>3551</sup>
975. Enslavement is defined as the exercise over a person of any or all powers attaching to the right of ownership.<sup>3552</sup> Indicia of enslavement include: “the control of someone’s movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality and forced

<sup>3545</sup> Case 002-**F36** Case 002/01 AJ, paras 521-522, 525, *relying on Krstić* TJ, para. 503; *Ntakirutimana* AJ, para. 522; *Gacumbitsi* AJ, para. 86.

<sup>3546</sup> Case 002-**F36** Case 002/01 AJ, para. 520; Case 004/1-**D308/3** IC Closing Order (Reasons), para. 68(b).

<sup>3547</sup> *Stakić* AJ, paras 260-261.

<sup>3548</sup> Case 002-**F36** Case 002/01 AJ, paras 527-528; Case 002-**E313** Case 002/01 TJ, para. 419; Case 001-**E188** *Duch* TJ, para. 337; *Stakić* AJ, para. 259.

<sup>3549</sup> *See generally Kayishema & Ruzindana* AJ, para. 198, where the the ICTR Appeals Chamber noted that “intent to participate in the commission of crime may thus be inferred from the accused’s participation” and there “must on the part of the Accused be clear awareness that this participation will lead to the commission of crime.” As set out above, *see* para. 948, genocide similarly does not require proof that the accused possessed genocidal intent *ex ante* to the perpetration of the crime.

<sup>3550</sup> Case 001-**F28** *Duch* AJ, paras 131-132, 139, 144, 152, 161-162 and citations therein; Case 001-**E188** *Duch* TJ, para. 342; Case 002-**D427** Closing Order, para. 1314, fn. 5188.

<sup>3551</sup> Case 001-**F28** *Duch* AJ, paras 161-162.

<sup>3552</sup> Case 001-**F28** *Duch* AJ, paras 152-153; Case 001-**E188** *Duch* TJ, para. 342; Case 002-**D427** Closing Order, para. 1392; *Kunarac* AJ, paras 116-117; *Sesay* TJ, paras 197-198; ICC Statute, art. 7(2)(c); ICC Elements of Crimes, art. 7(1)(c), Element 1.

labour.”<sup>3553</sup> The elements of enslavement may be satisfied without evidence of additional ill-treatment.<sup>3554</sup>

976. In examining allegations of enslavement, one must above all identify the indicia of “ownership”,<sup>3555</sup> that is, facts pointing to the victim being reduced to a commodity, such that the person is an object of “enjoyment of possession”; that he or she can be used (for example, for sexual or other purposes), economically exploited, and/or ultimately disposed of.<sup>3556</sup> Implicit in the ownership powers is an effort to accrue some gain through the exercise of those powers, though this is not an additional element of the crime.<sup>3557</sup> The period of duration of enslavement is not an element of the crime, but duration may be relevant in determining the nature of the relationship.<sup>3558</sup>
977. Forced or involuntary labour may also constitute enslavement.<sup>3559</sup> It must be established that the relevant person had no real choice as to whether they would work, which is a factual determination that must be made in light of the indicia of enslavement identified.<sup>3560</sup> The absence of remuneration is not an element of enslavement, but may constitute a relevant evidentiary factor in determining whether the labour was forced.<sup>3561</sup>
978. Lack of consent is also not an element of the crime of enslavement, as enslavement is characterised by the perpetrator’s exercise of power, but it may be evidentially relevant to proof of the exercise of powers of ownership.<sup>3562</sup> The absence of consent may be presumed where the expression of consent is impossible,<sup>3563</sup> such as where victims live in “a climate of fear”.<sup>3564</sup> In these circumstances, lack of resistance or objection will not be interpreted as a sign of consent.<sup>3565</sup> It has been found that severely overcrowded conditions, deplorable sanitation, lack of sleep, insufficient food, locked doors, frequent

<sup>3553</sup> Case 001-**F28** *Duch* AJ, para. 154; Case 001-**E188** *Duch* TJ, para. 342; *Kunarac* AJ, para. 119; *Sesay* TJ, para. 199.

<sup>3554</sup> Case 001-**E188** *Duch* TJ, para. 344; *Kunarac* AJ, para. 123; *Sesay* TJ, para. 203.

<sup>3555</sup> Case 001-**F28** *Duch* AJ, paras 155-156. Although the notion of enslavement centred on ownership is not coterminous with “chattel slavery”: Case 001-**F28** *Duch* AJ, para. 155; *Kunarac* AJ, para. 117.

<sup>3556</sup> Case 001-**F28** *Duch* AJ, para. 156.

<sup>3557</sup> Case 001-**F28** *Duch* AJ, paras 157-158.

<sup>3558</sup> *Kunarac* AJ, paras 121, 356; *Taylor* TJ, para. 447.

<sup>3559</sup> Case 001-**E188** *Duch* TJ, paras 342, 344; *Kunarac* AJ, para. 119; *Krnojelac* TJ, para. 359; *Simić* TJ, para. 85; *Sesay* TJ, paras 199, 202.

<sup>3560</sup> Case 001-**E188** *Duch* TJ, para. 344; *Krnojelac* AJ, paras 194-195; *Sesay* TJ, para. 202; *Taylor* TJ, para. 448.

<sup>3561</sup> *Sesay* AJ, para. 1082; *Kunarac* AJ, para. 119; Case 002-**D427** Closing Order, para. 1394.

<sup>3562</sup> Case 001-**E188** *Duch* TJ, para. 343; *Kunarac* AJ, para. 120; *Sesay* AJ, para. 734; *Taylor* TJ, para. 447.

<sup>3563</sup> Case 001-**E188** *Duch* TJ, para. 343; *Kunarac* AJ, para. 120.

<sup>3564</sup> *Krnojelac* AJ, para. 194.

<sup>3565</sup> *Kunarac* AJ, para. 120; *Krnojelac* AJ, paras 194-195.

beatings, psychological abuse, and brutal living conditions rendered it impossible for detainees to consent to work and that their labour was forced.<sup>3566</sup>

979. As to the *mens rea*, it must be shown that the perpetrator intentionally exercised any or all of the powers attaching to the right of ownership.<sup>3567</sup>

### Deportation

980. Deportation as a CAH existed under customary international law by 1975.<sup>3568</sup> Having regard to its express inclusion as a CAH in a plethora of post-WWII legal instruments and jurisprudence, it was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct constituting deportation as a CAH.<sup>3569</sup>
981. Whilst a distinction has been drawn between “deportation” and “forcible transfer” on the basis of the former’s requirement that the transfer be across a State boundary (*de jure* or *de facto*),<sup>3570</sup> the two crimes “have the same elements, except in relation to destination.”<sup>3571</sup>
982. The *actus reus* of forcible displacement, being either deportation or forcible transfer, is (1) the forced displacement of persons by expulsion or other coercive acts; (2) from an area in which they are lawfully present; (3) without grounds permitted under international law.<sup>3572</sup> There is no minimum number of individuals that must be affected by the forced displacement in order for liability to attach.<sup>3573</sup> The words “lawfully present” should not be equated to the concept of lawful residence.<sup>3574</sup>

<sup>3566</sup> Krnojelac AJ, paras 193-195.

<sup>3567</sup> Case 001-**F28** Duch AJ, paras 152-153; Case 001-**E188** Duch TJ, para. 345; Case 002-**D427** Closing Order, para. 1395; Kunarac AJ, paras 116, 122; Taylor TJ, para. 446.

<sup>3568</sup> Case 002-**D427** Closing Order, para. 1314, fn. 5189; Lieber Code, art. 23; 1919 Commission Report, p. 114; IMT Charter, art. 6(c); IMT Judgment, pp. 227, 244, 295-296 (Rosenberg), 319-320 (Von Schirach), 329; CCL 10, art. II(1)(c); Milch Judgment, 773, 790-791, Conc. Op. Philips, 865; Krupp Judgment, 1373, 1429-1433, 1449; Hostages Judgment, 1301-1305; Flick Judgment, 1190-1191, 1194, 1202; High Command Judgment, 465, 495-496, 569-577, 580, 603-609, 614, 629, 679-680; Tokyo Charter, art. 5(c); Takashi Sakai, 1-7 (China, 1946); In re Zimmermann, p. 552 (Netherlands, 1949); Eichmann Judgment, paras 73, 75, 137, 141, 207-213 (Israel, 1961); Nuremberg Principles, Principle VI(c); ILC 1954 Draft Code, art. 2(11). See also GC IV, arts 49, 147; API, art. 85(4)(a).

<sup>3569</sup> The prohibition on deportation in times of peace (and the protection of related rights) is also contained in a number of pre-1975 regional and international instruments. See UDHR, arts 3, 5, 12, 13(1); ECHR, arts 2, 3, 5, 8; ICCPR, arts 7, 12, 13; Refugee Convention, art. 32; ACHR, arts 22(1), 22(5), 22(9).

<sup>3570</sup> Milošević Acquittal Decision, para. 68; Krstić TJ, para. 521; Krajišnik TJ, para. 723; Blagojević & Jokić TJ, para. 595; Brđanin TJ, paras 540, 544. See further Stakić AJ, para. 300.

<sup>3571</sup> Milošević Acquittal Decision, para. 79; Krnojelac AJ, para. 218. See further ICC Statute, para. 7(2)(d).

<sup>3572</sup> Case 002-**E313** Case 002/01 TJ, para. 450 and citations therein; Stakić AJ, para. 278; Krajišnik AJ, para. 304.

<sup>3573</sup> Krajišnik AJ, paras 309, 333; Stakić TJ, para. 685.

<sup>3574</sup> Popović TJ, para. 900.

983. The term “forcible” is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.<sup>3575</sup> It requires that the displacement be involuntary in nature, meaning that the relevant persons had no genuine choice in their displacement,<sup>3576</sup> to be assessed in the context of a particular case.<sup>3577</sup> If a group flees to escape deliberate violence and persecution,<sup>3578</sup> or detainees request a transfer to seek freedom from inhumane living conditions or a coercive prison regime,<sup>3579</sup> they would not be exercising a genuine choice.
984. International law permits involuntary removal under certain very limited circumstances, namely if it is carried out for the security of the persons involved, or for imperative military reasons, *i.e.* on grounds of “military necessity”.<sup>3580</sup> However, even permissible justifications for evacuation are only allowable in the strictest and narrowest of circumstances: “in view of the drastic nature of a forced displacement of persons, recourse to such measures would only be lawful in the gravest of circumstances and only as measures of last resort.”<sup>3581</sup> Displacement of a population is unjustified where a humanitarian crisis that caused the displacement is the result of the accused’s own unlawful activity.<sup>3582</sup>
985. To justify a forcible displacement based on “military necessity”, overriding military considerations must make it *imperative*; mere military advantage does not suffice.<sup>3583</sup> Moreover, not every possibly beneficial objective is a permissible justification. For example, transfers for the purposes of “the military necessity of preventing espionage and depriving the enemy of manpower” are not justified.<sup>3584</sup>

<sup>3575</sup> Prlić AJ, para. 495; Šainović AJ, para. 366; Krajišnik AJ, paras 319, 333; Stakić AJ, paras 279, 281-282; Naletilić & Martinović TJ, para. 519; ICC Elements of Crimes, art. 7(1)(d), Element 1 and fn. 12; GC IV, art. 31; ICRC Commentary to GC IV, pp. 219-220.

<sup>3576</sup> Prlić AJ, para. 495; Krnojelac AJ, paras 229, 233; Stakić AJ, para. 279.

<sup>3577</sup> Prlić AJ, para. 495.

<sup>3578</sup> Krstić TJ, para. 530.

<sup>3579</sup> Krnojelac AJ, paras 229, 233.

<sup>3580</sup> Stakić AJ, paras 284-285; Krajišnik TJ, para. 725; GC IV, art. 49.

<sup>3581</sup> Simić TJ, para. 125, fn. 218; ICRC Commentary to GC IV, pp. 280-281.

<sup>3582</sup> Prlić AJ, para. 525; Tolimir AJ, para. 158.

<sup>3583</sup> Blagojević TJ, para. 598; ICRC Commentary to GC IV, p. 280; *In re von Lewinski*, p. 522 [“For a retreating army to leave devastation in its wake may afford many obvious disadvantages to the enemy and corresponding advantages to those in retreat. That fact alone, if the words in the article mean anything at all, cannot afford a justification. Were it to do so, the article would become meaningless”].

<sup>3584</sup> Krstić TJ, para. 526.



986. Any legitimate evacuation undertaken in the interest of civilian security or military necessity must conform to the principle of proportionality: it must be appropriate to achieve its protective function, be the least intrusive instrument to achieve the desired result, and be proportionate to the interest to be protected.<sup>3585</sup> Therefore, even when an evacuation is carried out on permissible grounds, that evacuation *becomes* illegal when the population is not allowed to return as soon as possible.<sup>3586</sup> During any legitimate evacuation, the evacuating party must ensure that the evacuees are properly provided for in terms of accommodation, hygiene, health, safety and nutrition, and to the greatest practical extent, families should not be separated.<sup>3587</sup>
987. The *mens rea* requires only that the forced displacement be intentional.<sup>3588</sup> It does not require an intention to displace the persons across the border on a permanent basis.<sup>3589</sup>

### Imprisonment

988. Imprisonment was recognised as a CAH by customary international law by 1975.<sup>3590</sup> Moreover, it was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct constituting imprisonment as a CAH.<sup>3591</sup>
989. The *actus reus* of imprisonment<sup>3592</sup> requires that an individual be deprived of his or her liberty arbitrarily, *i.e.* without a justifiable legal basis and without due process of law.<sup>3593</sup> If national law is relied upon, the relevant provisions must not violate international law.<sup>3594</sup> A state of emergency cannot justify arbitrary imprisonment.<sup>3595</sup> Whether a person

<sup>3585</sup> Case 002-**E313** Case 002/01 TJ, para. 450.

<sup>3586</sup> Case 002-**E313** Case 002/01 TJ, para. 450; *Prlić* AJ, para. 524; *Stakić* AJ, para. 284; *Krajišnik* TJ, para. 725; *Blagojević* TJ, para. 597; GC IV, art. 49; *ICRC Commentary to GC IV*, pp. 280-281.

<sup>3587</sup> Case 002-**E313** Case 002/01 TJ, para. 450; *Blagojević* TJ, para. 599.

<sup>3588</sup> *Krajišnik* TJ, para. 726 upheld in *Krajišnik* AJ, para. 304. *See further* *Milošević* Acquittal Decision, para. 78.

<sup>3589</sup> *Stakić* AJ, paras 278, 306-307; *Krajišnik* AJ, para. 304; *Brđanin* AJ, para. 206. The ICP notes, as the *Stakić* Appeals Chamber did (para. 306), that there is nothing in GC IV, art. 49 to suggest that the transfer must be undertaken with the intention that the deportees will not return.

<sup>3590</sup> Case 001-**E188** *Duch* TJ, para. 347; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 317-327, 332 and citations therein; Case 002-**D427** Closing Order, para. 1314, fn. 5190; *Krnojelac* TJ, para. 109 and citations therein.

<sup>3591</sup> Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 328-332.

<sup>3592</sup> A more descriptive name for the crime would be “imprisonment without due process” or, as the ICTY Appeals Chamber has articulated on several occasions, “arbitrary imprisonment”: *Prlić* AJ, para. 471; *Kordić & Čerkez* AJ, para. 116 [“[imprisonment] should be understood as arbitrary imprisonment, that is to say, the deprivation of liberty of the individual without due process of law”]. *See also* *Karadžić* TJ, para. 519.

<sup>3593</sup> Case 001-**E188** *Duch* TJ, paras 347-348; Case 002-**D427** Closing Order, para. 1403; *Kordić & Čerkez* AJ, para. 116; *Krnojelac* TJ, paras 113-115.

<sup>3594</sup> Case 001-**E188** *Duch* TJ, para. 348; *Krnojelac* TJ, para. 114; *Ntagerura* TJ, para. 702.

<sup>3595</sup> CCPR General Comment No. 29 on Article 4, paras 11 [“States parties may in no circumstances invoke article 4 of the Covenant as justification for acting in violation of humanitarian law or peremptory norms

has been deprived of his or her liberty will depend on the circumstances of each particular case and must take into account a range of factors, including the type, duration, effects, and the manner of implementation of the measures allegedly amounting to deprivation of liberty.<sup>3596</sup>

990. In determining whether the grounds and procedure for the initial deprivation of liberty were lawful, the Court may take into account factors including whether: (i) the arrest was based on a valid warrant;<sup>3597</sup> (ii) the detainee was informed at the time of the arrest of the reasons for the arrest;<sup>3598</sup> (iii) the detainee was promptly informed, in detail, of any charges against him and/or formally charged;<sup>3599</sup> (iv) the detainee was informed of his procedural rights,<sup>3600</sup> including access to legal counsel,<sup>3601</sup> and (v) the detainee was brought promptly before a person authorised by law to exercise judicial power (and that person was independent, impartial and objective).<sup>3602</sup> The detainee is entitled to proceedings by which the lawfulness of his detention is decided speedily by a court, and to release if the detention is found to be unlawful.<sup>3603</sup> He is also entitled to a fair and public trial within a reasonable time, or to release,<sup>3604</sup> and to the presumption of innocence until proven guilty.<sup>3605</sup> Therefore, mere “suspicion” that a person may be involved in any crime, including treason, is insufficient as a legal basis to justify detaining individuals without due process –without charges, with no judicial review of evidence, no defence counsel, and with no right to any trial.

991. As to *mens rea*, it must be shown that the perpetrator intended to arbitrarily deprive the

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of international law, for instance [...] through arbitrary deprivations of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence”, 12 [“If action conducted under the authority of a State constitutes a basis for individual criminal responsibility for a crime against humanity by the persons involved in that action, article 4 of the Covenant cannot be used as justification that a state of emergency exempted the State in question from its responsibility in relation to the same conduct”]; *Aksoy v. Turkey* Judgment, paras 65-87 [finding that, although PKK terrorist activity in southeast Turkey had undoubtedly created, in the region concerned, a “public emergency threatening the life of the nation”, Turkey was still unjustified in holding a terrorist suspect for 14 days without judicial intervention. The ECtHR clarified that any imprisonment without due process not “strictly required by the exigencies of the situation” were unjustified]. See also *Nuray Şen v. Turkey* [reaching the same conclusion based on 11 days’ arbitrary detention].

<sup>3596</sup> *Prlić* AJ, para. 473, citing *Nada* Judgment, para. 225; *Guzzardi* Judgment, para. 92.

<sup>3597</sup> *Ntagerura* TJ, para. 702.

<sup>3598</sup> *Ntagerura* TJ, para. 702; ICCPR, art. 9(2); ECHR, art. 5(2).

<sup>3599</sup> *Krnojelac* TJ, para. 121; *Ntagerura* TJ, para. 702; ICCPR, art. 9(2); ECHR, arts 5(2), 6(3)(a).

<sup>3600</sup> *Krnojelac* TJ, para. 121; *Ntagerura* TJ, para. 702.

<sup>3601</sup> ECHR, art. 6(3)(c).

<sup>3602</sup> ICCPR, art. 9(3); ECHR, arts 5(3)-(4); *Kulomin v. Hungary*, para. 11.3.

<sup>3603</sup> ICCPR, art. 9(4); ECHR, art. 5(4).

<sup>3604</sup> ECHR, arts 5(3), 6(1); ICCPR, art. 9(3).

<sup>3605</sup> ICCPR, art. 14(2); ECHR, art. 6(2).

individual of liberty, or that he acted in the reasonable knowledge that his actions were likely to cause the arbitrary deprivation of physical liberty.<sup>3606</sup>

### Torture

992. The crime of torture was recognised as a CAH by 1975,<sup>3607</sup> and was also a crime under Cambodian law at that time.<sup>3608</sup> It was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct constituting torture as a CAH.<sup>3609</sup>
993. Both the PTC and SCC have determined that the definition and elements of torture contained in the 1975 Declaration on Torture reflected customary international law in 1975.<sup>3610</sup> Moreover, by 1975, the prohibition on torture was a norm of *jus cogens*,<sup>3611</sup> from which derogations were therefore not permitted under any circumstances, including public emergency or in the name of national security.<sup>3612</sup>
994. The *actus reus* of torture requires an act or omission inflicting severe pain or suffering, whether physical or mental.<sup>3613</sup> In determining whether an act or omission constitutes severe pain or suffering, it is necessary to consider all subjective and objective factors.<sup>3614</sup> In addition, the nature and context of the infliction of pain, the premeditation and institutionalisation of the ill-treatment, the physical condition of the victim, the manner

<sup>3606</sup> Case 001-**E188** *Duch* TJ, para. 350; Case 004/1-**D308/3** IC Closing Order (Reasons), para. 70(b); *Simić* TJ, para. 64; *Krnjelac* TJ, para. 115.

<sup>3607</sup> Case 001-**F28** *Duch* AJ, paras 188, 196, 205-206; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 342-351 and citations therein; Case 002-**D427** Closing Order, para. 1314, fn. 5191.

<sup>3608</sup> 1956 Penal Code, art. 500.

<sup>3609</sup> Case 001-**F28** *Duch* AJ, paras 211-212; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 352-356.

<sup>3610</sup> Case 002-**D427/1/30** Ieng Sary Closing Order Decision, para. 355; Case 001-**F28** *Duch* AJ, paras 196, 205.  
<sup>3611</sup> *Belgium v. Senegal* Judgment, para. 99, citing exclusively human rights and IHL instruments concluded before 1975. See UDHR (1948), art. 5; GC I (1949), arts 3, 12, 50; GC II (1949), arts 3, 12, 51; GC III (1949), arts 3, 17, 87, 130; GC IV (1949), arts 3, 32, 147; ICCPR (1966), art. 7; 1975 Declaration on Torture. See also ECHR (1950), art. 3; ACHR (1969), art. 5(2); *Furundžija* TJ, paras 143-146.

<sup>3612</sup> Art. 3 of the 1975 Declaration on Torture expressly proscribes derogations from the prohibition against torture: “No State may permit or tolerate other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.” Other international instruments containing the same proscription include 1984 Torture Convention, art. 2(2); ICCPR, arts 7, 4(2); ECHR, arts 3, 15(2); ACHR, arts 5, 27(2). See also *Ireland v. United Kingdom* Judgment, para. 163 [“The Convention prohibits *in absolute terms* torture and inhuman or degrading treatment or punishment, *irrespective of the victim’s conduct*. Unlike most of the substantive clauses [...], Article 3 [...] makes no provision for exceptions and, under Article 15 para. 2 [...], there can be no derogation therefrom *even in the event of a public emergency threatening the life of the nation*.” (emphasis added)]; *Ilaşcu et al. v. Moldova and Russia* Judgment, para. 424.

<sup>3613</sup> Case 001-**F28** *Duch* AJ, paras 191-192, 195-196, 201, 205; Case 001-**E188** *Duch* TJ, paras 353-354; Case 002-**D427** Closing Order, para. 1409; 1975 Declaration on Torture, art. 1; *Kunarac* AJ, paras 142-144, 149; *Čelebići* TJ, para. 468; *Ntagerura* TJ, para. 703; ICC Elements of Crimes, art. 7(1)(f), Element 1. See also 1984 Torture Convention, art. 1.

<sup>3614</sup> Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 143.

and method used, and the position of inferiority of the victim are all relevant factors.<sup>3615</sup> To the extent that an individual has been mistreated over a prolonged period of time, or that he has been subjected to repeated or various forms of mistreatment, the severity of the acts should be assessed as a whole.<sup>3616</sup> The consequences of the act or omission need not be visible on the victim,<sup>3617</sup> nor is there a requirement that the injury be permanent.<sup>3618</sup>

995. Acts that are sufficiently severe to constitute torture may arise from conditions imposed upon prisoners and have included beating, sexual violence, prolonged denial of sleep, food, hygiene and medical assistance, being kept in constant uncertainty, simulated executions, and threats to torture, to rape, or to harm or kill relatives.<sup>3619</sup> Living in a constant state of anxiety and uncertainty as a result of physical abuse and confinement constitutes mental suffering amounting to torture.<sup>3620</sup> Similarly, credible threats to physically torture, harm, or kill the victim constitute psychological torture.<sup>3621</sup> Moreover, a person may suffer serious mental harm by witnessing acts against others.<sup>3622</sup> Certain acts are considered by their nature to constitute severe pain and suffering, including rape,<sup>3623</sup> sexual violence,<sup>3624</sup> and mutilation of body parts.<sup>3625</sup>
996. Although under ICTY/ICTR jurisprudence, the perpetrator need not have acted in an official capacity,<sup>3626</sup> the SCC has found the definition of torture found in the 1975 Declaration on Torture, including the public official requirement, to be declarative of customary international law in 1975.<sup>3627</sup> Pursuant to that definition, the act or omission must have been carried out “by or at the instigation of a public official”.<sup>3628</sup>

<sup>3615</sup> Case 001-**E188** *Duch* TJ, para. 355; *Krnojelac* TJ, para. 182.

<sup>3616</sup> *Krnojelac* TJ, para. 182.

<sup>3617</sup> Case 001-**E188** *Duch* TJ, para. 355; *Kunarac* AJ, para. 150.

<sup>3618</sup> Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 148; *Brđanin* TJ, para. 484.

<sup>3619</sup> Case 001-**E188** *Duch* TJ, para. 355; *Čelebići* TJ, para. 467; *Kvočka* TJ, para. 151; *Krnojelac* TJ, para. 255. *See also* Report by the Special Rapporteur on Torture, 19 Feb 1986, UN Doc E/CN.4/1986/15, para. 119; *Akkoç v. Turkey* Judgment, paras 116-117; *Maritza Urrutia v. Guatemala*, paras 58.6, 85, 94; *Ilaşcu et al. v. Moldova and Russia* Judgment, paras 435, 440.

<sup>3620</sup> *Hajrulah* Judgment, paras 101-102.

<sup>3621</sup> *See, e.g. Estrella v. Uruguay*, paras 1.6, 8.3, 10; *Maritza Urrutia v. Guatemala*, paras 58.6, 85, 94.

<sup>3622</sup> *Kayishema & Ruzindana* TJ, para. 153.

<sup>3623</sup> Case 001-**E188** *Duch* TJ, para. 355; *Kunarac* AJ, paras 150-151.

<sup>3624</sup> *Kunarac* AJ, para. 150.

<sup>3625</sup> Case 001-**E188** *Duch* TJ, para. 355; *Kvočka* TJ, para. 144.

<sup>3626</sup> *Kunarac* AJ, para. 148; *Kvočka* AJ, para. 284; *Semanza* AJ, paras 248, 286.

<sup>3627</sup> Case 001-**F28** *Duch* AJ, paras 191-192, 195-197, 205; 1975 Declaration on Torture, art. 1.

<sup>3628</sup> This issue is irrelevant to the adjudication on the current case as all of the acts of torture alleged were committed by officials or foot soldiers of the regime. However, as a point of law, the ICP submits that, while the reference to torturers being officials of a state reflects customary international law as far as the obligation of States is concerned, the ICTY and ICTR have correctly rejected the public official requirement in customary international *criminal* law. The 1975 Declaration on Torture, and later 1984

997. As regards *mens rea*, the pain and suffering amounting to torture must be inflicted intentionally.<sup>3629</sup> The act or omission must also have been done or made in order to attain a certain result or purpose. Such purposes include obtaining information or a confession, punishment, coercion or intimidation, or discriminating, on any ground, against the victim or a third person.<sup>3630</sup> These purposes do not constitute an exhaustive list and are instead representative.<sup>3631</sup> There is no requirement that the act is committed exclusively for a particular prohibited purpose: that purpose must be “part of the motivation behind the conduct, and it need not be the predominant or sole purpose”.<sup>3632</sup>

#### Persecution on Political, Racial, or Religious Grounds

998. Persecution as a CAH existed under customary international law by 1975.<sup>3633</sup> It was foreseeable and accessible to **Yim Tith** that he could be prosecuted for conduct that constitutes persecution as a CAH.<sup>3634</sup>

999. The *actus reus* of persecution is an act or omission which discriminates in fact and denies or infringes upon a fundamental right laid down in international customary or treaty law.<sup>3635</sup>

#### *An Act or Omission that Denies or Infringes Upon a Fundamental Right*

1000. “Persecutory acts” can include the other underlying offences for CAH, as well as other

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Torture Convention, were addressed to States and sought to regulate their conduct. In that context, it is understandable that they deal with the acts of individuals acting in an official capacity, however, as a CAH it is illogical to distinguish individuals who are public officials from others who are not but who commit the same acts, with the same intent and with the same consequence for victims whose suffering is hardly relieved by the knowledge that the individual is not a public official.

<sup>3629</sup> Case 001-**F28** *Duch* AJ, paras 191-192, 195-196, 201, 205; Case 001-**E188** *Duch* TJ, para. 358; Case 002-**D427** Closing Order, para. 1413; 1975 Declaration on Torture, art. 1; *Krnjelac* TJ, para. 179; *Furundžija* TJ, para. 162.

<sup>3630</sup> Case 001-**F28** *Duch* AJ, paras 192, 205; Case 001-**E188** *Duch* TJ, para. 356; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, para. 355; 1975 Declaration on Torture, art. 1; 1984 Torture Convention, art. 1; *Kunarac* AJ, paras 142, 144; *Ntagerura* TJ, para. 703. Although the SCC has held that the definition of torture contained in the 1975 Declaration on Torture is reflective of customary international law in 1975, and highlighted the narrower purpose stipulation that omits express reference to the discriminatory reasons contained in the 1984 Torture Convention (Case 001-**F28** *Duch* AJ, para. 192), the ICP notes that the purpose stipulation contained in the 1975 Declaration on Torture is representative rather than exhaustive (*Čelebići* TJ, paras 470-472) and does not therefore preclude acts or omissions conducted on discriminatory grounds.

<sup>3631</sup> Case 001-**E188** *Duch* TJ, para. 356; *Čelebići* TJ, paras 470-472.

<sup>3632</sup> Case 001-**E188** *Duch* TJ, para. 356; *Kunarac* TJ, para. 486.

<sup>3633</sup> Case 001-**F28** *Duch* AJ, paras 216-225 and citations therein; Case 002-**E313** Case 002/01 TJ, para. 426; Case 001-**E188** *Duch* TJ, para. 374; Case 002-**D427** Closing Order, para. 1314, fn. 5193.

<sup>3634</sup> Case 001-**F28** *Duch* AJ, paras 261, 279-280; Case 002-**E313** Case 002/01 TJ, para. 426. Religious persecution was a crime under Cambodian Law in 1975. *See* 1956 Penal Code, arts 209-210.

<sup>3635</sup> Case 001-**F28** *Duch* AJ, paras 257, 261-262, 271; Case 001-**E188** *Duch* TJ, para. 376; Case 002-**E313** Case 002/01 TJ, para. 427; Case 002-**D427** Closing Order, para. 1415; *Prlić* AJ, para. 422; *Stakić* AJ, para. 327; *Nahimana* AJ, para. 985.

acts or omissions that are of equal gravity or seriousness, whether in isolation or in conjunction with other acts.<sup>3636</sup> These other acts or omissions may be,<sup>3637</sup> but need not necessarily be<sup>3638</sup> international crimes in and of themselves. Whether the acts actually constitute persecution is a fact-specific inquiry.<sup>3639</sup>

1001. The context in which an act or omission takes place is important for the purpose of assessing its gravity or severity.<sup>3640</sup> Other factors that should be considered in that assessment include (i) whether it was committed in the context of, or as part of a chain of events in a larger persecutory campaign, the ultimate goal and end result of which was extremely grave, resulting in gross violation of fundamental rights,<sup>3641</sup> and (ii) the discriminatory effect it seeks to encourage within the general populace against a targeted group.<sup>3642</sup>

1002. Following an extensive review of jurisprudence from the IMT and tribunals acting pursuant to CCL 10, the SCC held that “the other acts not found in the instruments constituted a broad range of breaches of individual rights including rights to property, a fair trial, equal protection of the law, citizenship, work, education, marriage, privacy and freedom of movement”.<sup>3643</sup> In the same vein, the following acts not explicitly listed in article 5 of the ECCC Law have been considered acts of persecution at the ICTY and ICTR:<sup>3644</sup> the destruction of religious buildings,<sup>3645</sup> acts of harassment, humiliation, degradation and psychological abuse, including forcing a victim to witness or hear torture, interrogation, and random brutality in a prison camp;<sup>3646</sup> wanton destruction of private and public property, including cultural monuments and sacred sites;<sup>3647</sup> forced

<sup>3636</sup> Case 001-**F28** *Duch* AJ, paras 244-245, 253-254, 257-259, 261; Case 002-**E313** Case 002/01 TJ, paras 432-433; Case 001-**E188** *Duch* TJ, para. 378; *Kordić & Čerkez* AJ, paras 102, 671; *Blaškić* AJ, paras 135, 138; *Popović* AJ, para. 766; *Nahimana* AJ, para. 987 [confirming that it is the cumulative effect of all the underlying acts of persecution that must reach a level of gravity equivalent to that for other CAH].

<sup>3637</sup> Case 001-**F28** *Duch* AJ, paras 258, 260; *Krnojelac* AJ, para. 219; *Brđanin* AJ, para. 296.

<sup>3638</sup> Case 001-**F28** *Duch* AJ, paras 244-245, 261; Case 002-**E313** Case 002/01 TJ, para. 433; *Nahimana* AJ, para. 985; *Brđanin* AJ, para. 296.

<sup>3639</sup> *Brđanin* AJ, para. 295.

<sup>3640</sup> Case 002-**E313** Case 002/01 TJ, para. 433; *Nahimana* AJ, para. 987.

<sup>3641</sup> Case 001-**F28** *Duch* AJ, para. 259.

<sup>3642</sup> Case 001-**F28** *Duch* AJ, para. 259.

<sup>3643</sup> Case 001-**F28** *Duch* AJ, para. 254, following a review of jurisprudence at paras 242-253.

<sup>3644</sup> Some have been cited with approval by the ECCC Trial Chamber. See Case 001-**E188** *Duch* TJ, para. 378.

<sup>3645</sup> *Kordić & Čerkez* TJ, para. 206.

<sup>3646</sup> *Kvočka* AJ, paras 323-325; *Kvočka* TJ, paras 190-192; *Stakić* TJ, paras 758-760, 807-808.

<sup>3647</sup> *Karadžić* TJ, paras 530-534; *Blaškić* AJ, paras 146, 149.

labour;<sup>3648</sup> forced displacement;<sup>3649</sup> inhumane living conditions;<sup>3650</sup> enforced disappearance;<sup>3651</sup> the denial of the rights to employment, freedom of movement, proper judicial process, and proper medical care;<sup>3652</sup> and hate speech and calls to violence.<sup>3653</sup>

### *Discrimination in Fact*

1003. The act or omission must “discriminate in fact”,<sup>3654</sup> that is, it must have actual discriminatory consequences.<sup>3655</sup> The SCC has held that “discrimination in fact” occurs where a victim is targeted because of his real or perceived membership in a group *defined by the perpetrator* on specific grounds, namely on a political, racial or religious basis,<sup>3656</sup> and the victim belongs to a sufficiently discernible group.<sup>3657</sup> The group may be defined broadly by the perpetrator. This can be in negative terms and include affiliates and sympathisers as well as suspects.<sup>3658</sup>

1004. With regard to persecution on political grounds, there is no requirement that the targeted group actually hold a particular political view at all, since the perpetrator’s subjective assessment of the group’s political views, or of its political threat or danger to the perpetrator, are sufficient.<sup>3659</sup>

### *Mens Rea*

1005. As to *mens rea*, persecution requires deliberate perpetration of an act or omission with the specific intent to discriminate on political, racial or religious grounds.<sup>3660</sup> When the underlying acts amount to crimes under international law, the *mens rea* required for these crimes need not be established; for purposes of a charge of persecution, it suffices to

<sup>3648</sup> Krnojelac AJ, paras 198-203.

<sup>3649</sup> Krnojelac AJ, para. 222; Blaškić AJ, para. 153.

<sup>3650</sup> Karadžić TJ, para. 514; Krajišnik TJ, paras 755–756; Nikolić (*Dragan*) SJ, para. 69.

<sup>3651</sup> Gotovina TJ, para. 1839.

<sup>3652</sup> Brđanin AJ, paras 294-297; Stanišić & Župljanin TJ, Vol. I, paras 91–92.

<sup>3653</sup> Nahimana AJ, paras 986-988.

<sup>3654</sup> Case 001-**F28** *Duch* AJ, para. 267; Case 002-**F36** Case 002/01 AJ, para. 667; Case 002-**E313** Case 002/01 TJ, para. 427.

<sup>3655</sup> Case 001-**F28** *Duch* AJ, para. 267; Case 001-**E188** *Duch* TJ, para. 377.

<sup>3656</sup> Case 001-**F28** *Duch* AJ, paras 272-273; Case 002-**F36** Case 002/01, paras 667, 669, 690. *See also* Case 002-**E313** Case 002/01 TJ, para. 428; Case 001-**E188** *Duch* TJ, para. 377; Case 002-**D427** Closing Order, para. 1415; Karadžić TJ, para. 498; Kvočka AJ, paras 363, 366, 455; Blagojević & Jokić TJ, para. 583.

<sup>3657</sup> Case 001-**F28** *Duch* AJ, paras 274-276; Case 002-**F36** Case 002/01 AJ, paras 667, 744; Case 002-**E313** Case 002/01 TJ, para. 428.

<sup>3658</sup> Case 001-**F28** *Duch* AJ, paras 272-273; Kvočka AJ, paras 363, 366, 455; Simić TJ, para. 49; Stakić TJ, para. 734.

<sup>3659</sup> Case 002-**F36** Case 002/01 AJ, para. 669; Case 001-**F28** *Duch* AJ, para. 272; Case 002-**E313** Case 002/01 TJ, para. 430, fn. 1290 and citations therein.

<sup>3660</sup> Case 001-**F28** *Duch* AJ, paras 236-240; Case 002-**E313** Case 002/01 TJ, para. 427; Case 001-**E188** *Duch* TJ, para. 379; Case 002-**D427** Closing Order, para. 1423. *See also, e.g.,* Prlić AJ, para. 422; Stakić AJ, paras 327-328; Nahimana AJ, para. 985.

prove that the underlying act was carried out with the required discriminatory intent.<sup>3661</sup> Discriminatory intent requires that the perpetrator acted with the specific intent to harm the victim because he belongs to a particular community or group.<sup>3662</sup>

1006. Intent has been inferred “through a perpetrator’s knowing participation in a system or enterprise that discriminated on political, racial or religious grounds.”<sup>3663</sup> Evidence of some affiliations between the perpetrator and the target group does not necessarily preclude a trier of fact from reasonably finding the requisite intent to commit persecution.<sup>3664</sup> Evidence of limited and selective assistance towards a few individuals does not preclude a finding that the requisite intent to discriminate existed.<sup>3665</sup>

### Other Inhumane Acts

1007. “Other inhumane acts” was established as a CAH under customary international law before 1975.<sup>3666</sup> Moreover, it was foreseeable and accessible to **Yim Tith** that conduct rising to the level of “other inhumane acts” could be prosecuted as a CAH.<sup>3667</sup> “Other inhumane acts” is *in itself* a crime under international law.<sup>3668</sup> There is no requirement that each sub-category be criminalised as a distinct CAH from 1975-1979. To require this would be to render the category of “other inhumane acts” meaningless.<sup>3669</sup> Rather, “other inhumane acts” is a residual category of CAH that criminalises conduct which meets the criteria of a CAH but does not fit within one of the other specified underlying crimes.<sup>3670</sup> The act or omission must be sufficiently similar in nature and gravity to other

<sup>3661</sup> Case 004/1-**D308/3** IC Closing Order (Reasons), para. 73(b), *citing Popović* AJ, para. 738; *Brđanin* AJ, para. 296.

<sup>3662</sup> Case 001-**E188** *Duch* TJ, para. 379; *Kordić & Čerkez* AJ, para. 111; *Blaškić* AJ, para. 165; *Karadžić* TJ, para. 500.

<sup>3663</sup> *Simić* TJ, para. 51.

<sup>3664</sup> *Kvočka* AJ, paras 232-233.

<sup>3665</sup> *Prlić* AJ, para. 1936.

<sup>3666</sup> Case 002-**F36** Case 002/01 AJ, para. 576; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 371, 379-385, 395-396, 398 and citations therein; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, paras 156-157, 165; Case 002-**E313** Case 002/01 TJ, para. 435; Case 001-**E188** *Duch* TJ, para. 367; Case 002-**D427** Closing Order, para. 1314, fn. 5194. *See also Stakić* AJ, paras 315-316, fn. 649; *Brima* AJ, para. 183, fn. 275.

<sup>3667</sup> Case 002-**F36** Case 002/01 AJ, paras 577-586; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, para. 165; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 396, 398; Case 002-**E313** Case 002/01 TJ, para. 435; *Stakić* AJ, para. 315.

<sup>3668</sup> Case 002-**F36** Case 002/01 AJ, para. 576.

<sup>3669</sup> Case 002-**F36** Case 002/01 AJ, para. 584; Case 002-**E313** Case 002/01 TJ, para. 436; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 371, 378; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, para. 156; *Stakić* AJ, paras 315-316.

<sup>3670</sup> Case 002-**F36** Case 002/01 AJ, paras 576, 578; Case 002-**E313** Case 002/01 TJ, para. 437; Case 001-**E188** *Duch* TJ, para. 367; *Stakić* AJ, paras 315-316; *Kordić & Čerkez* AJ, para. 117; *Brima* AJ, paras 183, 198.



enumerated CAH.<sup>3671</sup>

1008. To qualify as an other inhumane act, the following elements must be satisfied: (i) there was an act or omission of similar seriousness to the other acts enumerated as [CAH]; (ii) the act or omission caused serious mental or physical suffering or injury or constituted a serious attack on human dignity; and (iii) the act or omission was performed intentionally.<sup>3672</sup>

1009. Whether conduct meets the criteria for characterisation as an “other inhumane act” is therefore a mixed question of law and fact.<sup>3673</sup> The seriousness of the act is to be assessed on a case-by-case basis,<sup>3674</sup> and the facts must be assessed for their gravity holistically.<sup>3675</sup> The individual circumstances may include the nature of the act or omission; the context in which it occurred; the personal circumstances of the victim including age, sex and health; and the physical, mental and moral effects of the act upon the victim.<sup>3676</sup> There is no requirement that the victim suffer long-term effects, although this may be relevant to the seriousness of the acts.<sup>3677</sup> The gravity requirement can be fulfilled by showing that analogous rights and prohibitions were contained in international human rights instruments applicable at the relevant time.<sup>3678</sup> The emergence, after 1975, of new, more specific human rights norms, including those of international criminal law, may serve to provide additional confirmation of the unlawfulness of the prior specific conduct charged as “other inhumane acts” and be used to assess whether the conduct in question reaches the requisite level of gravity.<sup>3679</sup>

1010. The underlying acts do not therefore require “specific *legal* definitions and elements”.<sup>3680</sup>

<sup>3671</sup> Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 395-396; Case 001-**E188** *Duch* TJ, para. 367; Case 002-**E313** Case 002/01 TJ, paras 438, 440; **D257/1/8** Forced Marriage Considerations: International Judges, para. 15; *Krajišnik* AJ, para. 331; *Brima* AJ, para. 198; *Lukić & Lukić* TJ, para. 960; ICC Elements of Crimes, art. 7(1)(k), Element 2.

<sup>3672</sup> Case 002-**F36** Case 002/01 AJ, para. 580.

<sup>3673</sup> See, e.g. Case 002-**D427/1/30** Ieng Sary Closing Order Decision, para. 397; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, para. 166. See also **D257/1/8** Forced Marriage Considerations: International Judges, para. 18.

<sup>3674</sup> Case 001-**E188** *Duch* TJ, para. 369; Case 002-**E313** Case 002/01 TJ, para. 438; **D257/1/8** Forced Marriage Considerations: International Judges, para. 16; *Kordić & Čerkez* AJ, para. 117; *Lukić & Lukić* TJ, para. 961.

<sup>3675</sup> Case 002-**F36** Case 002/01 AJ, para. 590.

<sup>3676</sup> Case 001-**E188** *Duch* TJ, para. 369; Case 002-**E313** Case 002/01 TJ, para. 438; *Vasiljević* AJ, para. 165; **D257/1/8** Forced Marriage Considerations: International Judges, para. 16 *quoting* Case 001-**E188** *Duch* TJ, para. 369.

<sup>3677</sup> Case 001-**E188** *Duch* TJ, para. 369; Case 002-**E313** Case 002/01 TJ, para. 439; *Vasiljević* AJ, para. 165; *Lukić & Lukić* TJ, para. 961, fn. 2887.

<sup>3678</sup> Case 002-**F36** Case 002/01 AJ, paras 584-585.

<sup>3679</sup> Case 002-**F36** Case 002/01 AJ, para. 585.

<sup>3680</sup> Case 002-**F36** Case 002/01 AJ, para. 589 (*emphasis in original*).

The SCC explained that “the guiding issue [...] was whether the conduct in question, in light of all the specific circumstances of the case at hand, actually fulfilled the definition of other inhumane acts.”<sup>3681</sup> It is therefore not necessary to test the facts against purported elements of crimes underlying other inhumane acts, but solely whether the facts taken together in their “nature and gravity [were] similar to that of enumerated crimes against humanity.”<sup>3682</sup> This observation is particularly pertinent where discrete categories of CAH have crystallised since 1979, such as rape, enforced disappearance, and forced transfer, where “stipulating elements [...] as though they constituted separate legal categories of [CAH] was anachronistic and legally incorrect”.<sup>3683</sup>

1011. In addition to the acts surveyed in more detail below, “other inhumane acts” have been found to include: humiliating and degrading treatment;<sup>3684</sup> forced prostitution;<sup>3685</sup> sexual violence;<sup>3686</sup> using detainees as human shields;<sup>3687</sup> the witnessing of criminal acts against family or friends;<sup>3688</sup> forcible circumcision or castration;<sup>3689</sup> killings in front of children;<sup>3690</sup> injuries to demonstrators;<sup>3691</sup> and forced nudity.<sup>3692</sup>

1012. As detailed in this final submission, the ICP requests that **Yim Tith** should be indicted with respect to the following conduct constituting other inhumane acts: inhumane treatment, forced marriage, enforced disappearance, rape, and forced transfer. How such conduct may fall within the purview of “other inhumane acts” as a CAH is discussed below.

### *Inhumane Treatment*

1013. Inhumane treatment<sup>3693</sup> is specifically prohibited by numerous human rights instruments,

<sup>3681</sup> Case 002-F36 Case 002/01 AJ, para. 589.

<sup>3682</sup> Case 002-F36 Case 002/01 AJ, para. 590.

<sup>3683</sup> Case 002-F36 Case 002/01 AJ, para. 589.

<sup>3684</sup> *Kupreškić* TJ, para. 566; *Kvočka* TJ, para. 208.

<sup>3685</sup> *Kupreškić* TJ, para. 566; *Kvočka* TJ, para. 208.

<sup>3686</sup> *Muvunyi* I TJ, para. 528; *Brima* AJ, paras 184, 186.

<sup>3687</sup> Case 002-F36 Case 002/01 AJ, para. 581 *citing* *Naletilić & Martinović* TJ, para. 245; *Blaškić* TJ; *Kordić & Čerkez* TJ, para. 773.

<sup>3688</sup> Case 002-F36 Case 002/01 AJ, para. 581 *citing* *Kupreškić* TJ, para. 819; *Kayishema & Ruzindana* TJ, para. 153; *Brima* AJ, para. 199.

<sup>3689</sup> Case 002-F36 Case 002/01 AJ, para. 581 *citing* *Kenyatta* Confirmation of Charges Decision, paras 270-273.

<sup>3690</sup> Case 002-F36 Case 002/01 AJ, para. 581 *citing* *Kenyatta* Confirmation of Charges Decision, paras 276-277.

<sup>3691</sup> Case 002-F36 Case 002/01 AJ, para. 581 *citing* *Kenyatta* Confirmation of Charges Decision, para. 280.

<sup>3692</sup> *Akayesu* TJ, para. 697; *Brđanin* TJ, para. 1013.

<sup>3693</sup> Inhumane treatment is also called inhuman treatment, as set out in GC I, art. 50, GC II, art. 51, GC III, art. 130, GC IV, art. 147, and subsequent human rights instruments noted below.

including the UDHR, the ICCPR, and the ECHR.<sup>3694</sup>

1014. Acts that have been found to constitute either cruel treatment as a war crime, inhuman treatment as a grave breach of the 1949 Geneva Conventions, “other inhumane acts”, or underlying acts of the CAH of persecution have included beatings,<sup>3695</sup> head-banging,<sup>3696</sup> the use of restraints and stress positions,<sup>3697</sup> and confinement under inhumane conditions, including deprivations of adequate food, water, shelter, medical care, and minimum sanitary conditions.<sup>3698</sup> In the context of genocide, the same deprivations have been considered to evidence conditions of life that would bring about a group’s physical destruction.<sup>3699</sup> Similar conduct amounting to inhumane treatment would therefore satisfy the gravity requirement for classification as an “other inhumane act”.

<sup>3694</sup> UDHR, art. 5; ICCPR, art. 7; ACHR, art. 5(2); African Charter on Human and Peoples’ Rights, art. 5; ECHR, art. 3.

<sup>3695</sup> Case 001-**E188** *Duch* TJ, para. 370; *Muvunyi I* TJ, para. 528; *Kvočka* TJ, para. 208; *Tadić* TJ, para. 730. *See, further e.g., Simić* TJ, paras 770-771 [finding cruel and inhumane treatment as an underlying act of persecution where non-Serb detainees were severely beaten with various objects such as rifles, metal bars, baseball bats, metal chains, police batons, and chair legs]; *Delić* TJ, paras 315-319 [finding cruel treatment as a war crime where women were beaten with hands and fists, metal sticks, rifle butts, and kicks]; *Orić* TJ, paras 414-474 [finding cruel treatment as a war crime where detainees were kicked; stomped on; punched with fists; beaten with wooden logs, sticks and poles, shoes, rifle butts, iron bars, metal rods, and baseball bats; and stabbed with knives].

<sup>3696</sup> *Orić* TJ, paras 443, 469 [finding cruel treatment as a war crime where a detainee’s head was banged against a radiator, causing him to lose consciousness].

<sup>3697</sup> *See, e.g. Delić* TJ, paras 255-258, 270, 273 [finding cruel treatment as a war crime where detainees were strung up by their ankles, with their torsos resting on the ground and their hands tied behind their backs, and spent the whole night in restraints so tight that one detainee said it felt like it would cut off his feet]; *Boškoski & Tarčulovski* TJ, paras 383, 385 [finding cruel treatment as a war crime where ethnic Albanian men were forced to lie on the ground with their eyes and faces covered while they were repeatedly beaten].

<sup>3698</sup> *See, e.g. Case 002-F36* Case 002/01 AJ, para. 581; Case 002-**E313** Case 002/01 TJ, para. 457; Case 001-**E188** *Duch* TJ, para. 370; *Karadžić* TJ, para. 514 [“The establishment and perpetuation of inhumane living conditions has been considered a sub-category of cruel and/or inhumane treatment”]; *Blaškić* AJ, para. 155 [finding that the acts “which encompass the detention of Bosnian Muslim civilians who were killed, used as human shields, beaten, subjected to physical or psychological abuse and intimidation, inhumane treatment, and deprived of adequate food and water, all rise to the level of gravity of the other [CAH]”]; *Simić* TJ, para. 773 [finding cruel and inhumane treatment as underlying acts of persecution where non-Serb detainees were subjected to abuse and humiliation, overcrowded conditions, insufficient food or water, unhygienic conditions, inappropriate access to medical care, and beatings and torture]; *Krnjelac* TJ, paras 133, 135-173, 534 [finding cruel treatment as a war crime and as an underlying act of persecution of non-Serbs based on brutal and deplorable living conditions that included cramped and unhygienic conditions, inadequate food, and denial of the most basic protection against freezing temperatures]; *Čelebići* TJ, paras 1112-1119 [finding cruel treatment as a war crime and as a grave breach of the GCs where detainees were given insufficient water, food, medical care, and access to rudimentary toilet facilities; were subjected to searing temperatures and inadequate sleeping arrangements in overcrowded conditions; and arbitrary acts of violence gave rise to an all-pervasive atmosphere of terror]. *See also Stanišić & Župljanin* TJ, paras 203, 226-227, 678-679, 681, 683, 701; *Prlić* TJ, Vol 3, paras 1159, 1161, 1164, 1167-1168, 1170-1172, 1176-1178, 1181-1182, 1184, 1192-1194, 1197-1199, 1201-1202, 1204-1205; *Limaj* TJ, paras 288-289, 333, 652.

<sup>3699</sup> *Karadžić* Rule 98bis AJ, paras 48-49; *Brđanin* TJ, para. 691; *Kayishema & Ruzindana* TJ, paras 115-116.

### *Forced Marriage*

1015. The OCIJ, SCSL, and ICC have all recognised that forced marriage, which violates the basic right to consensually marry and establish a family,<sup>3700</sup> may be of similar gravity to the enumerated CAH and thus fall within the purview of “other inhumane acts”.<sup>3701</sup> The right to be free of a coerced marriage is so fundamental that it was recognised in the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948.<sup>3702</sup> Numerous other instruments in place by 1975 also recognise the importance of consent before entering into marriage.<sup>3703</sup>

1016. Forced marriage occurs when a perpetrator or authority compels an individual or couple into marriage by force, threat of force, or coercion.<sup>3704</sup> ‘Marriage’ implies a relationship of exclusivity between the ‘husband’ and ‘wife’,<sup>3705</sup> with attendant social status and duties,<sup>3706</sup> and with possible disciplinary consequences for breach of this exclusive arrangement.<sup>3707</sup> The ‘marriage’ may, depending on the circumstances, involve a variety of duties such as sexual intercourse, domestic labour, enduring pregnancy and caring for the children of the ‘marriage’,<sup>3708</sup> and may involve the commission of one or more international crimes such as enslavement, rape, sexual assault, sexual slavery, or enforced pregnancy, among others.<sup>3709</sup> However, forced marriage is not predominantly a sexual crime, and forced marriage, and associated harm, occurs regardless of whether the ‘husband’ and ‘wife’ engage in sexual relations.<sup>3710</sup>

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<sup>3700</sup> *Ongwen* Confirmation of Charges, para. 94.

<sup>3701</sup> *Brima* AJ, paras 198-201; *Sesay* TJ, paras 2306-2307; Case 002-**D427** Closing Order, paras 1314, 1442-1443, fn. 5195; *Ongwen* Confirmation of Charges, paras 91-95.

<sup>3702</sup> UDHR, art. 16(2) [“Marriage shall be entered into only with the free and full consent of the intending spouses”].

<sup>3703</sup> *See, e.g.* 1962 Convention on Consent to Marriage (the Preamble of the Convention recalls art. 16 of the UDHR). Art. 1 states that “[n]o marriage shall be legally entered into without the full and free consent of both parties”; ICCPR, art. 23(3) [“[n]o marriage shall be entered into without the free and full consent of the intending spouses”]; ECHR, arts 8 [details the “right to respect for private and family life”, stating that “[e]veryone has the right to respect for his private and family life”, and “[t]here shall be no interference by a public authority with the exercise of this right except such as in accordance with the law”], 12 [deals with the “right to marry”, providing that “[m]en and women of marriageable age have the right to marry and to found a family”]. *See also* Convention on the Elimination of All Forms of Discrimination against Women, 18 Dec 1979, art. 16 [“States Parties [...] shall ensure, on a basis of equality of men and women: [...] (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent”]. This treaty was ratified by Ieng Sary himself on 17 Oct 1980. *See* 1249 UNTS 89.

<sup>3704</sup> *Brima* AJ, para. 196; *Sesay* AJ, paras 735-736; *Ongwen* Confirmation of Charges, para. 91.

<sup>3705</sup> *Brima* AJ, para. 195; *Ongwen* Confirmation of Charges, para. 93.

<sup>3706</sup> *Ongwen* Confirmation of Charges, para. 93.

<sup>3707</sup> *Ongwen* Confirmation of Charges, para. 93.

<sup>3708</sup> *Brima* AJ, para. 190; *Ongwen* Confirmation of Charges, paras 92-93.

<sup>3709</sup> *Brima* AJ, para. 201; *Ongwen* Confirmation of Charges, para. 92.

<sup>3710</sup> *Brima* AJ, para. 195; *Ongwen* Confirmation of Charges, paras 93-4.

1017. Force used to compel a person to marry is not limited to physical force, but includes the threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment.<sup>3711</sup> Where it is shown that the environment is so coercive that the free exercise of choice is impossible, the parties cannot have consented to a marriage. Circumstances prevailing in most cases charged as war crimes or CAH “will be almost universally coercive,” thus rendering genuine consent impossible.<sup>3712</sup> Similarly, a climate of fear<sup>3713</sup> or situations of captivity or detention<sup>3714</sup> have been recognised as vitiating genuine consent. In an environment of coercion, any relative benefits that victims of forced marriage may receive from perpetrators neither signifies consent to the forced conjugal association, nor vitiates the criminal nature of the perpetrator’s conduct.<sup>3715</sup>

### *Rape*

1018. Although rape is enumerated as a CAH in its own right under article 5 of the ECCC Law, both the PTC and SCC have held that rape was not a distinct CAH between 1975 and 1979.<sup>3716</sup> However, the PTC has confirmed that facts characterised as CAH in the form of rape can additionally be categorised as the CAH of “other inhumane acts”.<sup>3717</sup> Moreover, the ICTY, ICTR, SCSL, and ICC have all recognised rape as a discrete CAH.<sup>3718</sup> Rape may also constitute torture where the elements of torture are established.<sup>3719</sup> The gravity requirement for classification of facts constituting rape as “other inhumane acts” is therefore clearly met.

1019. As to what is meant by “rape”, there has been some divergence in its definition among the ECCC Chambers and international tribunals. In the Case 002 Closing Order, the OCIJ

<sup>3711</sup> *Sesay* AJ, para. 736; *Stakić* AJ, para. 281.

<sup>3712</sup> Case 001-**E188** *Duch* TJ, para. 363; *Gacumbitsi* AJ, para. 151; *Taylor* TJ, para. 416. Although this finding relates to rape, it is equally applicable in the context of forced marriage.

<sup>3713</sup> *Krnojelac* AJ, para. 194.

<sup>3714</sup> *Sesay* AJ, para. 736. *See also* *Kvočka* AJ, para. 396; *Kunarac* AJ, paras 132-133; *Muhimana* TJ, para. 545; *Krnojelac* AJ, paras 194-195, 226-233.

<sup>3715</sup> *Brima* AJ, para. 190.

<sup>3716</sup> Case 001-**F28** *Duch* AJ, paras 183, 213; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, para. 154; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 364-365, 371.

<sup>3717</sup> Case 002-**D427/1/30** Ieng Sary Closing Order Decision, para. 372; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, para. 154. *See further* Case 004/1-**D308/3** IC Closing Order (Reasons), para. 59.

<sup>3718</sup> **ICTY**: ICTY Statute, art. 5(g); *Kunarac* AJ, para. 179; **ICTR**: ICTR Statute, art. 3(g); *Akayesu* TJ, para. 596; **SCSL**: SCSL Statute, art. 2(g); *Sesay* TJ, para. 144; **ICC**: ICC Statute, art. 7(1)(g).

<sup>3719</sup> Case 001-**F28** *Duch* AJ, paras 207-208, 211; Case 001-**E188** *Duch* TJ, paras 355, 366; *Akayesu* TJ, para. 687.

largely adopted the broad definition used by the ICTR Trial Chamber in *Akayesu*,<sup>3720</sup> finding that “by imposing the consummation of forced marriages,<sup>3721</sup> the perpetrators committed a physical invasion of a sexual nature against a victim in coercive circumstances in which the consent of the victim was absent.”<sup>3722</sup> Both men and women can be subject to ‘invasion’.<sup>3723</sup>

1020. The ICC Statute’s definition is almost as broad, requiring that “the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.”<sup>3724</sup> The ICC Trial Chamber has correctly explained that the element “is framed so as to foresee [...] the eventuality that the perpetrator is penetrated in addition to that of the perpetrator causing or prompting penetration”,<sup>3725</sup> the reference to “causing or prompting” signifying the Chamber’s understanding that the perpetrator need not engage in the sexual act him/herself, so long as the perpetrator engaged in “conduct resulting in penetration”.

1021. A narrower definition of rape was posited in Case 001, where the Trial Chamber followed the ICTY in defining the physical element more narrowly as the sexual penetration, however slight of: (a) the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or (b) the mouth of the victim by the penis of the perpetrator; where such sexual penetration occurs without the consent of the victim.<sup>3726</sup> The OCIJ recently repeated this definition in the Case 004/1 Closing Order.<sup>3727</sup> The ICP submits that the definition is unduly narrow as it was written to fit the specific facts where a perpetrator was penetrating a body part of the victim without the victim’s consent.

1022. As recognised by the OCIJ, ICTR, and ICC, an enlightened, inclusive, and gender-neutral definition of rape would require the penetration, however slight, of the vagina or anus of one individual by any object or a body part of another person, or any touching of a sexual

<sup>3720</sup> *Akayesu* TJ, para. 598 [defining rape as “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive”].

<sup>3721</sup> Referring to the factual findings in Case 002-**D427** Closing Order, para. 858.

<sup>3722</sup> Case 002-**D427** Closing Order, para. 1431. *See also* para. 1427.

<sup>3723</sup> As reflected in the ICC Elements of Crimes, fn. 15. *See* fn. 3733.

<sup>3724</sup> ICC Elements of Crimes, art. 7(1)(g)-1, Element 1. At fn. 15, it is clarified that “the concept of ‘invasion’ is intended to be broad enough to be gender-neutral”. *See further Bemba* TJ, paras 99-100.

<sup>3725</sup> *Katanga* TJ, para. 963.

<sup>3726</sup> Case 001-**E188** *Duch* TJ, para. 362 (cited without express endorsement by the SCC: Case 001-**F28** *Duch* AJ, para. 208); *Kunarac* AJ, para. 127.

<sup>3727</sup> Case 004/1-**D308/3** Closing Order (Reasons), para. 72.

organ of a person by any part of the mouth of another person, without the consent of either one or both participants in the sexual act. In any event, regardless of whether or not it fits prior legal definitions of the crime of rape, forcing any person or couple to engage in sexual relations without their consent is clearly a crime of equal seriousness to other CAH.<sup>3728</sup> This conduct manifestly fits within the definition of “other inhumane acts” as a CAH, having caused serious mental or physical suffering to the victim and constituted a serious attack on his and/or her human dignity.

1023. Consent for this purpose must be given voluntarily, as a result of the victim’s free will, assessed in the context of the surrounding circumstances.<sup>3729</sup> Force, or threat of force, may provide evidence of non-consent, but force is not an element of rape, and there are factors other than force which would render an act of sexual penetration non-consensual or non-voluntary on the part of the victim.<sup>3730</sup> Proof of resistance (or continuous resistance) by the victim is also not required.<sup>3731</sup> The circumstances prevailing in most cases charged as war crimes or CAH “will be almost universally coercive,” thus rendering genuine consent impossible.<sup>3732</sup> Circumstantial evidence may be used to demonstrate rape.<sup>3733</sup>

1024. As to *mens rea*, in addition to the intent required for “other inhumane acts”, the sexual act must be done intentionally and with the knowledge of the lack of consent of the victim or of the coercive circumstances rendering consent impossible.<sup>3734</sup> Knowledge of non-consent may be proven if the perpetrator was aware of the coercive circumstances that undermined the possibility of genuine consent.<sup>3735</sup>

### *Enforced Disappearance*

1025. The OCIJ, the ECCC Trial Chamber, the ICTY, and the SCSL have all recognised that enforced disappearance may be of the requisite gravity to constitute “other inhumane

<sup>3728</sup> Requiring others to have sexual intercourse with one another has also been found to constitute sexual assault punishable as an underlying act of persecution as a CAH. See *Brđanin* TJ, paras 1012-1013.

<sup>3729</sup> *Kunarac* AJ, paras 127-128; *Taylor* TJ, para. 416.

<sup>3730</sup> Case 001-E188 *Duch* TJ, para. 363; *Kunarac* AJ, paras 129-130; *Taylor* TJ, para. 416; *Brima* TJ, para. 694.

<sup>3731</sup> Case 001-E188 *Duch* TJ, para. 363; *Kunarac* AJ, para. 128; *Gacumbitsi* AJ, para. 155; *Taylor* TJ, para. 416.

<sup>3732</sup> Case 001-E188 *Duch* TJ, para. 363; *Gacumbitsi* AJ, para. 151; *Taylor* TJ, para. 416.

<sup>3733</sup> Case 001-E188 *Duch* TJ, para. 364; *Muhimana* AJ, paras 48-49; *Sesay* TJ, para. 149.

<sup>3734</sup> Case 001-E188 *Duch* TJ, para. 364; *Kunarac* AJ, para. 128.

<sup>3735</sup> *Gacumbitsi* AJ, para. 157.

acts”, all other conditions being satisfied.<sup>3736</sup> The ICC also recognises enforced disappearance as a discrete crime underlying CAH.<sup>3737</sup>

1026. Enforced disappearance has been found to occur when (i) an individual is deprived of his liberty, such as through arrest, detention or abduction; and (ii) the deprivation of liberty is accompanied or followed by the refusal to disclose information regarding the fate or whereabouts of the person concerned, or to acknowledge the deprivation of liberty, and thereby deny the individual recourse to the applicable legal remedies and procedural guarantees; and (iii) the first and second elements were carried out by state agents, or with the authorisation, support, or acquiescence of a State or political organisation.<sup>3738</sup>

1027. With regard to the state’s refusal to disclose information, clearly, in a lawless state such as that run by the CPK, where those who asked questions about persons who were detained or disappeared put themselves at great risk of meeting the same fate, to require proof that family or friends had made inquiries about the fate or whereabouts of disappeared persons is unreasonable. The law would cease to protect the interests it is designed for if a regime could hide behind a procedural formality to avoid accountability – when its ruthless and barbaric method of governing is the reason it can ensure its own impunity.

1028. In any event, as set out above,<sup>3739</sup> the test is not whether facts meet the modern definition of the crime of enforced disappearance, rather whether they meet the requirements for “other inhumane acts”.<sup>3740</sup> The SCC addressed this specific point in Case 002/01, ruling that whether or not the Khmer Rouge deliberately refused to give information about the whereabouts of evacuees was not relevant to whether the elements of other inhumane acts were fulfilled.<sup>3741</sup>

<sup>3736</sup> Case 002-**E313** Case 002/01 TJ, paras 444-448 and citations therein; Case 002-**D427** Closing Order, paras 1314, 1470-1471, 1476, fn. 5197; Case 004/1-**D308/3** IC Closing Order (Reasons), para. 75; *Brima* AJ, para. 184; *Kupreškić* TJ, para. 566; *Kvočka* TJ, paras 206-209; *Gotovina* TJ, para. 1838. In *Gotovina* TJ, paras 1838-1839, the ICTY Trial Chamber found that enforced disappearances, carried out on discriminatory grounds, and for which the general elements of CAH are fulfilled, constitute the crime of persecution.

<sup>3737</sup> ICC Statute, art. 7(1)(i).

<sup>3738</sup> Case 002-**E313** Case 002/01 TJ, para. 448; Case 002-**D427** Closing Order, para. 1471; *Gotovina* TJ, para. 1837; ICC Statute, art. 7(2)(i); ICC Elements of Crimes, art. 7(1)(i), Elements 1-4; ICPPED, art. 2.

<sup>3739</sup> See para. 1010 above.

<sup>3740</sup> Case 002-**F36** Case 002/01 AJ, para. 589.

<sup>3741</sup> Case 002-**F36** Case 002/01 AJ, para. 653.



### *Forced Transfer*

1029. The ECCC Trial Chamber<sup>3742</sup> and other international tribunals<sup>3743</sup> have already found that forced transfer – being the forced displacement within national boundaries of individuals from an area in which they are lawfully present, which is not justified by concerns regarding the security of the civilian population or military necessity<sup>3744</sup> – may be of similar gravity to the enumerated CAH and thus fall within the purview of “other inhumane acts”. Indeed, the conduct of forced transfer is the same as deportation, a CAH enumerated in the ECCC Law,<sup>3745</sup> and the distinction as to destination of the forced displacement “has no bearing on the condemnation of such practices”.<sup>3746</sup> The ICC now recognises forced transfer as a discrete CAH.<sup>3747</sup> Forced transfer has also been found to rise to the level of gravity of other enumerated CAH and amount to persecution as a CAH,<sup>3748</sup> as well as constituting the offence of unlawful deportation or transfer of civilians as a grave breach.<sup>3749</sup> The gravity requirement for the classification of facts constituting forced transfer as “other inhumane acts” is therefore clearly met.

## **2. MODES OF RESPONSIBILITY**

1030. Article 29<sup>new</sup> of the ECCC Law provides for individual criminal liability of accused who: 1) planned, instigated, ordered, aided and abetted, or committed crimes within the jurisdiction of the ECCC; and 2) superiors who failed to prevent or punish the commission of crimes enumerated in the ECCC Law by their subordinates. Each of these formed part of customary international law in 1975.<sup>3750</sup> These forms of criminal responsibility are described in more detail below.

<sup>3742</sup> Case 002-**E313** Case 002/01 TJ, paras 454-455 and citations therein.

<sup>3743</sup> *Stakić* AJ, para. 317; *Krstić* TJ, para. 523; *Kupreškić* TJ, para. 566.

<sup>3744</sup> Case 002-**E313** Case 002/01 TJ, para. 450; *Blagojević* TJ, para. 595.

<sup>3745</sup> *Milošević* Acquittal Decision, para. 79; *Krnojelac* AJ, para. 218. *See further* ICC Statute, para. 7(2)(d).

<sup>3746</sup> *Prlić* AJ, para. 491; *Krnojelac* AJ, para. 218; *Krstić* TJ, para. 522. As the *Krnojelac* Appeals Chamber explained, “[t]he prohibition against forcible displacements aims at safeguarding the right and aspiration of individuals to live in their communities and homes without outside interference. The forced character of the displacement and the forced uprooting of the inhabitants of a territory entail the criminal responsibility of the perpetrator, not the destination to which these inhabitants are sent.”

<sup>3747</sup> ICC Statute, art. 7(1)(d).

<sup>3748</sup> *Krnojelac* AJ, para. 222; *Blaškić* AJ, para. 153.

<sup>3749</sup> GC IV, art. 147; *Naletilić* TJ, paras 513-527.

<sup>3750</sup> Case 004/1-**D308/3** IC Closing Order (Reasons), para. 78 (fn. 113 and citations therein).

## a. COMMITTED

## i. DIRECT PERPETRATION

1031. Commission of a crime may occur through act or omission,<sup>3751</sup> and is not limited to direct physical perpetration.<sup>3752</sup> The perpetrator must have intended to commit the crime.<sup>3753</sup> Intent includes (i) direct intent that the crime be committed (*dolus directus* of the first degree); (ii) awareness that the crime will occur in the ordinary course of events, or phrased another way, awareness of a substantial likelihood that it will occur (*dolus directus* of the second degree);<sup>3754</sup> and (iii) *dolus eventualis*,<sup>3755</sup> namely that the

<sup>3751</sup> Case 001-E188 *Duch* TJ, para. 480; *Tadić* AJ, para. 188; *Nahimana* AJ, para. 478.

<sup>3752</sup> Case 002-D427 Closing Order, para. 1431; *Gacumbitsi* AJ, para. 60; *Seromba* AJ, para. 161 [recalling that “‘committing’ is not limited to direct and physical perpetration and that other acts can constitute direct participation in the *actus reus* of a crime.” In these ICTR cases, commission included action which “was as much an integral part of the genocide as the killings which it enabled”. In *Seromba*, the Appeals Chamber came to the conclusion that Seromba “approved and embraced as his own” the decision to destroy the church in order to kill the Tutsi refugees]. See also ICC Statute, Art. 25(3)(a) confirming that a perpetrator may commit crimes “through another person”. The concept of perpetrator-by-means is recognised by the world’s major legal systems. See, e.g. Model Penal Code (1962), section 2.06(1)-(2); Archbold: Criminal Pleading, Evidence and Practice (2007), §18-7.

<sup>3753</sup> I.e. He must fulfil all the subjective elements of the relevant crime.

<sup>3754</sup> Case 001-E188 *Duch* TJ, para. 481; Case 004/1-D308/3 IC Closing Order (Reasons), para. 79; *Lukić & Lukić* TJ, para. 900; *Limaj* TJ, para. 509; *Kvočka* TJ, para. 251. See also ICC Statute, Art. 30(2)(b). This definition of intent is consistent with the *mens rea* requirements of the other direct modes of responsibility: planning, instigating and ordering.

<sup>3755</sup> *Dolus eventualis* as a form of intent for international crimes is found in post-WWII jurisprudence (see, e.g. *Medical Judgment*, pp. 189-207, 235-241, 253-263, 271, 284, 290 [in which the U.S. Military Tribunal convicted several accused of the CAH of murder for their involvement in medical experiments inflicting serious bodily harm on the victims. The accused directly intended the bodily harm, but continued with the experiments in the reasonable knowledge that the victims’ deaths were a possible consequence of their actions.] and expressly endorsed by the jurisprudence of the ICTY (see, e.g. *Stakić* TJ, paras 587, 642) and ICC (see *Lubanga* Confirmation Decision, para. 352. The ICP notes that, although the ICC PTC and Trial Chamber later held that art. 30 of the ICC Statute embraces only direct intent, it did so based on the interpretation of the particular wording of that provision, not as a reflection of customary international law (see, e.g. *Bemba* Confirmation Decision, paras 362-363; *Lubanga* TJ, para. 1011)). In many civil law jurisdictions, “intent” includes not only direct intent (of the first and second degree), but also *dolus eventualis*. See, e.g. **Germany**: Joecks in *Münchener Kommentar zum StGB*, 3<sup>rd</sup> ed (2017), Mn 31 [“Als dritte Vorsatzart ist der bedingte Vorsatz (*dolus eventualis*) anerkannt.” OCP translation: “Conditional intent (*dolus eventualis*) is recognised as the third form of intent.”]; Sternberg-Lieben/Schuster in Schönke/Schröder (eds.), *Strafgesetzbuch Kommentar*, §15, Mn 88-89 [„Eventualvorsatz genügt bei allen Delikten, bei denen nicht Absicht iS zielgerichteten Handelns oder ein Verhalten wider besseren Wissens verlangt wird”. OCP translation: “Conditional intent [*dolus eventualis*] is sufficient for all offences which require neither intent in the sense of purposeful action nor conduct against one’s better knowledge.”]; Kudlich in Heintschel-Heinegg (ed.), *BeckOK*, 37<sup>th</sup> ed (2018) [„Vorsatz iSd §15 ist grds. auch bereits bei bedingtem Vorsatz gegeben. [...] Bei einigen Delikten allerdings stellt der Gesetzgeber durch Formulierungen wie „absichtlich oder wissentlich“ [...], „wider besseres Wissen“ [...] oder „in der Absicht“ erhöhte Anforderungen an den Vorsatzgrad zumindest hinsichtlich einzelner Tatbestandsmerkmale. In diesen Fällen setzt der subjektive Tatbestand voraus, dass gerade auch dieser Vorsatzgrad erreicht ist.” OCP translation: “Intent in the sense of section 15 is, in principle, also fulfilled by conditional intent. [...] For some crimes, the legislator sets higher requirements for the degree of intent by using words like “purposefully or knowingly” [...] “against one’s better knowledge” [...] or “with the aim to”, at least with respect to certain material elements. In these cases, the subjective element requires that this particular level of intent is reached.”]. See also Michael Bohlander, *Principles of German Criminal Law*, p. 67 [“With the exception of offences falling under the category of direct intent, the rule is that any

perpetrator foresees the possibility<sup>3756</sup> of the result flowing from his conduct and reconciles himself to this possibility.<sup>3757</sup> It is the volitional element of *dolus eventualis* –

intentional offence may be committed with direct intent in the second degree or conditional intent, unless the nature of the offence element to which the intention refers precludes conditional intent.”]; **Switzerland**: Swiss Criminal Code (2018), art. 12(1)-(2) [(“(1) Unless the law expressly provides otherwise, a person is only liable to prosecution for a felony or misdemeanour if he commits it wilfully. (2) [...] A person acts wilfully as soon as he regards the realisation of the act as being possible and accepts this.” This provision remains unamended since at least 1971.]; **Italy**: Italian Penal Code (1930), art. 43 [“Il delitto: è doloso, o secondo l’intenzione, quando l’evento dannoso o pericoloso, che è il risultato dell’azione od omissione e da cui la legge fa dipendere l’esistenza del delitto, è dall’agente preveduto e voluto come conseguenza della propria azione od omissione.” Unofficial OCP translation: “The crime: is with *dolus*, or intentional, when the harmful or dangerous event, which is the result of the act or omission and on which the law makes the existence of the crime depend, is foreseen by the perpetrator and wanted as a consequence of his act or omission.” This standard includes *dolus eventualis*. See Cass. Pen., Sez. un., 24.4.2014, n. 38343, Espenhahn, paras 43.2, 50 [“para. 43.2: “Il dolo eventuale, dunque, in quanto espressione di una volontà pianificatrice, non risulta in opposizione con l’immagine del delitto doloso fornita dall’art. 43 cod. pen.. In sintesi si può dire che nel dolo eventuale, oltre all’accettazione del rischio o del pericolo vi è l’accettazione, sia pure in forma eventuale, del danno, della lesione, in quanto essa rappresenta il possibile prezzo di un risultato desiderato [...] para. 50: “ma ove concretamente superato, avendo l’agente optato per la condotta anche a costo di cagionare l’evento, volitivamente accettandolo quindi nella sua prospettata verificaione, lascia sussistere il dolo eventuale.” OCP translation: “*Dolus eventualis*, therefore, as an expression of a planning will, does not contradict the notion of an intentional crime provided by art. 43 of the Penal Code. In summary, it can be said that the concept of *dolus eventualis* not only includes the acceptance of the risk or of the danger, but also the acceptance, even if in a possible way, of the damage or injury, to the extent that this constitutes the possible price of the desired result. [...] By opting for the conduct, even though this will mean causing the criminal event, the perpetrator therefore voluntarily accepts the possible occurrence of the criminal event and acts with *dolus eventualis*.”]; **South Africa**: E M Burchell and P M A Hunt, *South African Criminal Law and Procedure I: General Principles of Criminal Law* (1983) 141 [defines legal intention in respect of a consequence as consisting of “foresight on the part of the accused that the consequence may possibly occur coupled with recklessness as to whether it does or not”, citing (p. 144) *R v Horn* 1958 (3) SA 457 (A)]; Paizes, *Dolus Eventualis Reconsidered*, 1988 *South African Journal of Law* 636 [“There is no more fundamental concept in our criminal law than *dolus eventualis* or legal intention.”]; *S v. De Bruyn* (1968), pp. 506, 510-512 [deciding that it is sufficient for a finding of legal intention if the accused foresaw the possibility of the existence of the circumstance and was reckless as to whether it existed or not]; *S v. Malinga* (1963), p. 694 [Finding that, in considering the issue of intention to kill, the test is whether the accused foresaw the possibility that the act in question would have fatal consequences, and was reckless whether death resulted or not.]; **Poland**: Polish Penal Code (1997), art. 9(1) [“A prohibited act is committed with intent when the perpetrator has the will to commit it, that is when he is will to commit or foreseeing the possibility of perpetrating it, he accepts it.” This is repeated in the 1969 and 1932 Criminal Codes (see Case 002-F36 Case 002/01 Judgment, fn. 99)]; **Portugal**: Criminal Code of Portugal (2006), art. 14(3) [“When the accomplishment of an act that constitutes a type of crime is represented as a possible consequence of the conduct, there is intent if the agent acts accepting that accomplishment.”]; **China**: Criminal Law of the People’s Republic of China (1997), art. 14 [“An intentional crime refers to a crime committed by a person who clearly knows that his act will produce socially dangerous consequences but who wishes or allows such consequences to occur. Criminal responsibility shall be borne for intentional crimes.”]; **Russia**: The Criminal Code of the Russian Federation (1996), arts 25(1), (3) [“1. An act committed with express intent or extreme recklessness shall be recognized as a crime committed intentionally [...] 3. A crime shall be deemed to be committed with indirect intent, if the person realized the social danger of his actions (inaction), foresaw the possibility of the onset of socially dangerous consequences, did not wish, but consciously allowed these consequences or treated them with indifference.”]; **Hungary**: Act C of 2012 on the Criminal Code, section 7 [“A criminal offense is committed with intent if the person conceives a plan to achieve a certain result, or acquiesces to the consequences of his conduct.”].

<sup>3756</sup> As the ICTY Appeals Chamber noted in *Karadžić*, “‘the possibility standard’ is not satisfied by implausibly remote scenarios [...] it [...] requires that the possibility a crime could be committed is sufficiently substantial as to be foreseeable to an accused.” See *Karadžić* JCE III Foreseeability Decision, para. 18.

<sup>3757</sup> See Case 002-F36 Case 002/01 AJ, para. 390 citing *Stakić* TJ, para. 587.

that the perpetrator must actually foresee the possibility of crime and reconcile himself with its occurrence, as opposed to that crime being merely objectively foreseeable – which marks it out as a form of intent. It is thus also distinct from *mens rea* elements that require mere knowledge that a crime will or may result. Some crimes require additional elements of *mens rea* be proven as elements of the offence, and in that case they must also be shown.

## ii. JOINT CRIMINAL ENTERPRISE

1032. JCE is a mode of responsibility that imposes criminal responsibility on individuals for actions perpetrated by a group of persons in furtherance of a common criminal design. Participation in a JCE amounts to commission within the scope of article 29<sup>new</sup> of the ECCC Law.<sup>3758</sup> International jurisprudence has identified three different but interrelated forms of JCE: the **Basic** form (“JCE I”) where all participants act pursuant to a common criminal purpose, and share the necessary intent for a crime within the ECCC’s jurisdiction when doing so;<sup>3759</sup> the **Systematic** form (“JCE II”) which is a variant of the basic form, characterised by the existence of an organised system of ill-treatment, such as internment or concentration camps;<sup>3760</sup> and the **Extended** form (“JCE III”) which has been held to be inapplicable to ECCC proceedings.

1033. The SCC, PTC, and TC have all found that, by 1975, both JCE I and JCE II were recognised as modes of responsibility under customary international law,<sup>3761</sup> and that criminal responsibility pursuant to these modes was both foreseeable and accessible.<sup>3762</sup> The same chambers have held that JCE III did not exist in customary international law by 1975.<sup>3763</sup>

<sup>3758</sup> Case 002-**D97/15/9** PTC JCE Decision, para. 49; Case 001-**E188 Duch** TJ, para. 511; Case 002-**E100/6** TC JCE Decision, para. 22; Case 002-**E313** Case 002/01 TJ, para. 690.

<sup>3759</sup> Case 001-**D99/3/42** Case 001 Closing Order Decision, para. 132; Case 001-**E188 Duch** TJ, para. 507; Case 002-**D97/15/9** PTC JCE Decision, para. 37; Case 002-**E313** Case 002/01 TJ, para. 690; *Tadić* AJ, paras 196-201; *Vasiljević* AJ, para. 97; *Gacumbitsi* AJ, para. 158.

<sup>3760</sup> Case 001-**D99/3/42** Case 001 Closing Order Decision, para. 132; Case 001-**E188 Duch** TJ, para. 507; Case 002-**D97/15/9** PTC JCE Decision, para. 37; Case 002-**E313** Case 002/01 TJ, para. 690; *Tadić* AJ, paras 202-203; *Vasiljević* AJ, para. 98.

<sup>3761</sup> Case 002-**D97/15/9** PTC JCE Decision, paras 57-72; Case 001-**E188 Duch** TJ, paras 511-512; Case 002-**E100/6** TC JCE Decision, para. 22; Case 002-**E313** Case 002/01 TJ, para. 691; Case 002-**F36** Case 002/01 AJ, paras 779-789, 807-810.

<sup>3762</sup> Case 002-**F36** Case 002/01 AJ, para. 1093; Case 002-**D97/15/9** PTC JCE Decision, para. 72; Case 001-**E188 Duch** TJ, para. 512; Case 002-**E313** Case 002/01 TJ, para. 691.

<sup>3763</sup> Case 002-**F36** Case 002/01 AJ, paras 791-807; Case 002-**D97/15/9** PTC JCE Decision, paras 77, 83, 87-88; Case 002-**E100/6** TC JCE Decision, para. 38.

### Actus Reus

1034. JCE I squarely fits the facts of Case 004. The *actus reus* is comprised of three elements.

First, a “plurality of persons” is required.<sup>3764</sup> The group of people need not be organised in a military, political, or administrative structure.<sup>3765</sup> Whilst it is necessary to identify the plurality of persons participating in the JCE, the participants may be identified by category and need not be named individually.<sup>3766</sup>

1035. Second, there must be a common<sup>3767</sup> purpose that amounts to<sup>3768</sup> or involves<sup>3769</sup> the commission of a crime over which the ECCC has jurisdiction.<sup>3770</sup> In Case 002/01, the SCC held that

it is not necessary that those who agree on the common purpose actually *desire* that the crime be committed, as long as they recognise that the crime is to be committed to achieve an ulterior objective. This may include crimes that are foreseen as means to achieve a given common purpose, *even if their commission is not certain*. [...] Thus, if attaining the objective of the common purpose may bring about the commission of crimes, but it is agreed to pursue this objective regardless, these crimes are encompassed by the common purpose because, even though they are not directly intended, they are contemplated by it. Whether a crime was contemplated by the common purpose is primarily a question of fact that – absent an express agreement – has to be assessed taking into account all relevant circumstances, including the overall objective of the common purpose and the likelihood that it may be attained only at the cost of the commission of crimes. What is of note is that the common purpose may encompass crimes in which the commission is neither desired nor certain [...].<sup>3771</sup>

What deserves emphasising is that in all the scenarios described above, there is a meeting of minds – express or implicit – in respect of this of

<sup>3764</sup> Case 001-**E188** *Duch* TJ, para. 508; Case 002-**D97/15/9** PTC JCE Decision, para. 38; Case 002-**E313** Case 002/01 TJ, para. 692; *Tadić* AJ, para. 227; *Brđanin* AJ, para. 430; *Munyakazi* AJ, para. 160; *Brima* AJ, para. 75.

<sup>3765</sup> Case 001-**E188** *Duch* TJ, para. 508; *Tadić* AJ, para. 227; *Vasiljević* AJ, para. 100.

<sup>3766</sup> Case 001-**E188** *Duch* TJ, para. 508; Case 002-**E313** Case 002/01 TJ, para. 692; *Prlić* AJ, para. 1522; *Brđanin* AJ, para. 430; *Nizeyimana* AJ, para. 318.

<sup>3767</sup> I.e. this purpose must be shared. It is not sufficient that the alleged members of the plurality separately have the same purpose. *See Brđanin* AJ, para. 430; *Sesay* AJ, paras 1034, 1140.

<sup>3768</sup> Case 002-**F36** Case 002/01 AJ, para. 807 [“the common purpose ‘amounts to’ the commission of a crime if the commission of the crime is the, or among the, primary objective(s) of the common purpose”].

<sup>3769</sup> Case 002-**F36** Case 002/01 AJ, para. 808 [“the common purpose ‘involves’ the commission of a crime if the crime is a *means* to achieve an ulterior objective (which itself may not be criminal)”] *citing Brima* AJ, para. 80.

<sup>3770</sup> Case 002-**F36** Case 002/01 AJ, paras 789, 814; Case 002-**D97/15/9** PTC JCE Decision, para. 38; Case 001-**E188** *Duch* TJ, para. 508; Case 002-**E100/6** TC JCE Decision, para. 17; Case 002-**E313** Case 002/01 TJ, para. 692; *Tadić* AJ, para. 227; *Vasiljević* AJ, para. 100; *Munyakazi* AJ, para. 160; *Brima* AJ, para. 75.

<sup>3771</sup> Case 002-**F36** Case 002/01 AJ, para. 808 (*emphasis added*).

those who agree on the common purpose. *Thus, the members of the JCE must accept the commission of the crime either as a goal, as an inevitable consequence of the primary purpose or as an eventuality treated with indifference.*<sup>3772</sup>

1036. It is therefore not necessary that the ultimate objective of the common plan be a crime, as long as the participants anticipate that the plan will be implemented through criminal means; both the objective and means contemplated to achieve the objective constitute the common design or plan.<sup>3773</sup> A common purpose will thus be criminal where it was intrinsically linked to policies the implementation of which amount to the commission of crimes.<sup>3774</sup> There is no limit to the scope of a JCE, geographically or otherwise; an accused's liability "may be as narrow or as broad as the plan in which he willingly participated".<sup>3775</sup> Finally, the purpose need not have been previously arranged or formulated. It may materialise extemporaneously and be inferred from the facts.<sup>3776</sup> A JCE may expand to encompass crimes other than those originally contemplated, and in these circumstances, proof of an agreement concerning its expansion is subject to the same requirements applicable to the original agreement. This can occur where members of the JCE were informed of the expansion of criminal activities but did nothing to prevent it and continued to implement the expansion, thereby coming to intend these expanded crimes.<sup>3777</sup>

1037. Third, the accused must participate in the common purpose.<sup>3778</sup> The accused need not have been involved in the formulation of the common plan<sup>3779</sup> or in the commission of a crime; he need only assist or contribute (directly or indirectly) to the execution of the common plan or purpose.<sup>3780</sup> Moreover, the fact that the accused's participation amounted to no more than his "routine duties" will not exculpate him.<sup>3781</sup> All that is

<sup>3772</sup> Case 002-**F36** Case 002/01 AJ, para. 809 (*emphasis added*).

<sup>3773</sup> Case 002-**F36** Case 002/01 AJ, para. 789; Case 002-**E100/6** TC JCE Decision, para. 17; Case 002-**E313** Case 002/01 TJ, para. 696; *Sesay* AJ, para. 300. *See also Taylor* JCE Appeal Decision, para. 15, fn. 63; *Brima* AJ, paras 76, 80.

<sup>3774</sup> Case 002-**F36** Case 002/01 AJ, para. 1075.

<sup>3775</sup> *Rwamakuba* JCE Genocide Decision, para. 25. *See also Brđanin* AJ, para. 425; *Sesay* AJ, paras 106, 316.

<sup>3776</sup> Case 001-**E188** *Duch* TJ, para. 508; *Tadić* AJ, para. 227; *Brđanin* AJ, paras 417-419; *Šainović* AJ, para. 609.

<sup>3777</sup> *Krajišnik* AJ, paras 163, 170-1; *Prlić* TJ (Vol 1), para. 212(2).

<sup>3778</sup> Case 002-**D97/15/9** PTC JCE Decision, para. 38; Case 001-**E188** *Duch* TJ, para. 508; Case 002-**E313** Case 002/01 TJ, paras 692-693; *Tadić* AJ, para. 227; *Stakić* AJ, para. 64; *Munyakazi* AJ, para. 160.

<sup>3779</sup> *Simba* AJ, para. 250.

<sup>3780</sup> Case 001-**E188** *Duch* TJ, para. 508; Case 002-**E313** Case 002/01 TJ, para. 693; *Tadić* AJ, paras 227, 229; *Šainović* AJ, para. 985; *Prlić* AJ, paras 1410, 1880; *Sesay* AJ, para. 611.

<sup>3781</sup> *Popović* AJ, para. 1615; *Prlić* AJ, paras 1395, 1882.

required is that he participate in some way in the furtherance of the common purpose,<sup>3782</sup> which in turn has a direct or indirect effect on the commission of the crimes.<sup>3783</sup> That contribution may be in whole or in part by way of omission.<sup>3784</sup> When establishing an accused's participation in a JCE through his failure to act, the existence of a legal duty to act deriving from a rule of criminal law is not required.<sup>3785</sup> A failure to prevent the recurrence of crimes has been taken into account where the accused had some power and influence or authority over the perpetrators sufficient to prevent or halt the abuses but failed to exercise that power.<sup>3786</sup>

1038. The accused's contribution need not be a *sine qua non* for the commission of any crime,<sup>3787</sup> nor even constitute a substantial contribution,<sup>3788</sup> but it must be significant.<sup>3789</sup> The significance of the contribution to the JCE is to be determined on a case-by-case basis, taking into account a variety of factors, including: the size, seriousness, and scope of the criminal plan and crimes committed; the *de jure* or *de facto* position of the accused; the level and efficiency of his participation; any relevant public comments made by him; and any efforts to prevent crimes.<sup>3790</sup> Participation in the JCE does not have to be in and of itself criminal, as long as the accused performs acts that in some way contribute to the furtherance of the common purpose of the JCE.<sup>3791</sup>

1039. The law does not foresee specific types of conduct which *per se* would not be considered a contribution to a JCE.<sup>3792</sup> The SCC has held<sup>3793</sup> the following types of conduct to

<sup>3782</sup> Case 002-D97/15/9 PTC JCE Decision, para. 38; Case 001-E188 *Duch* TJ, para. 508; Case 002-E313 Case 002/01 TJ, para. 693; *Tadić* AJ, para. 229(iii); *Brđanin* AJ, para. 427; *Popović* AJ, para. 1378; *Krajišnik* AJ, para. 218; *Simba* AJ, para. 250; *Sesay* AJ, paras 611, 1034.

<sup>3783</sup> Case 002-F36 Case 002/01 AJ, paras 983-984.

<sup>3784</sup> *Kvočka* AJ, paras 187, 421. *See also* Case 002-E313 Case 002/01 TJ, para. 693.

<sup>3785</sup> *Prlić* AJ, paras 1394, 1488, 2080; *Stanišić & Župljanin* AJ, para. 110.

<sup>3786</sup> *Prlić* AJ, paras 1487, 1530.

<sup>3787</sup> Case 001-E188 *Duch* TJ, para. 508; Case 002-F36 Case 002/01 AJ, para. 980; *Kvočka* AJ, para. 98; *Sesay* AJ, para. 401.

<sup>3788</sup> Case 002-F36 Case 002/01 AJ, para. 810 ["it is sufficient to establish that accused were held criminally liable for crimes committed in the course of the implementation of a common purpose to which they had made some kind of contribution beyond being a bystander"], para. 980; Case 001-E188 *Duch* TJ, para. 508; Case 002-E313 Case 002/01 TJ, para. 692; *Brđanin* AJ, para. 430; *Popović* AJ, para. 1378; *Simba* AJ, para. 303.

<sup>3789</sup> Case 002-F36 Case 002/01 AJ, para. 980; Case 002-E313 Case 002/01 TJ, para. 692; Case 001-E188 *Duch* TJ, para. 508; Case 002-D97/15/9 PTC JCE Decision, para. 38; *Brđanin* AJ, paras 427, 430, 432; *Simba* AJ, para. 303; *Sesay* AJ, para. 611.

<sup>3790</sup> Case 002-E313 Case 002/01 TJ, para. 693; Case 002-F36 Case 002/01 AJ, para. 980; *Kvočka* TJ, paras 292, 311; *Kvočka* AJ, paras 101, 192; *Krstić* TJ, para. 642.

<sup>3791</sup> *Prlić* AJ, paras 1882, 1982, 1988; *Popović* AJ, para. 1653; Case 002-F36 Case 002/01 AJ, para. 984.

<sup>3792</sup> *Stanišić & Župljanin* AJ, para. 110.

<sup>3793</sup> Case 002-F36 Case 002/01 AJ, para. 982 *citing* *Krajišnik* AJ, paras 216-217.

constitute significant contributions to a JCE:

(a) Formulating, initiating, promoting, participating in, and/or encouraging the development and implementation of [...] governmental policies intended to advance the objective of the joint criminal enterprise;

(b) Participating in the establishment, support or maintenance of [...] government bodies at the [national], regional, municipal, and local levels [...] through which [he] could implement the objective of the joint criminal enterprise;

(c) Supporting, encouraging, facilitating or participating in the dissemination of information to [...] win support for and participation in achieving the objective of the joint criminal enterprise;

(d) Directing, instigating, encouraging and authorizing [...] [f]orces to carry out acts in order to further the objective of the joint criminal enterprise;

[...]

(f) Engaging in, supporting or facilitating efforts directed at representatives of the international community, non-governmental organizations and the public denying or providing misleading information about crimes.

1040. Participants in a JCE can incur liability for crimes committed by direct perpetrators who were not JCE members, provided that it has been established that the crimes can be imputed to at least one JCE participant, and that this participant, when using a direct perpetrator, acted to further the common purpose.<sup>3794</sup> The link may be established on showing that the JCE member (i) closely cooperated with the physical perpetrator or intermediary perpetrator in order to further the common purpose;<sup>3795</sup> (ii) explicitly or implicitly requested the non-JCE member to commit a crime,<sup>3796</sup> or (iii) instigated, ordered, encouraged, or otherwise availed himself of the non-JCE member to commit the crime.<sup>3797</sup> It may also be relevant whether the crimes were committed by forces under the control of a JCE member,<sup>3798</sup> or acting in coordination with forces under the control of a JCE member.<sup>3799</sup>

<sup>3794</sup> Case 002-**F36** Case 002/01 AJ, para. 1040; Case 002-**E313** Case 002/01 TJ, para. 225; *Prlić* AJ, para. 1998; *Brđanin* AJ, paras 410-414, 418, 430; *Dorđević* AJ, para. 165; *Sesay* AJ, paras 398-400.

<sup>3795</sup> *Brđanin* AJ, para. 410; *Sesay* AJ, para. 414.

<sup>3796</sup> *Krajišnik* AJ, para. 226; *Popović* AJ, para. 1414; *Sesay* AJ, para. 414.

<sup>3797</sup> *Krajišnik* AJ, para. 226; *Popović* AJ, para. 1414; *Sesay* AJ, para. 414.

<sup>3798</sup> *Martić* AJ, paras 169, 195; *Stakić* AJ, paras 79-85; *Sesay* AJ, para. 414.

<sup>3799</sup> *Martić* AJ, paras 195, 205; *Sesay* AJ, para. 414.



1041. It is, however, not required that a JCE member exercised effective control,<sup>3800</sup> or indeed any “control and influence”<sup>3801</sup> over the perpetrator. Nor do the perpetrator of the crime and the accused need to have an express understanding or agreement between them as regards the commission of the crime.<sup>3802</sup> The relevant question in the context of JCE I liability is whether the JCE member used the non-JCE member to commit the *actus reus* of the crime forming part of the common purpose. The SCC has characterised this as a form of delegated authority for the direct perpetrator to make a decision as to the ultimate implementation of the *actus reus*, noting that this bears resemblance to the concept of *dolus eventualis*.<sup>3803</sup> It is not determinative whether the non-JCE member shared the *mens rea* of the JCE member, or that he knew of the existence of the JCE.<sup>3804</sup> For example, it is not necessary for the direct perpetrators of killings to possess genocidal intent in order for members of the JCE linked to the killings who do have such intent to be held responsible for genocide.<sup>3805</sup>

1042. Conflicts among leaders in a large organisation do not impact on the question of criminal responsibility under JCE as long as all elements for this mode of liability have been established.<sup>3806</sup> It is inherent in the very notion of JCE that its members make various contributions to the implementation of the common purpose; the fact that some members have a degree of autonomy as to the implementation of aspects of the common purpose does not extinguish the responsibility of other members of the JCE.<sup>3807</sup>

### Mens Rea

1043. It is well-established<sup>3808</sup> that to incur responsibility pursuant to JCE I, the accused must share with the other JCE participants both the intent, *i.e.* relevant *mens rea*, to commit the crimes within the common purpose and the intent to participate in a common plan

<sup>3800</sup> Šainović AJ, para. 1368; Kvočka AJ, para. 144.

<sup>3801</sup> Sesay AJ, paras 414, 907.

<sup>3802</sup> Brđanin AJ, paras 415, 418.

<sup>3803</sup> Case 002-F36 Case 002/01 AJ, para. 809.

<sup>3804</sup> Karadžić Rule 98bis AJ, para. 79; Krajišnik AJ, para. 226. *See also* Brđanin AJ, para. 410. *See further* Sangkul Kim, *A Collective Theory of Genocidal Intent*, p. 221 [“low-level actors do not occupy a role that would allow them to destroy the group, and therefore they cannot truly form that intention. [...] The question of whether physical perpetrators at the lower echelon of genocidal enterprise possess genocidal intent is no longer relevant to the attribution of principal liability of genocide”].

<sup>3805</sup> Karadžić Rule 98bis AJ, para. 79.

<sup>3806</sup> Case 002-F36 Case 002/01 AJ, para. 1042.

<sup>3807</sup> Case 002-F36 Case 002/01 AJ, para. 1042.

<sup>3808</sup> Case 002-F36 Case 002/01 AJ, paras 1053-4; Case 002-D97/15/9 PTC JCE Decision, paras 37, 39; Case 001-E188 Duch TJ, para. 509; Case 002-E313 Case 002/01 TJ, paras 690, 694; Tadić AJ, paras 196, 220, 228; Brđanin AJ, para. 365; Šainović AJ, para. 1470; Popović AJ, para. 1369; Munyakazi AJ, para. 160; Sesay AJ, paras 474-475. *See also* Prlić AJ, paras 1771-1772, 2372, 2422.

aimed at its commission.<sup>3809</sup> For specific intent crimes such as persecution or genocide, the accused must also share the relevant specific intent.<sup>3810</sup> Shared criminal intent does not require the accused's personal satisfaction or enthusiasm or his personal initiative in contributing to the JCE.<sup>3811</sup> Moreover, the accused is not required to know about the specific criminal incidents in question.<sup>3812</sup> Intent can be inferred from a person's knowledge, combined with continuing participation in the crimes.<sup>3813</sup> The significance and scope of the material participation of an individual in a JCE may also be relevant in determining whether that individual possessed the requisite *mens rea*.<sup>3814</sup>

#### b. PLANNED

1044. The *actus reus* of "planning" requires that one or more persons participate in the design of an act or omission and thereby have a substantial effect on the commission of a crime that is in fact perpetrated.<sup>3815</sup> An accused need not therefore design the conduct alone.<sup>3816</sup> Nor need he be the originator of the design or plan;<sup>3817</sup> it is sufficient to endorse a plan proposed by another.<sup>3818</sup> Circumstantial evidence may provide proof of the existence of the plan.<sup>3819</sup> A conviction for planning does not require a finding of a position of authority.<sup>3820</sup>
1045. The plan must precede and substantially contribute to the criminal conduct.<sup>3821</sup> Whether particular acts amount to a substantial contribution is to be assessed on a case-by-case

<sup>3809</sup> Intent for JCE I, a form of committing, encompasses (i) direct intent that the crime be committed (*dolus directus* of the first degree); (ii) awareness that the crime will occur in the ordinary course of events, or phrased another way, awareness of a substantial likelihood that it will occur (*dolus directus* of the second degree); and (iii) *dolus eventualis*. See para. 1031 above. This also flows directly from the SCC's confirmation that, for JCE: (i) "it is not necessary that those who agree on the common purpose actually desire that the crime be committed;" (ii) that crimes may be "foreseen as means to achieve a given common purpose, even if their commission is not certain;" and (iii) "the members of the JCE must accept the commission of the crime either as a goal, as an inevitable consequence of the primary purpose or as an eventuality treated with indifference." (Case 002-**F36** Case 002/01 AJ, paras 808-809).

<sup>3810</sup> Case 001-**E188** *Duch* TJ, fn. 897; Case 002-**E100/6** TC JCE Decision, para. 16; Case 002-**E313** Case 002/01 TJ, para. 694; *Kvočka* AJ, para. 110; *Krnojelac* AJ, para. 111.

<sup>3811</sup> *Popović* AJ, fn. 2971; *Krnojelac* AJ, para. 100.

<sup>3812</sup> *Prlić* AJ, para. 1802; *Šainović* AJ, para. 1491; *Kvočka* AJ, para. 276; *Sesay* AJ, para. 906.

<sup>3813</sup> *Prlić* AJ, paras 1800, 1970, 2012, 2078; *Popović* AJ, paras 1369, 1652; *Đorđević* AJ, para. 512; *Krajišnik* AJ, paras 202, 697.

<sup>3814</sup> Case 002-**E313** Case 002/01 TJ, para. 694; *Prlić* AJ, para. 2402; *Kvočka* AJ, paras 97, 188.

<sup>3815</sup> Case 002-**E313** Case 002/01 TJ, para. 698; Case 001-**E188** *Duch* TJ, para. 518; *Taylor* AJ, paras 368, 494; *Kordić & Čerkez* AJ, para. 26; *Milošević (Dragomir)* AJ, para. 268; *Nahimana* AJ, para. 479.

<sup>3816</sup> *Taylor* AJ, para. 494; *Boškoski & Tarčulovski* AJ, para. 154.

<sup>3817</sup> *Boškoski & Tarčulovski* AJ, fn. 418; *Taylor* AJ, para. 494.

<sup>3818</sup> *Bagilishema* TJ, para. 30; *Semanza* TJ, para. 380.

<sup>3819</sup> *Nahimana* AJ, paras 958-959; *Brima* AJ, para. 301; *Blaškić* TJ, para. 279.

<sup>3820</sup> *Kanyarukiga* AJ, para. 258.

<sup>3821</sup> Case 001-**E188** *Duch* TJ, para. 518; Case 002-**E313** Case 002/01 TJ, para. 698; *Kordić & Čerkez* AJ, para. 26; *Nahimana* AJ, paras 479, 492, fn. 2116; *Sesay* AJ, paras 687, 1170.

basis in light of the evidence as a whole.<sup>3822</sup>

1046. As to the content of the plan, it need not necessarily devise the commission of a particular crime; the planning can be of an objective that is to be achieved by the commission of crimes. As such, the legitimate character of an operation does not exclude an accused's criminal responsibility for planning crimes committed in its course if the goal is to be achieved by the commission of crimes.<sup>3823</sup>

1047. As to *mens rea*, the accused must intend, or be aware of the substantial likelihood of, the commission of a crime upon the execution of the plan.<sup>3824</sup> The accused's *mens rea* may be inferred from the circumstances.<sup>3825</sup> Where it has been determined that the principal perpetrators were aware of the factual circumstances establishing the status of the victims (e.g. civilian, soldiers *hors de combat*, etc.), such findings are not necessary for a conviction for planning.<sup>3826</sup>

### c. INSTIGATED

1048. To be held responsible for instigating, an accused must, by way of an act or omission, prompt another person to act in a particular way that has a substantial effect on the commission of the crime.<sup>3827</sup> This mode of liability has also been described as "urging or encouraging."<sup>3828</sup> There is no requirement for the instigation to be "direct and public".<sup>3829</sup> Both positive acts and omissions can constitute instigation,<sup>3830</sup> which may ensue through implicit, written, or other non-verbal prompting by the accused.<sup>3831</sup> It is not necessary to prove the exact instigating language or conduct used by an accused.<sup>3832</sup>

1049. For an accused to be criminally liable on the basis of instigation, a crime must be shown to have actually been committed,<sup>3833</sup> although the specific identification of the principal

<sup>3822</sup> *Sesay* AJ, para. 769; *Taylor* AJ, para. 494.

<sup>3823</sup> *Boškoski & Tarčulovski* AJ, para. 172; *Taylor* AJ, paras 493-494.

<sup>3824</sup> Case 001-**E188** *Duch* TJ, para. 519; Case 002-**E313** Case 002/01 TJ, para. 698; *Kordić & Čerkez* AJ, paras 29, 31, 112; *Boškoski & Tarčulovski* AJ, paras 68, 174; *Milošević (Dragomir)* AJ, para. 268; *Nahimana* AJ, para. 479; *Taylor* AJ, para. 494.

<sup>3825</sup> *Galić* TJ, para. 172; *Čelebići* TJ, para. 328.

<sup>3826</sup> *Boškoski & Tarčulovski* AJ, para. 67.

<sup>3827</sup> Case 001-**E188** *Duch* TJ, para. 522; Case 002-**E313** Case 002/01 TJ, para. 700; *Kordić & Čerkez* AJ, paras 27, 32; *Taylor* AJ, paras 368, 589; *Nzabonimana* AJ, para. 146.

<sup>3828</sup> *Seromba* TJ, para. 304; *Mpambara* TJ, para. 18.

<sup>3829</sup> *Akayesu* AJ, paras 478-483.

<sup>3830</sup> *Nahimana* AJ, para. 595; *Taylor* AJ, para. 589 upholding *Taylor* TJ, para. 472; *Brdanin* TJ, para. 269.

<sup>3831</sup> Case 001-**E188** *Duch* TJ, para. 522; Case 002-**E313** Case 002/01 TJ, para. 700; *Taylor* AJ, para. 589 upholding *Taylor* TJ, para. 472; *Brdanin* TJ, para. 269.

<sup>3832</sup> *Semanza* AJ, para. 296.

<sup>3833</sup> Case 001-**E188** *Duch* TJ, para. 522; *Mpambara* TJ, para. 18; *Galić* TJ, para. 168.

perpetrators of the particular crime is not required.<sup>3834</sup> Further, the act of instigation must precede and substantially contribute to the commission of the crime.<sup>3835</sup> However, it is not necessary to prove that the crime would not have occurred without the accused's involvement.<sup>3836</sup> Indeed, the accused need only prompt another to act in a particular way, and not necessarily to commit a crime or underlying offence *per se*.<sup>3837</sup>

1050. The *mens rea* for responsibility on the basis of instigation is intent to instigate the commission of the crime, or awareness of the substantial likelihood that the crime will be committed as a result of the instigation.<sup>3838</sup>

#### d. ORDERED

1051. The act of ordering occurs when a person in a position of authority instructs another person to carry out an act or engage in an omission that has a substantial effect on the commission of the crime.<sup>3839</sup> There is no requirement that the person issuing the order and the direct perpetrator be in a formal superior-subordinate relationship,<sup>3840</sup> or that the accused exercise effective control over him,<sup>3841</sup> but there must be proof of a position of authority on the part of the accused in law or in fact that would compel another person to commit a crime.<sup>3842</sup> That authority may be informal or of a purely temporary nature.<sup>3843</sup>

1052. The order can be either explicit or implicit, and can be proved circumstantially.<sup>3844</sup> The existence of an order may be inferred from a variety of factors, including the number of illegal acts, the number and type of personnel involved, the effective control and command exerted over these personnel, the logistics involved, the widespread occurrence

<sup>3834</sup> Karera AJ, para. 318; Boškoski & Tarčulovski AJ, para. 75.

<sup>3835</sup> Case 001-E188 Duch TJ, para. 522; Case 002-E313 Case 002/01 TJ, para. 700; Kordić & Čerkez AJ, para. 27; Karera AJ, para. 317; Taylor AJ, para. 589.

<sup>3836</sup> Kordić & Čerkez AJ, para. 27; Nyiramasuhuko AJ, para. 3327; Nahimana AJ, paras 480, 502, 660.

<sup>3837</sup> Boškoski & Tarčulovski AJ, para. 172; Taylor AJ, para. 493.

<sup>3838</sup> Case 001-E188 Duch TJ, para. 524; Case 002-E313 Case 002/01 TJ, para. 700; Kordić & Čerkez AJ, paras 29, 32; Boškoski & Tarčulovski AJ, paras 68, 174; Nahimana AJ, para. 480; Taylor AJ, para. 589.

<sup>3839</sup> Case 001-E188 Duch TJ, paras 527-528; Case 002-E313 Case 002/01 TJ, para. 702; Kordić & Čerkez AJ, paras 28, 32; Milošević (Dragomir) AJ, para. 267; Nahimana AJ, para. 481; Renzaho AJ, para. 315; Taylor AJ, para. 589.

<sup>3840</sup> Case 001-E188 Duch TJ, para. 527; Case 002-E313 Case 002/01 TJ, para. 702 and citations therein; Kordić & Čerkez AJ, para. 28; Galić AJ, para. 176; Renzaho AJ, para. 315; Sesay AJ, para. 164.

<sup>3841</sup> Seromba AJ, para. 202; Kamuhanda AJ, para. 75.

<sup>3842</sup> Case 001-E188 Duch TJ, para. 527; Boškoski & Tarčulovski AJ, para. 164; Setako AJ, para. 240. Whether such authority exists is a question of fact: Semanza AJ, para. 363. See also Gacumbitsi AJ, para. 182 [ordering "requires merely authority to order, a more subjective criterion that depends on the circumstances and the perceptions of the listener"].

<sup>3843</sup> Semanza AJ, para. 363; Setako AJ, para. 240.

<sup>3844</sup> Case 001-E188 Duch TJ, para. 527; Case 002-E313 Case 002/01 TJ, para. 702; Galić AJ, para. 178; Kamuhanda AJ, para. 76; Ndindiliyimana AJ, para. 291; Sesay AJ, para. 164.

of similar illegal acts, the tactical tempo of operations, the *modus operandi* of similar acts, the location of the superior at the time, and his knowledge of criminal acts committed under his command.<sup>3845</sup>

1053. The accused need not give the order directly to the physical perpetrator. Liability for ordering may ensue where the accused issues, passes down, or otherwise transmits the order, including through intermediaries.<sup>3846</sup> The order must substantially contribute to the commission of a crime that is later perpetrated.<sup>3847</sup> But it is not necessary to prove that the crime or underlying offence would not have been perpetrated but for the accused's order.<sup>3848</sup> It is not necessary to prove that the order was illegal on its face,<sup>3849</sup> or explicit in relation to the consequences it would have.<sup>3850</sup> The legitimate character of an operation does not exclude an accused's criminal responsibility if the goal is to be achieved by the commission of crimes.<sup>3851</sup>

1054. As to *mens rea*, the accused must intend, or be aware of the substantial likelihood, that the execution or implementation of the order will result in the commission of the crime.<sup>3852</sup>

#### e. AIDED AND ABETTED

1055. Aiding and abetting<sup>3853</sup> consists of practical assistance, encouragement, or moral support that has a substantial effect on the commission of the perpetrated crime.<sup>3854</sup> 'Specific direction' is not an element of aiding and abetting liability under customary international law.<sup>3855</sup> No plan or agreement between the aider and abettor and the principal perpetrator

<sup>3845</sup> *Galić* TJ, paras 171, 741; *Milošević (Dragomir)* AJ, paras 272-273.

<sup>3846</sup> Case 001-**E188** *Duch* TJ, para. 527; Case 002-**E313** Case 002/01 TJ, para. 702; *Milutinović* TJ (Vol 1), para. 87; *Blaškić* TJ, para. 282; *Taylor* AJ, para. 589, upholding *Taylor* TJ, para. 476.

<sup>3847</sup> Case 001-**E188** *Duch* TJ, para. 527; Case 002-**E313** Case 002/01 TJ, para. 702; *Boškoski & Tarčulovski* AJ, para. 160; *Hategekimana* AJ, para. 67; *Taylor* AJ, paras 368, 589.

<sup>3848</sup> *Taylor* AJ, para. 589, upholding *Taylor* TJ, para. 477; *Milutinović* TJ (Vol 1), para. 88.

<sup>3849</sup> *Kordić & Čerkez* AJ, paras 28, 32; *Blaškić* AJ, para. 42; *Milošević (Dragomir)* AJ, para. 267; *Nahimana* AJ, para. 481; *Nyiramasuhuko* AJ, para. 1895; fn. 4448; *Taylor* AJ, para. 589.

<sup>3850</sup> *Milošević (Dragomir)* AJ, para. 267.

<sup>3851</sup> *Boškoski & Tarčulovski* AJ, para. 172; *Taylor* AJ, para. 493.

<sup>3852</sup> Case 001-**E188** *Duch* TJ, para. 528; Case 002-**E313** Case 002/01 TJ, para. 702; *Kordić & Čerkez* AJ, paras 29-30; *Martić* AJ, paras 221-222; *Boškoski & Tarčulovski* AJ, para. 68; *Renzaho* AJ, para. 315; *Taylor* AJ, para. 589.

<sup>3853</sup> Aiding and abetting are not synonymous; aiding involves the provision of assistance, while abetting involves facilitating, encouraging, advising on or providing moral support to the commission of a crime (Case 001-**E188** *Duch* TJ, para. 533; *Milutinović* TJ (Vol 1), fn. 107; *Akayesu* TJ, para. 484; *Gacumbitsi* TJ, para. 286).

<sup>3854</sup> Case 001-**E188** *Duch* TJ, para. 533; Case 002-**E313** Case 002/01 TJ, para. 704; *Blaškić* AJ, para. 46; *Šainović* AJ, para. 1649; *Popović* AJ, paras 1732, 1783; *Taylor* AJ, para. 368.

<sup>3855</sup> Case 002-**E313** Case 002/01 TJ, paras 707-710; *Taylor* AJ, para. 481; *Šainović* AJ, paras 1649, 1663; *Popović* AJ, para. 1758; *Stanišić & Simatović* AJ, paras 106, 108.

is required for responsibility on the basis of aiding and abetting;<sup>3856</sup> indeed, it is unnecessary for a principal perpetrator to even be aware of the aider and abettor's contribution.<sup>3857</sup>

1056. Although the aiding and abetting must have a substantial effect on the commission of the crime,<sup>3858</sup> there is no requirement for a cause-and-effect relationship, or that such conduct was a condition precedent to the commission of the crime.<sup>3859</sup> The conduct constituting aiding and abetting can occur before, during or after<sup>3860</sup> the commission of the crime, and in a different place from the crime.<sup>3861</sup>

1057. An individual can be found liable for aiding and abetting a crime when it is established that his conduct amounted to tacit approval and encouragement of the crime and that such conduct substantially contributed to the crime.<sup>3862</sup> While in such cases the authority of the accused is a factor,<sup>3863</sup> it is not otherwise necessary to show the accused had authority over the direct perpetrator.<sup>3864</sup> An accused may also aid and abet by omission if it is proven that had the accused acted, the commission of the crime would have been substantially less likely.<sup>3865</sup>

1058. As to *mens rea*, an accused must know, at the time he provides the assistance,<sup>3866</sup> that a crime will probably be committed, and that his conduct assists or facilitates the commission of a crime.<sup>3867</sup> It is unnecessary for the aider and abettor to know the precise crime to be committed by the principal as long as he is aware that one of a number of

<sup>3856</sup> Case 001-**E188** *Duch* TJ, para. 534; Case 002-**E313** Case 002/01 TJ, para. 704; *Tadić* AJ, para. 229(ii); *Brđanin* AJ, para. 263; *Seromba* AJ, para. 57.

<sup>3857</sup> *Tadić* AJ, para. 229(ii); *Kalimanzira* AJ, para. 87; *Brđanin* AJ, para. 263.

<sup>3858</sup> See, e.g. *Tadić* AJ, para. 229(iii); *Gotovina & Markač* AJ, para. 127; *Ntawukulyayo* AJ, para. 214; *Taylor* AJ, para. 481.

<sup>3859</sup> *Popović* AJ, paras 1740, 1783; *Ndahimana* AJ, para. 149; *Taylor* AJ, para. 522.

<sup>3860</sup> Given the overarching requirement that assistance, encouragement or moral support must have a substantial effect on the commission of the crime, the necessary causal link cannot exist where assistance is provided *exclusively* after the time of perpetration. However, as long as the requirement of substantial effect is fulfilled, conduct such as an agreement made *before or during* the commission of a crime, of assistance to be provided after the fact, may suffice. See Case 002-**E313** Case 002/01 TJ, paras 712-713; *Blagojević & Jokić* TJ, para. 731; *Furundžija* TJ, para. 230; *Aleksovski* TJ, para. 62; *Brđanin* AJ, para. 277.

<sup>3861</sup> *Mrkšić & Šljivančanin* AJ, para. 81; *Ntagerura* AJ, para. 372; *Fofana & Kondewa* AJ, para. 72.

<sup>3862</sup> *Šainović* AJ, para. 1687; *Brđanin* AJ, paras 273, 277 [referring to the 'silent spectator']; *Ndahimana* AJ, para. 147; *Kayishema & Ruzindana* AJ, paras 201-202 [referring to the 'approving spectator']; *Sesay* AJ, para. 541.

<sup>3863</sup> *Ibid.* See also, e.g., *Muvunyi I* AJ, para. 80.

<sup>3864</sup> *Blagojević & Jokić* AJ, para. 195; *Nahimana* AJ, para. 672; *Sesay* AJ, para. 541.

<sup>3865</sup> *Popović* AJ, para. 1812 and 1741; *Mrkšić & Šljivančanin* AJ, paras 49, 97, 100, 146; *Nahimana* AJ, para. 482; 41; *Šainović* AJ, paras 1679, 1682, fn. 5510.

<sup>3866</sup> *Krstić* AJ, para. 140; *Seromba* AJ, paras 57-58.

<sup>3867</sup> Case 001-**E188** *Duch* TJ, para. 535; Case 002-**E313** Case 002/01 TJ, para. 704; *Blaškić* AJ, paras 45-46, 49-50; *Popović* AJ, para. 1732; *Nahimana* AJ, para. 482.

crimes will probably be committed, and one of those crimes is in fact committed.<sup>3868</sup> The accused must also be aware of the essential elements of the crime, including the perpetrator's state of mind, but need not share the perpetrator's intent to commit the crime.<sup>3869</sup> Specific intent crimes, such as persecution or genocide, require that the aider and abettor must know of, but need not share, the principal perpetrator's specific intent.<sup>3870</sup> This knowledge can be inferred from the circumstances.<sup>3871</sup>

#### f. SUPERIOR RESPONSIBILITY

1059. Superior responsibility, applicable to both military and civilian superiors, was recognised in customary international law by 1975.<sup>3872</sup> By that time, the doctrine was applicable to CAH and genocide.<sup>3873</sup> Under article 29<sup>new</sup> of the ECCC Law and customary international law, superior responsibility is based on the existence of the following three elements:

- (1) a superior-subordinate relationship between the accused and the person who committed the crime. The superior must have had effective control over the subordinate;<sup>3874</sup>
- (2) that the superior knew, or had reason to know, that the subordinate had committed or was about to commit a crime; and
- (3) that the superior failed to take the necessary and reasonable measures to prevent the commission of the crime or to punish the

<sup>3868</sup> *Blaškić* AJ, para. 50; *Šainović* AJ, para. 1772; *Nahimana* AJ, para. 482; *Sesay* AJ, para. 546.

<sup>3869</sup> Case 002-**E313** Case 002/01 TJ, para. 704; *Šainović* AJ, para. 1772; *Ndahimana* AJ, para. 157; *Brima* AJ, para. 244. As the ICTY Appeals Chamber explained in *Šainović*, “[t]he degree of knowledge pertaining to the details of the crime required to satisfy the *mens rea* of aiding and abetting will depend on the circumstances of the case, including the scale of the crimes and the type of assistance provided”: *Šainović* AJ, para. 1773.

<sup>3870</sup> Case 001-**E188** *Duch* TJ, para. 535; Case 002-**E313** Case 002/01 TJ, para. 704; *Popović* AJ, para. 1830; *Krnojelac* AJ, para. 52; *Blagojević & Jokić* AJ, para. 127; *Ndahimana* AJ, para. 157; *Fofana & Kondewa* AJ, para. 367; *Vasiljević* AJ, para. 142; *Krstić* AJ, para. 140; *Ntakirutimana* AJ, paras 500-501.

<sup>3871</sup> Case 001-**E188** *Duch* TJ, para. 535; *Milutinović* TJ (Vol I), para. 94.

<sup>3872</sup> Case 001-**E188** *Duch* TJ, paras 476-478; Case 002-**E313** Case 002/01 TJ, paras 714, 718-719; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, paras 190-232; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 413-460; Case 002-**D427** Closing Order, paras 1307, 1318-1319, 1558.

<sup>3873</sup> Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, paras 231-232; Case 002-**E313** Case 002/01 TJ, paras 898, 917, 939; Case 002-**D427** Closing Order, para. 1318.

<sup>3874</sup> ECCC Law, art. 29<sup>new</sup> contains the specific requirement that the superior must have “effective command and control or authority and control over the subordinate.” This is consistent with the case law of the *ad hoc* Tribunals where it has been held that, for criminal liability to arise on the basis of a superior-subordinate relationship, it must be shown that the superior had effective control over the perpetrators. This same interpretation has been used by the ECCC Trial Chamber. See Case 001-**E188** *Duch* TJ, para. 540; Case 002-**E313** Case 002/01 TJ, para. 715.

perpetrators.<sup>3875</sup>

i. SUPERIOR-SUBORDINATE RELATIONSHIP

1060. Regardless of whether an accused is a civilian or military superior,<sup>3876</sup> the superior-subordinate relationship between the accused and the perpetrator of the crime can exist either formally or informally, *i.e. de jure* or *de facto*.<sup>3877</sup> It must be shown that the superior had “effective control” over his subordinate,<sup>3878</sup> or in other words, the “material ability” to prevent or punish the subordinate’s commission of a crime.<sup>3879</sup> The exercise of effective control by one commander does not necessarily exclude effective control being exercised by another.<sup>3880</sup>

1061. The test of effective control is the same for both military and civilian superiors.<sup>3881</sup> When superior responsibility is applied to a civilian, there is no requirement that the control exercised by him be of the same nature as that exercised by a military commander; it need only be of the same degree.<sup>3882</sup>

ii. KNEW OR HAD REASON TO KNOW

1062. As for the knowledge requirement, the term “knew” refers to actual knowledge that the relevant crimes had been committed or were about to be committed, which may be established through direct or circumstantial evidence.<sup>3883</sup> A superior need not know the precise identity of the subordinates who perpetrate(d) the crimes.<sup>3884</sup>

<sup>3875</sup> ECCC Law, art. 29<sup>new</sup>; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, para. 191; Case 001-**E188 Duch** TJ, para. 538; Case 002-**E313** Case 002/01 TJ, paras 715-716 and e.g. *Gotovina & Markač* AJ, para. 128; *Gacumbitsi* AJ, para. 143; *Sesay* AJ, paras 842, 873.

<sup>3876</sup> Case 001-**E188 Duch** TJ, para. 477; Case 002-**E313** Case 002/01 TJ, para. 720; Case 002-**D427/2/15** Nuon Chea and Ieng Thirith Closing Order Decision, paras 230, 232; Case 002-**D427/1/30** Ieng Sary Closing Order Decision, paras 418, 459-460; Case 002-**D427** Closing Order, paras 1319, 1558; *Čelebići* AJ, para. 195; *Kajelijeli* AJ, para. 85; *Brima* AJ, para. 257.

<sup>3877</sup> Case 001-**E188 Duch** TJ, paras 477, 540; *Čelebići* AJ, paras 193-197, 303; *Halilović* AJ, paras 59, 210; *Nyiramasuhuko* AJ, para. 995; *Brima* AJ, paras 257, 289.

<sup>3878</sup> ECCC Law, art. 29<sup>new</sup>; Case 001-**E188 Duch** TJ, para. 540; Case 002-**E313** Case 002/01 TJ, para. 720; *Čelebići* AJ, paras 196-197, 303; *Blaškić* AJ, para. 69; *Gacumbitsi* AJ, paras 143-144; *Fofana & Kondewa* AJ, para. 175.

<sup>3879</sup> Case 001-**E188 Duch** TJ, para. 540; Case 002-**E313** Case 002/01 TJ, para. 715; *Popović* AJ, para. 1857; *Nahimana* AJ, para. 625; *Brima* AJ, para. 257.

<sup>3880</sup> *Prlić* AJ, para. 1859; *Popović* AJ, para. 1892 (considering that two parallel chains of command existed, see *Popović* AJ, paras 1890-1891).

<sup>3881</sup> Case 002-**E313** Case 002/01 TJ, para. 720; *Aleksovski* AJ, para. 76; *Bagilishema* AJ, para. 50; *Brima* AJ, para. 257.

<sup>3882</sup> *Čelebići* AJ, paras 197-198; *Bagilishema* AJ, paras 50, 52, 55; *Kajelijeli* AJ, para. 87; *Nahimana* AJ, paras 605, 785.

<sup>3883</sup> Case 001-**E188 Duch** TJ, para. 543; *Bagilishema* AJ, para. 37; *Kordić & Čerkez* TJ, para. 427; *Taylor* TJ, para. 497.

<sup>3884</sup> *Blagojević & Jokić* AJ, para. 287; *Renzaho* AJ, paras 64, 116; *Sesay* AJ, para. 851.



1063. The “reason to know” test requires that the superior had general information available to him that would put him on notice of possible unlawful acts by his subordinates.<sup>3885</sup> The standard is met if the information was sufficiently alarming to justify further inquiry.<sup>3886</sup> There is no requirement that there be a “substantial likelihood” or the “clear and strong risk” of subsequent crimes.<sup>3887</sup> The “reason to know” standard does not impose a duty to obtain information; it is not the same as “should have known”, *i.e.* a negligence standard. A superior cannot be held criminally responsible for failing to seek out the relevant knowledge.<sup>3888</sup> However, criminal responsibility will be imposed on an accused who *deliberately* refrains from finding out the relevant information.<sup>3889</sup>

1064. The superior need not share his subordinate’s intent.<sup>3890</sup>

### iii. FAILURE TO PREVENT OR PUNISH

1065. A superior’s duty is discharged when he has taken “necessary and reasonable” measures to prevent or punish the commission of a crime by a subordinate in the context of a particular situation. Hence, liability arises when he fails to do so.<sup>3891</sup> The duties to prevent and punish are distinct and separately entail criminal responsibility. The duty to prevent a crime arises prior to its commission, as soon as the superior knew or had reason to know of the crimes about to be committed. There is no need to show a causal link between the superior’s failure to prevent his subordinate’s crimes and their occurrence.<sup>3892</sup> The failure to prevent or punish crimes may be inferred from factors such as the continuing or widespread nature of the violations committed by the subordinates.<sup>3893</sup>

1066. The determination of what constitutes necessary and reasonable measures must be made on a case-by-case basis.<sup>3894</sup> The determination of what is materially possible in terms of

<sup>3885</sup> Case 001-**E188** *Duch* TJ, para. 544; *Blaškić* AJ, para. 62; *Popović* AJ, paras 1910, 1912; *Nahimana* AJ, para. 791; *Sesay* AJ, paras 852-853.

<sup>3886</sup> Case 002-**E313** Case 002/01 TJ, para. 715; Case 001-**E188** *Duch* TJ, para. 544; *Popović* AJ, para. 1910; *Strugar* AJ, para. 298.

<sup>3887</sup> *Strugar* AJ, para. 304.

<sup>3888</sup> Case 001-**E188** *Duch* TJ, para. 544; *Čelebići* AJ, para. 226; *Blaškić* AJ, paras 62-64; *Bagilishema* AJ, paras 34-35; *Taylor* TJ, paras 498-499.

<sup>3889</sup> Case 001-**E188** *Duch* TJ, para. 544; *Čelebići* AJ, para. 226; *Blaškić* AJ, para. 406; *Taylor* TJ, para. 499. *Nahimana* AJ, para. 865; *Bagosora & Nsengiyumva* AJ, paras 384, 399.

<sup>3890</sup> ECCC Law, art. 29new; Case 001-**E188** *Duch* TJ, paras 545-547; Case 002-**E313** Case 002/01 TJ, para. 716; *Boškoski & Tarčulovski* AJ, para. 230; *Popović* AJ, para. 1943; *Nahimana* AJ, para. 484; *Sesay* AJ, paras 502, 842.

<sup>3891</sup> *Blaškić* AJ, para. 77; *Hadžihasanović & Kubura* AJ, paras 38-40.

<sup>3892</sup> *Bizimungu (Augustin)* AJ, para. 104; *Bagosora & Nsengiyumva* AJ, para. 685.

<sup>3893</sup> Case 001-**E188** *Duch* TJ, para. 545; Case 002-**E313** Case 002/01 TJ, para. 716; *Blaškić* AJ, paras 72, 417; *Halilović* AJ, para. 63; *Orić* AJ, para. 177; *Hadžihasanović & Kubura* AJ, para. 33; *Kayishema & Ruzindana* AJ, para. 302; *Bagosora & Nsengiyumva* AJ, paras 672, 683.

fulfilling the duty should be assessed in light of the degree of the superior's effective control.<sup>3895</sup> The existence of a crisis situation does not relieve the superior of his duty.<sup>3896</sup>

1067. A superior's duty to punish the perpetrator of a crime includes at least an obligation to investigate possible crimes, to establish the facts, and either sanction the perpetrator personally, or report him to the competent authorities, as appropriate.<sup>3897</sup>

### **3. STANDARD OF PROOF REQUIRED FOR INDICTMENT**

1068. Rule 67(3)(c) of the Internal Rules states that the CIJs shall issue a dismissal order, *inter alia*, where "there is not sufficient evidence" against the charged person".<sup>3898</sup> Similarly, Article 247(3) of the Code of Criminal Procedure of the Kingdom of Cambodia provides that an investigating judge will issue an order of non-suit where "[t]here is insufficient evidence for a conviction of the charged person".<sup>3899</sup>

1069. The CIJs have applied the standard of "sufficient evidence" in Cases 001<sup>3900</sup> and 002<sup>3901</sup> to send the Charged Persons forward for trial. They held that the applicable standard of proof encompassed by the term "sufficient evidence" is probability of guilt rather than mere possibility of guilt.<sup>3902</sup> The CIJs explained that "the evidentiary material in the Case File must be sufficiently serious and corroborative to provide a certain level of probative force".<sup>3903</sup> The ultimate determination of guilt beyond reasonable doubt remains to be assessed by the Trial Chamber.<sup>3904</sup>

### **4. PERSONAL JURISDICTION**

1070. Both the ECCC Agreement and ECCC Law provide that the purpose of establishing this Court is to "bring to trial senior leaders of Democratic Kampuchea and those who were most responsible" for the crimes within the ECCC's jurisdiction committed from 17 April 1975 to 6 January 1979.<sup>3905</sup>

1071. The terms "senior leader" and "most responsible" are not further defined in either the

<sup>3895</sup> *Boškoski & Tarčulovski* AJ, para. 231; *Popović* AJ, para. 1928; *Bagosora & Nsengiyumva* AJ, para. 672.

<sup>3896</sup> *Bagosora & Nsengiyumva* AJ, para. 672.

<sup>3897</sup> *Halilović* AJ, para. 182; *Boškoski & Tarčulovski* AJ, paras 230, 234-235; *Hadžihasanović & Kubura* AJ, para. 154; *Popović* AJ, para. 1932; *Bagosora & Nsengiyumva* AJ, para. 510.

<sup>3898</sup> Internal Rule 67(3)(c).

<sup>3899</sup> 2008 Code of Criminal Procedure of the Kingdom of Cambodia, art. 247(3).

<sup>3900</sup> Case 001-D99 Closing Order, para. 130.

<sup>3901</sup> Case 002-D427 Closing Order, para. 1321.

<sup>3902</sup> Case 002-D427 Closing Order, para. 1323.

<sup>3903</sup> Case 002-D427 Closing Order, para. 1323.

<sup>3904</sup> Rule 87(1).

<sup>3905</sup> ECCC Agreement, arts 1, 2; ECCC Law, arts 1, 2*new*.

ECCC Law or Agreement. Based on extensive analysis of the preparatory work and negotiating history of the ECCC Agreement,<sup>3906</sup> the SCC in *Duch* found that the ECCC had personal jurisdiction only over Khmer Rouge officials,<sup>3907</sup> and that the terms “senior leaders” and “most responsible” referred to two separate categories of Khmer Rouge officials:

One category is senior leaders of the Khmer Rouge who are among the most responsible, because a senior leader is not a suspect on the sole basis of his/her leadership position. The other category is non-senior leaders of the Khmer Rouge who are also among the most responsible.<sup>3908</sup>

Accordingly, if a Charged Person was a Khmer Rouge official, he or she need not be a senior leader in order to be among those most responsible.

1072. The ICIJ has held that findings as to whether a Charged Person was a “senior leader” and/or one of the “most responsible” Khmer Rouge officials “are to be made at the conclusion of the investigation, based on the totality of the evidence on the Case File.”<sup>3909</sup>

#### a. MOST RESPONSIBLE

1073. In determining whether a person is among those most responsible for international crimes, the ECCC and international criminal courts and tribunals have adopted two criteria: (i) the gravity of the crimes alleged against the person, and (ii) the level of responsibility of the person alleged to have committed those crimes.

1074. The ICTY was mandated as part of its completion strategy to focus on “the most senior leaders suspected of being most responsible for crimes,”<sup>3910</sup> whilst referring the remaining perpetrators to be prosecuted at the national level.<sup>3911</sup> In evaluating those who are most responsible, the ICTY Referral Bench considered the “gravity of the crimes charged” and the “level of responsibility of the accused”.<sup>3912</sup> These dual principles are

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<sup>3906</sup> Case 001-F28 *Duch* AJ, paras 46-57.

<sup>3907</sup> Case 001-F28 *Duch* AJ, paras 52, 61.

<sup>3908</sup> Case 001-F28 *Duch* AJ, para. 57 (internal citations omitted).

<sup>3909</sup> **D298.1** ICIJ Personal Jurisdiction Decision, para. 27.

<sup>3910</sup> United Nations Security Council Resolution 1534 (2004), 26 Mar 2004, UN Doc. No. S/Res/1534, paras 5-6; United Nations Security Council Resolution 1503, 28 Aug 2003, UN Doc. No. S/Res/1503, preamble recital 7.

<sup>3911</sup> ICTY Rules of Procedure and Evidence, Rule 11*bis*. Rule 11*bis*(C) references Security Council Resolution 1534 and states that the ICTY will consider the “gravity of the crimes charged” and the “level of responsibility of the accused” in deciding whether to transfer cases. *See also* *Milošević (Dragomir)* Referral Decision, paras 1-3.

<sup>3912</sup> *Lukić & Lukić* Referral Decision, paras 26-28.

reflected in decisions of the SCSL,<sup>3913</sup> statements of the ICC Office of the Prosecutor (“OTP”),<sup>3914</sup> and have been adopted by the ECCC Trial Chamber,<sup>3915</sup> SCC,<sup>3916</sup> and the CIJs.<sup>3917</sup> The application of these two principles does not require a comparison and ranking of the responsibility of all possible perpetrators,<sup>3918</sup> but instead should have regard to the other cases tried by the Court and the particular circumstances and context in which the crimes were committed.<sup>3919</sup>

1075. ICTY referral decisions have held that relevant factors to determine the gravity of offences committed include: the geographical and temporal scope of the crimes;<sup>3920</sup> the manner in which they were committed;<sup>3921</sup> the number of incidents;<sup>3922</sup> and the number of victims.<sup>3923</sup> Relevant factors to determine the level of responsibility of the person alleged to have committed the crimes include: the level of participation in the crimes charged;<sup>3924</sup> the hierarchical rank or position of the accused,<sup>3925</sup> including the number of subordinates and echelons above;<sup>3926</sup> their effective authority<sup>3927</sup> and ability to give orders,<sup>3928</sup> the temporal scope of their control,<sup>3929</sup> and their authority to negotiate, sign, or implement agreements.<sup>3930</sup>

<sup>3913</sup> *Fofana* Personal Jurisdiction Decision, para. 22.

<sup>3914</sup> ICC OTP, Paper on some Policy Issues before the Office of the Prosecutor, International Criminal Court, Sep 2003, p. 7.

<sup>3915</sup> Case 001-**E188** *Duch* TJ, paras 22-24.

<sup>3916</sup> Case 001-**F28** *Duch* AJ, para. 71.

<sup>3917</sup> Case 003-**D48** Personal Jurisdiction Decision I, para. 15; Case 003-**D49** Personal Jurisdiction Decision II, para. 15; Case 004/1-**D308/3** IC Closing Order (Reasons), paras 37-41.

<sup>3918</sup> Case 001-**F28** *Duch* AJ, para. 62.

<sup>3919</sup> *Ademi* Referral Decision, para. 28.

<sup>3920</sup> *Janković* Referral Decision, para. 19; *Ademi* Referral Decision, para. 28; *Kovačević* Referral Decision, para. 20; *Lukić & Lukić* Referral Decision, para. 27; *Todović* Referral Appeal Decision, paras 13, 16. The ICTY Appeals Chamber has emphasised, however, that too much stress should not be placed on the local character of the crimes, since local leaders may in fact wield significant influence warranting their inclusion within the category of those most responsible. *See Lukić* Appeal Decision, para. 22.

<sup>3921</sup> *Lukić & Lukić* Referral Decision, para. 27.

<sup>3922</sup> *Lukić & Lukić* Referral Decision, para. 27.

<sup>3923</sup> *Janković* Referral Decision, para. 19; *Kovačević* Referral Decision paras 12, 20; *Lukić & Lukić* Referral Decision, paras 27 and 29; *Rašević & Todović* Referral Decision, para. 23; *Todović* Referral Appeal Decision, para. 25.

<sup>3924</sup> *Ademi* Referral Decision, para. 29; *Lukić & Lukić* Referral Decision, para. 28; *Lukić* Appeal Decision, para. 21.

<sup>3925</sup> *Ademi* Referral Decision, para. 29; *Kovačević* Referral Decision, para. 20; *Milošević (Dragomir)* Referral Decision, para. 23; *Lukić & Lukić* Referral Decision, para. 28; *Lukić* Appeal Decision, para. 21.

<sup>3926</sup> *Milošević (Dragomir)* Referral Decision, para. 23; *Lukić* Appeal Decision, para. 21.

<sup>3927</sup> *Lukić & Lukić* Referral Decision, para. 28; *Ademi* Referral Decision, para. 29.

<sup>3928</sup> *Ademi* Referral Decision, para. 29.

<sup>3929</sup> *Milošević (Dragomir)* Referral Decision, para. 23.

<sup>3930</sup> *Milošević (Dragomir)* Referral Decision, para. 23.

b. SENIOR LEADERS

1076. With regards to the term “senior leaders of Democratic Kampuchea,” the legislative history of the ECCC<sup>3931</sup> and international jurisprudence<sup>3932</sup> establish that the term is not limited to members of the CPK Standing Committee or to the “architects of an overall policy.” However, it is the ICP’s view that the plain meaning of the term indicates that it encompasses a limited group of individuals at the highest levels of the political and military hierarchy of the CPK and DK regime, including sector secretaries and members of zone-level committees.

**B. CRIMES AND MODES OR RESPONSIBILITY NOT PREVIOUSLY CHARGED**

1077. Under the investigating judge system of Cambodia and the ECCC, the CIJs are seised *in rem* with all facts described in the introductory or supplementary submissions on the case, and are required to investigate each of them fully and fairly.<sup>3933</sup> Subject to the application of Rule 66*bis* excluding certain facts from the scope of the investigation, the CIJs are then obliged, in their Closing Order, to make a decision in respect of all of those facts and the related legal characterisations proposed by the Co-Prosecutors, either by indicting the charged person, after having charged them, or by issuing a dismissal order in relation to all or part of those facts.<sup>3934</sup> In all cases, the CIJs “shall state the reasons for the decision.”<sup>3935</sup> The requirement for a reasoned decision therefore includes the decision whether or not to indict for facts for which a person alleged in the submissions to be criminally responsible has not yet been charged.

1078. Under Internal Rule 67(3), a dismissal order may be issued in only three circumstances in relation to a particular allegation: where (i) the acts in question fall outside the ECCC’s jurisdiction; (ii) the perpetrators of the acts have not been identified; or (iii) there is insufficient evidence. The CIJs’ failure to previously notify a suspect of possible charges

<sup>3931</sup> Case 001-**F28** *Duch* AJ, paras 76-77 *citing* The First Session of the Third Term of the Cambodian National Assembly, 4-5 Oct 2004, p. 23; Case 002-**E188** *Duch* TJ, para. 19 *citing* Group of Experts Report at para. 109.

<sup>3932</sup> *Milošević (Dragomir)* Referral Decision, para. 22; *Lukić & Lukić* Referral Decision, para. 28.

<sup>3933</sup> Internal Rule 55(2); **D365/3/1/5** PTC Decision on Sexual Violence Appeal, paras 37, 39, 42; Case 001-**D99/3/42** Case 001 Closing Order Decision, para. 35; Case 002-**D198/1** Order Concerning Clarification of Charges, paras 6, 10. *See further* Cambodian Code of Criminal Procedure, art. 125.

<sup>3934</sup> Internal Rule 67(1)-(2), (4); Case 002-**D198/1** Order Concerning Clarification of Charges, para. 10, disposition; **D365/3/1/5** PTC Decision on Sexual Violence Appeal, paras 35-36. *See also* Cass. Crim., 24 Mar 1977, No. 76-91442 [“Le juge d’instruction est tenu d’informer sur tous les faits dont il a été régulièrement saisi.”].

<sup>3935</sup> Internal Rule 67(4).

in respect of facts for which there is “sufficient evidence” is not a valid ground under the ECCC’s governing law for issuing a dismissal order. Indeed, where there is evidence that is “sufficiently serious and corroborative to provide a certain level of probative force”<sup>3936</sup> warranting indictment, the lower threshold required to support a charge, namely “clear and consistent” evidence that a suspect may be criminally responsible for the commission of a crime referred to in the Co-Prosecutors’ submissions<sup>3937</sup> must automatically be met.

1079. The PTC has held in this case that “charges during the investigation stage are provisional” and that “the [CIJs] remain seised of all facts and can modify the charges up until the closing order.”<sup>3938</sup> Accordingly, in this Final Submission, the ICP has discussed the evidence from the investigation concerning all crimes in the Introductory Submission and the Supplementary Submissions,<sup>3939</sup> and recommended indictment for those crimes and modes of responsibility, whether yet charged or uncharged, for which he believes the evidence on the case file is sufficiently serious and corroborative so as to establish a probability of guilt.

### C. CRIMES NOT REQUESTED

#### 1. CRIMES UNDER THE 1956 CAMBODIAN PENAL CODE

1080. The PTC has previously upheld the Co-Prosecutors’ position<sup>3940</sup> that pursuant to article 3<sup>new</sup> of the ECCC Law, the ECCC may exercise jurisdiction over the crimes of homicide,<sup>3941</sup> torture,<sup>3942</sup> and religious persecution<sup>3943</sup> (together “National Crimes”) set forth in the 1956 Penal Code, and is not barred from doing so by the 10-year statute of limitations found in article 109 of that Code.<sup>3944</sup> However, the Trial Chamber failed to reach the necessary majority for a decision on the same issue. The ICP does not seek **Yim Tith**’s indictment for National Crimes. The ICP believes that the same criminal conduct

<sup>3936</sup> See para. 1070 above. See Case 002-D427 Closing Order, para. 1323.

<sup>3937</sup> Internal Rule 55(4).

<sup>3938</sup> D365/3/1/5 PTC Decision on Sexual Violence Appeal, para. 38.

<sup>3939</sup> With the exception of those excluded under the Rule 66bis mechanism. See D354 Notification Pursuant to Internal Rule 66bis(2), 4 May 2017.

<sup>3940</sup> Case 002-D427/1/30 Ieng Sary Closing Order Decision, paras 271-292, 297.

<sup>3941</sup> 1956 Penal Code, arts 501, 503-508.

<sup>3942</sup> 1956 Penal Code, art. 500.

<sup>3943</sup> 1956 Penal Code, arts 209, 210.

<sup>3944</sup> 1956 Penal Code, art. 109 provides, in relevant part, that “[a] perpetrator shall not be punishable in respect of a felony committed more than ten years previously” (unofficial translation used by the Trial Chamber and adopted by the PTC. See Case 001-E187 TC Statute of Limitations Decision, fn. 13). See also 1956 Penal Code, art. 111 (indicating that the prescriptive period starts to run at the time the alleged acts were committed) and arts 112-114 (providing that any act of investigation or of prosecution interrupts the time limit, which resumes after the last such act (in the case of a felony), for a new period of 10 years).

is better described when legally characterised as the international crimes of genocide and CAH (particularly murder, torture, and persecution on political grounds). Further, by characterising this conduct as international crimes, rather than National Crimes, unnecessary litigation at the trial stage can be avoided with a view to ensuring expeditious proceedings.

## **2. GRAVE BREACHES OF THE GENEVA CONVENTIONS 1949**

1081. Neither does the ICP seek **Yim Tith**'s indictment for Grave Breaches of the Geneva Conventions of 1949. As he has previously stated, the ICP is of the view that "any criminal conduct in this investigation that could be classified as Grave Breaches would be sufficiently covered by legally characterising the conduct under [CAH], given the overwhelming evidence of the context of widespread and systematic attack directed against a civilian population."<sup>3945</sup> As is the case with conduct that could otherwise be charged as National Crimes, characterising such conduct as CAH will avoid unnecessary litigation and will further the expeditiousness of the proceedings while still accurately capturing the essential scope and nature of **Yim Tith**'s criminal conduct.

## **VII. CHAPEAU ELEMENTS OF CRIMES AGAINST HUMANITY**

1082. The evidence on the Case File and referred to in this Submission demonstrates that crimes against humanity punishable under Article 5 of the ECCC Law were committed during the DK period. The facts establishing the general requirements of crimes against humanity are addressed below.

### **A. ATTACK AGAINST A CIVILIAN POPULATION**

1083. The offences detailed in this Submission were part of an attack involving the commission of numerous crimes within a system of organised repression. These acts included: (i) forced expulsion of persons from urban centres; (ii) enslavement of persons in cooperatives and worksites established by the CPK; (iii) mass forced labour; (iv) the imposition of forced marriages; (v) mistreatment and denial of basic human rights and freedoms, and confiscation of property; and (vi) enforcement of these various forms of repression through inhumane treatment, arbitrary arrests, enforced disappearances,

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<sup>3945</sup> **D342/1** International Co-Prosecutor's Response to the International Co-Investigating Judge's Notice of Intention to Add Modes of Liability by Way of Judicial Order and of Provisional Discontinuance, 1 Feb 2017, para. 4.

detention, and executions.<sup>3946</sup> Those perceived as belonging to political, ethnic, or religious groups that the perpetrators viewed as potentially disloyal were targeted. The attack was primarily directed against civilian populations in Democratic Kampuchea, although some victims were Khmer Rouge military personnel.<sup>3947</sup>

## B. WIDESPREAD OR SYSTEMATIC

1084. The attack was both widespread and systematic. It was widespread in terms of the scale of the attack, the absolute geographic area in which it occurred, as well as the relative area in which it occurred (*i.e.* across the entire nation and spanning multiple administrative zones), and in terms of the large number of victims against whom it was directed. The attack targeted the majority of the country's civilian population across the entire territory of DK and lasted over three years and eight months.<sup>3948</sup> Millions of civilians were forcibly moved from urban centres and even greater numbers were enslaved in cooperatives and worksites.<sup>3949</sup> The CPK established approximately 196 security offices<sup>3950</sup> where thousands were imprisoned, mistreated, tortured, and executed.<sup>3951</sup> The total number of deaths resulting from the attack is estimated to be

<sup>3946</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **VIII.B.1.b.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enslavement Policy; **VIII.B.1.c.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Forced Marriage and Rape Policy; **VIII.B.1.d.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Rape and Sexual Violence Outside of Forced Marriage; **V.B.7.** Crimes – Northwest Zone – Forced Marriage and Rape. *See generally* for evidence on crime sites: **V.** Crimes.

<sup>3947</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy. *See generally* for evidence on crime sites: **V.** Crimes.

<sup>3948</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **VIII.B.1.b.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enslavement Policy; **VIII.B.1.c.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Forced Marriage and Rape Policy; **VIII.B.1.d.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Rape and Sexual Violence Outside of Forced Marriage.

<sup>3949</sup> See **VIII.B.1.b.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enslavement Policy.

<sup>3950</sup> **D6.1.525** DC-Cam DK Prison List, EN 00347406-13.

<sup>3951</sup> See, e.g. **D1.3.29.8** Kaing Guek Eav alias Duch, Diagram of Security Office Network, EN 00198898. Witness Statements: **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, 23 Nov 2009, para. 69, EN 00412111 [“There were at least 196 Santebal Offices in the Democratic Kampuchea”], paras 70-72, EN 00412111 [describing the organizational supervision of the security offices and how confessions were sent up the chain of command]; **D6.1.160** Sum Alat WRI, EN 00242126-27 [“Q: During the Khmer Rouge period, were you aware of any security office or killing site? A: During the period, I knew about the existence of the following security offices: Prey Sloek security office also known as Kraing Tasam located in Krakor district which was 7 or 8 kilometers from the place where I lived. It was merely a detention ‘prison’. [...] I have a friend who was arrested and taken to security office 07 also known as Trapaing Chong security office in Bakan district. He disappeared until today. Security office at Tuol Tapev in Kampong Krabey village, Viel commune, Kandieng district. [...] Charoek security office located on Charoek village, Kanchor commune, Kandieng district. Artillery security office known as mortar fort office



between 1.6 and 2.2 million people,<sup>3952</sup> and the attack affected countless additional victims whose treatment did not result in death.

1085. The attack on the civilian population was also systematic. There was a well-established, multi-tiered authority structure throughout DK: from the CPK centre to the zone, and down to the village and mobile-unit levels. The CPK Standing Committee centrally devised policies involving the commission of crimes and issued directives for their implementation. The Standing Committee also received regular reports on the policies' implementation on the ground from all CPK echelons.<sup>3953</sup> Moreover, policies and crimes that before and after the DK period rarely occurred in Cambodia (such as forced

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[...] [in Pursat province]. I know it was a security office because I saw people being detained in the cells and the military told me they were prisoners.”]; **D6.1.80** Chan Khan WRI, EN 00195544-45 [regarding Office 13]; **D6.1.1061** Kaing Guek Eav alias Duch WRI, EN 00185475-76 [describing M-13 and S-21], EN 00185477 [“the general principle in the security centres and in S-21 in particular was that all persons arrested had to be executed except for a few and only temporarily”]. **DK Documents: D6.1.268** Correspondence from Chim in Trapeang Thom Thboung Commune to the Party, 17 Sep 1977, EN 00363653-54 [reporting on the torture and interrogation of prisoners]; **D6.1.1176** S-21 Interrogation Log, 11 Apr 1978 [list of interrogated prisoners]. **Analytical Reports: D1.3.32.1** DC-Cam DK Prison List [list of 195 prisons throughout the country]; **D6.1.525** DC-Cam DK Prison List; **D6.1.524** DC-Cam Burial Report [list of prisons and burial sites throughout DK and the estimated number of victims at each]; **D1.3.10.5** Report on CGP Mapping Team Visit to Kampong Cham Province [describes various locations used as prisons and execution sites around Kampong Cham Province]; **D1.3.10.8** DC-Cam Mapping Report, 1997: khet Kampong Cham [describes various locations used as prisons and execution sites around Kampong Cham Province]; **D1.3.10.12** DC-Cam Mapping Report, Kampong Cham, 1998; **D1.3.10.9** DC-Cam Mapping Report, 1997: khet Kampong Thom [describes various locations used as prisons and execution sites around Kampong Thom Province]; **D1.3.10.13** DC-Cam Mapping Report, Kampong Thom Province, 14 Jul 1998; **D1.3.10.16** DC-Cam Mapping Report, Kampong Thom Province, 10 Aug 1999; **D6.1.1232** DC-Cam Mapping Report, 1997: khet Takeo [describes various locations used as prisons and execution sites around Takeo Province]; **D1.3.10.14** DC-Cam Mapping Report, Takeo Province, 11 Aug 1998; **D1.3.10.10** DC-Cam Mapping Report, 1997: khet Banteay Meanchey [describes various locations used as prisons and execution sites around Banteay Meanchey Province]; **D1.3.27.10** DC-Cam Mapping Report, Banteay Meanchey Province, 20 Aug 1998; **D1.3.10.17** DC-Cam Mapping Report, Banteay Meanchey Province.; **D1.3.10.11** DC-Cam Mapping Report, 1997: khet Pursat [describes various locations used as prisons and execution sites around Pursat Province]; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*; **D1.3.10.21** Henri Locard, *Niredey Region* [report on prisons in Kandal, Kampong Speu, and Kampot provinces]; **D6.1.1048** Henri Locard, *Siem Reap Province: New North Region* [report on prisons in Siem Reap Province]; **D1.3.11.16** Henri Locard, *Kompong Cham: West Bank of the Mekong (Old North Region)* [report on prisons in Sectors 41 and 42 of Kampong Cham Province]; **D1.3.11.17** Henri Locard, *Kompong Thom: Uddor Region* [report on prisons in Sector 43 of Kampong Thom Province]; **D1.3.27.6** Neang Vorn, *Brief History of Kraing Ta Chan Genocide Center* [report from the Culture and Fine Arts Office regarding Kraing Ta Chan prison in Kus Commune, Tram Kak District, Takeo Province, Southwest Zone].

<sup>3952</sup> See, e.g. **D6.1.197** Dr. Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, EN 00385260.

<sup>3953</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **VIII.B.1.b.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enslavement Policy; **VIII.B.1.c.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Forced Marriage and Rape Policy; **VIII.B.1.d.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Rape and Sexual Violence Outside of Forced Marriage; **IV.** CPK Authority Structure and Communication.

marriages arranged by the political authorities), were implemented repeatedly and over an extended duration in a highly similar fashion throughout the nation. It is simply implausible that these were random or local initiatives.

### C. DISCRIMINATORY GROUNDS

1086. The attacks were based on discriminatory grounds, namely political, religious, and/or ethnic targeting. Any perceived political opposition was “smashed.” Virtually all civilians were considered real or potential enemies and were variously subject to political reeducation, enslavement, detention, and/or execution.<sup>3954</sup> This included members of the former Lon Nol regime, cadres within the CPK ranks who fell under suspicion, those characterised as “spies” for foreign governments, and “new people” or “17 April people” whom the CPK considered as being opposed to the revolution.<sup>3955</sup> It also included all those suspected of disloyalty to the regime or the revolution because of such trivial offences as expressing dissatisfaction with living conditions or gathering food without authorisation.<sup>3956</sup>

1087. The attack on civilians was also in some instances based on national and/or ethnic grounds. In relation to the Southwest and Northwest Zones, it involved the targeting of Vietnamese and those perceived to be Vietnamese or to have any affiliation to Vietnam.<sup>3957</sup>

### D. YIM TITH'S KNOWLEDGE OF THE ATTACK

1088. **Yim Tith** and the other perpetrators had knowledge of the attack against the civilian population and knew that their acts formed part of the attack. This is demonstrated by **Yim Tith's** extensive contributions to, and participation in, the attack, as discussed elsewhere in this Submission.<sup>3958</sup>

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<sup>3954</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy. *See generally* for evidence on crime sites in Southwest Zone and Northwest Zone: **V. Crimes.**

<sup>3955</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy; **III.** Yim Tith's Positions, Acts, and Conduct; **V.B.1.** Crimes – Northwest Zone – The Purge. *See generally* for evidence on crime sites in Southwest Zone and Northwest Zone: **V. Crimes.**

<sup>3956</sup> See **VIII.B.1.a.** Individual Criminal Responsibility – Modes of Liability – Committing via Joint Criminal Enterprise – Enemies Policy.

<sup>3957</sup> See **V.C.4.** Crimes – Crimes Against the Vietnamese – Implementation of the Genocidal Policy Against the Vietnamese and Khmer Krom.

<sup>3958</sup> See **III.** Yim Tith's Positions, Acts, and Conduct; **VIII.B.** Individual Criminal Responsibility – Modes of Liability.

## VIII. INDIVIDUAL CRIMINAL RESPONSIBILITY

### A. OVERVIEW

1089. The evidence on the Case File and referred to in this Submission establishes that **Yim Tith** is individually responsible for genocide and crimes against humanity pursuant to Articles 4 and 5 of the ECCC Law.

1090. **Yim Tith** bears responsibility for these crimes under Article 29<sup>new</sup> of the ECCC Law, specifically for (i) committing, planning, instigating, ordering and/or aiding and abetting these crimes, and (ii) failing, as a superior who knew or had reason to know that his subordinates were about to commit or had committed these crimes, to prevent the crimes' commission, or to punish the perpetrators. **Yim Tith** 'committed' these crimes not as a physical perpetrator but as a participant in a joint criminal enterprise.

### B. MODES OF LIABILITY

#### 1. COMMITTING VIA JOINT CRIMINAL ENTERPRISE

1091. **Yim Tith** committed each of the crimes outlined in this Submission through his participation in a joint criminal enterprise spanning the Southwest and Northwest Zones. The JCE involved the basic ("JCE I") form of common plan liability. The JCE had as its goal the achievement of a number of CPK policies, the implementation of which amounted to or involved the commission of the crimes discussed in this Submission.

#### a. ENEMIES POLICY

1092. The members of the JCE shared a common criminal purpose to maintain the CPK in power by identifying and eliminating perceived opposition and enemies and implementing the CPK central leadership's radical agrarian, economic, and social policies in the Southwest and Northwest Zones through the commission of the crimes described above. The plan sought to radically alter Cambodian society to achieve an atheist, classless society with a single national and dominant ethnic identity. In order to identify and eliminate perceived opposition and enemies and to maintain the CPK in power, the plan involved the commission of the crimes against humanity of extermination, murder, torture, imprisonment, persecution, and other inhumane acts against various categories of perceived enemies, including CPK cadres seen as disloyal, their families, and others perceived as connected to them; former soldiers and officials of the Lon Nol regime; the group of people forcibly transferred from cities and towns that had been among the last areas captured from the Lon Nol government, commonly

referred to as “new people” or “17 April people”; those considered spies for the CIA or KGB; Khmer Krom; ethnic Vietnamese residents of Cambodia; those from the “bourgeois”, “feudalist”, or “capitalist” classes; and all ordinary citizens perceived as disloyal to the regime or the revolution for any reason whatsoever. The plan also involved the commission of the crime of genocide with the intent to destroy the Vietnamese national group in Cambodia, particularly the Khmer Krom (*i.e.* ethnic Khmer with origins in territory now in Vietnam).

1093. The members of the JCE were acting in accordance with a well-established policy of the CPK to maintain itself in power by eliminating perceived enemies and political opponents. As early as the first Party Congress in 1960, the Khmer Rouge resolved to use armed violence to “crush the enemy” and increasingly over time applied this policy not just to military opponents but also to any individual or group opposed to the DK regime or deemed to be a threat.<sup>3959</sup> The CPK Statute exhorted Party members to maintain vigilance against “enemy activities” and to defend revolutionary forces from enemies both inside and outside of the Party.<sup>3960</sup> Article 10 of the DK Constitution stated that “dangerous activities” must be “condemned to the highest degree” and that “other cases” should be subjected to constructive reeducation.<sup>3961</sup>

1094. Initially, the CPK targeted individuals outside of the Party who were perceived as a threat or who held opposing views, including people from the “bourgeois”, “feudalist”, or “capitalist” classes;<sup>3962</sup> former Lon Nol military or civilian government officials;<sup>3963</sup>

<sup>3959</sup> **D6.1.808** FBIS, *Nuon Chea Speaks on Cambodian Army Anniversary*, 16 Jan 1977, EN 00168467 [at a mass rally in Phnom Penh marking the ninth anniversary of the Cambodian Revolutionary Army, Nuon Chea said: “after 1960 our Revolutionary Organization clearly decided that political action and armed violence must be used to overthrow and crush the enemy”]; **D6.1.755** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491412 [“The strategic line of the Party [...] was set in 1960 [...]. It was imperative to attack and bring down the feudalists, capitalists, and reactionaries in Kampuchea”]; **D6.1.753** *Revolutionary Flag*, Sep-Oct 1976, EN 00450507 [“The concrete experience of our revolutionary movement had taught us that we had to use political violence and armed violence to defeat the enemy”]; **D6.1.739** *Revolutionary Flag*, Sep 1977, EN 00486236; **D6.1.737** *Revolutionary Flag*, Aug 1975, EN 00401491; **D6.1.532** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498231.

<sup>3960</sup> **D1.3.20.1** CPK Statute, Jan 1976, EN 00184025, Art. 5(5), EN 00184035.

<sup>3961</sup> **D1.3.20.2** DK Constitution, 5 Jan 1976, Art. 10, EN 00184836.

<sup>3962</sup> See, e.g. **D6.1.749** *Revolutionary Flag*, Feb-Mar 1976, EN 00517817; **D6.1.739** *Revolutionary Flag*, Sep 1977, EN 00486233 [“There were two enemies who had to be fought: the first was imperialism, particularly American imperialism. The second was the feudal class, the landowners, the reactionary compradors”]; **D6.1.755** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491412; *Revolutionary Flag*, Aug 1977, EN 00399240; **D5/450/3** Yim Sovann, T. 19 Oct 2012, 15.15.54-15.18.20; **D267.1.99** Lay Bony, T. 24 Oct 2012, 10.26.54-10.28.48.

<sup>3963</sup> See, e.g. **D6.1.535** Division 164 Meeting Minutes, 9 Sep 1976, EN 00657356 [“The soldier elements must be rounded up”]; **D6.1.284** Messages from Mean in Nhaeng Nhang Commune to An at Kraing Ta Chan, Sep 1976, EN 00322161 [informing An that the three people sent to him (An) “were arrested because they were (high) ranking”, as decided by the Party]; **D6.1.1050** Amnesty International, *Allegations of Human*

Vietnamese or those perceived to be affiliated with Vietnam,<sup>3964</sup> and ordinary citizens who were allegedly disloyal to the regime because they had committed minor offences such as damaging tools or utensils,<sup>3965</sup> complaining about living conditions, or gathering their own food.<sup>3966</sup> Soon the policy was also applied to perceived enemies *within* the revolutionary organisation, who were often accused of being spies for the CIA, KGB, or Vietnamese.<sup>3967</sup>

1095. The CPK stirred hatred against all of these groups as “traitors” or “the enemy” and emphasised the need to maintain “revolutionary vigilance” against them.<sup>3968</sup> Some people

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*Rights Violations in Democratic Kampuchea*, Aug 1978, EN 00271506 [“Many refugees have alleged that large-scale summary executions of officers of the former Republican army occurred in 1975 and early 1976, sometimes involving their family dependants, and that many officials of the former administration were either executed or ‘taken away’ and never heard of again.”]; **D1.3.29.1** Ieng Sary Interview by Stephen Heder, 17 Dec 1996, EN 00417605-06 [“as for soldiers that they took away and killed, [...] It was decided afterwards, as far as I know, after 17 April, around the 20th [...], meaning they decided to do whatever was required to keep that group from being able to rise up and oppose the revolution.”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 10.26.54-10.28.48; **D6.1.355** Khoem Samhuon alias Tauch WRI, EN 00293365 [“At that time in May 1975, I knew there was an order from the senior Son Sen, the supervisor, to arrest those who were high ranking civil servants of LON Nol regime [...] and the patients who were LON Nol soldiers being treated in Preah Ketomealea hospital.”]; **D219/171** Nhim Kol WRI, A34, EN 01076949; **D219/188** Phan Khorn WRI, A76, EN 01106435.

<sup>3964</sup> See **V.C.3**. Crimes – Crimes Against the Vietnamese – The CPK Policy to Destroy the Vietnamese.

<sup>3965</sup> **D6.1.743** *Revolutionary Flag*, Jul 1978, EN 00428297; **D6.1.725** Chhouk Rin WRI, A4, EN 00414059; **D219/489** Nhem Phum WRI, A85, EN 01152345; **D219/689** Sok Cheat WRI, A57, EN 01216249; **D6.1.686** Sao Hean WRI, A42, EN 00413902; **D219/337** Riem Dy WRI, A22, EN 01117681; **D219/883.1.16** Sem Hoeun alias Hoeun WRI, EN 00290516.

<sup>3966</sup> See, e.g. **D219/494.1.9** Chhum Seng, T. 18 Aug 2015, 10.53.33-10.55.33, 11.13.42-11.15.58; **D315.3.4** Oem Saroeun, T. 26 Mar 2015, 09.34.24-09.37.21, 09.55.51-09.56.56; **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 11.56.00-11.58.51; **D118/177** Lorn Heng WRI, A51-52, EN 00981789; **D118/194** Ruos Narin WRI, A46-47, EN 00986733; **D118/176** Soem Voeun WRI, A45-46, EN 00981960; **D6.1.475** Denise Affonco WRI, EN 00346935; **D219/138** You Vann WRI, A10, EN 01059274; **D219/120** Prak Yut WRI, A19, EN 01063610.

<sup>3967</sup> See, e.g. **D6.1.473** CPK Directive, Guidance of the Central Committee of the CPK on the Party’s Policy towards Misled Persons who have joined the CIA, served as Yuon agents, or joined the KGB and opposed the Party, Revolution, People and Democratic Kampuchea, 20 Jun 1978; **D364/2.1.1** Nuon Chea, T. 11 Jan 2012, 10.24.36-10.26.49 [“There were individuals who could have been regarded as the enemies of the Party, for example those informants, those spies who leaked the information from within the Party to the enemies so that the enemies could attack the Party.”]; **D179/1.2.7** Kaing Guek Eav alias Duch, T. 19 Mar 2012, 14.53.58-14.56.35 [“those who had been accused of being spies [...] were supposed to be interrogated at the office and smashed.”]; **D219/702.1.75** Ban Seak, T. 5 Oct 2015, 13.45.35-13.51.11 [“When I went to see [Brother Oeun], I asked him the reasons of those purges. He said that the plan came from the upper echelon. They wrote clearly in black ink that first, all the CIA, and secondly, all the KGB had to be smashed.”].

<sup>3968</sup> **D6.1.542** *Revolutionary Flag*, Jun 1977, EN 00446876 [“[O]ur Party decided resolutely that it is imperative to continue to uphold a constant spirit of revolutionary vigilance and to assemble all forces within the Party along with the Revolutionary Army and our collective people to search out and smash all enemy remnants that furtively embedded themselves inside to bore holes from within our Party, so that our Party might be even purer, completely pure, with absolutely no enemies old or new being able to embed themselves.”]. See also **D1.3.20.1** CPK Statute, Jan 1976, Art. 5(5), EN 00184035-36; **D6.1.774** DK Government Meeting Minutes, *First Meeting of the Council of Ministers*, 22 Apr 1976, EN 00143467; **D6.1.1146** CPK Meeting Minutes, *Minutes of Meeting regarding Propaganda Works*, 1 Jun 1976, EN 00182723 [“Have more revolutionary vigilance, especially the enemies burrowing within [...] they still attempt to destroy us. In terms of viewpoint and standpoint, we must be more vigilant.”]; **D6.1.73** DK Meeting Minutes, *Minutes*

were arrested solely because they were related to members of targeted groups.<sup>3969</sup>

1096. A vast network of security offices was created that allowed cadres across the country to implement the policy of targeting perceived opponents through summary detentions.<sup>3970</sup>

“Enemies” were imprisoned and subjected to inhumane conditions, interrogation, torture,

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*of Meeting with the Organization’s Office, 703 and S-21, 9 Sep 1976, EN 00178150; D6.1.939 FBIS, Khieu Samphan’s Speech at Anniversary Meeting, 15 Apr 1977, EN 00419513, 17; D6.1.740 Revolutionary Flag, Oct-Nov 1977, EN 00182549-50 [“risky [cadres] must be purged. [...] the contemptible traitors who are concealed [from] within wear the label of the organization [...] we have been able to sweep cleanly away more than 99% of the contemptible major concealed enemies boring [from] within. [...] we shouldn’t let the enemies strengthen and expand. There must be constant shock assaults.”]; D6.1.473 CPK Directive, Guidance of the Central Committee of the CPK on the Party’s Policy towards Misled Persons who have joined the CIA, served as Yuon agents, or joined the KGB and opposed the Party, Revolution, People and Democratic Kampuchea, 20 Jun 1978, EN 00275219.*

<sup>3969</sup> See, e.g. **D219/825.1.2** OCIJ S-21 Prisoner List, Numbers 1, 4, 5, EN 01222328, Number 19, EN 01222329, Number 69, EN 01222332 [identifying prisoners as “Wife of”], Number 841, EN 01222366, Numbers 874, 877, 878, EN 01222368, Number 825, EN 01222365, Numbers 827, 833, 834, 835, EN 01222366, Number 1376, EN 01222389, Number 1464, EN 01222393 [identifying prisoners as “Son of” or “Daughter of”]; **D267.1.99** Lay Bony, T. 24 Oct 2012, 09.39.21-09.41.35 [“I got married with a high-ranking officer”], 09.44.38-09.47.48 [“Q: [...] were you also arrested, yourself, because of [your husband, a former Lon Nol soldier]? A: Yes, I was. Because my husband was implicated and accused, then I had to also be brought along with my husband.”]; **D6.1.456** Sum Rithy WRI, EN 00292993 [“Lon Nol soldiers’ spouses were also arrested if [the Khmer Rouge] knew it.”].

<sup>3970</sup> See, e.g. **D6.1.525** DC-Cam DK Prison List; **D6.1.524** DC-Cam Burial Report [list of prisons and burial sites throughout DK and the estimated number of victims at each]; **D1.3.10.5** Report on CGP Mapping Team Visit to Kampong Cham Province [describes various locations used as prisons and execution sites around Kampong Cham Province]; **D1.3.10.8** DC-Cam Mapping Report: khet Kampong Cham [describes various locations used as prisons and execution sites around Kampong Cham Province]; **D1.3.10.9** DC-Cam Mapping Report: khet Kampong Thom [describes various locations used as prisons and execution sites around Kampong Thom Province]; **D6.1.1232** DC-Cam Mapping Report, 1997: khet Takeo [describes various locations used as prisons and execution sites around Takeo Province]; **D1.3.10.10** DC-Cam Mapping Report: khet Banteay Meanchey [describes various locations used as prisons and execution sites around Banteay Meanchey Province]; **D1.3.10.11** DC-Cam Mapping Report: khet Pursat [describes various locations used as prisons and execution sites around Pursat Province]; **D1.3.10.15** DC-Cam Mapping Report, 1998: Battambang Province; **D1.3.29.8** Kaing Guek Eav alias Duch, Diagram of Security Office Network, EN 00198898; **D118/103.3** Kaing Guek Eav alias Duch Final Written Submission, 23 Nov 2009, para. 69, EN 00412111 [“There were at least 196 Santebal Offices in the Democratic Kampuchea”], paras 70-72, EN 00412111 [describing the organisational supervision of the security offices and how confessions were sent up the chain of command]; **D6.1.268** Correspondence from Chim in Trapeang Thom Thboun Commune to the Party, 17 Sep 1977, EN 00363653-54 [reporting on the torture and interrogation of prisoners]; **D6.1.1176** S-21 Interrogation Log, 21 Apr 1978 [list of interrogated prisoners]; **D6.1.160** Sum Alat WRI, EN 00242126-27 [discussing various security offices that he knew of during the regime]; **D6.1.80** Chan Khan WRI, EN 00195544-45 [regarding Office 13]; **D6.1.1061** Kaing Guek Eav alias Duch WRI, EN 00185475-76 [describing M-13 and S-21], EN 00185477 [“the general principle in the security centres and in S-21 in particular was that all persons arrested had to be executed except for a few and only temporarily”]; **D1.3.27.11** Henri Locard, *Research Notes on Democratic Kampuchea Prison Network: Northwest Region*; **D1.3.10.21** Henri Locard, *Niredrey Region* [report on prisons in Kandal, Kampong Speu, and Kampot provinces]; **D6.1.1048** Henri Locard, *Siem Reap Province: New North Region* [report on prisons in Siem Reap Province]; **D1.3.11.16** Henri Locard, *Kompong Cham: West Bank of the Mekong (Old North Region)* [report on prisons in Sectors 41 and 42 of Kampong Cham Province]; **D1.3.11.17** Henri Locard, *Kompong Thom: Uddor Region* [report on prisons in Sector 43 of Kampong Thom Province]; **D1.3.27.6** Neang Vorn, *Brief History of Kraing Ta Chan Genocide Center* [report from the Culture and Fine Arts Office regarding Kraing Ta Chan prison in Kus Commune, Tram Kak District].

and/or execution.<sup>3971</sup> None were afforded any form of legal process, as the CPK abolished all judicial and legal structures – there were no arrest warrants, no detention hearings, no charges, no defence counsel, and no right to present a defence or even to have a trial.<sup>3972</sup>

1097. Interrogation employing torture regularly led to “confessions” that implicated others, creating a cycle of extrajudicial arrests and killings.<sup>3973</sup> Such killings were commonplace and clearly a fundamental part of the policy dealing with suspected enemies. A 1976 Central Committee decision gave zone committees the “right to smash inside and outside

<sup>3971</sup> See, e.g. **D1.3.29.2** Kaing Guek Eav alias Duch WRI, EN 00149915 [“The CPK’s Special Branch was utterly unique. It did not employ any laws whatsoever. It relied exclusively on the Party line and the major and minor Party decisions issuing from the mouth of Pol Pot. [...] It employed exclusively criminal methods (torture to obtain responses, then smash; anyone arrested had to be smashed).”]; **D6.1.1061** Kaing Guek Eav alias Duch WRI, EN 00185477 [“the general principle in the security centres and in S-21 in particular was that all persons arrested had to be executed except for a few and only temporarily [...]. The only decision to be made was the timing of the execution.”]; **D6.1.1222** Report to the Party for the Month of July 1977, EN 00276557 [informs the Party that during the month of July 1977, 39 of 81 prisoners at Kraing Ta Chan Security Office were “swept away”]; **D6.1.1226** Report to the Party for the Month of November 1977, EN 00276555 [informs the Party that during the month of November 1977, 92 prisoners at Kraing Ta Chan were “purged” and one (a Lieutenant Colonel) was “removed to Sector” by Angkar]. See also **D6.1.1050** Amnesty International Statement to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, *Allegations of Human Rights Violations in Democratic Kampuchea*, Aug 1978, EN 00271506-07.

<sup>3972</sup> Compare **D1.3.20.2** DK Constitution, 5 Jan 1976, EN 00184836 [Article 9 refers to people’s courts “defending the democratic rights and liberties of the people”] with **D6.1.83** David Chandler, *Voices from S-21: Terror and History in Pol Pot’s Secret Prison*, EN 00192813 [“After the Khmer Rouge victory of 17 April 1975, the judicial system in Cambodia disappeared. There were no courts, judges, laws or trials in DK. The ‘people’s courts’ stipulated in Article 9 of the DK Constitution were never established.”]; **D6.1.1231** UN Commission on Human Rights, *Question of the Violation of Human Rights and Fundamental Freedoms in any part of the World, with Particular Reference to Colonial and other Dependent Countries and Territories*, 30 Jan 1979, EN 00078660 [“Chapter 7 of the Constitution of Democratic Kampuchea contains two brief articles concerning the administration of justice and the appointment of judges (article 9) and defining forms of punishment (article 10). However, it is alleged in the materials that there is a total absence of judicial process or courts in the country and punishment of offences tends to be entirely of a summary character.”]; **D347/2.1.24** Prum Sarun, T. 8 Dec 2015, 15.20.00-15.23.42; **D6.1.863** Kaing Guek Eav alias Duch, T. 18 May 2009, 10.07.08-10.13.40 [“The word ‘smash’ mean[s] the person was not to be released. If he was released then he would not be smashed. [...] this did not go through the judicial process because there was no law, no court, the Standing Committee govern[ed] all the three main powers.”]; **D1.3.29.2** Kaing Guek Eav alias Duch WRI, EN 00149915 [“The CPK’s Special Branch was utterly unique. It did not employ any laws whatsoever. It relied exclusively on the Party line and the major and minor decisions issuing from the mouth of Pol Pot.”]; **D119/124** Nhem En WRI, A44, EN 01055657; **D219/337** Riem Dy WRI, A10, EN 01117679; **D347/2.1.18** Kuy Sambath WRI, A3, EN 01111730; **D219/983** Sao Chobb WRI, A22-23, EN 01519559; **D219/954** Chhoeng Chhoeuth WRI, A5, EN 01451518; **D123/1/1.2a** Chhum Vanny DC-Cam Statement, EN 01070385; **D5/1097** Chea Chanty CPA, EN 01174615; **D1.3.17.8** Ysa Osman, *Oukoubah: Justice for the Cham Muslim under the Democratic Kampuchea Regime*, EN 00078543.

<sup>3973</sup> See, e.g. **D6.1.268** Correspondence from Chim in Trapeang Thom Thboung Commune to the Party, 17 Sep 1977, EN 00363653-54; **D6.1.95** Kaing Guek Eav alias Duch WRI, EN 00244243 [“These people had been interrogated under torture and had implicated others, which [led] to the mass arrests. These arrests had no other justification and no prior verification was conducted.”]; **D6.1.1062** Kaing Guek Eav alias Duch WRI, EN 00185499 [“there were never any exceptions: I always reported to the superiors and they always ordered the arrest of the persons implicated.”]; **D219/290** Sa Chheang WRI, A22, EN 0111789; **D119/124** Nhem En WRI, A32, EN 01055654.

the ranks”,<sup>3974</sup> where the term “smash” referred to extrajudicial executions.<sup>3975</sup> In some areas the decision to “smash” was then further delegated from the zone to the sector,<sup>3976</sup> and persons nominated for killing were often condemned by sector authorities but executed at district security offices.<sup>3977</sup>

1098. The policy of arresting “bad elements” and “smashing enemies” was disseminated *via* the CPK’s internal publications,<sup>3978</sup> speeches of CPK leaders,<sup>3979</sup> and meetings at all

<sup>3974</sup> **D1.3.19.1** CPK Central Committee Decision Regarding a Number of Matters, 30 Mar 1976, EN 00182809. *See also* **D6.1.863** Kaing Guek Eav alias Duch, T. 18 May 2009, 10.17.08-10.26.58 [referring to the 30 March 1976 decision: “this document, gives the right or delegates the power to make a decision to smash, to execute people, both within and outside the ranks to four groups of people. [...] the power delegated to the four groups was fully exercised. [...] To sum up, through the period from the 30th March 1976 to the 7th January of 1979 the CPK implemented these organizational lines very strictly and fully.”].

<sup>3975</sup> *See, e.g.* **D179/1.2.7** Kaing Guek Eav alias Duch, T. 19 Mar 2012, 15.55.05-15.57.25 [“‘Smash’ means executed. You know they are used interchangeably because they’re the same terms. The ultimate goal is that the person is dead.”]; **D6.1.863** Kaing Guek Eav alias Duch, T. 18 May 2009, 10.03.35-10.13.40; **D219/883.1.123** Craig Etcheson, T. 28 May 2009, 09.12.19-09.15.58; **D6.1.99** Chhouk Rin alias Sok WRI, EN 00268899 [“The term ‘smash’ means ‘arrest and kill’.”].

<sup>3976</sup> **D6.1.653** Pech Chim WRI, EN 00381025 [“For the decision and confession that related to the people of District 105, which was sent in an open envelope, I would read them. If there were some names in the confessions [that] were crossed [with] red ink, it meant that the sector level had decided that these names were to be purged. To purge meant to kill.”].

<sup>3977</sup> *See, e.g.* **D6.1.1200** Reports from An at Kraing Ta Chan Security Centre (Educational Office of District 105) to Party, Jul-Aug 1977, EN 00276593 [handwritten annotation by Prak of Tor. 13 (Sector 13 Committee) instructing An, the Chairman of Kraing Ta Chan prison: “Please smash them all. On 7/8/77. Tor. 13; Prak”], EN 00276594 [“It is okay to smash. 7/8/77; Tor. 13; Prak”], EN 00276596 [instruction from District Secretary Kit to An which states: “Concerning the issue of all the prisoners who were arrested from Chieng Torng commune [...] they are to be interrogated in order to find out their whole networks, then smash them.”]; **D6.1.695** Phan Chhen WRI, A18-20, EN 00426301 [“Q: In the document [Report from the Educational Office of District 105] that you are looking at [...] is it in the form of the reports that An made for dispatch to upper echelon and is it a sample of the reports that were sent to upper echelon and the orders that upper echelon sent back to An [...] A18: From what I see, it is exactly that. [...] Q: In the handwriting about the instructions what kind of instructions were they? A20: This is a report that they made for the district, and the district then gave it to the Sector, and the Sector sent the orders back.”].

<sup>3978</sup> *See, e.g.* **D6.1.737** *Revolutionary Flag*, Aug 1975, EN 00401501-02 [“smashing espionage groups and smashing saboteurs that want to wreck and destroy our revolution, we will continue to smash the defeated enemy remnants to consolidate our victory.”]; **D6.1.755** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491398; **D6.1.542** *Revolutionary Flag*, Jun 1977, EN 00446862; **D1.3.22.6** *Revolutionary Flag*, May-Jun 1978, EN 00185342; **D219/370.1.15** *Revolutionary Youth*, Oct 1978, EN 00539982.

<sup>3979</sup> *See, e.g.* **D6.1.939** FBIS, *Khieu Samphan’s Speech at Anniversary Meeting*, 15 Apr 1977, EN 00419513; **D322/8.1.23** *Revolutionary Flag*, Apr 1977, EN 00478496 [excerpts from a speech given by “the Comrade Party Representative” on the second anniversary of the 17 April victory: “As for the enemies that are ‘CIA’, ‘KGB’, ‘Y[uon]’ agents, the cheap running dogs of the enemy that sneakily embedded inside our revolution and our revolutionary ranks, they are in a state of extreme loss of mastery because their major and intermediate apparatuses have fundamentally been smashed and the forces that remain have been fundamentally scattered, like rats being hit and falling from their nests into the water and being chased and struck by the people and annihilated. We must continue to strike them and trample them from our position of absolute advantage and must constantly be on the offensive against them during 1977 to smash them even more so they cannot raise their heads.”]; **D322/8.1.26** *Revolutionary Flag*, Aug 1977, EN 00399235-36 [speech given by a “Party Organization Representative” (believed to be Nuon Chea) at the West Zone Cadre Conference on 25 July 1977: “In this Zone there are embedded enemies. In the Sectors there are embedded enemy elements. In the districts, there are also embedded enemy elements, and so on. After we seized victory throughout the country, they came to bore holes to seize state power back from us, Zone state power, Sector state power, District state power. [...] It is imperative to prepare forces to attack, attack and smash the enemy and the no-good elements embedded inside and controlling the cooperatives.”];



echelons.<sup>3980</sup> Telegrams between various levels of the CPK hierarchy also reported “enemy activity” and details of people killed.<sup>3981</sup>

1099. As the failure of CPK economic and geopolitical policies became more obvious, the CPK’s suspicion and paranoia grew and the campaign to eliminate potential political rivals (branded “internal enemies” and “traitors”), their families, and all dependents or subordinates, intensified.<sup>3982</sup> The Centre coordinated mass purges of CPK cadres,<sup>3983</sup> which in the Northwest Zone was carried out by Southwest and West Zone cadres.<sup>3984</sup> A 1978 *Revolutionary Flag* ordered every level of the Party to “attack all [...] enemies,

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**D6.1.815** FBIS, *Ieng Sary Hosts Banquet for Burmese Delegation – Ieng Sary Speech*, 31 Aug 1977, EN 00168723.

<sup>3980</sup> See, e.g. **D1.3.24.2** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183403-04; **D6.1.1146** CPK Meeting Minutes, *Minutes of Meeting regarding Propaganda Works*, 1 Jun 1976, EN 00182723; **D6.1.774** DK Government Meeting Minutes, *First Meeting of the Council of Ministers*, 22 Apr 1976, EN 00143467; **D6.1.73** DK Meeting Minutes, *Minutes of Meeting with the Organization’s Office, 703 and S-21*, 9 Sep 1976, EN 00178150; **D219/494.1.8** Chhum Seng, T. 17 Aug 2015, 15.41.31-15.43.27; **D119/155** Lach Chheanlong WRI, A41, 43-44, EN 01045565; **D6.1.688** Bun Thoeun WRI, EN 00384407-08; **D118/274** Bun Thoeun WRI, A30-34, EN 01031975-76; **D118/242** Khoem Boeun WRI, A87-91, EN 01057690-91; **D119/139** Mun Mot WRI, A45, EN 01044803.

<sup>3981</sup> See, e.g. **D6.1.794** Telegram 100 from Brother San of Office 560 to Muol Sambat alias Nhim, 6 Nov 1977; **D1.3.30.19** Telegram 242 from (Northwest Zone Secretary) Nhim to Angkar 870, 11 May 1978, EN 00185215-16 [reporting on the internal and external enemy situations in Sectors 1, 3, 4, and 5, assuring that they will take measures to “be more highly vigilant; smash invasive enemies, successively sweep all destructive elements; and prevent all acts of secret moving and looting”]; **D1.3.27.4** Telegram from Nhim to Angkar 870, 17 May 1978, EN 00183653; **D219/702.1.62** Telegram 60 from (North Zone Secretary) Sae to Committee 870, 5 Sep 1977, EN 00517923-24; **D132.1.165** Telegram 313 from Sae to Committee 870, 19 Mar 1978, EN 00436995-96 [regarding the “Situation of the enemy burrowing from within”]; **D132.1.7** Report from Meas Mut, 1 Apr 1978 [“in sum, the number of Yuon who have been captured and shot to death from 27 March 1978 through 30 March 1978 is 120 head”].

<sup>3982</sup> See, e.g. **D6.1.1159** Minutes of Meeting of Secretaries and Logistics Officers of Divisions and Independent Regiments, 15 Dec 1976, EN 00233718; **D6.1.740** *Revolutionary Flag*, Oct-Nov 1977, EN 00182548-50 [“foes and adversaries (khmang-satrauv) both inside and outside the country [...] want to wreck our revolution at all times as well as by every method. [...] There are concealed enemies everywhere in our ranks, the Centre, the general staffs, the zones and the bases. It would be dangerous not to take measures in time. [...] We now consider that our Party is already strong, and that is why we have been able to sweep cleanly away more than 99% of the contemptible major concealed enemies boring [from within]. [...] In fact, we shouldn’t let the enemies strengthen and expand. There must be constant shock assaults.”]; **D219/888.1.8** Preap Sokhoeum, T. 24 Oct 2016, 09.45.00-09.48.25; **D119/124** Nhem En WRI, A26, EN 01055653; **D219/171** Nhim Kol WRI, A33, EN 01076949; **D118/274** Bun Thoeun WRI, A30-A34, EN 01031975-76.

<sup>3983</sup> See, e.g. **D240R** Video, *Enemies of the People*, 2009, 01.02.23-01.02.48 [Nuon Chea: “We had to solve the traitor problem in the way that we did so it didn’t get out of control and infect the innocent people lower down. So we dared to conclude our decision was correct. If we had shown mercy to these people, the nation would have been lost.”]; **D322/8.1.23** *Revolutionary Flag*, Apr 1977, EN 00478501 [“It is imperative to purge, to clean up, and to sweep clean the no-good elements and the enemy elements.”]; **D6.1.1157** DK Military Meeting Minutes, *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions and Independent Regiments*, 9 Oct 1976 (11 November 1976); **D219/899.1.4** Moeng Vet, T. 26 Jul 2016, 14.33.34-14.36.18; **D118/102** Toat Thoeun WRI, A46, EN 00974024; **D6.1.379** Ke Pich Vannak WRI, EN 00346151-52 [the son of Ke Pauk states that purges in the Central (old North) Zone were carried out by Southwest cadres “down to the village” level]; **D1.3.16.1** Ke Pauk’s Autobiography, EN 00089705-06 [discussing arrests in the Central Zone in February 1977].

<sup>3984</sup> See **V.B.1**. Crimes – Northwest Zone – The Purge.

sweep them cleanly away, sweep, and sweep and sweep again and again ceaselessly” so that the Party would be “pure” and “clean at all times”.<sup>3985</sup>

## b. ENSLAVEMENT POLICY

1100. To implement the CPK leadership’s radical agrarian and economic policies, the JCE in which **Yim Tith** participated involved the commission of the crimes against humanity of enslavement, murder, and other inhumane acts (inhumane treatment and enforced disappearance) at cooperatives and worksites.

1101. **Yim Tith** and his fellow JCE members were implementing well-established CPK policy in this regard. Following its capture of Phnom Penh in April 1975, the CPK had forced the urban population to leave their homes in the cities to work in rural cooperatives and worksites across the country, causing a huge influx of people.<sup>3986</sup> They were sent to work at farming cooperatives, irrigation network and dam construction sites,<sup>3987</sup> airfields,<sup>3988</sup>

<sup>3985</sup> **D1.3.22.6** *Revolutionary Flag*, May-Jun 1978, EN 00185343.

<sup>3986</sup> See, e.g. **D1.3.24.1** Record of the Standing [Committee’s] Visit to the Northwest Zone, 20-24 Aug 1975, EN 00850975-76 [“The function of cooperatives since the total liberation is to absorb all the new people coming out of all the cities and towns, especially Phnom Penh city and, in the Northwest, Battambang. Every type of horrible element exists among the hundreds of thousands of new people in Battambang, but the cooperatives have absorbed them completely, supplying them with food and, moreover, deploying their strength to work.”]; **D6.1.749** *Revolutionary Flag*, Feb-Mar 1976, EN 00517828 [“After the liberation of the entire country, immediately after the tens of thousands and hundreds of thousands of new evacuees from the various cities went to the rural base areas”], EN 00517837 [“the nearly 3,000,000 people in the various cities were relocated to live and to increase production in the countryside.”]; **D267.1.41** Sokh Chhin, T. 23 Oct 2012, 10.01.33-11.31.18; **D179/1.2.8** Kaing Guek Eav alias Duch, T. 20 Mar 2012, 11.18.14-11.21.24; **D179/1.2.9** Kaing Guek Eav alias Duch, T. 21 Mar 2012, 09.33.14-09.35.35; **D179/1.2.21** Saut Toeung, T. 19 Apr 2012, 11.28.39-11.31.01; **D219/486.1.2** Suon Kanil, T. 17 Dec 2012, 10.17.23-10.19.55; **D267.1.80** Pech Chim, T. 1 Jul 2013, 10.52.51-10.54.22, 13.38.08-13.40.32; **D5/526/3.1** Chau Ny, T. 23 Nov 2012, 12.01.27-12.05.15 [in the Northwest Zone: “When we got to Moung Ruessei district and when we got off the train, we were already [...] awaited by some people on some oxcarts where we would be taken to some cooperatives. [...] it was Ta Heuy cooperative [...] located in Chak Thum in the Moung Ruessei area of Battambang.”]; **D179/1.2.24** Sao Sarun, T. 6 Jun 2012, 09.20.09-09.23.01; **D6.1.532** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498281 [Khieu Samphan acknowledges the rapid expansion of high-level cooperatives].

<sup>3987</sup> **D322/8.1.9** Strengthening and Consolidating the Analysis of all Situations and Problems Based on the Stance of the Party’s Proletariat Class, EN 00716395-96; **D6.1.837** DK Document Number 3: *Examination of control and implementation of the policy line on restoring the economy and preparations to build the country in every sector*, 19 Sep 1975, EN 00523572-73; **D1.3.31.1** David Chandler et al., *Pol Pot Plans the Future*, “The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1980”, EN 00104042; **D6.1.1257** Ieng Sary Statement at UN General Assembly, 11 Oct 1977, EN 00079815; **D6.1.941** Chea Sim Interview by Ben Kiernan, 3 Dec 1991, EN 00419370; **D118/217** Mey Sam WRI, A43, EN 00985659; **D219/589** Choem Bunret WRI, A5, 22, EN 01178769, 72; **D219/941** Suon Saophoan WRI, A3, EN 01519536; **D219/448** Yat Yoeun WRI, A3, EN 01149246; **D219/6** Ouk Heang WRI, A96, EN 01047752; **D219/453** Yat Yoeun WRI, A3, EN 01151139.

<sup>3988</sup> See, e.g. **D1.3.24.2** CPK Standing Committee Minutes, 9 Oct 1975, EN 00183407; **D6.1.354** Chan Man alias Chuop Sokhon WRI, EN 00292822-23 [“In the rainy season in mid 1976, Lvey assigned me to supervise the airport construction at Kraing Leav of Kampong Chhnang province. [...] I saw tens of thousands of male and female military workers at the construction site.”]; **D219/883.1.16** Sem Hoeun WRI, EN 00290517; **D219/487.1.1** Sem Hoeun DC-Cam Statement, EN 00876511-12.

salt fields, and rock quarries.<sup>3989</sup> Mobile units were created to work at multiple sites as needed.<sup>3990</sup> The cooperatives and worksites were required to adopt a similar structure and method of operation across the country,<sup>3991</sup> and relevant policies were disseminated through directives,<sup>3992</sup> meetings at all echelons,<sup>3993</sup> publications,<sup>3994</sup> and radio broadcasts.<sup>3995</sup>

1102. The criminal aspect of the CPK's economic policies lay in the way individuals were treated – like economic assets rather than human beings. The CPK controlled all aspects of their lives, denying workers all fundamental freedoms, forcing them to carry out heavy manual labour over long hours for no monetary remuneration in often appalling and unhealthy conditions, and simply disposing of those deemed not useful to the CPK's agenda (“no gain in keeping, no loss in weeding out”).<sup>3996</sup> The CPK forced collective

<sup>3989</sup> See, e.g. **D6.1.409** Chum Lorn WRI, EN 00250066; **D6.1.442** Kem Nha WRI, EN 00282320; **D6.1.984** Sek Sam At alias Yeay Rim WRI, A7-8, EN 00492919; **D118/292** Sao Vann WRI, A40, EN 01031866; **D219/481** Chroeng Sopheap WRI, A14-15, 24, 46, EN 01172518, 20, 23; **D219/551** Heng Khly WRI, A45, 84, EN 01178558, 63-64; **D106/4** Lay Khhan WRI, A21, EN 00842023; **D119/22** Phauk Kuy WRI, A10, EN 00919161.

<sup>3990</sup> See, e.g. **D219/370.1.4** U.S. State Department Telegram, Subject: Life Inside Cambodia, 31 Mar 1976, EN 00443073; **D322/8.1.17** *Revolutionary Youth*, Jun 1976, EN 00583811 [“brothers and sisters in the mobile units have gone down to help the various cooperatives, especially to plow, harrow and transplant”]; **D6.1.542** *Revolutionary Flag*, Jun 1977, EN 00446863 [“Our mobile units can be assigned anywhere to build reservoirs, plant potatoes, bananas, etc.”]; **D219/405** Chhim Bunserey WRI, A38, EN 01148842; **D219/368** Chhoeung Bean WRI, A8, EN 01117716; **D219/20** Chhum Vanny WRI, A82, EN 01050476; **D219/153** Im Soeun WRI, A7-9, EN 01066825; **D219/772** Sat Sim WRI, A135-136, EN 01309848.

<sup>3991</sup> **D6.1.1127** DK Document Number 6: Follow-up of implementation of the political line in mobilizing the National Democratic Front Forces of the Party, 22 Sep 1975, EN 00244275-77; **D6.1.746** *Revolutionary Flag*, Oct-Nov 1975, EN 00495826-27; **D6.1.100** *Revolutionary Flag*, Jul 1976, EN 00268923-24; **D6.1.740** *Revolutionary Flag*, Oct-Nov 1977.

<sup>3992</sup> See, e.g. **D6.1.837** DK Document Number 3: Examination of control and implementation of the policy line on restoring the economy and preparations to build the country in every sector, 19 Sep 1975; **D6.1.1127** DK Document Number 6: Follow-up of implementation of the political line in mobilizing the National Democratic Front Forces of the Party, 22 Sep 1975, EN 00244276-77; **D1.3.19.1** Decision of the Central Committee Regarding a Number of Matters, 30 Mar 1976, EN 00182809 [implements a regime of weekly reporting to Office 870 in order to “follow-up on plans closely and resolve problems in a timely manner in the goal of three tons per hectare”]; **D6.1.773** The Building of the Ranks of Cadres: Party Directive, 20 Apr 1978, EN S 00010081-82.

<sup>3993</sup> See, e.g. **D1.3.24.1** Record of the Standing [Committee’s] Visit to the Northwest Zone, 20-24 Aug 1975, EN 00850976, EN 00850976-77; **D6.1.1165** Standing Committee Minutes, 22 Feb 1976, EN 00182546; **D6.1.688** Bun Thoeun WRI, EN 00384406-07; **D1.3.31.1** David Chandler et al., *Pol Pot Plans the Future*, CPK Standing Committee Meeting Minutes: “The Party’s Four-Year Plan to Build Socialism in all Fields, 1977-1980”, EN 00104042-55.

<sup>3994</sup> See, e.g. **D6.1.749** *Revolutionary Flag*, Feb-Mar 1976, EN 00517841; **D6.1.542** *Revolutionary Flag*, Jun 1977, EN 00446867; **D322/8.1.31** *Revolutionary Flag*, Mar 1978, EN 00504079; **D6.1.743** *Revolutionary Flag*, Jul 1978, EN 00428304-05.

<sup>3995</sup> See, e.g. **D6.1.800** FBIS, *Need for Comprehensive Frugality Stressed*, 15 Jan 1976, EN 00167833 [discussing the necessity of economising in every cooperative and revolutionary organisation], *Radio Stresses Importance of Seed Selection*, 21 Jan 1976, EN 00167846-47; **D6.1.809** FBIS, *Radio Comments on ’77 Political, Agricultural Tasks*, 20 Feb 1977, EN 00168429; **D6.1.827** FBIS, *Plans for Development of Advanced Cooperatives by 1980*, 26 Oct 1978, EN 00170069.

<sup>3996</sup> See, e.g. **D179/1.2.31** David Chandler, T. 19 Jul 2012, 13.53.36–13.56.22 [“Q: Are you able to expand on this aphorism ‘keeping you is no gain, losing you is no loss’ -- how that was applied, if it was applied, and

eating; separated family members; provided insufficient food and inadequate medical care; denied freedom of movement, thought, and religion; and meted out harsh discipline for any resistance to these restrictions.<sup>3997</sup> Workers had no rights and dared not complain. Anyone who complained, stole food, went anywhere without permission, broke a tool, broke a spoon, or made any other sort of “mistake” was deemed a traitor to the revolution and was harshly punished or even killed.<sup>3998</sup>

1103. In later years, CPK leaders acknowledged that during the DK regime, Cambodians were compelled to work and “were not free” in the cooperatives.<sup>3999</sup> Indifferent to the human cost, Party leaders set unrealistically high production quotas, setting goals that contemplated almost a tripling of nationwide rice production as compared to the 1960s.<sup>4000</sup> These quotas were to be achieved “at all costs” and by any means necessary,

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what effect, if any, it had in practice? A: The effect that it had in practice was to scare the people to whom it was directed, and this was the purpose of it. It was quoted so often [...] it rang in their ears: You are worthless, but if you want to survive, just work extremely hard, and we’ll decide from day to day what happens to you. It’s a terrifying slogan and [...] it was very, very widespread”].

<sup>3997</sup> See, e.g. **D179/1.2.31** David Chandler, T. 19 Jul 2012, 13.44.28-13.46.01; **D119/93** Chan Phon WRI, A5-6, 26-27, EN 00982746, 50; **D219/462** Penh Chantha WRI, A8-9, EN 01148860; **D6.1.648** Uk Phorn WRI, EN 00372930-31; **D6.1.440** Um Chi WRI, EN 00282347-48; **D219/99** Khet Sokhan WRI, A35, EN 01077078; **D219/676** Hok Sarin WRI, A34-35, EN 01213362; **D219/836** Touch Mary WRI, A22-23, EN 01399400; **D219/733** Kem Phen WRI, A45, EN 01238118; **D6.1.407** Au Hau WRI, EN 00250047; **D6.1.115** Chuch Punlork WRI, EN 00275403.

<sup>3998</sup> See, e.g. **D322/8.1.40** Nuon Chea, T. 13 Dec 2011, 10.35.21-10.37.11 [“there were still bad elements in some of the cooperatives. They intended to destroy, the cooperatives. For example [...] the pots, the spoons, they destroyed them -- they threw them away at the Tonle Sap. And as a result in some cooperatives, there were shortages of those cutleries.”]; **D219/888.1.8** Preap Sokhoeurn, T. 24 Oct 2016, 15.24.14-15.26.14; **D219/972.2.2** Say (Sory) Sen, T. 4 Feb 2015, 14.02.34-14.04.44; **D315.3.4** Oem Saroeurn, T. 26 Mar 2015, 09.34.24-09.37.21; **D315.3.1** Chou Koemlan, T. 26 Jan 2015, 11.29.04-11.31.46; **D5/49/3.1** Iem Yen, T. 2 Apr 2015, 09.19.50-09.22.36; **D6.1.721** Prak Yut WRI, A29, EN 00407799; **D219/395** Chiev Heng WRI, A20, EN 01132665.

<sup>3999</sup> **D6.1.899** Meng-Try Ea and Sopheak Loeung, Note takings (Khieu Samphan and Nuon Chea), 9-11 Jun 2006, EN 00000928; **D6.1.1127** DK Document Number 6: *Follow-up of implementation of the political line in mobilizing the National Democratic Front Forces of the Party*, 22 Sep 1975, EN 00244276 [“they have become the workers. [...] We can make every decision on what we want them to be. [...] they are under our organized control.”]; **D6.1.532** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498302-03 [“since the cooperatives had been first organized in 1971, the CPK had been able to [...] control the people [...] So then, some coercion was required for a while, coercion to work in a situation of lacking everything”].

<sup>4000</sup> The Party’s “Four-Year Plan” called for producing 5.5 million tons of rice in 1977, 6.25 million tons in 1978, and 7 million tons in 1979, roughly tripling the average annual production of the 1960s. See **D1.3.31.1** CPK document, *The Party’s Four-Year Plan to Build Socialism in All Fields, 1977-1980*, as published in David Chandler et al., *Pol Pot Plans the Future*, EN 00104025; **D117/36.1.11** Craig Etcheson, *The Rise and Demise of Democratic Kampuchea*, EN 00393208. Regarding the push to produce the high quotas, see **D6.1.747** *Revolutionary Youth*, Feb 1976, EN 00583759 [“do everything so that our rice yields are not just three tons per hectare, but 4-5-6-7-8 tons per hectare. Working like this is what is called going on the offensive at great leap speed”]; **D1.3.19.1** *Decision of the Central Committee Regarding a Number of Matters*, 30 Mar 1976, EN 00182809 [“Objective [2]: To follow-up on plans closely and resolve problems in a timely manner in the goal of three tons per hectare”]; **D6.1.1148** DK Military Meeting Minutes, *Minutes of the Meeting of Secretaries and Deputy Secretaries of Divisions, Secretaries and Deputy Secretaries of Regiments*, 2 Aug 1976, EN 00656576-77 [addresses strategies to achieve the 3 ton per hectare policy]; **D6.1.1147** Standing Committee Minutes, *Minutes of Meeting on Health and Social*

“whether or not lives are lost in the labor”.<sup>4001</sup> The resulting inhumane treatment by the DK regime was widely reported in international media and government reports.<sup>4002</sup> CPK leaders at various levels visited worksites,<sup>4003</sup> and food shortages and disease were acknowledged at meetings,<sup>4004</sup> in CPK publications,<sup>4005</sup> and in reports to the upper echelons.<sup>4006</sup> Nonetheless,<sup>4007</sup> the Party Centre remained focused on exporting rice to

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*Affairs*, 10 Jun 1976, EN 00183369 [the Party leadership reiterated that unless three tonnes per hectare were achieved, the Party would not be able to feed the people or defend the country]; **D6.1.750** *Revolutionary Flag*, Apr 1976, EN 00517866-68; **D6.1.1133** *Revolutionary Youth*, May 1976, EN 00357870-72; **D6.1.837** DK Document Number 3: *Examination of control and implementation of the policy line on restoring the economy and preparations to build the country in every sector*, Sep 1975, EN 00523569, 74-75.

<sup>4001</sup> **D347/2.1.8** *Phnom Penh Rally Marks 17th April Anniversary*, 16 Apr 1978, EN S 00010418 [“In the field of socialist construction [...] strive for the fulfilment of the 1978 rice production plan by attaining the 3.5-ton-per-hectare and 7-ton-per-hectare targets at all costs”]; **D6.1.1131** *Revolutionary Youth*, Jan-Feb 1978, EN 00278727 [“We must dare to sacrifice everything, no matter how much manpower is required, no matter how much ideological sacrifice is required, whether or not lives are lost in the labor”].

<sup>4002</sup> See, e.g. **D6.1.1099** Norwegian Government, Submission of the Government of Norway under Commission on Human Rights Decision 9, 18 Aug 1978, EN 00087546, 61, 63-64, 66, 68-71; **D6.1.1231** UN Commission on Human Rights, Question of the Violation of Human Rights and Fundamental Freedoms in any part of the World, with Particular Reference to Colonial and other Dependent Countries and Territories, 30 Jan 1979, EN 00078652-53, 61, 63-64; **D219/370.1.4** U.S. State Department Telegram, Subject: Life Inside Cambodia, 31 Mar 1976, EN 00443074; **D6.1.894** U.S. State Department Memoranda for the President, Life Inside Cambodia, 10 May 1976, EN 00495458, 64-5; **D6.1.893** Telegram from the U.S. Embassy in Bangkok to the U.S. Secretary of State and various embassies, Khmer refugee walks out of Phnom Penh, 1975, EN 00495556-60; **D6.1.947** Chicago Tribune, Cambodians Flee Red Invaders; **D6.1.953** New York Times, Cambodia’s Crime; **D6.1.957** Washington Post, A Story of Terror in Cambodia; **D6.1.955** New York Times, Refugees Depict Grim Cambodia Beset by Hunger.

<sup>4003</sup> See, e.g. **D1.3.24.1** Record of the Standing [Committee’s] Visit to the Northwest Zone, 20-24 Aug 1975; **D6.1.850** Standing Committee Minutes, 19-21 Apr 1976, EN 00183421; **D6.1.1090** Ros Suy WRI, EN 00205113; **D6.1.1085** Tha Sot WRI, EN 00226110.

<sup>4004</sup> See, e.g. **D1.3.24.1** Record of the Standing [Committee’s] Visit to the Northwest Zone, 20-24 Aug 1975, EN 00850973 [“remote districts are still in need and many are also suffering from diseases. The new people are experiencing shortages, shortages of food supplies as well as shortages of medications.”]; **D6.1.1145** Minutes of Council of Ministers’ 2nd Meeting, 31 May 1976, EN 00182678-79; **D6.1.1147** Standing Committee Minutes, *Minutes of Meeting on Health and Social Affairs*, 10 Jun 1976, EN 00183369.

<sup>4005</sup> See, e.g. **D6.1.755** *Revolutionary Flag*, Dec 1976-Jan 1977, EN 00491400 [“During 1976, we lacked food supplies, medicines”]; **D1.3.22.6** *Revolutionary Flag*, May-Jun 1978, EN 00185337, 44.

<sup>4006</sup> See, e.g. **D1.3.30.2** Telegram 94 from Pok (Ke Pauk) to Brother Pol, 2 Apr 1976, EN 00182658-59; **D6.1.1266** Telegram 14 from Phuong to M 870, 31 Dec 1977; **D6.1.977** Telegram from Lao to respected Brother, 15 Nov 1976, EN 00548800-01 [reporting that in districts 21 and 22, “Rice production is not enough to feed people in the whole sector” and illnesses include malaria, stomachaches, blood in urine, and jaundice; in District 34 “It’s tough” – the food shortage situation is severe – and illnesses include high temperature, diarrhea, and convulsions; in districts 82 and 83, three people receive one tin of rice per meal, the number of lepers has increased to more than 1,000]; **D6.1.1267** Telegram 254 from North Zone Secretary Sae to Committee 870, 10 Jan 1978, EN 00182758 [reporting enemy destruction of production in Sector 103 and starvation in Preah Vihear sector caused by a poor harvest]; **D6.1.770** DK Military Meeting Minutes, 16 May 1976, EN 00517911-13 [various commanders report on the situation in their units, including Oeun (Div. 310), who reports that there are more than 800 sick people in his unit; Angkar acknowledges that the wrong drugs and dosages are being administered]; **D6.1.385** Sou Souen WRI, EN 00360113.

<sup>4007</sup> See, e.g. **D6.1.197** Ewa Tabeau and They Kheam, *Khmer Rouge Victims in Cambodia, April 1975 – January 1979*, EN 00385279 [“Hardship of daily life, i.e. diseases, hard work, forced movements, bad accommodation, lack of food and medications [...] etc., caused people to die far more frequently than in normal times.”]; **D179/1.2.1** Romam Yun, T. 10 Jan 2012, 14.47.16-14.51.40 [“the food was not enough. [...] People at the sector zone or provincial level only pretended to say that people in the community were

other countries in order to earn foreign currency for purchases of machinery and weapons.<sup>4008</sup> As Khieu Samphan later admitted, “Depriving the people of rice in order to transport rice to the State to meet quotas led to a great loss of life.”<sup>4009</sup>

### c. FORCED MARRIAGE AND RAPE POLICY

1104. In order to facilitate the CPK’s military, economic, and agrarian policies by rapidly increasing the population, the JCE in which **Yim Tith** participated involved the commission of the crimes against humanity of other inhumane acts through forced marriages and compelling couples forced to marry to consummate the marriage without the consent of one or both spouses (rape).

1105. The CPK policy to quickly double or triple the population to 15 to 20 million people was aimed at producing future workers and soldiers to sustain the country.<sup>4010</sup> To achieve this goal, the regime forced tens of thousands of people to marry and consummate their marriages, often without their true consent. Controlling individual choice over whether and whom to marry, and over bodily integrity are further examples of the DK regime’s exercise of the powers of ownership over the population. This policy and its implementation are set out in detail in the *Forced Marriage and Rape* section of this

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having decent lives, having enough food to eat but, in reality, it was not true because we could not really produce enough food, grow enough crops to feed the villagers.”]; **D179.1.2.31** David Chandler, T. 19 Jul 2012, 13.44.28-13.46.01 [“there’s quite a lot of evidence that, in order to get even close to the targets, they cut back on the amounts of rice that was supposed to be set aside for seeds and for feeding the population, in order to so deliver a sufficient amount up the line.”]; **D6.1.596** David Chandler, *Brother Number One*, EN 00393031 [“By the end of 1976, most ‘new people’ in the northwest were badly undernourished. The situation deteriorated in 1977, when thousands more starved to death while others became ineffective because of illness and insufficient food.”].

<sup>4008</sup> **D6.1.774** Presentation by the Comrade Party Secretary during the session of the first meeting of the Council of Ministers, 22 Apr 1976, EN 00143465 [“we supplied 3,000 tons of rice as aid to the Soviets as well while in the condition of having just come out of a destructive war”]; **D1.3.31.1** *Preliminary Explanation Before Reading the Plan*, 21 Aug 1976, as published in David Chandler et al., *Pol Pot Plans the Future*, EN 00104071 [“we must export large quantities of rice. In 1977 we plan to export between 800,000 and one million tons of padi”]; **D6.1.754** *Revolutionary Flag*, Nov 1976, EN 00455284-85 [“We must export hundreds of thousands of tons of rice during 1976. Our being able to export rice like this after a war casts a tremendous influence in the international world.”]; **D6.1.772** Nuon Chea’s Speech at Army Anniversary Meeting, 16 Jan 1977, EN S 00004076 [“our people have enough to eat. [...] we have a surplus of more than 150,000 tons of rice for export.”]; **D6.1.939** FBIS, *Khieu Samphan’s Speech at Anniversary Meeting*, 15 Apr 1977, EN 00419513 [“we harvested a good crop for 1977. Now we can feed our people a sufficient ration allocated by the State. We even have a surplus of grain for export.”]; **D267.1.136** Ruos Suy, T. 25 Apr. 2013, 10.29.33-10.31.51 [“no milled rice was ever distributed to the people in [...] Cambodia. But [...] it was destined for exporting.”]; **D6.1.1105** Ben Kiernan, *The Pol Pot Regime*, EN 00678692; **D6.1.54** Ben Kiernan, *Cambodia: The Eastern Zone Massacres*, EN S 00048799; **D6.1.596** David Chandler, *Brother Number One*, EN 00393031.

<sup>4009</sup> **D6.1.532** Khieu Samphan, *Considerations on the History of Cambodia*, EN 00498287.

<sup>4010</sup> **D6.1.739** *Revolutionary Flag*, Sep 1977, EN 00486262-63; **D6.1.1257** Ieng Sary Statement to the UN General Assembly, 11 Oct 1977, paras 60, 63, EN 00079815; **D257/1/3.11** Pol Pot Statement at Meeting of CPK Central Committee Discussion with the Belgium-Cambodian Association Delegation, 5 Aug 1978, EN 00574566.

Submission.<sup>4011</sup>

d. RAPE AND SEXUAL VIOLENCE OUTSIDE OF FORCED MARRIAGE

1106. In addition to rape within the context of forced marriage, the evidence on the Case File proves that widespread rape and sexual violence outside of forced marriage took place in Bakan District. **Yim Tith** and the other members of the JCE are also responsible for these crimes. Although the evidence does not establish that **Yim Tith** and other members of the JCE directly intended these crimes, it does establish that the common criminal plan involved and encompassed the commission of these crimes and that **Yim Tith** reconciled himself with the fact that these crimes would be committed and continued to advance the common criminal plan.

1107. In its Case 002/01 Appeal Judgment, the Supreme Court Chamber (“SCC”) held that a common criminal plan can involve and encompass crimes that are not the ultimate objective or explicitly desired by the JCE members provided that the evidence shows that the accused held the intent necessary to satisfy the *mens rea* requirement for the particular crime charged.<sup>4012</sup> So, for example, the SCC held that the crime of extermination required proof that the accused held the specific intent to kill a massive number of people and therefore any conviction under JCE I required proof that the accused held that intent.<sup>4013</sup> In contrast, the SCC held that for crimes where *dolus eventualis* is an acceptable form of proof of intent, such as murder, it is sufficient to prove that an accused was aware that the crime was a possible result of the criminal plan, but reconciled himself with that result as he participated in the plan.<sup>4014</sup> In discussing the “evacuation” of Phnom Penh, the SCC held that “the common purpose of moving the population from Phnom Penh to the countryside [...] involved the death of civilians resulting from the conditions of the evacuation” because the Accused and the other JCE members “were aware of the conditions the evacuees, including the most vulnerable, would have to endure, and that

<sup>4011</sup> See **V.B.7.** Crimes – Northwest Zone – Forced Marriage and Rape.

<sup>4012</sup> Case 002-F36 Case 002/01 AJ, paras 382-410, 851-860 [holding that the *mens rea* for murder includes *dolus eventualis* and finding that (i) deaths from conditions during the evacuation of Phnom Penh; (ii) intentional killings of civilians who resisted orders to evacuate; and (iii) killings of Lon Nol soldiers and officials were encompassed within the common criminal plan because they were likely to occur in carrying out the common plan to remove all of the residents of the city].

<sup>4013</sup> Case 002-F36 Case 002/01 AJ, paras 509-522.

<sup>4014</sup> Case 002-F36 Case 002/01 AJ, paras 382-410, 851-860 [holding that the *mens rea* for murder includes *dolus eventualis* and finding that (i) deaths from conditions during the evacuation of Phnom Penh; (ii) intentional killings of civilians who resisted orders to evacuate; and (iii) killings of Lon Nol soldiers and officials were encompassed within the common criminal plan because they were likely to occur in carrying out the common plan to remove all of the residents of the city].

it was likely that, in particular, the most vulnerable would die during the evacuations.”<sup>4015</sup> Similarly, even in the absence of evidence of an order to kill city dwellers who resisted orders to evacuate, the common criminal purpose “implicitly [...] encompassed the anticipation that deadly force could be used” because “it was evident that the forces tasked with carrying out the evacuation of the city would likely resort to deadly force if they encountered resistance. This is irrespective of whether specific orders to kill were given [and] who gave such orders”.<sup>4016</sup> The SCC reached a similar conclusion regarding the killing of Khmer Republic soldiers *hors de combat*: those murders were encompassed in the common criminal plan even in the absence of a policy to kill, because the killings were likely in the circumstances of the evacuation.<sup>4017</sup>

1108. The evidence shows that **Yim Tith** and his fellow JCE members directly intended to deprive their victims of all protections of the law and subject them to an arbitrary and absolute system of power over their persons. They also encouraged each other and their subordinates to view “enemies” as essentially subhuman – devoid of rights and unworthy of consideration. Creating this vulnerability and mindset was indispensable to achieving the goals of the common criminal plan, since without entirely eliminating legal protections and without delegating arbitrary power of life and death to lower-level cadres, soldiers, and militiamen, the goals of the enemies policy, the enslavement policy, and the forced marriage policy simply could not have been achieved.

1109. In creating this vulnerability in their victims, **Yim Tith** and the other JCE members were aware that at least some of the lower-level cadres, soldiers, and militiamen given arbitrary power over a helpless population would abuse their positions of authority to commit rape and other sexual crimes. Such abuse is inevitable in a system of arbitrary power without legal protections such as that the JCE members created, in which whole categories of persons were labelled as “enemies” who should be “smashed” without any judicial process. When crimes such as enslavement, torture, and murder are sanctioned as part of a criminal plan, it would be obvious to all involved that acts of sexual violence, including rape, would be inflicted on members of the targeted groups, even in the absence of explicit approval for such crimes. In fact, the evidence shows that certain cadres, including some of **Yim Tith**’s subordinates, received reports of the actual occurrence of

<sup>4015</sup> Case 002-F36 Case 002/01 AJ, para. 853 (emphasis added).

<sup>4016</sup> Case 002-F36 Case 002/01 AJ, para. 857 (emphasis added).

<sup>4017</sup> Case 002-F36 Case 002/01 AJ, para. 860 (emphasis added).



sexual violence made possible by the CPK's authoritarian power structure.<sup>4018</sup>

1110. The SCC held that in order to hold an accused responsible under JCE for crimes within the common plan, the accused must have the form of intent required for that crime. Other Inhumane Acts through the acts of rape or other forms of sexual violence are general intent crimes, and as such, *dolus eventualis* satisfies the *mens rea* to prove the crime was intended.<sup>4019</sup> **Yim Tith** and other members of the JCE were aware that rape and sexual violence were a possible result of their criminal plan<sup>4020</sup> (in fact, they were an inevitable result of the plan) yet he and other members of the JCE reconciled themselves to that result and continued to act to further the criminal plan. As such, **Yim Tith** is responsible for rape and any other forms of sexual violence that occurred, and these acts constitute the crime against humanity of Other Inhumane Acts.

e. *MENS REA*, DURATION, MEMBERSHIP, AND CONTRIBUTIONS

1111. **Yim Tith** and the other members of this JCE directly intended all of the crimes discussed in this Submission except for rape and sexual violence outside of the context of forced marriage. With respect to rape and sexual violence outside of forced marriage, **Yim Tith** and the other JCE members had the requisite *mens rea* as the evidence establishes they had the *dolus eventualis* form of intent. All of the crimes described in this Submission were committed pursuant to this joint criminal enterprise.

1112. **Yim Tith** became a member of this JCE no later than 17 April 1975 and remained a member through at least 6 January 1979.

1113. **Yim Tith** acted in concert with other members of the JCE. The other members of the JCE included: Pol Pot; Nuon Chea; Khieu Samphan; Son Sen; the members of the Standing and Central Committees; Ta Mok, the secretary of the Southwest Zone and later the Northwest Zone; Veau Em *alias* Sarun, Member of the Northwest Zone Committee with **Yim Tith** and Ta Mok as well as Sector 2 and Sector 7 Secretary; Ros Nhim, Ta Mok's predecessor as secretary of the Northwest Zone; Kung Sophal *alias* Ta Keu, deputy secretary of the Northwest Zone under Ros Nhim; Ta Mok's subordinates in the

<sup>4018</sup> See **V.B.5.e.** Crimes – Northwest Zone – Sector 2 – Sexual Violence in Bakan District.

<sup>4019</sup> See **VI.A.1.b.ii.** Law – Relevant Legal Principles – Crimes – Crimes Against Humanity – Specific Offences – Other Inhumane Acts; **VI.A.2.a.i.** Law – Relevant Legal Principles – Modes of Responsibility – Committed – Direct Perpetration; **VI.A.2.a.ii.** Law – Relevant Legal Principles – Modes of Responsibility – Committed – Joint Criminal Enterprise – Mens Rea.

<sup>4020</sup> With respect to rape, this awareness includes knowledge of the coercive circumstances in which the sexual acts would take place and awareness that these coercive circumstances would undermine the possibility of genuine consent to the sexual acts.

military and security forces of both the Southwest and Northwest Zones; all of the secretaries, deputy secretaries, and members of the district and sector committees in the Southwest and Northwest Zones serving at various times; and the category of all of **Yim Tith**'s other direct and indirect subordinates.<sup>4021</sup> This category includes all the commune and village chiefs in Kirivong District during the time that **Yim Tith** served as the deputy secretary or secretary there; all of the commune and village chiefs of Sector 13 during the time that **Yim Tith** served as the deputy secretary and secretary of Sector 13; and all of the commune and village chiefs within the Northwest Zone during the time **Yim Tith** was present in *de facto* or formal leadership roles in the Northwest Zone.<sup>4022</sup> Cadres responsible for security, militia, and the military in all areas of **Yim Tith**'s control or influence were either members of the JCE or used by members of the JCE to commit the crimes. Similarly, members of the CPK military, zone, sector, district, and commune militias who physically perpetrated the crimes were either also part of the JCE or were used by members of the criminal plan to commit the crimes.

1114. **Yim Tith**'s membership of the JCE is demonstrated by his contributions to and intent to participate in the criminal enterprise; his positions of power and influence within the CPK; and his close working relationships with other members of the JCE. His involvement began no later than 17 April 1975 and continued until at least 6 January 1979.

1115. **Yim Tith** made a significant contribution to the JCE through the following acts:

- a. In his role as Kirivong District Secretary, presiding over a meeting at which he denounced a shackled former Lon Nol official as a traitor and ordered the official to identify other former Lon Nol officials;<sup>4023</sup>
- b. At a meeting in late 1975 or early 1976, stating that people evacuated from Phnom Penh and those whose relatives had worked in the Lon Nol administration were enemies;<sup>4024</sup>
- c. At a meeting of the Kirivong District Artisan Unit, warning workers that they had

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<sup>4021</sup> Without limiting the generality of this category, some of the members of the JCE in the aforementioned categories can be found in **IV**. CPK Authority Structure and Communication.

<sup>4022</sup> Without limiting the generality of this category, some of the members of the JCE in the aforementioned categories can be found in **IV**. CPK Authority Structure and Communication.

<sup>4023</sup> See para. 15.

<sup>4024</sup> See para. 16.

- to work hard and that any person could be disappeared at any time;<sup>4025</sup>
- d. At various meetings, discussing “Yuon Khmer” embedded in CPK networks and instructing and encouraging attendees to be vigilant in monitoring such people and to report them through the CPK structures;<sup>4026</sup>
  - e. Participating in a prominent leadership role in a meeting at which Sector 13 Secretary Ta Saom defined the CIA and KGB as enemies, and at which the CIA was equated with city dwellers and the KGB with Khmer Krom;<sup>4027</sup>
  - f. Regularly participating in meetings with representatives of all nine communes in Kirivong District at which he ordered the commune-level cadres to report enemies (including workers who said they were ill) to the district level;<sup>4028</sup>
  - g. Regularly visiting the Wat Pratheat Security Centre, where hundreds of alleged “enemies” were imprisoned and extrajudicially executed, and communicating with the security office chairman, who was his subordinate;<sup>4029</sup>
  - h. Personally inspecting the prisoners detained at Wat Pratheat;<sup>4030</sup>
  - i. Personally interrogating prisoners at Wat Pratheat as a way of attempting to identify more suspected enemies;<sup>4031</sup>
  - j. Bringing orders to carry out extrajudicial executions of prisoners at Wat Pratheat;<sup>4032</sup>
  - k. Being physically present at Wat Pratheat when prisoners were killed and their gallbladders removed, and then taking the gallbladders away with him;<sup>4033</sup>
  - l. Ordering the extrajudicial killing of approximately 200 people, including teachers, students, intellectuals, and individuals suspected of planning to flee to Vietnam, in Ream Andaeuk Commune;<sup>4034</sup>
  - m. While serving as Sector 13 Secretary, ordering the Tram Kak District Security

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<sup>4025</sup> See para. 18.

<sup>4026</sup> See paras 20-21.

<sup>4027</sup> See paras 23-26.

<sup>4028</sup> See para. 27.

<sup>4029</sup> See para. 32.

<sup>4030</sup> See para. 32.

<sup>4031</sup> See para. 32.

<sup>4032</sup> See para. 33.

<sup>4033</sup> See para. 33.

<sup>4034</sup> See para. 34.

Chief to carry out extrajudicial arrests;<sup>4035</sup>

- n. Frequently making statements to people under his control in the Southwest Zone telling them to get married, have children, and create new soldiers for the regime;<sup>4036</sup>
- o. Instructing cadres at large meetings that they must “smash any enemy that opposed Angkar”;<sup>4037</sup>
- p. Instructing cadres at large meetings that they must “be vigilant regarding the enemies” hiding in their units and that they must reeducate, and, if necessary, kill, such people;<sup>4038</sup>
- q. Telling attendees at a large meeting at Kanhath Dam that they must keep their eyes on internal enemies “burrowing inside our movement” and report such people “to upper *Angkar* so that *Angkar* could smash them before they smashed us”;<sup>4039</sup>
- r. At the same meeting, silently taking notes as a commune chairman reported that those caught committing moral misconduct would be killed, thus implicitly endorsing this approach;<sup>4040</sup>
- s. Telling cadres at a large meeting at Wat Phnom Sampeou that if they saw “enemy activity”, they had to “take those people to be reeducated before we smashed them and reported to the upper echelons”;<sup>4041</sup>
- t. At another large meeting, describing people who stole potatoes, pumpkins, or bananas as “burrowing enemies” and ordering that they be reported, as well as stating that anyone who failed to report such behaviour would themselves be considered an enemy;<sup>4042</sup>
- u. At a large meeting at Wat Bay Damram, instructing attendees not to betray the Southwest group’s leadership and asking about CIA and Yuon agents and burrowing enemies who served the Yuon;<sup>4043</sup>

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<sup>4035</sup> See para. 35.

<sup>4036</sup> See para. 37.

<sup>4037</sup> See para. 52.

<sup>4038</sup> See para. 53.

<sup>4039</sup> See para. 56.

<sup>4040</sup> See para. 57.

<sup>4041</sup> See para. 59.

<sup>4042</sup> See para. 60.

<sup>4043</sup> See para. 61.

- v. Telling large groups of workers in Mounng Ruessei District that there was surveillance of their work and production, and they “should be careful about” themselves;<sup>4044</sup>
- w. At another meeting, instructing attendees to “track bad persons” and report those who “took irregular action” to the district;<sup>4045</sup>
- x. In a one-on-one meeting with Bavel District Secretary Moul En, instructing him to “fend off enemies,” which Moul En understood to mean that anyone who “opposed, betrayed, complained or failed to work according to plan” was an enemy, and that “if someone failed to work according to plan he would be killed;<sup>4046</sup>
- y. At a meeting at Kanghat Dam, publicly announcing that Ta Kao had been arrested and killed and Ta Pet had been arrested because both men were “traitors”;<sup>4047</sup>
- z. Ordering Koas Krala District military or security cadres named An and Pak to carry out extrajudicial killings of thousands of perceived enemies in 1976 and 1977, including primarily Vietnamese and those suspected of loyalty to the CIA;<sup>4048</sup>
- aa. Ordering a cadre named Ta Saman to arrest some of the individuals imprisoned at Khnang Kou Prison;<sup>4049</sup>
- bb. Ordering the extrajudicial killing of all prisoners remaining in the Wat Bay Damram detention facility in December 1978;<sup>4050</sup>
- cc. Ordering the extrajudicial killing of a group of Northwest Zone soldiers suspected of rebelling against the Southwest Zone authorities and killing civilians;<sup>4051</sup>
- dd. Ordering the extrajudicial killing of thousands of students, factory workers, Chinese, and Vietnamese at Ta An Camp in Preah Net Preah District;<sup>4052</sup>
- ee. Visiting the Chak Kakoh and Koas Krala District Security Centres;<sup>4053</sup>
- ff. Directing particularly vitriolic rhetoric against the Vietnamese throughout the

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<sup>4044</sup> See para. 62.

<sup>4045</sup> See para. 63.

<sup>4046</sup> See para. 64.

<sup>4047</sup> See para. 65.

<sup>4048</sup> See paras 69-70.

<sup>4049</sup> See para. 71.

<sup>4050</sup> See para. 71.

<sup>4051</sup> See para. 72.

<sup>4052</sup> See para. 73.

<sup>4053</sup> See para. 74.

- period relevant to this case, including articulating the CPK policy of “purging the Yuon enemy” at a large meeting at Kanghat Dam;<sup>4054</sup>
- gg. Consulting with Ta Mok prior to a large forced marriage ceremony in the Northwest Zone and following the ceremony instructing the couples to “love each other” and “do as the Organization has organized things” which amounted to instructions that the newlyweds were required to consummate the marriages;<sup>4055</sup>
  - hh. Explicitly threatening workers with death or disappearance for failure to meet agricultural or other production goals, thereby creating the climate of fear necessary for the functioning of the DK agricultural and economic system;<sup>4056</sup>
  - ii. Implicitly threatening workers with harm for failure to meet goals by discussing attacks against enemies at the same meetings at which he set production goals and encouraged workers to work harder, thereby creating the climate of fear necessary for the functioning of the DK agricultural and economic system;<sup>4057</sup>
  - jj. Warning workers that they were under surveillance and that their levels of production were being monitored;<sup>4058</sup>
  - kk. Instructing his subordinate Nop Ngim to keep track of which workers were working hard and which were not;<sup>4059</sup>
  - ll. Setting unrealistic production goals and exhorting workers to work harder in spite of the inhumane conditions at worksites;<sup>4060</sup>
  - mm. Inspecting worksites to ensure that his production plans were being followed;<sup>4061</sup>
  - nn. In the context of the crimes and policies of the CPK and DK regime, willingly carrying out the functions of the Kirivong District Deputy Secretary; Kirivong District Secretary; Sector 13 Deputy Secretary; Sector 13 Secretary; Sector 1 Secretary; and Northwest Zone Deputy Secretary;<sup>4062</sup> and
  - oo. In the context of the crimes and policies of the CPK and DK regime, willingly

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<sup>4054</sup> See paras 76-81.

<sup>4055</sup> See paras 82-84.

<sup>4056</sup> See para. 87.

<sup>4057</sup> See para. 87.

<sup>4058</sup> See para. 88.

<sup>4059</sup> See para. 88.

<sup>4060</sup> See para. 93.

<sup>4061</sup> See para. 94.

<sup>4062</sup> See paras 10, 45.

carrying out the functions of an important *de facto* leader in the Northwest Zone.<sup>4063</sup>

1116. In addition to constituting significant contributions to the common criminal plan, **Yim Tith**'s acts and conduct listed above also demonstrate that he shared and intended to further the common criminal plan and had the intent that each of the crimes within the common criminal plan be committed.

1117. The following facts constitute additional evidence of **Yim Tith**'s intent to significantly contribute to the common criminal plan, his intent that each of the charged crimes be committed, and his knowledge of the commission of crimes:

- a. The fact that the transfer of Southwest Zone cadres to the Northwest Zone was for the articulated purpose of removing traitorous elements in the Northwest Zone;<sup>4064</sup>
- b. **Yim Tith**'s regular inspection of worksites in his areas of responsibility;<sup>4065</sup>
- c. **Yim Tith**'s regular discussion of "data including the mortality rate and birth rate and production of transplant in each commune" with his subordinates;<sup>4066</sup>
- d. **Yim Tith**'s regular receipt of monthly written reports from his subordinates regarding population; illness; availability of clothes and food; and conflicts within the population;<sup>4067</sup>
- e. **Yim Tith**'s personal inspection of districts under his control;<sup>4068</sup> and
- f. **Yim Tith**'s acquisition of information about the Northwest Zone structure from Ta Pet and Ta Saman.<sup>4069</sup>

## ***2. PLANNING, INSTIGATING, ORDERING, AND AIDING AND ABETTING***

1118. In addition to his liability for committing the crimes charged *via* joint criminal enterprise, **Yim Tith** is also liable for planning, instigating, ordering, and aiding and abetting the crimes charged. He both intended each of the crimes and was aware of the substantial likelihood that the crimes would be committed in the execution of the common plan, either of which would satisfy the *mens rea* requirement for planning, instigating, and ordering. He also intentionally performed various actions that facilitated the crimes,

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<sup>4063</sup> See paras 48-49.

<sup>4064</sup> See para. 42.

<sup>4065</sup> See para. 94.

<sup>4066</sup> See para. 94.

<sup>4067</sup> See para. 104.

<sup>4068</sup> See para. 108.

<sup>4069</sup> See paras 101-102.

while aware that these actions would contribute to the crimes, thus satisfying the *mens rea* of aiding and abetting.

1119. **Yim Tith** planned the crimes enumerated in this Submission. Given his role at the district, sector, and zone levels, **Yim Tith** had the power to design and/or participate in designing how central CPK policies were implemented in those areas. His involvement in the design and formulation of the regional implementation of the CPK's national policies substantially contributed to the commission of the crimes in both the Southwest and Northwest Zones. **Yim Tith** intended the commission of the crimes, and, by virtue of his roles and positions, was aware of the substantial likelihood that crimes would be committed in the execution of the acts he participated in planning.

1120. **Yim Tith** instigated the crimes set out herein. Through his positions, he prompted, urged, encouraged, provoked, and incited perpetrators who committed these crimes. His instigation of the crimes contributed substantially to their commission. **Yim Tith's** frequent statements on CPK policies to lower-level cadres demonstrate that he intended to instigate the direct perpetrators to commit the crimes, and was aware of the substantial likelihood that crimes would be committed in the execution of the acts he instigated.

1121. **Yim Tith** ordered the crimes detailed in this Submission. In accordance with his positions of authority, **Yim Tith** formulated and issued orders and instructions to CPK cadres to commit the crimes. **Yim Tith** intended those under his *de facto* and/or *de jure* authority to commit the crimes and was aware of the substantial likelihood that the crimes would be committed in the execution of the orders. Given the CPK structure, **Yim Tith** knew that he possessed the power to cause lower-level cadres to act.

1122. **Yim Tith** aided and abetted the crimes. He did so by providing encouragement, lending moral support, and giving practical assistance to CPK cadres who committed them. His encouragement, moral support, and practical assistance had a substantial effect on the commission of the crimes. **Yim Tith** knew, given his positions of authority and the CPK's structure, that his acts of encouragement and moral and practical support were assisting in the commission of the crimes, and intended to provide that assistance. **Yim Tith** was aware of the essential elements of the crimes he was aiding and abetting as he was kept continuously informed about the actions of direct perpetrators.

### **3. SUPERIOR RESPONSIBILITY**

1123. Further, **Yim Tith** bears individual criminal responsibility as a superior pursuant to



Article 29<sup>new</sup> of the ECCC Law by virtue of: (i) his position as a superior of perpetrators of the crimes detailed in this Submission; (ii) his actual knowledge, or possession of information on the basis of which he had reason to know, that his subordinates had committed or were about to commit crimes; and (iii) his failure to prevent the commission of the crimes or to punish the perpetrators.

1124. Superior-subordinate relationships existed between **Yim Tith** and the CPK cadres who were directly involved in the crimes described in this Submission. While some of these relationships may have been indirect or *de facto*, **Yim Tith** was the superior of these individuals due to his effective control over them as a district, sector, zone, and *de facto* leader. **Yim Tith** had the material ability to prevent subordinates from committing the crimes, to remove them from their positions and/or punish them. **Yim Tith** had actual knowledge of the crimes being committed by his subordinates, evidenced by his role in devising the regional implementation of the CPK's policies resulting in crimes and the frequent reports he received regarding the resulting events in the areas under his authority. **Yim Tith** failed to take any measures to prevent or punish these crimes, despite his capacity to do so.

## IX. PERSONAL JURISDICTION

1125. The Case File establishes that **Yim Tith** was a "senior leader" of the DK regime and is also one of those "most responsible" for crimes committed by the regime. The relevant factors in determining if a suspect or charged person is among those who are within the personal jurisdiction of the ECCC are discussed below. The evidence of **Yim Tith**'s positions and contributions to crimes is detailed throughout this Submission, particularly in the section entitled *Yim Tith's Positions, Acts, and Conduct*.<sup>4070</sup>

### A. APPLICATION OF RELEVANT FACTORS

#### 1. SENIOR LEADER

1126. **Yim Tith** was among the most powerful cadres in the CPK, holding several high-level positions in two zones. **Yim Tith**'s highest role was *de jure* deputy secretary of the Northwest Zone and *de facto* secretary of the zone when Ta Mok was away. Before becoming a leading figure at the zone level, **Yim Tith** already had significant authority

<sup>4070</sup> See **III**. Yim Tith's Positions, Acts, and Conduct. To avoid unnecessary duplication, the underlying evidence establishing Yim Tith's positions and contributions to crimes will not be repeated here.

in several Northwest Zone sectors. In addition to serving as secretary of Sector 1, witnesses stated that he was secretary of Sectors 2, 3, and 4.

1127. **Yim Tith** also exercised considerable authority in the Southwest Zone. **Yim Tith** was the secretary of Sector 13 of the Southwest Zone and Kirivong District, the location of horrendous crimes including those at Wat Pratheat and Kraing Ta Chan Security Centres. **Yim Tith** had previously served as the deputy secretary of Sector 13 as well as the deputy secretary and secretary of Kirivong District.

1128. Through his high-level positions in the CPK hierarchy, **Yim Tith** aggressively enforced the common criminal plan. He ordered and facilitated extrajudicial killings and arrests, torture, forced marriages, and the enslavement of the population. Overwhelming evidence shows that **Yim Tith** participated in the plan to systematically identify and kill enemies of the DK. In furtherance of this plan and in order to ensure his subordinates were enforcing CPK policies, **Yim Tith** oversaw security centres in the areas under his control. He personally inspected the inhumane conditions of the centres and participated in interrogations of prisoners. He also regularly visited various worksites, where he presided over meetings, monitored production, and endorsed extrajudicial killings. **Yim Tith** actively contributed to other high-level administrative matters that facilitated the criminal plan, contributions that ranged from economics and food distribution to propaganda.

1129. **Yim Tith** derived much of his power and authority through his family and professional ties to Ta Mok, who was a member of the CPK Standing Committee and also served as both Northwest and Southwest Zone Secretary at the times when **Yim Tith** worked in those zones. **Yim Tith**'s relationship with Ta Mok, who was his brother-in-law, was said to be like "father and son".

## ***2. MOST RESPONSIBLE***

1130. By any reasonable assessment, **Yim Tith** is among those individuals most responsible for the crimes committed during the period from 17 April 1975 to 6 January 1979. **Yim Tith** was a key leader in two zones and consequently had authority over hundreds of thousands of innocent men, women, and children who were enslaved in Khmer Rouge cooperatives and worksites. The crimes **Yim Tith** is charged with are of the utmost gravity and his level of responsibility is extremely high. The evidence demonstrates **Yim Tith**'s direct involvement in the crimes and his ceaseless efforts as a high-level leader to

further the criminal policies of the CPK in all the areas where he served.

a. FACTORS RELEVANT TO DETERMINING THE GRAVITY OF THE CRIMES

1131. Geographical and Temporal Scope of the Crimes: **Yim Tith**'s participation in the common criminal plan stretched from the Southwest to the Northwest Zone, covering multiple sectors. During this massive criminal operation encompassing a significant proportion of the Cambodian population, **Yim Tith** was involved in shaping and propagating policies including targeting so-called "enemies", driving the Khmer Rouge's slave labour force, and forcing young persons to marry in order to procreate for the regime. He implemented these policies on the ground, conducting inspections of worksites and security centres and officiating over forced marriage ceremonies.
1132. **Yim Tith**'s involvement in the common criminal plan spanned the entire period of the Khmer Rouge, beginning in 1975 with his leadership of Kirivong District and then Sector 13 in the Southwest Zone. In approximately 1977, **Yim Tith** additionally assumed authority over vast parts of the Northwest Zone, through his *de jure* and *de facto* control over Sectors 1, 2, 3, 4, and 7, and ultimately as deputy secretary of the Northwest Zone and *de facto* secretary in Ta Mok's absence. **Yim Tith**'s authority in the Northwest was inextricably bound to the purge of the zone, through which **Yim Tith** and other JCE members gained control over the area, resulting in thousands of deaths.
1133. Manner of Commission: **Yim Tith** led a reign of terror across the Southwest and Northwest Zones that was characterised by systematic brutality. He ordered the killing of thousands of people and personally visited security centres to ensure that his subordinates followed through with implementing the CPK's security policies. Not even babies were spared. Those detained in security centres were treated as less than human while forced to languish in deplorable conditions, starve, and endure consistent degradation. Before being sent to their deaths, prisoners often suffered horrific forms of torture such as the removal of their gallbladders while still alive. **Yim Tith** was known to personally collect the removed gallbladders. In areas **Yim Tith** controlled, thousands were forced to marry and were coerced into engaging in sexual intercourse without their free consent (rape). **Yim Tith** officiated over some of these marriages. **Yim Tith** also enacted harsh policies at worksites that made the conditions of enslavement drastically more severe. Under his supervision, witnesses reported that food rations decreased and work hours increased, contributing to starvation and worsening already abhorrent

working conditions. Additionally, **Yim Tith** was involved in a campaign of destruction against those of Vietnamese nationality, which included dragging families at gunpoint from their homes in Kampuchea Krom to be brutalised, starved, and killed in DK.

1134. Number of Incidents: **Yim Tith**, through his various positions of authority, closely oversaw the implementation of ruthless, calculated, and deliberate violence systematically perpetrated across multiple sectors, districts, and communes in two different zones. Thousands of people were killed and countless others experienced immeasurable suffering in the areas under his control. **Yim Tith** oversaw several security centres at which subordinates carried out orders to torture and kill detainees, and maintained inhumane conditions that contributed to the prisoners' suffering. Simultaneously, **Yim Tith** supervised a number of worksites where countless enslaved persons suffered under dire conditions marked by starvation and long hours of strenuous forced labour. He also ensured scores of sexual violence victims by enforcing the CPK's forced marriage campaign in areas under his control. In both the Southwest and Northwest Zones, **Yim Tith** oversaw a policy intent on the destruction of all Vietnamese in the area – resulting in many instances of deportation, forced movement, and killings. Additionally, as one of the key leaders deployed from the Southwest Zone to the Northwest Zone, **Yim Tith** participated in the purge of thousands of cadres who were methodically imprisoned, tortured, disappeared, and killed as a result of this organised takeover of power.

1135. Number of Victims: The number of victims who suffered from the criminal campaign of **Yim Tith** and his fellow JCE members can never be precisely established. Many thousands of individuals ended up in the CPK's security apparatus throughout areas under **Yim Tith**'s control: security centres established to extrajudicially detain, mistreat, and in most cases, kill, those detained; as well as execution sites that had a singular purpose as undignified resting places for innocent persons deemed unworthy of living by the CPK. Thousands more spent their days forced to toil in horrid conditions at worksites in **Yim Tith**'s sphere of authority, where countless innocent persons were starved to death or killed.

1136. Thousands of others suffered similarly deplorable fates for no reason besides their Vietnamese ethnicity or nationality. These victims were forcibly moved, deported, confined in inhumane conditions, and killed on a massive scale, predominantly in Sectors 2 and 13 while these sectors were under **Yim Tith**'s authority. Yet others were victims

of forced marriage and rape, actively implemented by **Yim Tith** and his subordinates in order to satisfy the CPK's desire to have a larger population to serve as soldiers and labourers for the regime.

1137. *Vulnerability of the Victims*: **Yim Tith** targeted defenceless and innocent persons through the crimes he facilitated, encouraged, propagated, espoused, ordered, and directly committed. Individuals of both sexes and all ages, including pregnant women, the elderly, and babies, were victims of the policies that **Yim Tith** implemented. Those detained at security centres were often arrested and imprisoned for arbitrary or non-existent reasons. People lived under an oppressive and constant fear of being disappeared and killed. Workers in communes and cooperatives and at worksites were targeted for the most minor of reasons, such as getting "moderately" sick, sitting down to rest, and even damaging tools or cutlery. **Yim Tith** and his subordinates maintained this climate of fear with implicit and explicit threats, constantly reminding workers that they were under surveillance and encouraging them to report one another. Whole families and communities of Khmer Krom were forced from Kampuchea Krom under the threat of execution and were then confined in DK under continuous fear of being killed. Further, men and women who had, in some circumstances, never even met, were required to marry and consummate their forced union under the unbearable pressure of otherwise being executed.

1138. *Discriminatory Intent with which the Crimes were Committed*: **Yim Tith** actively implemented CPK policies that were inherently discriminatory, targeting various groups because of arbitrary perceptions often born out of nothing but paranoia. **Yim Tith** reserved the most far-reaching discriminatory *animus* for the Vietnamese, including the Khmer Krom, whom the CPK perceived as inexorably corrupted by their origins from territory by then in Vietnam. This Vietnamese national group was targeted for outright destruction, with **Yim Tith** personally ordering thousands of Khmer Krom to be killed. The hatred towards Vietnamese and Khmer Krom was so intense that individuals were rounded up simply based on their fair complexions or accents. The commission of crimes against the Khmer Krom and Vietnamese was concentrated in two areas under **Yim Tith**'s control and continued throughout the DK regime: Sector 13 of the Southwest Zone and Sector 2 of the Northwest Zone. Khmer Krom were forcibly deported from Kampuchea Krom to DK where they were starved, forced to labour, and killed, demonstrating the extent to which the group was vilified and ultimately pursued for

elimination.

1139. *Impact of the Crimes on the Cambodian People*: The results of the crimes visited by **Yim Tith** and others upon the population of the Southwest and Northwest Zones is practically immeasurable. Few individuals who lived in these zones at the time survived the DK regime without some significant measure of suffering. Most were inalterably damaged. The lasting impact of the widespread, deliberate, methodical, and calculated elimination of people's most basic rights; the subordination of the individual to Angkar's whims; and the utter contempt for life demonstrated by **Yim Tith** on a massive scale – ripped the fabric of Cambodian society and stunted its people and institutions long beyond the end of the DK regime.

b. FACTORS RELEVANT TO DETERMINATION OF LEVEL OF RESPONSIBILITY

1140. *Level of Participation*: **Yim Tith** was a key participant in the commission of the JCE crimes. Throughout his positions across sectors and zones, **Yim Tith** contributed decisively to the CPK's criminal goals. **Yim Tith** did so in a dual role. First, he used his positions atop the CPK hierarchy to shape and propagate the criminal policies relating to "enemies", enslavement, and forced marriage. Secondly, he ensured the implementation of these criminal plans through his presence at meetings, security centres, and worksites, in addition to his direct perpetration of crimes.

1141. **Yim Tith** issued orders for arrests and killings and visited security centres at which unlawful imprisonment, torture, and murder were being committed. He also interrogated detainees at security centres. **Yim Tith** ordered the killing of thousands of "CIA agents", "Vietnamese", and "Chinese" in 1976 or 1977 and again in 1978 or 1979. This was in addition to overseeing the mass deportation, forced movement, and killings of Vietnamese, including Khmer Krom, in the Southwest and Northwest Zones. **Yim Tith** was actively engaged in setting and announcing production goals, demanding exhausted labourers to work harder, threatening workers, and monitoring levels of production. Already poor working and living conditions considerably worsened after **Yim Tith** took charge. **Yim Tith** was also personally involved in forced wedding ceremonies, as well as frequently instructing people under his authority that they had to get married, have children, and "create new soldiers."

1142. *Hierarchical Position*: **Yim Tith** held a number of important positions in both the Southwest and the Northwest Zones. From the beginning of the DK regime, **Yim Tith**

was a leader of Kirivong District and subsequently became the Sector 13 Deputy Secretary. He continued to hold these roles as he became a key figure in the Northwest Zone. There, **Yim Tith** was the deputy secretary of the zone and in charge of the zone when Ta Mok was away. Consequently, **Yim Tith** effectively stood directly under the Party Centre in terms of power and authority. Additionally, **Yim Tith** was the Sector 1 Secretary and witnesses identified him as the secretary of Sectors 2, 3, and 4. Even before assuming such positions, **Yim Tith** was a powerful *de facto* leader in the Northwest Zone, being publicly introduced as someone who had “come to help govern” prior to the purge. Throughout the DK regime, therefore, **Yim Tith**’s subordinates were from the lowest echelons of communes to the highest cadres at the sector levels. **Yim Tith** used his various positions to ensure that the CPK’s policies were propagated and fulfilled at each of these levels, guaranteeing the damage wrought upon masses of people across the Southwest and Northwest Zones.

1143. Temporal Scope of Control: **Yim Tith**’s authority at the district and sector level in the Southwest Zone lasted throughout the DK regime, while his control over and responsibility for events in the Northwest Zone through his role as a *de facto* leader and his *de jure* and *de facto* positions at the sector and zone level spanned the entire period of the purge of the Northwest Zone to the collapse of the regime in January 1979.

1144. Effective Authority and Ability to Give Orders: **Yim Tith** wielded immense authority over subordinates at the sector, district, and commune levels across the Northwest and Southwest Zones. From the beginning of the DK regime, **Yim Tith** warned participants at meetings “that any person could be disappeared at any time” and regularly visited security centres and received reports from security office chairmen to ensure that they were carrying out his instructions. **Yim Tith** ordered extrajudicial killings and “reeducation” in security centres and other areas of Kirivong District, as well as in Tram Kak and Koh Andet districts by virtue of his sector-level authority. **Yim Tith** also gave orders related to rice farming and canal construction to low-level unit chiefs and spoke in district-level meetings about work plans and agricultural production, bolstering the CPK’s enslavement of the population. Frequently, **Yim Tith** instructed the population under his control that they were required to marry and have children in order to achieve the CPK’s goals. Additionally, the **Yim Tith**-led Kirivong District Committee ordered the killing of many Khmer Krom.

1145. Similarly, in the Northwest Zone, **Yim Tith** “talked about internal enemies burrowing

inside our movement” at meetings, instructing attendees to report suspected “enemies” so that “Angkar could smash them before they smashed us.” **Yim Tith** even characterised people who stole food as “burrowing enemies” and told meeting attendees that they must report all such misconduct or they themselves would be considered enemies. At other meetings, **Yim Tith** instructed attendees to monitor and report their fellow workers. As he had in the Southwest Zone, **Yim Tith** ordered killings and visited security centres in his area of responsibility. For example, in 1976 or 1977, **Yim Tith** assigned members of the Koas Krala District military to search for “CIA agents and Vietnamese” and instructed that those arrested as perceived “enemies” be killed. He rewarded those responsible for committing brutal crimes with promotions. In 1978, **Yim Tith** ordered the killing of all prisoners remaining in the Wat Bay Damram detention facility, which his subordinates carried out. **Yim Tith** also personally officiated over forced marriages in the Northwest Zone, with victims aware that if they refused to marry they “would have been killed”. Immediately following the ceremony, **Yim Tith** provided the newlyweds with beds and hammocks and told them they had to “love each other”.

1146. Contribution to Policies and their Implementation: **Yim Tith** was intricately involved in ensuring that the CPK’s vast criminal enterprise was implemented in areas under his control in the Southwest and Northwest Zone. **Yim Tith** singularly contributed to the JCE policies, from his participation in meetings at which policies were handed down to lower levels; to his receipt of reports on implementation from cadres below; his giving orders to subordinates on fulfilling the CPK’s policies; and his personal commission of crimes in furtherance of the CPK’s goals.

1147. Actual Knowledge of Crimes: **Yim Tith** was undoubtedly fully aware of the CPK’s massive criminal operation across the Southwest and Northwest Zones given his level of participation in its implementation. **Yim Tith** shaped and propagated the CPK’s ruinous policies, ensured their implementation across the sectors in both zones in which he held power, and personally participated in the commission of crimes designed to ensure that these policies were fulfilled. In the Southwest and Northwest Zones, **Yim Tith** visited security centres and worksites, thereby witnessing the inhumane conditions, and was aware of the extrajudicial arrests and killings at these locations. He also received reports from lower echelons on the progress of searching for and eradicating “enemies” and meeting production targets through labour that **Yim Tith** knew to be involuntary. Moreover, **Yim Tith** knew that his and fellow JCE members’ control over the Northwest



Zone resulted from the large-scale arrest, detention, and killing of cadres. **Yim Tith**'s active participation in meetings dealing with issues central to the CPK's policies of eradicating "enemies", radically altering the country's agricultural and economic production, and rapidly expanding the population leaves no question that he knew that the implementation of these policies involved the commission of crimes.

1148. Prosecution of those in Senior Ranks: **Yim Tith** is one of the senior surviving CPK cadres. **Yim Tith** worked directly with Ta Mok – a member of the CPK's Standing Committee – and assumed the position of Northwest Zone Secretary in Ta Mok's absence. As all members of the Standing Committee have been prosecuted at the ECCC or are deceased, there is arguably no remaining CPK cadre of a higher level of authority and responsibility than **Yim Tith**.

1149. The ICP submits that **Yim Tith** has a higher level of responsibility for the crimes committed from 17 April 1975 to 6 January 1979 than Kaing Guek Eav *alias* Duch, who the Court determined to be among those most responsible for the crimes committed by the DK regime. **Yim Tith** operated at a different, and superior, level to Duch in the CPK. The total number of killings committed by **Yim Tith** and his subordinates exceeds those committed by Duch's subordinates. **Yim Tith** was responsible for a vast geographical area and a significant portion of the Cambodian population. **Yim Tith** also had responsibility for a broader range of crimes, including not only security centres but worksites and policies of forced marriage and the destruction of the Khmer Krom and Vietnamese in areas under his control. Duch's responsibility was much more limited in geographic and criminal scope.

## **B. CONCLUSION OF THE APPLICATION OF RELEVANT FACTORS**

1150. Based on the foregoing and the evidence discussed throughout this Submission, the ICP submits that the totality of the investigation establishes that **Yim Tith** was both one of the senior DK leaders and one of those most responsible for the crimes committed during the DK regime. **Yim Tith** therefore falls within the personal jurisdiction of the ECCC.

## **C. ADDITIONAL CONSIDERATIONS FOR INDICTMENT**

1151. The ICP has carefully considered the possible effects an indictment of **Yim Tith** could have on justice, national reconciliation, stability, peace, and security in Cambodia. The ICP has looked at the previous trials at the ECCC and submits that the convictions and life sentences handed down in Case 001 and Case 002/01 have had no negative effect on

national reconciliation, stability, peace, or security. Further, the ICP submits that there has been no negative effect as a result of the disclosure that **Yim Tith** and other suspects were under investigation in Cases 003 and 004, nor was there any negative public reaction when it was publicly announced that **Yim Tith** had been charged by the ICIJ.

1152. The ICP considers there to be no reason to believe that indicting **Yim Tith** would compromise justice, national reconciliation, stability, peace, or security in Cambodia. Instead, holding high-level Khmer Rouge leaders responsible for their roles in the commission of massive crimes would enhance public confidence by showing that persons of influence cannot indefinitely evade responsibility for their crimes and that justice is attainable. This would only serve to buttress the long-term stability and peace of Cambodia.

1153. The Khmer Rouge have long ceased to be a threat to Cambodia's peace and security, having collapsed almost two decades ago. Today, the DK regime is almost universally abhorred in Cambodia. Rather than occasioning unrest, Cambodians have demonstrated significant interest in, and support for, the prosecution of Khmer Rouge leaders, with thousands of civil parties having participated, or applied to participate, in proceedings, and over 200,000 people having attended the trials to date. The ICP has made clear on many occasions that he will not request the investigation of any additional individuals at the ECCC after Cases 003 and 004. Given the advanced stage of the ECCC, there is no reason for anyone to fear that more suspects will be named if **Yim Tith** is indicted.

1154. The ICP therefore believes that indictment of **Yim Tith** is an appropriate exercise of discretion of the Office of the Co-Investigating Judges and that if the case proceeds to trial, the work of the ECCC can be completed within a reasonable period of time.

## X. CHARGES

1155. On the basis of the facts and law set out in this Submission, the ICP respectfully requests the CIJs to indict **Yim Tith** and send him for trial on the charges listed below.

### A. COUNT 1 – GENOCIDE

1156. From 17 April 1975 through 6 January 1979, **Yim Tith**, with the intent to destroy in whole or in part the Vietnamese national group in Cambodia (including Khmer Krom), acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of GENOCIDE, punishable under Articles 4, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, through killings; deliberate infliction of conditions of life calculated to bring about their destruction; and causing serious bodily or mental harm to members of the group.

1157. **Yim Tith** is responsible for acts of genocide in and around the following locations:

#### 1. SOUTHWEST ZONE

- (1) *Kirivong, Tram Kak, and Koh Andet districts, including but not limited to:*
- a. *Wat Pratheat Security Centre*
  - b. *Kraing Ta Chan Security Centre*
  - c. *Preal Village execution site*
  - d. *Wat Angkun execution site*
  - e. *Slaeng Village forest execution site*
  - f. *Wat Ang Srei Muny Security Centre and Prey Sokhon execution site*

#### 2. NORTHWEST ZONE

- (2) *Bakan and Sangkae Districts, including but not limited to:*
- a. *Kampong Kol Sugar Factory*
  - b. *Wat Samdech Security Centre*
  - c. *Phum Veal Security Centre*
  - d. *Svay Chrum Security Centre*
  - e. *Tuol Seh Nhauv execution site*
  - f. *Prey Krabau execution site*
  - g. *Kampong Prieng Commune*
  - h. *Reang Kesei Commune*

## **B. COUNT 2 – MURDER**

1158. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of MURDER, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law by acting with the intent to kill or with the awareness of the substantial likelihood that death would result from his actions. **Yim Tith** is also responsible for murder as a superior under Article 29<sup>new</sup> of the ECCC Law.

1159. **Yim Tith** is responsible for murder in and around the following locations:

### **1. SOUTHWEST ZONE**

- (1) *Wat Pratheat Security Centre*
- (2) *Kraing Ta Chan Security Centre*
- (3) *Preal Village execution site*
- (4) *Wat Angkun execution site*
- (5) *Slaeng Village forest execution site*
- (6) *Wat Ang Srei Muny and Prey Sokhon execution site*
- (7) *With respect to Khmer Krom victims, other locations in Kirivong, Tram Kak, and Koh Andet districts*

### **2. NORTHWEST ZONE**

- (8) *Koas Krala Security Centre*
- (9) *Thipakdei Cooperative*
- (10) *Kanghat Dam forced labour site*
- (11) *Banan Security Centre*
- (12) *Khnamg Kou Security Centre*
- (13) *Kampong Kol Sugar Factory*
- (14) *Phum Veal Security Centre*
- (15) *Svay Chrum Security Centre*
- (16) *Tuol Seh Nhaiv execution site*
- (17) *Prey Krabau execution site*
- (18) *Wat Chanreangsei execution site*
- (19) *Wat Kirirum Security Centre*

- (20) *Wat Samdech Security Centre*
- (21) *Kampong Prieng Commune*
- (22) *Reang Kesei Commune*
- (23) *Prison No. 8*
- (24) *Veal Bak Chunching execution site*
- (25) *With respect to Khmer Krom victims, other locations in Bakan and Sangkae districts*
- (26) *With respect to Northwest Zone cadres and their families and subordinates, other locations in the Northwest Zone, including those arrested in the Northwest Zone and taken for execution to the S-21 Security Centre in Phnom Penh*

### C. COUNT 3 – EXTERMINATION

1160. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of EXTERMINATION, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, through extrajudicial killings on a massive scale. These numerous instances of killings took place at various locations that were part of a single, interconnected, and organised system of forced labour sites, security centres, and execution sites. **Yim Tith** intended the killing of a massive number of people. **Yim Tith** is also responsible for extermination as a superior under Article 29<sup>new</sup> of the ECCC Law.

1161. These killings occurred in and around the following locations:

#### 1. SOUTHWEST ZONE

- (1) *Wat Pratheat Security Centre*
- (2) *Kraing Ta Chan Security Centre*
- (3) *Preal Village execution site*
- (4) *Wat Angkun execution site*
- (5) *Slaeng Village forest execution site*
- (6) *Wat Ang Srei Muny Security Centre and Prey Sokhon execution site*
- (7) *With respect to Khmer Krom victims, other locations in Kirivong, Tram Kak, and Koh Andet districts*

## **2. NORTHWEST ZONE**

- (8) *Koas Krala Security Centre*
- (9) *Thipakdei Cooperative*
- (10) *Kanghat Dam forced labour site*
- (11) *Banan Security Centre*
- (12) *Khnamg Kou Security Centre*
- (13) *Kampong Kol Sugar Factory*
- (14) *Phum Veal Security Centre*
- (15) *Tuol Seh Nhauv execution site*
- (16) *Prey Krabau execution site*
- (17) *Svay Chrum Security Centre*
- (18) *Wat Chanreangsei execution site*
- (19) *Wat Kirirum Security Centre*
- (20) *Wat Samdech Security Centre*
- (21) *Kampong Prieng Commune*
- (22) *Reang Kerei Commune*
- (23) *Prison No. 8*
- (24) *Veal Bak Chunching execution site*
- (25) *With respect to Khmer Krom victims, other locations in Bakan and Sangkae districts*
- (26) *With respect to Northwest Zone cadres and their families and subordinates, other locations in the Northwest Zone, including those arrested in the Northwest Zone and taken for execution to the S-21 Security Centre in Phnom Penh*

### **D. COUNT 4 – ENSLAVEMENT**

1162. From approximately late 1976 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of ENSLAVEMENT, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by intentionally exercising powers of ownership over persons. **Yim Tith** is also responsible for enslavement as a superior under Article 29<sup>new</sup> of the ECCC Law.

1163. **Yim Tith** is responsible for enslavement in and around the following locations:

### ***1. NORTHWEST ZONE***

- (1) *Thipakdei Cooperative*
- (2) *Kanghat Dam forced labour site*
- (3) *Kampong Prieng Commune*
- (4) *With respect to Khmer Krom victims, in Bakan District*

### **E. COUNT 5 – DEPORTATION**

1164. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of DEPORTATION, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29*new*, and 39*new* of the ECCC Law, by using force, threat of force, or coercion to displace actual and perceived Vietnamese and Khmer Krom, and people “associated” with them between Democratic Kampuchea and the Socialist Republic of Vietnam without a justifiable basis. **Yim Tith** is also responsible for deportation as a superior pursuant to Article 29*new* of the ECCC Law.

1165. **Yim Tith** is responsible for deportation for people taken across an international border to or from the following locations:

### ***1. SOUTHWEST ZONE***

- (1) *Tram Kak and Kirivong districts, including:*
  - a. *Preal Village execution site*
  - b. *Slaeng Village forest execution site*

### **F. COUNT 6 – IMPRISONMENT**

1166. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of IMPRISONMENT, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29*new*, and 39*new* of the ECCC Law, by detaining the persons described in this Submission arbitrarily, *i.e.* without a justifiable basis and without due process of law. **Yim Tith** is also responsible for imprisonment as a superior under Article 29*new* of the ECCC Law.

1167. **Yim Tith** is responsible for imprisonment in and around the following locations:

### **1. SOUTHWEST ZONE**

- (1) *Wat Pratheat Security Centre*
- (2) *Kraing Ta Chan Security Centre*
- (3) *Wat Ang Srei Muny Security Centre and Prey Sokhon execution site*
- (4) *With respect to Khmer Krom victims, other locations in Kirivong and Tram Kak districts*

### **2. NORTHWEST ZONE**

- (5) *Koas Krala Security Centre*
- (6) *Thipakdei Cooperative*
- (7) *Kanghat Dam forced labour site*
- (8) *Banan Security Centre*
- (9) *Khnanng Kou Security Centre*
- (10) *Kampong Kol Sugar Factory*
- (11) *Phum Veal Security Centre*
- (12) *Svay Chrum Security Centre*
- (13) *Wat Kirirum Security Centre*
- (14) *Wat Samdech Security Centre*
- (15) *Kampong Prieng Commune*
- (16) *Prison No. 8*
- (17) *With respect to Khmer Krom victims, other locations in Bakan District*
- (18) *With respect to Northwest Zone cadres and their families and subordinates, other locations in the Northwest Zone, including those arrested in the Northwest Zone and taken for imprisonment to the S-21 Security Centre in Phnom Penh*

### **G. COUNT 7 – TORTURE**

1168. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK public officials, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of TORTURE, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by intentionally inflicting severe physical or mental pain or suffering on the persons described in this Submission. **Yim Tith** is also responsible for torture as a superior under Article 29<sup>new</sup> of the ECCC Law.



1169. **Yim Tith** is responsible for torture in and around the following locations:

***1. SOUTHWEST ZONE***

- (1) *Wat Pratheat Security Centre*
- (2) *Kraing Ta Chan Security Centre*

***2. NORTHWEST ZONE***

- (3) *Thipakdei Cooperative*
- (4) *Banan Security Centre*
- (5) *Khnanng Kou Security Centre*
- (6) *Wat Kirirum Security Centre*
- (7) *Phum Veal Security Centre*
- (8) *Svay Chrum Security Centre*
- (9) *Kampong Prieng Commune*
- (10) *Prison No. 8*

**H. COUNT 8 – PERSECUTION**

1170. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of PERSECUTION a CRIME AGAINST HUMANITY punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by discriminatorily denying or infringing the fundamental rights of persons deemed “enemies” on political grounds. **Yim Tith** is also responsible for persecution as a superior under Article 29<sup>new</sup> of the ECCC Law.

1171. **Yim Tith** is responsible for persecution on political grounds in and around the following locations:

***1. SOUTHWEST ZONE***

- (1) *Wat Pratheat Security Centre against “17 April people”, former Lon Nol regime members and their families, and Khmer Krom through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (inhumane treatment, rape and sexual violence outside of forced marriage, and enforced disappearance)*

- (2) *Kraing Ta Chan Security Centre against “17 April people”, Khmer Krom and Vietnamese through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (forced transfer, inhumane treatment, and enforced disappearance)*
- (3) *Preal Village execution site against the Khmer Krom through the underlying offences of murder, extermination, deportation, and other inhumane acts (forced transfer, inhumane treatment, and enforced disappearance)*
- (4) *Wat Angkun execution site against the Khmer Krom through the underlying offences of murder, extermination, and other inhumane acts (enforced disappearance)*
- (5) *Slaeng Village forest execution site against the Khmer Krom through the underlying offences of murder, extermination, deportation, and other inhumane acts (forced transfer and enforced disappearance)*
- (6) *Wat Ang Srei Muny Security Centre and Prey Sokhon execution site against “17 April people”, former Lon Nol regime members, and Khmer Krom through the underlying offences of murder, extermination, and imprisonment, and other inhumane acts (enforced disappearance)*
- (7) *With respect to Khmer Krom victims, other locations in Kirivong, Tram Kak, and Koh Andet districts, through the underlying offences of murder, extermination, imprisonment, and other inhumane acts (inhumane treatment and enforced disappearance)*

## **2. NORTHWEST ZONE**

- (8) *Koas Krala Security Centre against Northwest Zone cadres and their families and subordinates, former Lon Nol regime members and their families, and “new people” through the underlying offences of murder, extermination, imprisonment, and other inhumane acts (inhumane treatment and enforced disappearance)*
- (9) *Thipakdei Cooperative against Northwest Zone cadres and their families and subordinates through the underlying offences of murder, extermination, enslavement, imprisonment, torture, and other inhumane acts (inhumane treatment and enforced disappearance)*
- (10) *Kanghat Dam forced labour site against Northwest Zone cadres and their families and subordinates through the underlying offences of murder, extermination,*

*imprisonment, enslavement, and other inhumane acts (inhumane treatment and enforced disappearance)*

- (11) *Banan Security Centre against Northwest Zone cadres and their families and subordinates and former Lon Nol regime members and their families through the underlying offences of murder, extermination, imprisonment, torture and other inhumane acts (inhumane treatment)*
- (12) *Khnamg Kou Security Centre against Northwest Zone cadres and their families and subordinates, former Lon Nol regime members and their families, and “new people” through the underlying offences of murder, extermination, imprisonment, torture and other inhumane acts (inhumane treatment)*
- (13) *Kampong Kol Sugar Factory against Northwest Zone cadres and their families and subordinates, Vietnamese, and Khmer Krom through the underlying offences of murder, extermination, imprisonment, and other inhumane acts (enforced disappearance)*
- (14) *Phum Veal Security Centre against East Zone people and Khmer Krom through the underlying offences of murder, extermination, torture, imprisonment and other inhumane acts (inhumane treatment)*
- (15) *Svay Chrum Security Centre against “17 April people”, Northwest Zone cadres, former Lon Nol regime members and their families, and Khmer Krom through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (inhumane treatment and enforced disappearance)*
- (16) *Tuol Seh Nhaiv execution site against East Zone people and Khmer Krom through the underlying offences of murder, extermination and other inhumane acts (enforced disappearance)*
- (17) *Prey Krabau execution site against East Zone people and Khmer Krom through the underlying offences of murder, extermination, and other inhumane acts (enforced disappearance)*
- (18) *Wat Chanreangsei execution site against East Zone people through the underlying offences murder and extermination*
- (19) *Wat Kirirum Security Centre against Northwest Zone cadres and their families and subordinates through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (inhumane treatment)*
- (20) *Wat Samdech Security Centre against Northwest Zone cadres and their families and subordinates, “new people”, former Lon Nol regime members and their*

*families, Vietnamese, and Khmer Krom through the underlying offences of murder, extermination, and imprisonment*

- (21) *Kampong Prieng Commune against Northwest Zone cadres and their families and subordinates, Vietnamese, and Khmer Krom through the underlying offences of murder, extermination, enslavement, imprisonment, torture, and other inhumane acts (inhumane treatment and enforced disappearance)*
- (22) *Reang Kerei Commune against Northwest Zone cadres and their families and subordinates, former Lon Nol regime members and their families, and Khmer Krom through the underlying offences of murder and extermination*
- (23) *Prison No. 8 against East Zone people, “17 April people”; former Lon Nol regime members and their families, “feudalists”, and “imperialists” through the underlying offences of murder, extermination, imprisonment, torture, and other inhumane acts (inhumane treatment, rape and sexual violence outside of forced marriage, and enforced disappearance)*
- (24) *Veal Bak Chunching execution site against East Zone people through the underlying offences of murder and extermination*
- (25) *With respect to Khmer Krom victims, at other locations in Bakan and Sangkae districts and Districts 41 and 42 through the underlying offences of murder, extermination, imprisonment, and other inhumane acts (inhumane treatment and enforced disappearance)*
- (26) *With respect to Northwest Zone cadres and their families and subordinates, at other locations in the Northwest Zone, through the underlying offences of murder, extermination, imprisonment, and other inhumane acts (enforced disappearance)*

#### **I. COUNT 9 – OTHER INHUMANE ACTS (FORCED TRANSFER)**

1172. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of OTHER INHUMANE ACTS of FORCED TRANSFER, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by using force, threat of force, or coercion to displace actual or perceived Vietnamese and Khmer Krom, and people “associated” with them, within Democratic Kampuchea. **Yim Tith** is also responsible for other inhumane acts of forced transfer as a superior under Article 29<sup>new</sup> of the ECCC Law.

1173. **Yim Tith** is responsible for the crime against humanity of other inhumane acts through forced transfer to and from the following locations:

**1. SOUTHWEST ZONE**

- (1) *Kirivong and Koh Andet districts, including:*
  - a. *Preal Village execution site*
  - b. *Kraing Ta Chan Security Centre*
  - c. *Slaeng Village forest execution site*

**2. NORTHWEST ZONE**

- (2) *Bakan District*

**J. COUNT 10 – OTHER INHUMANE ACTS (INHUMANE TREATMENT)**

1174. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of OTHER INHUMANE ACT of INHUMANE TREATMENT, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by deliberate inhumane treatment of prisoners and workers, which caused serious mental or physical suffering or injury, or seriously attacked their human dignity. **Yim Tith** is also responsible for other inhumane act of inhumane treatment as a superior under Article 29<sup>new</sup> of the ECCC Law.

1175. **Yim Tith** is responsible for the crime against humanity of other inhumane acts through the infliction of inhumane treatment on persons in and around the following locations:

**1. SOUTHWEST ZONE**

- (1) *Wat Pratheat Security Centre*
- (2) *Kraing Ta Chan Security Centre*
- (3) *Wat Ang Srei Muny Security Centre and Prey Sokhon execution site*
- (4) *Preal Village execution site*
- (5) *With respect to Khmer Krom victims, other locations in Kirivong, Tram Kak, and Koh Andet districts*

**2. NORTHWEST ZONE**

- (6) *Koas Krala Security Centre*

- (7) *Thipakdei Cooperative*
- (8) *Kanghat Dam forced labour site*
- (9) *Banan Security Centre*
- (10) *Phum Veal Security Centre*
- (11) *Svay Chrum Security Centre*
- (12) *Khnamg Kou Security Centre*
- (13) *Wat Kirirum Security Centre*
- (14) *Kampong Prieng Commune*
- (15) *Prison No. 8*
- (16) *With respect to Khmer Krom victims, other locations in Bakan and Sangkae districts*

#### **K. COUNT 11 – OTHER INHUMANE ACTS (FORCED MARRIAGE)**

1176. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of OTHER INHUMANE ACTS of FORCED MARRIAGE, a CRIME AGAINST HUMANITY punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by compelling persons to marry by force, threat of force, or coercion. **Yim Tith** is also responsible for other inhumane acts of forced marriage as a superior under Article 29<sup>new</sup> of the ECCC Law.

1177. **Yim Tith** is responsible for the crime against humanity of other inhumane acts through forced marriage in and around the following locations:

##### ***1. NORTHWEST ZONE***

- (1) *Sangkae District, including:*
  - a. *Kampong Kol Sugar Factory*
  - b. *Samlout District*
  - c. *Kampong Prieng Commune*
  - d. *Reang Kasei Commune*

#### **L. COUNT 12 – OTHER INHUMANE ACTS (RAPE THROUGH FORCED CONSUMMATION)**

1178. From approximately late 1976 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under

his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of OTHER INHUMANE ACTS of RAPE, a CRIME AGAINST HUMANITY punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by coercing couples in forced marriages to consummate the marriage without the free consent of one or both partners. **Yim Tith** is also responsible for other inhumane acts of rape within forced marriage as a superior under Article 29<sup>new</sup> of the ECCC Law.

1179. **Yim Tith** is responsible for the crime against humanity of other inhumane acts through rape in and around the following locations:

***1. NORTHWEST ZONE***

(1) *Sangkae District, including:*

- a. *Reang Kesei Commune*
- b. *Kampong Prieng Commune*

(2) *Bakan District*

**M. COUNT 13 – OTHER INHUMANE ACTS (RAPE AND SEXUAL VIOLENCE OUTSIDE OF FORCED MARRIAGE)**

1180. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, committed *via* a joint criminal enterprise the crime of OTHER INHUMANE ACTS of RAPE, a CRIME AGAINST HUMANITY punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law. **Yim Tith** is also responsible for other inhumane acts of rape and sexual violence outside of forced marriage as a superior under Article 29<sup>new</sup> of the ECCC Law.

1181. **Yim Tith** is responsible for the crime against humanity of other inhumane acts through rape in and around the following locations:

***1. SOUTHWEST ZONE***

(1) *Wat Pratheat Security Centre*

***2. NORTHWEST ZONE***

(2) *Bakan District*

(3) *Prison No. 8*

**N. COUNT 14 – OTHER INHUMANE ACTS (ENFORCED DISAPPEARANCE)**

1182. From 17 April 1975 through 6 January 1979, **Yim Tith**, acting individually and in concert with other DK and CPK authorities, and using forces and personnel under his and/or their control, planned, instigated, ordered, aided and abetted, and/or committed *via* a joint criminal enterprise the crime of OTHER INHUMANE ACTS of ENFORCED DISAPPEARANCE, a CRIME AGAINST HUMANITY, punishable under Articles 5, 29<sup>new</sup>, and 39<sup>new</sup> of the ECCC Law, by concealing the fate of individuals who had been arrested by authorities. **Yim Tith** is also responsible for other inhumane acts of enforced disappearance as a superior under Article 29<sup>new</sup> of the ECCC Law.
1183. **Yim Tith** is responsible for the crime against humanity of other inhumane acts through enforced disappearance in and around the following locations:

***1. SOUTHWEST ZONE***

- (1) *Wat Pratheat Security Centre*
- (2) *Kraing Ta Chan Security Centre*
- (3) *Wat Ang Srei Muny Security Centre and Prey Sokhon execution site*
- (4) *Preal Village execution site*
- (5) *Wat Angkun execution site*
- (6) *Slaeng Village forest execution site*
- (7) *With respect to Khmer Krom victims, other locations in Kirivong, Tram Kak, and Koh Andet districts*

***2. NORTHWEST ZONE***

- (8) *Koas Krala Security Centre*
- (9) *Thipakdei Cooperative*
- (10) *Kanghat Dam forced labour site*
- (11) *Kampong Kol Sugar Factory*
- (12) *Kampong Prieng Commune*
- (13) *Prison No. 8*
- (14) *Prey Krabau execution site*
- (15) *Tuol Seh Nhaiv execution site*
- (16) *Svay Chrum Security Centre*
- (17) *With respect to Khmer Krom victims, other locations in Bakan and Sangkae districts*



(18) *With respect to Northwest Zone cadres and their families and subordinates, other locations in the Northwest Zone*

Respectfully submitted,

Date	Name	Place	Signature
4 June 2018	Nicholas KOUMJIAN International Co-Prosecutor	Phnom Penh	